

2009 ASSEMBLY BILL 75

February 17, 2009 – Introduced by JOINT COMMITTEE ON FINANCE, by request of Governor James E. Doyle. Referred to Joint Committee on Finance.

1 **AN ACT relating to:** state finances and appropriations, constituting the
2 executive budget act of the 2009 legislature.

Analysis by the Legislative Reference Bureau

INTRODUCTION

This bill is the executive budget bill under section 16.47 (1) of the statutes. It contains the governor's recommendations for appropriations for the 2009–2011 fiscal biennium.

The bill repeals and recreates the appropriation schedule in chapter 20 of the statutes, thereby setting the appropriation levels for the 2009–2011 fiscal biennium. The descriptions that follow relate to the most significant changes in the law that are proposed in the bill. In most cases, changes in the amounts of existing spending authority and changes in the amounts of bonding authority under existing bonding programs are not discussed.

For additional information concerning this bill, see the Department of Administration's publication *Budget in Brief* and the executive budget books, the Legislative Fiscal Bureau's summary document, and the Legislative Reference Bureau's drafting files, which contain separate drafts on each policy item. In most cases, the policy item drafts contain a more detailed analysis than is printed with this bill.

GUIDE TO THE BILL

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

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

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

91XX Nonstatutory provisions.

92XX Fiscal changes.

93XX Initial applicability.

94XX Effective dates.

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

XX01 Administration.

XX02 Aging and Long-Term Care Board.

XX03 Agriculture, Trade and Consumer Protection.

XX04 Arts Board.

XX05 Board for People with Developmental Disabilities.

XX06 Building Commission.

XX07 Child Abuse and Neglect Prevention Board.

XX08 Children and Families.

XX09 Circuit Courts.

XX10 Commerce.

XX11 Corrections.

XX12 Court of Appeals.

XX13 District Attorneys.

XX14 Educational Communications Board.

XX15 Employee Trust Funds.

XX16 Employment Relations Commission.

XX17 Financial Institutions.

XX18 Fox River Navigational System Authority.

XX19 Government Accountability Board.

XX20 Governor.

XX21 Health and Educational Facilities Authority.

XX22 Health Services.

XX23 Higher Educational Aids Board.

XX24 Historical Society.

XX25 Housing and Economic Development Authority.

XX26 Insurance.

XX27 Investment Board.

XX28 Joint Committee on Finance.

XX29 Judicial Commission.

XX30 Justice.

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- XX31 Legislature.**
- XX32 Lieutenant Governor.**
- XX33 Local Government.**
- XX34 Lower Wisconsin State Riverway Board.**
- XX35 Medical College of Wisconsin.**
- XX36 Military Affairs.**
- XX37 Natural Resources.**
- XX38 Public Defender Board.**
- XX39 Public Instruction.**
- XX40 Public Lands, Board of Commissioners of.**
- XX41 Public Service Commission.**
- XX42 Regulation and Licensing.**
- XX43 Revenue.**
- XX44 Secretary of State.**
- XX45 State Employment Relations, Office of.**
- XX46 State Fair Park Board.**
- XX47 Supreme Court.**
- XX48 Technical College System.**
- XX49 Tourism.**
- XX50 Transportation.**
- XX51 Treasurer.**
- XX52 University of Wisconsin Hospitals and Clinics Authority.**
- XX53 University of Wisconsin Hospitals and Clinics Board.**
- XX54 University of Wisconsin System.**
- XX55 Veterans Affairs.**
- XX56 Workforce Development.**
- XX57 Other.**

For example, for general nonstatutory provisions relating to the State Historical Society, see SECTION 9124. For any agency that is not assigned a two-digit identification number and that is attached to another agency, see the number of the latter agency. For any other agency not assigned a two-digit identification number or any provision that does not relate to the functions of a particular agency, see number “57” (**Other**) within each type of provision.

In order to facilitate amendment drafting and the enrolling process, separate section numbers and headings appear for each type of provision and for each state agency, even if there are no provisions included in that section number and heading. Section numbers and headings for which there are no provisions will be deleted in enrolling and will not appear in the published act.

Following is a list of the most commonly used abbreviations appearing in the analysis.

DATCP . . . Department of Agriculture, Trade and Consumer Protection
DCF Department of Children and Families
DETF Department of Employee Trust Funds

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DFI Department of Financial Institutions
 DHS Department of Health Services
 DMA Department of Military Affairs
 DNR Department of Natural Resources
 DOA Department of Administration
 DOC Department of Corrections
 DOJ Department of Justice
 DOR Department of Revenue
 DOT Department of Transportation
 DPI Department of Public Instruction
 DRL Department of Regulation and Licensing
 DVA Department of Veterans Affairs
 DWD Department of Workforce Development
 JCF Joint Committee on Finance
 OCI Office of the Commissioner of Insurance
 PSC Public Service Commission
 UW University of Wisconsin
 WHEDA Wisconsin Housing and Economic Development Authority
 WHEFA Wisconsin Health and Educational Facilities Authority

AGRICULTURE
FARMLAND PRESERVATION PROGRAM***General***

This bill makes numerous changes in the Farmland Preservation Program, which includes farmland preservation planning, zoning, and agreements, and soil and water conservation requirements.

Under current law, for a farmer to qualify for the farmland preservation tax credit, the farm must be in a district zoned exclusively for agriculture under an ordinance certified by the Land and Water Conservation Board (LWCB) or be covered by a farmland preservation agreement with DATCP, or both. For DATCP to enter into a farmland preservation agreement, the county in which the farmer lives must have a farmland preservation plan that is certified by LWCB. Under this bill, DATCP certifies farmland preservation plans and zoning ordinances.

Farmland preservation planning

Under the bill, certifications of current farmland preservation plans expire between December 31, 2011, and December 31, 2015. The higher the increase in population per square mile of a county from 2000 to 2007, the sooner the certification of its farmland preservation plan expires. A county must submit an updated farmland preservation plan that meets the requirements in the bill and have the plan certified by DATCP to enable farmers in the county to continue to claim the farmland preservation tax credit. Counties must submit their plans for recertification every ten years.

The bill requires a county to include in its farmland preservation plan a description of the county's policy and goals related to farmland preservation and

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agricultural development and of the actions that the county will take to preserve farmland and promote agricultural development. The county must also identify farmland preservation areas, which are areas that the county plans to preserve for agricultural use and for related uses.

The bill requires a county seeking to have DATCP certify its farmland preservation plan to submit the plan and related information to DATCP and to certify that the plan complies with the requirements in the bill. DATCP may certify the plan based on the county's certification or may review the plan and determine whether to certify it based on DATCP's own determination of whether it complies with those requirements.

The bill authorizes DATCP to award a planning grant to reimburse a county for up to 50 percent of the cost of preparing an updated farmland preservation plan.

Farmland preservation zoning

Under current law, a city, village, town, or county (political subdivision) may adopt a zoning ordinance that enables farmers to be eligible for the farmland preservation tax credit.

Under this bill, certifications of current farmland preservation zoning ordinances expire between December 31, 2012, and December 31, 2016. The higher the increase in population per square mile of a political subdivision from 2000 to 2007, the sooner its certification expires. A political subdivision must submit an updated farmland preservation zoning ordinance that meets the requirements in the bill and have it certified by DATCP to enable the farmers in the political subdivision to continue to claim the farmland preservation tax credit based on the zoning ordinance. Political subdivisions must submit their zoning ordinances for recertification every ten years.

Under the bill, to be eligible for certification, a farmland preservation zoning ordinance must be substantially consistent with a certified county farmland preservation plan.

Under the bill, in addition to agricultural uses, a political subdivision may allow agriculture-related uses in a farmland preservation zoning district without requiring conditional use permits. Agriculture-related uses include businesses that sell farm equipment or supplies and businesses that store or process agricultural products or that process agricultural wastes and other uses specified by DATCP.

The bill also authorizes political subdivisions to approve certain uses other than agricultural and agriculture-related uses in a farmland preservation zoning district with conditional use permits. Generally, these include a transportation, communications, utility, governmental, institutional, religious, or nonprofit community use if the political subdivision makes certain determinations, including that the proposed use and its location in the zoning district are reasonable and appropriate, considering alternative locations; that the use is reasonably designed to minimize the conversion of land from agricultural use; and that the use does not substantially impair the agricultural use of surrounding parcels.

Current law requires a political subdivision to specify a minimum lot size for farmland preservation zoning districts. This bill eliminates that requirement.

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The bill provides two methods for political subdivisions to allow the construction of nonfarm residences in farmland preservation zoning districts. A political subdivision may issue a conditional use permit for the construction of a single nonfarm residence if several requirements are satisfied. The requirements include that the ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence will be located will not be greater than 1 to 20 after the residence is constructed and that there will not be more than four nonfarm dwelling units, nor five dwelling units of any kind, on the base farm tract after the nonfarm residence is constructed. A base farm tract is all of the land that is part of a single farm when DATCP first certifies the updated farmland preservation zoning ordinance.

The bill also authorizes a political subdivision to issue a conditional use permit that covers more than one nonfarm residence. The parcels on which the nonfarm residences are constructed must be contiguous and the political subdivision must ensure that if all of the nonfarm residences were constructed, each would satisfy the conditions described above for approval of a single nonfarm residence.

The bill requires a political subdivision seeking to have DATCP certify its farmland preservation zoning ordinance to submit the ordinance and related information to DATCP and to certify that the ordinance complies with the requirements in the bill. DATCP may certify the ordinance based on the political subdivision's certification or may review the ordinance and determine whether to certify it based on DATCP's own determination of whether it complies with those requirements.

Under current law, a political subdivision may rezone land out of a farmland preservation zoning district only after making findings based on consideration of matters that include whether providing public facilities to accommodate development will place an unreasonable burden on affected local governments and whether development will cause undue water or air pollution or unreasonably adverse effects on rare natural areas. The law requires political subdivisions to notify DATCP when they rezone land out of a farmland preservation district.

Under the bill, in order to rezone land out of a farmland preservation zoning district, a political subdivision must make a number of findings, including that the land is better suited for a use not allowed in a farmland preservation zoning district, that the rezoning is substantially consistent with the certified county farmland preservation plan, and that the rezoning will not substantially impair the agricultural use of surrounding parcels. The bill requires an annual report of the amount and location of land that was rezoned out of farmland preservation zoning districts.

Under current law, when property is rezoned out of a farmland preservation zoning district, DATCP must place a lien on the rezoned land in an amount equal to the farmland preservation tax credits received by the owner of the land during the preceding ten years, plus interest. The law also requires DATCP to file a lien when a conditional use permit is granted for a use that is not an agricultural use.

This bill eliminates the lien requirements. Under the bill, a political subdivision may not rezone land out of a farmland preservation zoning district until

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the owner of the land pays the political subdivision an amount equal to the number of acres rezoned multiplied by three times the per acre value of the highest value of cropland in the city, village, or town in which the land is located, as determined by DOR for the purposes of use value assessment. The political subdivision must pay this amount to DATCP. The political subdivision may require a higher payment for rezoning and retain the additional amount.

Farmland preservation agreements

Under current law, DATCP enters into farmland preservation agreements with farmers in counties with certified farmland preservation plans. An agreement requires the landowner to maintain the land in agricultural use for the term of the agreement, except that DATCP may release land from the agreement under specified circumstances. The term of a farmland preservation agreement is from 10 to 25 years, subject to renewal for additional 10- to 25-year terms.

This bill prohibits DATCP from renewing current farmland preservation agreements. The bill authorizes DATCP to enter into a new farmland preservation agreement, with a term of at least 15 years, only for land that is in an agricultural enterprise area, as designated by DATCP.

DATCP may not designate an area as an agricultural enterprise area unless it is entirely located in a farmland preservation area identified in a certified farmland preservation plan and it is primarily in agricultural use. DATCP may designate an area as an agricultural enterprise area only if it receives a petition requesting the designation filed by each political subdivision in which any part of the area is located and by the owners of at least five farms that would be eligible for coverage by farmland preservation agreements.

Current law specifies situations in which DATCP may release land from, or terminate, a farmland preservation agreement. Generally, when land is released or an agreement is terminated, DATCP must place a lien on the land in an amount equal to the farmland preservation tax credits received by the owner during the preceding ten years, plus interest.

This bill eliminates the lien requirement. Under the bill, DATCP may release land from, or terminate, a farmland preservation agreement if it finds that the termination or release will not impair agricultural use of other farmland and if the owner of the land pays to DATCP an amount equal to the number of acres rezoned multiplied by three times the per acre value of the highest value of cropland in the city, village, or town in which the land is located, as determined by DOR for the purposes of use value assessment.

Soil and water conservation

Current law requires counties to establish soil and water conservation standards, which must be approved by LWCB in order for farmers in the county to be eligible for farmland preservation tax credits. A county must monitor compliance with its soil and water conservation standards and if it determines that a farmer violates the standards, it must issue a notice of noncompliance to the farmer. As long as a farmer is out of compliance with the county standards, the farmer is ineligible for the farmland preservation tax credit.

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This bill eliminates the requirement that each county establish soil and water conservation standards. Under the bill, a farmer must comply with land and water conservation standards that DATCP has promulgated under other current laws. The bill continues the requirement that a county monitor compliance with the standards and specifically requires a county to inspect each farm for which the owner claims farmland preservation tax credits at least once every four years. The bill requires a county to issue a notice of noncompliance if it determines that a farmer violates the standards. The county must provide a copy of each notice to DOR. As long as a farmer is out of compliance with DATCP's standards, the farmer is ineligible for the farmland preservation tax credit.

For a description of the changes in the farmland preservation tax credit, please see "TAXATION."

PURCHASE OF AGRICULTURAL CONSERVATION EASEMENTS

An agricultural conservation easement (easement) is an interest in land that preserves the land for agricultural use. This bill creates a program for the purchase of easements, from willing landowners, by DATCP in conjunction with political subdivisions and nonprofit conservation organizations (applicants). Under the bill, DATCP may reimburse an applicant for the transaction costs (such as the costs of land surveys and appraisals) for obtaining an easement plus not more than 50 percent of the appraised fair market value of the easement.

DATCP may approve an application only if it determines that the purchase of the easement would serve a public purpose, considering such criteria as the value of the easement in preserving or enhancing agricultural production capacity and water quality, and the likelihood that the land would be converted to nonagricultural use if it is not protected by an easement.

Once DATCP approves an application, DATCP and the cooperating entity enter into an agreement specifying the terms of DATCP's participation in the purchase of the easement, including the share of the costs that DATCP will pay. After an applicant purchases an easement and records it with the register of deeds, DATCP provides the agreed-upon reimbursement. Both the cooperating entity and DATCP may enforce the restrictions in the easement. An easement purchased under the program continues indefinitely, except that a court may terminate an easement if it finds that it is no longer possible for the easement to achieve its original purpose.

The bill authorizes \$12,000,000 in general fund supported borrowing for the purchase of easements.

Current law authorizes DATCP to participate in the federal Conservation Reserve Enhancement Program (CREP) under which payments are made to landowners for measures to improve water quality, erosion control, and wildlife habitat. Current law authorizes \$40,000,000 in general fund supported borrowing for participation in CREP. This bill reduces that borrowing authority by \$12,000,000.

OTHER AGRICULTURE

Under current law, DATCP awards grants for two kinds of clean sweep programs, one in which counties collect unwanted agricultural chemicals, such as pesticides, and the other in which local governments collect and dispose of household

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hazardous waste and unwanted prescription drugs. This bill eliminates the grants for clean sweep programs.

This bill establishes an assessment to be paid to DATCP by businesses that slaughter certain kinds of animals. The assessment per animal is one cent for poultry, ten cents for calves, and 14 cents for older cattle and for swine. The bill appropriates the revenue from the assessment for meat safety inspections and animal health programs.

This bill authorizes DATCP to charge a reinspection fee if DATCP conducts a reinspection of a fish farm, animal market, animal dealer operation, an animal trucker operation, or premises at which farm-raised deer are kept because the department has found that the premises, facility, or operation violates state law or administrative rules. The bill also eliminates the requirement that DATCP inspect each fish farm when it is first registered with DATCP.

Currently, DATCP awards grants for land and water resource management projects and for the construction of animal waste management systems. This bill increases the general obligation bonding authority for the grants by \$7,000,000.

This bill eliminates the LWCB, which has responsibilities related to farmland preservation, soil and water resource management, and the reduction of water pollution from nonpoint sources. The bill eliminates some LWCB responsibilities and transfers others to DATCP.

The bill creates the Land and Water Resource Council to advise DATCP and DNR about matters related to land and water resources.

This bill repeals current requirements concerning the labeling of agricultural and vegetable seed, prohibitions on the sale of seed containing more than specified amounts of certain noxious weed seeds, and the designation of certain weeds as noxious weeds. The bill requires DATCP to promulgate rules on the subjects of seed labeling, the amount of noxious weed seeds in agricultural and vegetable seed, and the designation of weeds as noxious weeds.

The bill lowers the fees for seed labeler's licenses for some persons with annual gross sales of less than \$100,000 and increases the fees for persons with higher annual gross sales. The bill also authorizes DATCP to change the fees by rule.

This bill transfers a total of \$1,000,000 from the agricultural chemical cleanup fund to the general fund and a total of \$1,500,000 from the agrichemical management fund to the general fund.

COMMERCE AND ECONOMIC DEVELOPMENT**ECONOMIC DEVELOPMENT**

Under current law, the Department of Commerce (Commerce) may award grants or make loans under the Community-Based Economic Development Program, the Rural Economic Development Program, and the Minority Business Grant and Loan program to eligible businesses, organizations, or individuals that agree to undertake certain eligible activities.

The Rural Economic Development Board advises Commerce on the Rural Economic Development Program, and the Minority Business Development Board advises Commerce on the Minority Business Grant and Loan Program.

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Under current law, the Development Finance Board in Commerce awards grants under the Wisconsin Development Fund program.

This bill eliminates the Community-Based Economic Development Program, the Rural Economic Development Program and Rural Economic Development Board, the Minority Business Grant and Loan Program and Minority Business Development Board, and the Development Finance Board. The bill creates the Economic Policy Board. The responsibilities of the Development Finance Board are assumed by the Economic Policy Board.

This bill creates the forward innovation fund (FIF). Under the FIF, Commerce may, in consultation with the Economic Policy Board, award grants or make loans for the purpose of engaging in certain eligible activities to businesses, municipalities, community-based organizations, cooperative associations, local development corporations, and nonprofit organizations working on economic or community development.

Eligible activities under the FIF include:

1. The start-up, expansion, or retention of minority businesses.
2. The start-up, expansion, or retention of businesses in economically distressed areas.
3. Innovative proposals to strengthen inner cities.
4. Innovative proposals to strengthen rural communities.
5. Innovative programs to strengthen clusters.
6. Innovative proposals to strengthen entrepreneurship.

Recipients of a grant or loan from the FIF must provide a 25 percent match.

Under current law, Commerce may designate a portion of the state as a development zone, a development opportunity zone, an enterprise development zone, an agricultural development zone, an enterprise zone, an airport development zone, or a technology zone. Commerce may also certify persons who agree to undertake certain eligible activities in one of the designated zones. Eligible activities include job creation, environmental remediation, and capital investment. Persons who obtain certification are eligible for tax benefits.

This bill consolidates the development zones, enterprise development zones, agricultural development zones, technology zones, and airport development zones (five development zone programs) into a program that provides tax benefits to persons who enter into a contract with Commerce to undertake eligible activities anywhere in the state. Eligible activities under the bill include all of the following:

1. Projects that result in the creation and maintenance of jobs paying wages and providing benefits at a level approved by Commerce.
2. Projects that involve a significant investment of capital in new equipment, machinery, real property, or depreciable personal property.
3. Projects that involve significant investments in the training or reeducation of employees for the purpose of improving the productivity or competitiveness of the business of the person.
4. Projects that will result in the location or retention of a person's corporate headquarters in Wisconsin or that will result in the retention of employees if the person's corporate headquarters are located in Wisconsin.

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Commerce may allocate tax benefits under the consolidated program up to the total amount remaining to be allocated under the five development zone programs on the effective date of this bill. Tax benefits are allocated under the bill only after the person has verified to Commerce that the person has met the performance obligations established under the contract.

The value of tax benefits for which a person is eligible under the new tax credit program depends on the number of jobs created, the amount of the capital investment made, the amount of training or reeducation provided to the employees, or the number of jobs retained by having corporate headquarters located in Wisconsin.

Under the bill, Commerce may award additional tax benefits to a person that conducts eligible activities in an economically distressed area or if the eligible activities benefit members of a targeted group. The bill requires Commerce to develop a methodology for designating an area as an “economically distressed area.” Targeted groups include persons who reside in an area designated by the federal government as an economic revitalization area, persons who are eligible for child care assistance, persons who are food stamp recipients, or persons who are economically disadvantaged.

The bill requires the Legislative Audit Bureau to prepare a financial and program evaluation audit of the consolidated economic development tax benefit program created by the bill no later than July 1, 2012.

This bill creates the Jobs Tax Benefit. A person may be certified to receive tax benefits under this program if the person operates or intends to operate a business in Wisconsin and will increase its net employment of full-time employees in Wisconsin. A person certified under the program may receive per-employee tax benefits of up to 10 percent of the wages paid to a full-time employee who earns wages of at least \$20,000 but not more than \$100,000 if employed in a Tier I county or municipality and who earns wages of at least \$30,000 but not more than \$150,000 if employed in a Tier II county or municipality. A person certified under the program may also receive tax benefits for providing employee job training. The bill requires Commerce to define Tier I and Tier II counties and municipalities and establish conditions for the revocation of a certification and the repayment of tax benefits.

This bill authorizes Commerce to award a grant to a research institution or nonprofit organization involved in economic development for: 1) expanding access to capital networks; 2) creating or running a network to connect businesses and entrepreneurs with capital; or 3) creating an activity, event, or strategy to connect businesses and entrepreneurs with capital. The bill authorizes grants to provide matching funds for funding a new business or determining the feasibility of a new business idea if Commerce determines a grant will increase funding for new businesses or will leverage private investment and job creation.

Currently, Commerce may charge a recipient of a grant or loan from the Wisconsin development fund a 2 percent origination fee if the grant or loan amount equals or exceeds \$200,000. This bill lowers the threshold amount to \$100,000.

Under current law, Commerce awards grants and makes loans to qualified businesses for economic diversification and brownfield remediation, and to

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businesses that have been negatively affected by a casino. Commerce also awards grants for specific economic development projects in specific locations in this state. This bill authorizes Commerce to collect a 2 percent origination fee on certain of these grants and loans of \$100,000 or more.

Under current law, Commerce may certify a business that is at least 51 percent owned, controlled, and actively managed by an eligible minority group member or members as a minority business. A business certified by Commerce may receive certain preferences in governmental procurement.

This bill permits Commerce to certify a business that is at least 30 percent owned by an eligible minority group member or members, provided the minority group member or members control the day-to-day operations of the business, control at least 51 percent of the voting rights of the equity shares of the business, and appoint no less than 51 percent of the members of the board of directors of the business.

Under current law, Commerce may award grants for the redevelopment of “brownfields,” which include facilities or sites that are idle or underused because of environmental contamination. Commerce may award a brownfields redevelopment grant only if certain persons responsible for the contamination of the project site are financially unable to pay the costs to remediate or redevelop the site. Commerce must consider four criteria when awarding brownfields redevelopment grants and must accord different values to the criteria.

This bill eliminates the requirement that the person who caused the environmental contamination be financially unable to pay the costs to redevelop the site. The bill also changes the criteria to be considered by Commerce when making awards and eliminates the requirement that different criteria be accorded different values.

This bill authorizes Commerce to award grants for film-related or video-related projects that create long-term jobs in this state.

This bill requires the Department of Tourism to annually make a grant of at least \$200,000 to Native American Tourism of Wisconsin.

This bill eliminates annual funding from Commerce to the Manufacturing and Advanced Technology Training Center; the Northwest Regional Planning Commission; Oneida Small Business, Inc. and Project 2000; and a nonprofit organization that provides assistance to organizations and individuals in urban areas.

Under current law, Commerce may award a grant or make a loan to a business or researcher to fund certain renewable energy projects. Currently, repayments of the loans are deposited into the general fund. This bill appropriates the repayments to Commerce to fund additional renewable energy grants and loans and certain other economic development grants and loans.

BUILDINGS AND SAFETY

Under current law, the Building Inspector Review Board is required to review complaints concerning possible incompetent, negligent, or unethical conduct by building inspectors and to revoke the certification of a building inspector who has engaged in such conduct. The review board may reverse or modify decisions made

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by building inspectors that the review board determines are in error. This bill eliminates the review board.

Under current law, Commerce is generally required to regulate the construction of public buildings and places of employment. Current law also authorizes Commerce to issue certain credentials to persons engaged in the construction trades, such as plumbers and electricians. Current law establishes the maximum fees that Commerce may charge for certain services it provides including administering examinations and issuing licenses. This bill eliminates the mandatory caps on the amounts that Commerce may charge for these services and instead provides that the fees must as closely as possible equal the cost of providing the services.

COMMERCE***Securities***

This bill increases from \$750 to \$1,000 the securities registration and notice filing fee paid to DFI and, for investment companies such as mutual funds, increases the minimum and maximum annual sales fee from a minimum of \$150 and a maximum of \$1,500 to a minimum of \$500 and a maximum of \$10,000.

This bill increases from \$30 to \$60 the license fee paid to DFI for securities agents and investment adviser representatives. The bill also increases from \$30 to \$60 the broker-dealer and investment adviser branch office filing fee.

Under current law, Commerce awards grants to eligible applicants for the purchase of devices that provide heat, air conditioning, or electricity to a diesel truck when the main drive engine of the truck is not operating. Currently, the program sunsets at the end of fiscal year 2010–11. This bill eliminates this grant program.

Under current law, Commerce contracts with Forward Wisconsin, Inc., to establish and implement a nationwide business development promotion campaign. This bill deletes authorization and funding for Commerce's contracts with Forward Wisconsin, Inc.

CORRECTIONAL SYSTEM**ADULT CORRECTIONAL SYSTEM**

Under current law, a person who is imprisoned for a felony he or she committed prior to December 31, 1999, may petition the Parole Commission in DOC to be released to parole after the person has served 25 percent of his or her sentence. The Parole Commission determines whether, and under what conditions, the person should be released to parole. A person who committed a felony on or after December 31, 1999, is sentenced to a bifurcated sentence, with the first portion of the sentence served in confinement and the second portion served under extended supervision in the community.

A person who is serving a bifurcated sentence is not eligible for parole and, with few exceptions, must serve the entire confinement portion of his or her sentence before being released to extended supervision. A person's confinement portion may be extended if he or she violates a prison regulation. If a person's confinement portion is extended for such a violation, current law requires his or her extended

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supervision portion to be reduced so that the total length of the person's sentence remains unchanged.

Current law allows a person who is sentenced to a bifurcated sentence for a Class C to Class I felony to petition the sentencing court to adjust his or her sentence and release the person from prison to extended supervision if he or she has served 85 percent (for Class C to Class E felonies) or 75 percent (for Class F to Class I felonies) of the confinement portion of the sentence. If a person's confinement portion is reduced by the sentencing court, current law requires his or her extended supervision portion to be extended so that the total length of the person's sentence remains unchanged.

Under current law, a person who is released to extended supervision must serve his or her entire sentence before extended supervision terminates.

Under this bill, a person who commits a misdemeanor and is sentenced to imprisonment, or who commits a nonviolent Class F to Class I felony, except for certain sex offenders and persons who committed a prior violent offense or are determined by DOC to pose a high risk of reoffending, may earn "positive adjustment time" in the amount of one day for every two days he or she is incarcerated without violating a prison rule or regulation. The bill requires DOC to release the person to extended supervision when he or she serves his entire incarceration period, minus positive adjustment time earned. Under the bill, if a person's incarceration period is reduced by positive adjustment time, his or her period of extended supervision is increased so that the length of the sentence does not change.

Under the bill, a person who commits a violent Class F to Class I felony or a nonviolent Class F to Class I felony, but was determined by DOC to pose a high risk of reoffending, except for certain sex offenders, may earn positive adjustment time in the amount of one day for every three days he or she is incarcerated without violating a prison rule or regulation, and a person who commits a Class C to Class E felony, except for certain sex offenders, may earn positive adjustment time in the amount of one day for every 5.7 days he or she is incarcerated without violating a prison rule or regulation.

The bill renames the Parole Commission the Earned Release Review Commission (ERRC) and, in addition to performing the Parole Commission's current duties, the ERRC may consider a petition for release from a person who commits a violent Class F to Class I felony or a Class C to Class E felony after the person serves his entire incarceration period, minus positive adjustment time earned. The bill eliminates the authority of the trial court to adjust sentences. Under the bill, if the ERRC reduces the term of confinement portion of a person's sentence because the person has earned positive adjustment time, the person's term of extended supervision is increased so that the length of the sentence does not change.

Under current law, a person who is serving the term of confinement portion of a bifurcated sentence for a felony that is not classified as a Class A or Class B felony may petition the sentencing court for release to extended supervision for the remaining term of his or her sentence if the person has a terminal condition, reaches age 65 after serving at least five years of his or her term of confinement portion, or reaches age 60 after serving at least ten years of his or her term of confinement

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portion. Under this bill, the petition must be submitted to DOC instead of to the sentencing court.

This bill permits DOC to release to extended supervision a person serving the confinement portion of a bifurcated sentence if the person is not confined following a felony assault, the person is believed to be able to live in the community without assaulting another, and the release will not be more than 12 months before the date that the person otherwise would be eligible for release to extended supervision. If DOC releases a person, his or her term of extended supervision must be extended by the length of time he or she was originally sentenced to confinement so that the total length of the sentence does not change.

Under this bill, a person who is released to extended supervision for a misdemeanor or a nonviolent Class F to Class I felony may earn “good time” toward discharge from extended supervision in the amount of one day for every day he or she serves on extended supervision without violating a condition of extended supervision. The bill requires DOC to discharge from extended supervision a person who serves his or her entire extended supervision time, minus good time earned.

Under the bill, a person who is released to extended supervision for a violent Class F to Class I felony may earn good time toward discharge from extended supervision in the amount of one day for every three days he or she serves on extended supervision without violating a condition of extended supervision. A person who is released to extended supervision for a Class C to Class E felony may earn good time toward discharge from extended supervision in the amount of one day for every 5.7 days he or she serves on extended supervision without violating a condition of extended supervision. Under the bill, a person convicted of a violent Class F to Class I felony may petition the ERRC for discharge after he or she has served 75 percent of his or her extended supervision time. A person convicted of a Class C to Class E felony may petition the ERRC for discharge after he or she serves 85 percent of his or her extended supervision time.

Currently, if a person sentenced to a bifurcated sentence violates any condition of his or her release to extended supervision, the person’s extended supervision is revoked, he or she is returned to prison, and the Division of Hearings and Appeals within DOA or DOC (reviewing authority) makes a recommendation to the court that convicted the person as to how long the person should remain in prison. After it receives the reviewing authority’s recommendation, the court may order the person to remain in prison for a period of time that does not exceed the time remaining on his or her bifurcated sentence.

Under this bill, the reviewing authority determines how long to imprison the person whose extended supervision is revoked and enters its own order for the person to remain in prison for a period of time that does not exceed the time remaining on his or her bifurcated sentence.

Current law requires DOC to maintain active lifetime global positioning system (GPS) tracking of sex offenders who have been committed as sexually violent persons (SVP) and certain sex offenders who have committed specified sex offenses against a child. Unless the tracked person has been committed as an SVP, the tracking requirement can be terminated or modified in the following ways: 1) after 20 years

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of being tracked, the person may petition the court to terminate tracking; 2) DOC may petition the court to terminate tracking if the person is physically incapacitated; and 3) DOC may passively track, versus actively track, the person after the person completes his or her sentence, including any parole or extended supervision.

Under this bill, DOC may passively track, versus actively track, any person subject to tracking without regard to the person's supervision status if DOC determines that passive positioning tracking is appropriate for the person and the person has been subject to active tracking for at least 12 months.

Under current law, with certain exceptions, a trial court may sentence a person who has been convicted of a crime to probation instead of imprisonment. A person who is on probation is supervised by DOC and is subject to conditions and rules established by the sentencing court and by DOC.

This bill requires DOC to establish a risk assessment system to determine how likely a person on probation is to commit another offense. The bill requires DOC to categorize the person who is on probation for committing a misdemeanor according to his or her risk. Under the bill, DOC may not supervise a person who is on probation for committing a misdemeanor unless one of the following applies: 1) the person is at a high level of risk; 2) the person is required to register as a sex offender; 3) the person had been charged with a felony for the conduct that resulted in the misdemeanor conviction; or 4) the person has ever committed a crime against the life or bodily security of another person, a domestic violence offense, a burglary of a home, a crime involving a weapon, or certain serious drug offenses.

Under current law, DOC and DHS provide substance abuse treatment programs for prison inmates within certain designated correctional or mental health facilities. If DOC determines that an inmate has successfully completed a substance abuse treatment program, the inmate is released early to parole or extended supervision. As is the case under DOC's Challenge Incarceration Program (described below), inmates convicted of certain violent crimes or certain offenses against children are not eligible for early release under this program. Inmates who are sentenced under the Truth in Sentencing law are eligible only if the court authorizes their participation.

This bill authorizes DOC to provide rehabilitative programs that do not necessarily include substance abuse treatment within a correctional facility for inmates who may be eligible for early release. The bill eliminates administration by DHS of substance abuse programs and allows an inmate to qualify for early release if DOC determines that the inmate successfully completed a rehabilitation program.

DOC currently operates the Challenge Incarceration Program for adults who opt to participate. Participants must be no more than 40 years old and have a substance abuse problem. A participant must perform strenuous physical exercise and manual labor and participate in counseling, substance abuse treatment, and military drill and ceremony programs. A person who successfully completes the program is released to parole or extended supervision, regardless of how much of his or her sentence the person has served.

This bill allows an inmate who does not have a substance abuse problem, but is otherwise eligible, to participate in the Challenge Incarceration Program. The bill

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requires DOC to assess each inmate who volunteers to participate in the program to determine if he or she has a substance abuse problem that requires an intensive level of treatment, a substance abuse problem that does not require intensive treatment and is not directly related to the inmate's criminal behavior, or another treatment need that is not related to substance abuse and that is directly related to the inmate's criminal behavior. The bill requires DOC to provide appropriate treatment and education, based on its assessment of a participant's treatment needs, to each participant in the Challenge Incarceration Program.

JUVENILE CORRECTIONAL SYSTEM

Under current law relating to community youth and family aids, generally referred to as youth aids, DOC must allocate various state and federal moneys to counties to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. DOC charges counties for the costs of services provided by DOC according to per person daily cost assessments specified by law. This bill increases most of those assessments.

Under current law, funds are appropriated to DOC for juvenile correctional services, juvenile residential aftercare services, and juvenile corrective sanctions services. This bill provides that, if there is a deficit in the juvenile correctional services appropriation account at the close of fiscal year 2008-09, any unencumbered balances in the juvenile residential aftercare services and juvenile corrective sanctions services appropriation accounts at the close of that fiscal year, up to the amount of the deficit, are transferred to the juvenile correctional services appropriation account.

COURTS AND PROCEDURE**CIRCUIT COURTS**

Under current law, a court is required to instruct the jury on the law involved in the case before the jury. In addition, the court provides the jury with a complete set of written instructions that provides the burden of proof and the substantial law to be applied in the case. This bill adds a requirement, in civil actions involving contributory negligence, that the court explain to the jury the effect on awards and liabilities of the percentage of negligence found by the jury to be attributable to each party.

Under current law, in a civil action involving negligence, the injured party may recover damages resulting from the negligence of another person if the injured party's negligence is not greater than the negligence of the person against whom recovery is sought. Currently, the negligence of the person seeking recovery is measured separately against the negligence of each person whose negligence caused the damages. If the causal negligence of the person against whom recovery is sought is less than 51 percent of the total negligence, that person's liability is limited to the percentage of negligence attributable to that person. Currently, if the person's causal negligence is 51 percent or more of the total negligence, that person is jointly and severally liable for the damages, which means that the person may be liable for all of the damages, reduced by the percentage of negligence attributable to the person seeking recovery. Current law also provides that if two or more parties act in concert,

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those parties are jointly and severally liable for all of the damages resulting from that action, except punitive damages.

This bill eliminates the provision regarding persons acting in concert, the provision that the negligence of the person seeking recovery is compared to each person who was negligent separately, the provision that the liability of a person who is less than 51 percent negligent is limited to that person's percentage of the total negligence, and the provision that the liability of a person whose causal negligence is 51 percent or more is jointly and severally liable. Instead, the bill allows an injured person to recover damages if that person's negligence is not greater than the combined negligence of all of the persons against whom recovery is sought. The bill also provides that any person whose causal negligence is equal to or greater than the causal negligence of the person seeking recovery is jointly and severally liable for the damages awarded to the person seeking recovery.

Currently, the state reimburses counties for the actual expenses paid to interpreters used by the circuit courts. This bill raises the mileage reimbursement rate for interpreters from 20 cents per mile to that paid for state employee travel, which is currently 48.5 cents per mile.

This bill allows the director of state courts to establish a two-year pilot program in the seventh judicial administrative district (Buffalo, Crawford, Grant, Iowa, Jackson, La Crosse, Monroe, Pepin, Pierce, Richland, Trempealeau, and Vernon counties) under which the director pays court interpreters based on a schedule the director creates.

Under current law, when a person is found guilty of a misdemeanor that the person committed before he or she was 21, the sentencing court may order that the record of the conviction be expunged when the person completes his or her sentence. The court must find that expungement would benefit the person and not harm society and the person may not commit another crime or have his or her probation revoked in order to be eligible for expungement.

Under this bill, a person is eligible to have his or her record of a conviction expunged if the conviction is for a misdemeanor or a nonviolent Class H or Class I felony that was committed before the person reached the age of 25 and the other current requirements for expungement are met.

This bill defines a "surviving domestic partner" as a person who was the domestic partner, as defined in the bill, of the decedent at the time of the decedent's death. The bill provides the following inheritance rights for a surviving domestic partner, which are equivalent to the rights of a surviving spouse:

1. The surviving domestic partner of a decedent who dies intestate is entitled to inherit all of the decedent's estate unless the decedent had children that were not also the children of the surviving domestic partner, in which case the surviving domestic partner receives half of the intestate estate.

2. A surviving domestic partner may petition the court for the full property interest the decedent had in a home, subject to payment to the estate under a governing instrument or under intestacy.

3. If a decedent executed his or her will before the registration of the domestic partnership, the surviving domestic partner is entitled to what the share would be

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if the decedent died intestate, unless the will was executed in contemplation of the domestic partnership or was intended to apply notwithstanding the decedent subsequently entering into a domestic partnership.

4. A surviving domestic partner may petition the probate court for an allowance for support, limited by court-ordered charge against interest or principal from the estate to which the surviving domestic partner is entitled and against amounts owed for assuming the decedent's full interest in a home.

5. A surviving domestic partner may select from the estate certain personal items and may be entitled to household items necessary for the maintenance of the home, notwithstanding that those items were bequeathed to another heir.

6. A surviving domestic partner may petition the court to set aside an amount for his or her support of up to \$10,000 in value that will be exempt from the claims of the estate's creditors.

7. If the value of the decedent's estate does not exceed \$50,000, a surviving domestic partner may settle the estate under summary procedures without the need to appoint a personal representative of the estate.

Under current law, a court reviewing a settlement or monetary judgment for the plaintiff in a wrongful death action may set aside an amount of up to 50 percent of the net settlement or judgment for the support of the decedent's surviving spouse or minor children. Current law permits a surviving spouse to bring a wrongful death action and to satisfy and discharge the claims of the estate in settling the wrongful death claims of the surviving spouse. This bill allows the decedent's surviving domestic partner to file an action for wrongful death, to petition the court to set aside amounts of up to 50 percent of the net settlement or judgment of the wrongful death claims for the support of the domestic partner, and to discharge the claims of the estate in settling the domestic partner's wrongful death claims.

Under current law, a person may prevent the person's current or former spouse from testifying about private communications between the spouses or former spouses. Under this bill, a person may prevent the person's current or former domestic partners from testifying about private communications between the domestic partners or former domestic partners.

DISTRICT ATTORNEYS

This bill requires the Office of Justice Assistance (OJA) to fund 1.0 assistant district attorney position in St. Croix County and 0.25 assistant district attorney position in Chippewa County. The bill also requires DOJ to fund 1.0 assistant district attorney position to prosecute drug crimes in St. Croix County.

Additionally, the bill requires DOA to allocate funds from OJA and DOJ appropriations to fund 2.0 assistant district attorney positions in Milwaukee County and 0.75 assistant district attorney position in Dane County to prosecute drug crimes.

PUBLIC DEFENDER

Under current law, the State Public Defender (SPD) provides legal representation to indigent defendants in criminal cases, to children and youth in protective services and delinquency cases, and to persons in certain civil commitment and paternity proceedings.

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This bill requires the Public Defender Board to establish maximum fees that the SPD may pay for copies of materials that are subject to discovery, and prohibits persons from charging the SPD more than those fees.

OTHER COURTS AND PROCEDURE

Under current law, when a person is convicted of a crime, or if a person was charged with a crime but the criminal charge was amended to a civil offense and a court finds that the person committed the civil offense, the person pays a crime victim and witness assistance surcharge. The surcharge is \$85 for each felony charge and \$60 for each misdemeanor charge. Current law splits the surcharge into two parts. For each felony surcharge, \$65 is used to provide compensation for crime victims and \$20 is used to provide grants to organizations that provide services for sexual assault victims. For each misdemeanor surcharge, \$40 is used to provide compensation for crime victims and \$20 is used to provide grants to organizations that provide services for sexual assault victims.

This bill increases the crime victim and witness assistance surcharge to \$90 for each felony charge and \$65 for each misdemeanor charge. Under the bill, \$20 of each surcharge is used to provide grants to organizations that provide services for sexual assault victims and \$5 is added to the amount currently used to provide compensation for crime victims.

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

This bill directs DPI to use the federal funds received by the state pursuant to the American Recovery and Reinvestment Act of 2009 to make state aid payments to schools in June 2009 and in the 2009–10 and 2010–11 fiscal years. The bill lapses to the general fund \$291,000,000 in state school aids in the 2008–09 fiscal year.

The bill also directs the secretary of administration, in formulating the 2011–13 biennial budget bill, to assume that the base level of funding for general school aid in the 2011–13 fiscal biennium is the amount of general school aid appropriated in the 2010–11 fiscal year plus the amount of federal aid distributed as school aid in the 2010–11 fiscal year.

Current law generally limits the increase in the total amount of revenue per pupil that a school district may receive from general school aids and property taxes in a school year to the amount of revenue increase allowed per pupil in the previous school year increased by the percentage change in the consumer price index. Several exceptions are provided. For example, if a school district increases the services that it provides by adding responsibility for providing a service transferred to it from another governmental unit, its revenue limit is increased by the cost of that service.

This bill provides revenue limit adjustments for the costs of school safety equipment, the compensation costs of security officers, the costs of employing school nurses, and pupil transportation costs. This bill phases in the adjustments over a three-year period beginning in the 2010–11 school year.

For the purpose of determining a school district's revenue limit, this bill includes in the school district's state aid amount all federal moneys received by the school district under the American Recovery and Reinvestment Act of 2009 that are

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distributed as general equalization aid or based upon a school district's share of funding under the federal Elementary and Secondary Education Act.

Current law exempts a school district from the revenue limit if its per pupil revenue is less than a statutory revenue ceiling, currently set at \$9,000. This bill increases the per pupil revenue ceiling to \$9,400 for the 2009–10 school year and to \$9,800 for any subsequent school year.

This bill clarifies the correct method for calculating the revenue limit of a consolidated school district.

Under current law, the members of the school boards of consolidating school districts serve as a joint interim school board of the new school district until the election of members to the school board of the new school district. This bill clarifies that a member of the school board of one of the consolidating school districts who has been newly elected to the school board of the new school district may continue to serve on the school board of the consolidating school district after the election of the new school district board members and until the effective date of the consolidation.

This bill makes changes to the laws governing the Milwaukee Parental Choice Program (MPCP), under which a pupil who resides in the city of Milwaukee may attend a private school at state expense under certain conditions.

Under current law, a private school participating in the MPCP must achieve accreditation by an accrediting organization or association by December 31 of the third school year following the first school year in which it participates in the MPCP. This bill requires the private school to attain accreditation by August 1 of the school year in which the school first participates in the MPCP.

Currently, teachers at private schools participating in the MPCP are required to have graduated from high school or to have been granted a declaration of equivalency of high school graduation. Beginning in the 2010–11 school year, this bill directs each private school participating in the MPCP to ensure that every teacher and administrator at the private school has at least a bachelor's degree from an accredited institution of higher education.

Under current law, a school board must schedule at least 1,050 hours of direct pupil instruction in grades one to six and at least 1,137 hours of direct pupil instruction in grades seven to twelve. This bill requires private schools participating in the MPCP to comply with these requirements.

Under current law, enrollment in the MPCP is capped at 22,500 pupils. If the enrollment cap is reached, DPI must issue an order prohibiting the enrollment of additional pupils until the number of pupils falls below 22,500. This bill provides that, if the number of pupils enrolled in the program falls below 22,500, participating private schools may admit additional pupils under the program but must give first priority to returning MPCP pupils, second priority to siblings of enrolled MPCP pupils, and third priority to pupils selected at random under a procedure established by DPI by rule.

Current law requires each private school participating in the MPCP to administer a nationally normed standardized test in reading, mathematics, and science to pupils attending the school under the program in the fourth, eighth, and

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tenth grades. This bill requires each private school participating in the MPCP to administer the examinations adopted or approved by DPI.

Current law requires each school board to adopt either its own academic standards or the academic standards contained in the governor's executive order issued on January 13, 1998. Identical provisions exist under current law for independent charter schools. This bill requires the governing body of each private school participating in the MPCP to adopt academic standards.

Under current law, each school board and the operator of each independent charter school must administer a standardized reading test developed by DPI to all pupils enrolled in the third grade. This bill requires private schools participating in the MPCP to administer this test.

The federal No Child Left Behind Act requires public school assessments in reading and mathematics in each of grades three to eight and at least once in grades ten to twelve; and in science at least once in grades three to five, six to nine, and ten to twelve. This bill imposes these requirements on private schools participating in the MPCP for pupils attending the schools under the MPCP.

Under current law, each school board and the operator of each independent charter school must develop written policies specifying criteria for granting a high school diploma. Neither a school board nor the operator of an independent charter school may grant a high school diploma to any pupil unless the pupil has satisfied the criteria. Similarly, each school board and each independent charter school must adopt policies specifying criteria for promoting a pupil from the fourth grade to the fifth grade and from the eighth grade to the ninth grade. A pupil may not be promoted unless he or she satisfies the promotion criteria. This bill imposes upon private schools participating in the MPCP the same prohibitions against graduation and promotion for pupils attending the private school under the MPCP that are imposed upon school boards and independent charter schools.

The bill requires a private school participating in the MPCP to maintain progress records for each pupil attending the school under the MPCP while the pupil attends the school and for at least five years thereafter. The bill requires the private school to provide a copy of the records to the pupil or the pupil's parent or guardian upon request and, if the school closes, to transfer the records to the Milwaukee Public Schools (MPS). The bill also requires the private school to issue a high school diploma or certificate to each pupil attending the school under the MPCP who satisfies all of the requirements necessary for high school graduation.

Current law requires a school district to transfer to another school or school district, within five working days, all pupil records relating to a specific pupil if the transferring school district has received notice from the pupil (if he or she is adult), from the pupil's parent or guardian (if the pupil is a minor), or from the other school or school district that the pupil intends to enroll or has enrolled in the other school or school district. This bill makes this requirement applicable to the private schools participating in the MPCP.

The bill also requires each MPCP school to provide each applicant to the school with all of the following: 1) a list of the names, addresses, and telephone numbers of the members of the governing body of the school; 2) a notice stating whether the

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school is an organization run for profit or not for profit, and, if the school is nonprofit, proof of its federal tax-exempt status; 3) a copy of the appeals process used if the school rejects an applicant for admission; 4) a statement that the school agrees to be subject to the open meetings and open records requirements applicable to public bodies; 5) graduation requirements; 6) a copy of the non-harassment policy and procedures used by the school; 7) suspension and expulsion policies and procedures; and 8) policies for accepting or denying the transfer of credits for coursework completed by pupils at other schools. In addition, upon request of any person, the school must provide to that person the information above, as well as the number of pupils enrolled in the private school in the previous school year; the number of pupils enrolled in the private school under the MPCP in the previous school year; pupil scores on standardized tests administered in the previous school year; a copy of the academic standards adopted by the private school; the number of pupils who have graduated from the private school in every year in which the private school has participated in the MPCP; and the rates of promotion of 4th and 8th grade pupils enrolled in the private school.

This bill requires each private school that applies to participate in the MPCP to pay to DPI a nonrefundable fee each year in an amount determined by DPI. DPI must use the fees to evaluate the financial audits and evidence of sound fiscal practices submitted to DPI by participating private schools.

Under the current school aid formula, the state establishes a guaranteed tax base, known as the guaranteed valuation. The rate at which a school district's costs are aided through the formula is determined by comparing the school district's per pupil tax base (or equalized valuation) to the guaranteed valuation. State aid is provided to make up the difference between the school district's actual tax base and that state guaranteed level. A school district's guaranteed valuation is determined by multiplying the guaranteed valuation per pupil (set by statute) by the district's enrollment.

This bill provides that for MPS, the guaranteed valuation is determined by multiplying the valuation per member by the district's enrollment plus 50 percent of the number of pupils attending a private school under the MPCP. The 50 percent figure is phased in over a five-year period.

This bill directs the Legislative Reference Bureau, at the direction of the secretary of administration, to prepare a bill for introduction during the 2009 legislative session that addresses the findings of a review of the finances and operations of the MPS conducted at the request of the governor and the mayor of Milwaukee.

This bill changes the funding source for pupil transportation aid from the general fund to the transportation fund.

Currently, state aid to public library systems is funded using both general purpose revenue and revenue in the universal service fund. The universal service fund consists of moneys that are required to be contributed by certain telecommunications providers. The fund is used for promoting universal telecommunications service and for other specified purposes. This bill funds public library aid exclusively from the universal service fund.

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Current law directs DPI to contract with the public library in the city of Milwaukee to provide library services to physically handicapped persons and to contract for services with libraries to serve as resources of specialized library materials and information not available in DPI's reference and loan library. The cost of these contracts is paid with general purpose revenue. Under this bill, the cost of these contacts is paid from the universal service fund.

This bill directs DPI to award grants to school districts or cooperative educational service agencies, acting in conjunction with tribal education authorities, to support innovative, effective instruction in one or more American Indian languages. The grants are funded with Indian gaming receipts.

Under current law, DPI may award grants to nonprofit organizations to support adult literacy programs. No grant may exceed \$10,000. This bill eliminates the \$10,000 limit.

This bill extends DPI's authority to award annual grants to Project Lead the Way through the 2010–11 fiscal year in order to provide discounted professional development services and software to participating high schools.

HIGHER EDUCATION

This bill allows the Board of Regents of the UW System to award grants to undergraduate resident students who do not receive a Wisconsin higher education grant awarded by the Higher Educational Aids Board (HEAB). The amount of a grant must correspond to increases, or portions of increases, in tuition charged the student.

The bill requires the Board of Regents to allocate \$8,198,200 to support interdisciplinary research into biotechnology, nanotechnology, and information technologies that enhance human health and welfare.

The bill requires the Board of Regents to allocate \$2,000,000 in the 2009–10 fiscal year to support the establishment of the Wisconsin Genomics Initiative.

Under current law, the Board of Regents may not create a new school that has graduate, professional, or post-baccalaureate academic programs. This bill allows the Board of Regents to create the following schools at UW–Milwaukee: 1) a school of public health; and 2) a school of freshwater sciences.

Under current law, the Medical College of Wisconsin and the University of Wisconsin–Madison School of Medicine and Public Health must submit biennial reports to the governor and JCF on specified topics, including the following: 1) Wisconsin resident enrollment numbers and percentages; 2) placement of graduates of doctor of medicine and residency training programs; and 3) financial summaries for the college and school. This bill eliminates the requirement for reports on the foregoing topics.

Under current law, the Board of Regents is allowed to create or abolish full-time equivalent (FTE) positions that are funded from a number of specified appropriations, including one appropriation that is funded with segregated fund revenues. This bill allows the Board of Regents to create or abolish FTE positions that are funded from any appropriation to the board that is funded with segregated fund revenues. The bill also makes an appropriation from the recycling and

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renewable energy fund to the board to support research under the Wisconsin Bioenergy Initiative.

Generally, current law allows a UW System student who has been a bona fide Wisconsin resident for the 12 months preceding the beginning of a semester or session for which the student registers to pay resident, as opposed to nonresident, tuition.

This bill allows an alien who is not a legal permanent resident of the United States to pay resident, as opposed to nonresident, tuition if he or she: 1) graduated from a Wisconsin high school or received a declaration of equivalency of high school graduation from Wisconsin; 2) was continuously present in Wisconsin for at least three years following the first day of attending a Wisconsin high school or immediately preceding receipt of a declaration of equivalency of high school graduation; and 3) enrolls in a UW System institution and provides the institution with an affidavit stating that he or she has filed or will file an application for permanent residency with U.S. Citizenship and Immigration Services as soon as the person is eligible to do so. The bill also provides that such persons are to be considered residents of this state for purposes of admission to and payment of fees at a technical college.

In general, current law provides that if a technical college district board wishes to make a capital expenditure exceeding \$1,000,000 or to borrow more than \$1,000,000, it must adopt a resolution to do so and submit the resolution to the electors of the district for approval. This bill raises the amount from \$1,000,000 to \$1,500,000.

Current law requires the Wisconsin Technical College System Board (WTCS Board) to establish tuition for resident and nonresident students. For a resident student, the WTCS Board must comply with requirements that depend on whether the student is enrolled in a liberal arts collegiate transfer program or in a postsecondary or vocational–adult program. For a nonresident student, the WTCS Board must establish tuition based on 100 percent of the statewide cost per full–time equivalent student for operating the program in which the student is enrolled.

This bill requires the WTCS Board to establish tuition for nonresident students based on 150 percent of the program fees that the WTCS Board is required to establish for resident students.

Current law allows the WTCS Board to award grants to technical college district boards (district boards) for skills training related to the needs of business. Current law prohibits the WTCS Board from awarding a grant unless the business is located in this state, has no more than 100 employees, and has no more than \$10,000,000 in gross annual income. Also, current law prohibits using a grant to pay more than 80 percent of the cost of training the spouse or child of the business owner, or to pay wages or compensate for lost revenue in connection with providing the training. In addition, current law prohibits the WTCS Board from awarding more than \$1,000,000 in grants in a fiscal year.

This bill eliminates all of the prohibitions described above. In addition, the bill eliminates the requirement that district boards submit reports to the WTCS Board on how grants are used.

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Currently, under certain circumstances, the UW System and each technical college must provide full remission of fees for 128 credits or eight semesters, whichever is longer, to an eligible veteran or to the spouse, unremarried surviving spouse, or child of an eligible veteran (dependent). An eligible veteran is one who died on active duty, died as the result of a service-connected disability, died in the line of duty while on duty for training purposes, or has been awarded at least a 30 percent service-connected disability rating.

This bill requires a veteran or dependent to apply to the payment of those fees all educational assistance to which that person is entitled under the federal Post-9/11 Veterans Educational Assistance Act of 2008, commonly referred to as the “New GI Bill.” This requirement applies notwithstanding that the veteran or dependent may be entitled to educational assistance under the federal Montgomery GI Bill Act of 1984 or the federal Survivors’ and Dependents’ Educational Assistance Program (collectively referred to as the “Old GI Bill”) as well as under the New GI Bill. For a veteran or dependent who is entitled to educational assistance under both the Old GI Bill and the New GI Bill, if the amount of educational assistance, other than educational assistance for tuition, to which the veteran or dependent is entitled under the Old GI Bill is greater than the amount of educational assistance, other than educational assistance for tuition, to which the veteran or dependent is entitled under the New GI Bill, HEAB must reimburse the veteran or dependent for the difference in those amounts of educational assistance.

Under current law, beginning in the 2011–12 academic year, HEAB must award Wisconsin covenant scholar grants to undergraduates enrolled at least half time at nonprofit public or private institutions of higher education or at tribally controlled colleges in this state. Current law requires HEAB to promulgate rules to implement that grant program.

This bill requires a student to be designated as a Wisconsin covenant scholar by the Office of the Wisconsin Covenant Scholars Program in DOA (office) in order to be eligible for a Wisconsin covenant scholar grant. The bill also requires DOA, rather than HEAB, to promulgate rules to implement the grant program and requires those rules to include eligibility criteria for designation as a Wisconsin covenant scholar.

Under current law, HEAB awards Wisconsin higher education grants (WHEG grants) to undergraduates enrolled at least half time at nonprofit public institutions of higher education or tribally controlled colleges in this state. Currently, a WHEG grant may not exceed \$3,000 for an academic year. This bill permits HEAB to establish the maximum amount of a WHEG grant, but prohibits HEAB from increasing that maximum amount unless HEAB determines that as many students will be awarded WHEG grants in the current academic year as in the previous academic year. The bill also funds those grants in fiscal year 2009–10 in part from moneys received by the UW System for auxiliary enterprises, such as dining halls and parking facilities.

Current law requires HEAB to establish plans to be administered by HEAB for participation by this state under any federal acts relating to higher education. This bill requires HEAB to obtain the approval of DOA before HEAB may expend any

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discretionary federal economic stimulus funds for any higher education capital or modernization project.

Under current law, DOA administers an Educational Telecommunications Access Program under which DOA provides Internet access to educational agencies. Currently, an educational agency that is provided Internet access under the program may not provide that access to any for-profit business entity. This bill permits an educational agency to provide such Internet access to a for-profit business entity that is broadcasting an event sponsored by the educational agency if the business entity reimburses DOA for its proportionate share of the cost of the data line used to broadcast the event.

EMINENT DOMAIN

Currently, whenever an entity with the power of condemnation seeks to acquire property by condemnation, it must provide the property owner with an appraisal of the property and pay for the owner to acquire his or her own appraisal. This bill provides that, if the property is being acquired for sewers or transportation facilities, the owner may use an appraisal prepared by the owner or condemnor during the period preceding negotiations in any subsequent appeal only if the appraisal was provided to the other party during that period.

Currently, if a property owner agrees voluntarily to convey the property to the condemnor at an agreed-upon price, the owner has the right, within six months, to appeal the issue of the amount of compensation paid by the condemnor. This bill eliminates this right for owners whose property is being acquired for sewers or transportation facilities. The bill does not eliminate the owner's right to appeal the amount of compensation within two years if his or her property is condemned.

Currently, a property owner who on appeal is awarded more in compensation than was offered by the condemnor is entitled to litigation expenses, including reasonable attorney fees, if the award exceeds the offer by at least \$700 and at least 15 percent. This bill provides that, in such a case, the amount of attorney fees included in litigation expenses may not exceed one-third of the difference between the offer and the award, except that if one-third of that difference is less than \$5,000, the amount of attorney fees included in litigation expenses may not exceed \$5,000.

Currently, a person displaced by the acquisition of property by an entity that is vested with the power of condemnation is entitled to certain benefits from the condemnor, including relocation assistance, assistance in the acquisition of replacement housing, and moving expenses. The person must file a claim for such benefits within two years of being displaced. If the claim is not allowed within 90 days, the claimant may file an appeal in circuit court. Currently, there is no deadline for filing an appeal. This bill provides that the claimant must file the appeal within two years.

Under current law, Commerce may make investigations to determine whether a condemnor is complying with the laws relating to relocation benefits and may seek an order from a circuit court requiring compliance with those laws or discontinuance of work on that part of the project that is not in compliance. This bill eliminates this authority.

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Currently, a person displaced by the acquisition of property by a condemnor may petition Commerce for review of his or her complaint. Commerce may attempt to negotiate an acceptable solution with the condemnor. This bill eliminates these provisions.

Current law directs the attorney general, at the request of Commerce, to prosecute all necessary actions or proceedings for the enforcement of the laws relating to relocation benefits. This bill eliminates this directive.

EMPLOYMENT

Under current law, in local government employment other than law enforcement and fire fighting employment, if a dispute relating to the terms of a proposed collective bargaining agreement has not been settled after a reasonable period of negotiation and after mediation by the Wisconsin Employment Relations Commission (WERC), either party, or the parties jointly, may petition WERC to initiate compulsory, final, and binding arbitration with respect to any dispute relating to wages, hours, and conditions of employment. An arbitrator must adopt the final offer of one of the parties on all disputed issues, which is then incorporated into the collective bargaining agreement.

This process does not apply, however, to a dispute over economic issues involving a collective bargaining unit consisting of school district professional employees if WERC determines, subsequent to an investigation, that the employer has submitted a qualified economic offer (QEO). A QEO consists of a proposal to maintain the percentage contribution by the employer to the employees' existing fringe benefit costs and the employees' existing fringe benefits and to provide for an annual average salary increase having a cost to the employer at least equal to 2.1 percent of the existing total compensation and fringe benefit costs for the employees in the collective bargaining unit plus any fringe benefit savings. Fringe benefit savings is that amount, if any, by which 1.7 percent of the total compensation and fringe benefit costs for all municipal employees in a collective bargaining unit for any 12-month period covered by a proposed collective bargaining agreement exceeds the increased cost required to maintain the percentage contribution by the municipal employer to the municipal employees' existing fringe benefit costs and to maintain all fringe benefits provided to the municipal employees. This bill eliminates the QEO exception from the compulsory, final, and binding arbitration process.

Under current law, school district professional employees must be placed in a collective bargaining unit that is separate from the units of other school district employees. This bill eliminates this requirement.

Current law also provides that, in reaching a decision, the arbitrator must give weight to many factors, including the authority of the municipal employer; the interests and welfare of the public and the ability of the unit of government to meet the costs of the proposed agreement; comparison of wages, hours, and conditions of employment with those of other employees; the cost of living; and other similar factors. But, under current law, the arbitrator must give greater weight to economic conditions in the jurisdiction of the employer and the greatest weight to any state law or directive that places expenditure or revenue limitations on an employer. This bill eliminates the requirement for the arbitrator to give any weight to economic

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conditions in the jurisdiction of the employer or to any state law or directive that places expenditure or revenue limitations on an employer if the decision involves a collective bargaining unit comprised of school district employees.

Finally, the bill eliminates a 3.8 percent cap imposed on salary and fringe benefit annual cost increases for all nonrepresented professional school district employees.

Under current law, faculty and academic staff of the UW System do not have collective bargaining rights under the State Employment Labor Relations Act (SELRA). This bill provides all UW System academic staff and all faculty, including specifically faculty who are supervisors or managers, with the right to collectively bargain over wages, hours, and conditions of employment. Collective bargaining units for faculty are structured with one unit for UW–Madison, one unit for UW–Milwaukee, and one unit for all of the other UW System campuses. Collective bargaining units for academic staff are structured similarly, with one unit for UW–Madison, one for UW–Milwaukee, and one for all of the other UW System campuses. The bill also provides that, if the employees approve, two or more units for faculty may be combined into a single unit and two or more units for academic staff may be combined into a single unit. Representatives for each unit are chosen by election.

Unfair labor practices for UW System academic staff and faculty collective bargaining are generally the same as those under SELRA, except that the bill specifically provides that it is not an unfair labor practice for the Board of Regents of the UW System to implement changes in salaries or conditions of employment for members of the faculty or academic staff at one UW institution and not for such persons at other UW institutions if certain conditions are met. The bill specifically authorizes fair-share and maintenance of membership agreements for UW academic staff and faculty collective bargaining, as is the case under SELRA. The bill also prohibits strikes.

Under the bill, the subjects of collective bargaining are the same as under SELRA, except that collective bargaining is prohibited on the mission and goals of the Board of Regents; the diminution of the right of tenure provided faculty; the rights granted faculty and academic staff under current law; and academic freedom. Finally, under the bill, collective bargaining agreements covering UW faculty and academic staff must be approved by the Joint Committee on Employment Relations and adopted by the legislature.

Under the current prevailing wage law, certain laborers, workers, mechanics, and truck drivers employed on a state or local project of public works must be paid at the rate paid for a majority of the hours worked in the person's trade or occupation in the county in which the project is located and may not be required or permitted to work more than ten hours per day or 40 hours per week, unless they are paid 1.5 times their basic rate of pay (overtime pay) for all hours worked in excess of those prevailing hours of labor. Currently, the prevailing wage law does not apply to a multiple-trade public works project whose estimated cost of completion is less than \$234,000 or to a single-trade public works project whose estimated cost of completion

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is less than \$48,000. DWD adjusts those amounts annually based on changes in construction costs.

This bill requires all laborers, workers, mechanics, and truck drivers employed on a publicly funded private construction project to be paid not less than the prevailing wage rate and to be paid overtime pay for all hours worked in excess of the prevailing hours of labor. The bill defines a “publicly funded private construction project” as a construction project that receives any grant, cooperative agreement, loan, contract, or any other financial assistance from a local governmental unit.

The bill also sets the threshold for applicability of the prevailing wage law at an estimated cost of project completion of \$2,000, regardless of whether the project is a single-trade project or a multiple-trade project, and eliminates the authority of DWD to adjust that threshold.

Current law requires each contractor, subcontractor, and agent performing work on a project that is subject to the prevailing wage law to keep records indicating the name and trade or occupation of every person performing work that is subject to the prevailing wage law and an accurate record of the number of hours worked by each of those persons and the actual wages paid for those hours worked. This bill requires a contractor, subcontractor, or agent performing work on a project that is subject to the prevailing wage law to submit, on a weekly basis, a certified record of that information for the preceding week to the local governmental unit, state agency, or private owner or developer authorizing the work.

Under current law, DWD must, on request, inspect the payroll records of any contractor, subcontractor, or agent performing work on a project that is subject to the prevailing wage law to ensure compliance with that law. If the contractor, subcontractor, or agent is found to be in compliance with that law, DWD must charge the requester for the cost of the inspection. This bill requires DWD to charge a requester for the cost of such inspection only if the request was made in bad faith, solely for the purpose of harassing or maliciously injuring the contractor, subcontractor, or agent; or if the requester knew, or should have known, that there was no reasonable basis for believing that a violation of the prevailing wage law had been committed.

Under current law, when DWD receives a complaint alleging discrimination in employment, housing, or the equal enjoyment of a public place of accommodation; a complaint alleging a violation of the family and medical leave law; a complaint alleging retaliation for disclosing information demonstrating mismanagement or abuse of authority in state or local government (commonly referred to as “the whistleblower law”); or a complaint alleging discrimination for exercising any right relating to public employee occupational safety and health, DWD must investigate the complaint to determine whether there is probable cause to believe that a violation occurred. Under current DWD rules, if DWD finds no probable cause, the complainant may request a hearing on the issue of probable cause before a hearing examiner.

This bill eliminates the right to a hearing on the issue of probable cause and instead provides that the finding of no probable cause may be appealed to the circuit court.

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Under current worker's compensation law, when death results from an injury sustained by an employee while performing services growing out of and incidental to employment, the employee's dependents, including a spouse who is living with the employee at the time of death, are entitled to a death benefit. This bill extends death benefits under the worker's compensation law to a domestic partner of a deceased employee who is living with the deceased employee at the time of death.

Under current law, an employee of an employer employing 50 or more individuals on a permanent basis may take up to six weeks of family leave in a 12-month period to care for a child, spouse, or parent of the employee, or the parent of the spouse of the employee, who has a serious health condition. This bill permits such an employee to take family leave to care for a domestic partner, or the parent of a domestic partner, who has a serious health condition.

Under current law, if an employee to whom wages are due dies, the employer must, upon demand, pay the wages to the spouse, children, or other dependent living with the employee at the time of death. This bill requires an employer of a deceased employee to whom wages are due to pay the wages to the domestic partner of the deceased employee.

Under current law, DOJ must defend claims against the work injury supplemental benefit (WISB) fund, which is used to pay supplemental worker's compensation to employees with permanent total disability, additional death benefits to the children of a deceased employee, additional worker's compensation to an employee with permanent partial disability who incurs further permanent disability, and worker's compensation when there is no adequate remedy for an otherwise meritorious claim. DOJ must also prosecute claims for payment into the WISB fund against an employer when an injury results in death or in the loss or total impairment of a limb or eye or when a minor is injured while working without a work permit or in prohibited employment. This bill permits DWD to retain DOA or an insurance service organization, in addition to DOJ, to prosecute or defend claims for payment into or out of the WISB fund, except that DOJ must continue to appear on behalf of the state in administrative hearings or court proceedings on such claims.

Currently, DWD operates an employment service, funded with federal revenue, that assists unemployed individuals in finding suitable employment. This bill permits the employment service program to be funded, in addition, from special federal grants that would otherwise be available to finance unemployment insurance (UI) benefits. The change potentially increases the liability of employers to finance UI benefits through contributions (taxes).

ENVIRONMENT**WATER USE**

Under current law, DNR conducts activities related to the withdrawal and use of water in this state, including activities to implement the Great Lakes Water Resources Compact.

Beginning in 2011, this bill establishes three fees that DNR may use for activities related to water use, including activities to implement the compact. The first is an annual fee of \$125, subject to modification by DNR by rule, to be paid by a person with a water supply system with the capacity to withdraw 100,000 gallons

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or more per day. The second fee is imposed on a person who withdraws more than 50,000,000 gallons of water from the Great Lakes basin in a year. DNR specifies the amount of this fee by rule. The third is a \$5,000 fee that must be paid by a person applying for approval to divert water out of the Great Lakes basin.

WATER QUALITY

Under the Clean Water Fund Program, the state makes loans at subsidized interest rates for projects that control water pollution. This bill changes the interest rate for projects that are necessary to prevent a municipality from exceeding a pollution limit in its wastewater discharge permit from 55 percent of the market interest rate to 70 percent of the market interest rate.

This bill sets the present value of the Clean Water Fund Program subsidies that may be provided during the 2009–11 fiscal biennium at \$114,800,000. The bill also increases the revenue bonding authority for the Clean Water Fund Program by \$418,800,000. In addition, the bill increases the general obligation bonding authority for the Clean Water Fund Program by \$76,500,000, except that this increase does not take effect in fiscal years 2009–10 and 2010–11 unless DOA first takes into account certain funds received from the federal government.

Under the Safe Drinking Water Loan Program, this state makes loans at a subsidized rate to local governmental units for projects to construct or modify public water systems. This bill sets the present value of the Safe Drinking Water Loan Program subsidies that may be provided during the 2009–11 fiscal biennium at \$17,600,000. The bill also increases the general obligation bonding authority for the Safe Drinking Water Loan Program by \$9,400,000.

Under current law, DNR provides financial assistance for projects that reduce water pollution from nonpoint (diffuse) sources. Local governmental units annually apply for cost-sharing grants from DNR for new nonpoint source projects. A project qualifies for funding only if it is in an area that is targeted due to water quality problems. DNR annually ranks all of the eligible applications based on specified criteria and then selects projects to receive cost-sharing grants. This process is referred to as the targeted runoff management grant process. This bill increases the authorized general obligation bonding authority for targeted runoff management grants by \$7,000,000.

Current law also authorizes DNR to award a cost-sharing grant, outside of the targeted runoff management grant process, to a local governmental unit for animal waste management at a livestock operation for which DNR has issued a notice of discharge if DNR determines that awarding a grant outside of that process is necessary to protect fish and aquatic life. This bill broadens that authority by also covering livestock operations for which DNR has issued a notice of intent to issue a notice of discharge and allowing DNR to award a grant to a local governmental unit if DNR determines that it is necessary to protect the waters of the state. The bill also authorizes DNR to award a cost-sharing grant directly to the owner or operator of a livestock operation under the same circumstances.

Under current law, DNR provides financial assistance for the management of urban storm water runoff and for flood control and riparian restoration projects.

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This bill increases the general obligation bonding authority for these purposes by \$6,000,000.

Current federal law authorizes the Environmental Protection Agency (EPA) to carry out projects to clean up contaminated sediment in the Great Lakes and tributaries of the Great Lakes. The federal law requires that a portion of the funding for a project be provided from a source other than the federal government. Current state law authorizes DNR to pay a portion of the costs of such a project if EPA provides federal funds for the project. The law provides \$17,000,000 in bond authority, to be repaid from the environmental fund, for this purpose.

This bill authorizes DNR to pay a portion of the costs of a project to remove contaminated sediment from Lake Michigan or Lake Superior or a tributary of Lake Michigan or Lake Superior if the project is in a water body that DNR has identified as being impaired and the impairment is caused by contaminated sediment, without regard to whether EPA provided funds for the project. The bill also increases the bonding authority for sediment removal projects by \$5,000,000.

Under current law, a person who discharges certain pollutants into the waters of this state must hold a permit issued by DNR. Current law also provides that, instead of issuing a separate permit for a discharge from an individual point source, DNR may issue a general permit, applicable to a designated area of the state, authorizing discharges from specified categories or classes of point sources located within that area.

This bill authorizes DNR to issue a general permit authorizing a vessel that is 79 feet or greater in length to discharge ballast water into the waters of this state and authorizes DNR to charge specified fees for applying for and maintaining coverage under the permit.

Current law requires a person who plans to construct a well other than a high capacity well to notify DNR of the location of the well before construction begins and to pay a notification fee of \$50. This bill authorizes DNR to appoint agents to process well notifications and collect the fees. The bill requires a person making a well notification to pay a processing fee of 50 cents and authorizes the agent to retain the fee.

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Under current law, the Department of Commerce (Commerce) administers PECFA, a program to reimburse owners of certain petroleum product storage tanks for a portion of the costs of cleaning up discharges from those tanks. Under this bill, the owner of a petroleum product storage tank is not eligible for reimbursement under PECFA unless the owner notifies Commerce about the discharge before January 1, 2012.

This bill authorizes Commerce to contract with a person who removes underground petroleum storage tanks to remove an abandoned underground petroleum product storage tank if Commerce determines that the owner of the tank is unable to pay to have the tank removed.

Under current law, DNR administers the Dry Cleaner Environmental Response Program (DERP), under which DNR reimburses a portion of the costs of cleaning up discharges of dry cleaning solvents. DERP is funded from the segregated

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dry cleaner environmental response fund (DERF), which consists primarily of fees paid by dry cleaners.

This bill authorizes the transfer of money from the environmental improvement fund (which funds the Clean Water Fund Program, the Safe Drinking Water Loan Program, and the Land Recycling Loan Program) to DERF if the amount in DERF is insufficient to provide reimbursement under DERP. Any transfer must be repaid with interest. The bill requires the secretary of administration and the secretary of natural resources to enter into an agreement specifying the terms and conditions of the transfer and provides that the transfer may not exceed \$6,200,000.

Under the Land Recycling Loan Program, this state makes subsidized loans to municipalities and counties for projects to remedy environmental contamination at sites owned by the municipalities and counties where the environmental contamination has affected, or threatens to affect, groundwater or surface water. Current law limits the total amount that may be expended for this program to \$20,000,000. This bill reduces the amount that may be expended for the program by the amount of any transfer from the environmental improvement fund to DERF.

This bill sets the present value of the Land Recycling Loan Program subsidies that may be provided during the 2009–11 fiscal biennium at \$2,700,000. Current law provides that, in any fiscal biennium, an eligible applicant may not receive more than 25 percent of the present value of the subsidies established for that biennium. This bill eliminates this funding cap.

Under current law, generators of hazardous waste generally must pay an annual environmental repair fee consisting of a base fee plus \$20 per ton of waste with a maximum of \$17,000. This bill increases the base fee from \$210 to \$350 for generators of small quantities of hazardous waste and \$470 for generators of large quantities of hazardous waste and increases the maximum fee to \$17,500. Current law specifies that the environmental repair fee may not be assessed for certain wastes, including wastes that are recovered for recycling or reuse. This bill provides that it is the per ton fee, not the base fee, that may not be assessed for those wastes.

Current law authorizes DNR to take actions to prevent or remedy environmental contamination in specified circumstances. In some cases the law requires the person responsible for the contamination to reimburse DNR for the costs that it incurs in taking these actions. This bill provides that when DNR authorizes reimbursement for the costs of these actions to be paid over time, DNR must require monthly payments of interest on the outstanding balance of the reimbursement.

AIR QUALITY

Currently, EPA delegates to DNR the authority to administer the federal Clean Air Act in this state. The Clean Air Act requires persons who operate certain stationary sources of air pollution, such as large factories, to have federal operation permits. State law requires persons who operate certain other stationary sources of air pollution to have state operation permits. Generally, current law requires a person who has either kind of operation permit to pay an annual fee of \$35.71 per ton of certain pollutants emitted, subject to a cap.

This bill changes the annual fees that must be paid by persons who are required to have state operation permits. Under the bill, the annual fee is generally \$775. The

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fee for some operation permits that contain limits to prevent a source from being required to have a federal operation permit is \$3,475.

This bill eliminates the annual fee of \$300 on the operator of a stationary source of air pollution who is not required to have an operation permit but whose stationary source emits more than three tons of certain air pollutants in a year.

Current law requires DNR to specify a term of not more than five years for most air pollution operation permits, but the law generally prohibits DNR from specifying an expiration date for certain simplified permits. This bill authorizes DNR to specify a term of more than five years, or an unlimited term, for a state operation permit, other than a simplified permit.

Current law authorizes DNR to establish fees for inspecting nonresidential asbestos demolition and renovation projects. The fees may not exceed \$400 for projects up to a specified size or, for larger projects, \$750. This bill increases the maximum fees to \$700 and \$1,325 respectively.

The bill also authorizes DNR to charge additional fees for reviewing a revised asbestos abatement, for inspecting property to be used for a community fire safety training project, and for inspecting property for a project for which the property owner failed to provide a required asbestos abatement notice to DNR before the project was initiated.

RECYCLING

Under current law, DNR provides financial assistance to certain governmental units and solid waste management systems (responsible units) that have solid waste programs that DNR determines are effective recycling programs. A solid waste program qualifies as an effective recycling program if it meets certain requirements, including a requirement that the occupants of certain buildings in the region separate recyclables from postconsumer waste (the materials separation requirement). The solid waste program must also include a system for collecting such materials from single-family residences in the region (the collection system requirement). Current law also authorizes DNR to grant limited variances, under which a responsible unit is exempt from certain requirements.

This bill authorizes DNR to grant certain additional variances to a responsible unit. The bill provides that DNR must grant a variance with regard to the materials separation requirement, as it applies to single-family residences and buildings containing not more than four dwelling units, if at least 80 percent of those residences and buildings comply with the materials separation requirement. The bill also provides that if DNR requires a solid waste management program to provide single-family residences and buildings containing not more than four dwelling units with at least monthly curbside collection of recyclables, DNR must grant a variance if the responsible unit provides at least monthly curbside collection of such materials to at least 80 percent of these residences and buildings in the region.

Under current law, DNR awards grants to responsible units to improve the efficiency of local recycling programs. Under current law, DNR also awards grants to public or private entities to pay a portion of the costs of innovative projects for recycling or reducing the amount of solid waste that is generated. This bill eliminates both types of grants.

ASSEMBLY BILL 75**OTHER ENVIRONMENT**

Current law imposes several fees, often called tipping fees, that are based on the weight of solid waste disposed of at a landfill or other waste disposal facility. Currently, the environmental repair tipping fee is \$1.60 per ton of solid waste, other than mining waste and certain kinds of high-volume industrial waste. This bill increases the environmental repair tipping fee to \$5 per ton.

Currently, the recycling tipping fee is \$4 per ton of solid waste, other than certain kinds of high-volume industrial waste. This bill increases the recycling tipping fee to \$5 per ton.

In addition, this bill changes the funding source for making the principal and interest payments on bonds issued by this state for certain water pollution abatement purposes from the general fund to the environmental fund.

Current law requires a person to pay DOT an environmental impact fee of \$9 upon registering a new motor vehicle, other than a neighborhood electric vehicle, or upon applying for a new certificate of title following the transfer of a vehicle. The fee expires on December 31, 2009. This bill eliminates the expiration date for the environmental impact fee.

HEALTH AND HUMAN SERVICES**PUBLIC ASSISTANCE**

Under current law, DHS provides relief block grant moneys to counties and tribal governing bodies for providing health care services, as well as cash assistance, (also known as “general relief”) to persons who meet the criteria for dependency. This bill eliminates the relief block grant program.

Under current law, DHS provides benefits under the food stamp program to qualified aliens. This bill eliminates the provision of food stamp benefits to qualified aliens.

Under current law, DOA provides heating assistance benefits to eligible households. One type of eligible household is a household that is entirely composed of persons receiving food stamps. This bill adds as an eligible household a household that includes at least one person who is eligible for food stamps and specifies that such an eligible household may not receive more than \$1 in heating assistance benefits per year.

Under current law, DCF may spend no more than the minimum amount required under the federal law that provides federal Child Care Development Funds (CCDF). DCF allocates CCDF for a number of purposes related to child care licensing and child care programs administered by DCF. This bill eliminates the requirement that DCF spend no more than the minimum amount required under federal law for its child care licensing activities and child care programs.

Under current law, DCF allocates specified amounts of federal moneys, including CCDF and moneys received under the Temporary Assistance for Needy Families (TANF) block grant program, for various public assistance programs and for child care-related purposes, including its day care licensing activities. The bill modifies some of those allocations. The bill also adds an allocation for public assistance program fraud and error reduction activities and removes an allocation for the Milwaukee and statewide child welfare information systems.

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Under current law, DHS must conduct a three-year pilot program under which it pays premiums for coverage under the Health Insurance Risk-Sharing Plan (HIRSP) and copayments under HIRSP for drugs eligible for reimbursement under the AZT-reimbursement program. HIRSP is, generally, a health insurance program administered by the HIRSP Authority that provides major medical health insurance coverage for persons who are covered under Medicare because they are disabled, persons who have tested positive for HIV, and persons who have been refused coverage, or coverage at an affordable price, in the private health insurance market because of their mental or physical health conditions. This bill makes this pilot program permanent.

Under current law, DHS pays supplemental monthly payments for the support of dependent children to custodial parents who are receiving federal supplemental security income. The Wisconsin Works (W-2) program, administered by DCF, generally provides work experience and benefits for low-income custodial parents who are at least 18 years old. One eligibility requirement for the receipt of the state supplemental payments or for W-2 is that the custodial parent assign to the state any right he or she has to support from any other person. Of the support that is assigned to the state, a portion is the state's share and a portion is the federal government's share. Currently, all of the state's share is paid to the custodial parent, and a portion of the federal government's share is paid to the custodial parent in accordance with federal law.

This bill changes the amount of support collected that is paid to the custodial parent to 75 percent of all support collected, including both the state and federal shares. The bill also provides that, for determining eligibility for the supplemental payments for the support of dependent children, DHS must disregard any support that is received by or that is owed to the custodial parent. In addition, for a custodial parent who formerly received supplemental payments for the support of dependent children or participated in W-2 and assigned his or her right to support to the state but who is no longer receiving those supplemental payments or participating in W-2, the bill requires that 100 percent of the state's share and the federal government's share of support arrears that accrued while the custodial parent was receiving those supplemental payments or participating in W-2 and that are collected after the custodial parent ceased receiving the payments be paid to the custodial parent.

Currently, the state administers the Emergency Food Assistance Program and the Special Supplemental Nutrition Program for Women, Infants, and Children to provide food and information about nutrition to low-income people. This bill transfers the responsibilities for administering these programs and for developing a hunger prevention plan from DCF to DHS.

Current law requires, DHS to deliver food stamp benefits by means of an electronic benefit transfer system. This bill authorizes DHS to deliver any benefits that DHS administers by means of an electronic benefit transfer system if DHS obtains any necessary federal approval for using an electronic benefit transfer system; promulgates a rule adopting an electronic benefits transfer system; and allows county and tribal governments to opt out of the electronic benefit transfer

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system if the cost to the county and tribal governments of delivering benefits electronically is greater than delivering benefits by other means.

WISCONSIN WORKS

Under current law, a person who meets the eligibility requirements for W-2 and who is the custodial parent of a child who is 12 weeks old or less may receive a monthly grant of \$673 and may not be required to work in a W-2 employment position. Current law also provides generally that receiving a monthly grant as the custodial parent of an infant counts toward the time limits that apply to how long an individual may receive certain benefits only if the child was born more than ten months after the date on which the individual was first determined to be eligible for W-2.

This bill provides that if a person who is a custodial parent was participating in W-2 for at least three months before receiving a custodial parent grant, the person may receive the grant until the child is 26 weeks old instead of 12 weeks old and may not be required to work in a W-2 employment position during that time. Additionally, the bill provides that an unmarried woman who would be eligible for W-2 except that she is not a custodial parent and who is in the third trimester of a pregnancy that is at risk and that renders the woman unable to participate in the workforce may also receive a monthly grant of \$673 and may not be required to work in a W-2 employment position. The bill provides that receiving a monthly grant as the custodial parent of an infant counts toward the time limits that apply to how long an individual may receive certain benefits regardless of when the child was born in relation to when the individual was first determined to be eligible for W-2, unless the child was conceived as a result of sexual assault or incest. Receipt of a monthly grant as an unmarried pregnant woman, however, does not count toward the time limits.

This bill makes a number of changes to W-2, including the following:

1. Eliminating the limits on the lengths of time during which a participant may participate in a particular type of employment position, but retaining the overall lifetime limit for participation of 60 months.
2. Removing the specifications on the number of hours a participant in a community service job placement or a transitional placement may be required to engage in certain job-related activities and educational or training activities, but retaining an overall requirement of not more than 40 hours per week.
3. Requiring DCF to specify guidelines for determining when a participant is demonstrating a refusal to participate.
4. Providing that a W-2 participant who refuses to participate is ineligible for W-2 for three months. Under current law, a W-2 participant who refuses to participate three times is ineligible to participate in that employment position.
5. Eliminating the Learnfare Program, which subjected individuals who failed to meet certain school attendance requirements to sanctions, and requiring W-2 agencies to provide information and services aimed at connecting W-2 participants, youth, and parents with their communities, their schools, employers, workforce development programs, child care providers, and other resources.

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Currently under W-2, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, may receive a child care subsidy if the individual needs child care services to participate in various educational or work activities and satisfies other eligibility criteria. A W-2 agency determines an individual's eligibility for a child care subsidy and then refers the individual to a county department of social services or human services (county department) for local administration of child care assistance, including determining the amount of the copayment for child care that the individual must pay, providing a voucher for payment of child care services, and assisting individuals to identify child care providers and select appropriate child care arrangements.

This bill authorizes DCF to contract with a county department, W-2 agency, child care resource and referral agency, or other agency to determine eligibility for a child subsidy of individuals who reside in a particular geographic region or who are members of a particular Indian tribal unit and to administer child care assistance at the local level.

Current law provides that the cost to administer the program may not exceed 5 percent of the total distributed in the current year for child care services, 5 percent of the total distributed in the previous year for child care services, or \$20,000, whichever is greatest. This bill requires the department to allocate at least \$20,000 per year to each contract for administrative responsibilities for each geographic region or Indian tribal unit.

This bill requires court-ordered child or family support received by an applicant or recipient under the W-2 child care subsidy program to be included in income for determining child care copayment amounts and financial eligibility for a child care subsidy.

This bill authorizes DCF to do any of the following to reduce costs under the W-2 child care subsidy program:

1. Increase the copayments that individuals who receive a subsidy pay by up to 10 percent.
2. Implement a waiting list.

The bill also requires DCF to implement, effective January 1, 2010, an attendance-based rate structure for child care provider reimbursements and to increase copayments paid by individuals who receive a child care subsidy to reduce costs under the child care subsidy program by \$1,520,000 in fiscal year 2009-10 and by \$4,200,000 in fiscal year 2010-11.

Under current law, DCF must establish a program to investigate suspected fraudulent activity on the part of W-2 participants, and counties and tribal governing bodies may establish such programs. If a county or tribal governing body establishes a program, it must pay to DCF 50 percent of the amount that it recovers in the first month of the program's operation, 66 percent of the amount that it recovers in the second month, and all amounts recovered after the second month. Current law does not specify how a county or tribal governing body is to use recovered amounts that it retains, but DCF must use recovered moneys received from a county or tribal governing body for W-2 benefits.

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This bill provides that a county human or social services department, W-2 agency, or tribal governing body that administers W-2 may establish a program to investigate suspected fraudulent activity on the part of W-2 participants, may retain any amounts that are recovered, and must use the recovered moneys to pay cash benefits to W-2 participants.

MEDICAL ASSISTANCE

BadgerCare Plus (BC+) is a Medical Assistance (MA) program, administered by DHS, that provides health care benefits under two different plans, depending on the basis for a recipient's eligibility, to recipients who satisfy eligibility criteria. The first plan provides the same benefits that are provided under regular MA. The second plan, called the Benchmark Plan, provides specified benefits, including, but not limited to, coverage for prescription drugs; physicians' services; inpatient and outpatient hospital services; home health services; physical, occupational, and speech therapy; treatment for nervous and mental disorders and alcoholism and other drug abuse problems; durable medical equipment; and transportation to obtain emergency medical care. In addition to individuals who are eligible for the regular MA plan or for the Benchmark Plan, any child whose family income exceeds 300 percent of the poverty level may purchase coverage under the Benchmark Plan at the full cost of the coverage.

This bill makes a number of changes to BC+, including the following:

1. Directs DHS to provide prenatal care services under the regular MA plan for a pregnant woman with presumptive eligibility (has not applied for benefits but satisfies the eligibility criteria) whose income is not greater than 200 percent of the poverty level and to provide prenatal care services under the Benchmark Plan for a pregnant woman with presumptive eligibility whose income is greater than 200 percent but not greater than 300 percent of the poverty level.

2. Provides that any pregnant woman is eligible for BC+ benefits for any of the three months before applying for benefits if she met the eligibility criteria during that month. Under current law, only a pregnant woman whose family income is less than 150 percent of the poverty level is eligible for BC+ benefits for any of the three months before she applied for benefits.

3. Provides that only a pregnant woman with family income greater than 300 percent of the poverty level may obtain eligibility for BC+ benefits if medical expenses reduce her family income to the applicable limit for eligibility. Current law provides that any pregnant woman or unborn child may obtain eligibility if medical expenses reduce income to the applicable limit for eligibility.

4. Provides that in determining financial eligibility for BC+ benefits, a person's income is reduced by the amount of a court-ordered child or family support or maintenance obligation, up to the amount of the person's income. Current law reduces income by the amount the person actually pays in court-ordered child or family support or maintenance.

5. Provides that a person who loses eligibility for BC+ benefits for six months for failure to pay a premium retains eligibility in any month during that six-month period when his or her family income is not more than 150 percent of the poverty level.

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6. Extends eligibility for MA coverage for 12, rather than 18, months for a person over 18 years of age who was receiving MA when BC+ was implemented, who lost eligibility for MA solely because of the implementation of BC+, and who does not meet the income eligibility criteria of BC+.

7. Provides that, if approval of the state plan amendments does not allow for federal funding for benefits for any part of an eligibility group, DHS may pay for benefits for that part of the group.

Under current law, an individual who would be eligible for MA based on eligibility for supplemental security income, but who is not eligible for supplemental security income because he or she is employed, may pay premiums for coverage under MA if his or her family's net income is less than 250 percent of the poverty level and his or her assets do not exceed \$15,000. This program is known as the MA purchase plan. When determining the value of the individual's assets for continued eligibility under the MA purchase plan, DHS excludes amounts in a DHS-approved account that consists solely of savings from the individual's employment after the individual's coverage under the MA purchase plan began. These accounts are known as independence accounts.

Under current law, if an individual who has coverage under MA through the MA purchase plan ceases employment, he or she is no longer eligible for the MA purchase plan and is not eligible for MA unless his or her income and assets meets the income and asset eligibility requirements for MA generally. This bill provides that any moneys in an individual's independence account will be excluded from the calculation of assets when determining the individual's eligibility for MA.

This bill authorizes DHS to provide incentive payments to DCF for identifying children who are receiving benefits under MA and who have health insurance coverage or access to health insurance coverage and authorizes DCF to provide this information to DHS.

The bill creates the Wisconsin Quality Home Care Authority (WQHCA), which is a public body corporate and politic created by state law, but which is not a state agency. A majority of members of the WQHCA board of directors must represent the interests of recipients of home care services. The WQHCA is subject to requirements such as state purchasing requirements, lobbying laws, and the code of ethics for public officials. The WQHCA is exempt from state employment requirements, and its employees are excluded from the state retirement system. The bill requires the WQHCA to establish and maintain a registry of providers; provide referrals to individuals seeking home care services; determine the eligibility of providers for placement on the registry; develop a recruitment program for providers; operate a backup provider system with a 24-hour per day call service; conduct activities to improve the supply and quality of home care providers; and perform other tasks.

This bill provides home care providers collective bargaining rights under state law in a manner similar to that provided state employees under the State Employment Labor Relations Act (SELRA). The collective bargaining unit is structured as one statewide unit and DHS acts as the state employer.

Under current law, some MA waiver programs and other programs provide a benefit for personal care services. This bill requires that an adult who 1) hires an

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individual home care provider other than an agency, county, or independent living center employee or a health care provider; 2) is a resident of a county that agrees to abide by certain requirements or that offers certain programs; and 3) is a recipient of a home care benefit through the Family Care Program, an MA waiver program, a self-directed supports option program, an amendment to the state medical assistance plan, or the Program of All-Inclusive Care for the Elderly, must comply with certain requirements with regard to the hiring of the home care provider. The requirements include hiring only a provider eligible for inclusion on a registry maintained by the WQHCA and compensating providers in accordance with any state collective bargaining agreement pertaining to home care providers.

This bill allows DHS to charge a fee to certify entities providing personal care services and allows DHS to promulgate emergency rules for certification of entities providing personal care services.

Under current law, in certain counties, a person who meets certain functional and financial criteria and who is either a frail elder or a person who is at least 18 years old with a physical disability or a developmental disability is eligible for and may obtain the family care benefit, which is financial assistance for long-term care. This bill makes the following changes to the Family Care Program:

1. Requires that all individuals meet the functional eligibility requirements to be eligible for family care benefit. Currently, an individual may be eligible for the family care benefit if he or she does not meet the functional eligibility requirements for the family care benefit but meets other requirements.

2. Lengthens the deadline for care management organizations to provide the family care benefit to those entitled to it from 24 months to 36 months.

3. Decreases the ratio of long-term care advocates to one for every 3,500 individuals under age 60 who receive the family care benefit.

4. Eliminates the requirement that DHS allot money for the contract to provide advocacy services.

5. Requires that, for developmentally disabled individuals receiving the family care benefit, the care management organization, instead of the county, pay for services, including mental health services, covered by the Family Care Program.

Under current law, DHS regulates various types of long-term care providers, including three- and four-bed adult family homes.

This bill requires DHS to regulate one- and two-bed adult family homes. The bill provides that after the Family Care Program is implemented in a county, one- and two-bed adult family homes may not provide services for a person who is a recipient of services under the Family Care Program, a community-based long-term care MA waiver program, or supplemental security income unless the home is certified by DHS. Under the bill, DHS must certify one- and two-bed adult family homes based on certification standards established by DHS. In addition, DHS must certify one- and two-bed adult family homes that were certified by a county if the operator attests that they satisfy the certification standards established by DHS. DHS may impose fees for certification. In addition, DHS may inspect one- and two-bed adult family homes and revoke their certification for failure to satisfy certification standards.

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Currently, physical therapy, occupational therapy, and services for speech, hearing, or language disorders (therapy services) are covered under MA if they are provided by a person who is certified by DHS to provide the services.

This bill provides that if a county spends more to provide therapy services for children participating in the Birth to 3 Program, under which counties provide services to infants and toddlers with developmental delays, than the county is reimbursed under standard MA reimbursement rates, and the federal government reimburses the state the federal share of MA for the county expenditures that are in excess of the standard MA reimbursement, DHS may disburse the federal share on the excess county expenditures to the county.

DHS currently does not certify special educators to provide therapy services under MA. This bill provides that services to assess and promote skill acquisition that are provided by special educators to children participating in the Birth to 3 Program are covered under MA if the county pays the entire state share of MA for the services. The bill requires DHS to establish certification criteria for special educators.

This bill requires DHS to request a waiver of federal Medicaid law to allow the state to provide home and community-based services under MA to children who participate in the Birth to 3 Program. The bill provides that if the waiver is granted, counties must pay the nonfederal share of MA costs for services provided under the waiver.

This bill specifies that DHS may implement through MA the state plan option under the federal Social Security Act, which provides federal funding for home and community-based services for people with mental illness.

Under current law, DHS reimburses certain costs of services provided by a state center for the developmentally disabled. Under the community integration program for residents of state centers for the developmentally disabled (the CIP IA program), DHS must reduce the reimbursement to a center by \$325 per day following the relocation of an individual from the center to a community setting. This bill eliminates the fixed amount of the reduction.

Under current law, if a person under the age of 22 or a person over the age of 64 is civilly committed in a state mental health institute, DHS pays the portion not paid by the federal government of the costs of the services the state mental health institute provides. Under this bill, the county must pay the portion not paid by the federal government.

Under current law, DHS has a waiver of federal Medicaid law to conduct a demonstration project to provide family planning services under MA to women between the ages of 15 and 44 with family incomes of not more than 200 percent of the federal poverty level. This bill allows DHS to request an amended waiver from the federal Department of Health and Human Services to expand the current family planning demonstration project to include men.

Under current law, DHS administers the Senior Care Program to provide prescription drugs to certain elderly persons at reduced prices. Pharmacies may charge a Senior Care enrollee only the program payment rate for prescription drugs, until the enrollee has met an annual deductible, if applicable, and thereafter may

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charge the enrollee only a specified copayment amount. When an enrollee pays only the copayment, DHS reimburses the pharmacy the program payment rate minus the copayment. The program payment rate is equal to 105 percent of the MA prescription drug payment rate plus a dispensing fee. This bill reduces the program payment rate to 100 percent of the MA prescription drug payment rate plus a dispensing fee.

Current law requires that DHS establish a mechanism for reviewing petitions from nursing homes for modification of MA payments and develop criteria for granting modifications. Upon conducting a review, DHS may modify an MA payment to a nursing home, as long as the modified payment does not exceed federal maximum reimbursement levels. This bill repeals the requirement that DHS establish a mechanism for reviewing petitions from nursing homes to modify MA payments.

Current law requires the Board of Regents of the UW System to transfer \$15,000,000 to the Medical Assistance trust fund in each fiscal year through 2010–11. This bill increases the amount that the Board of Regents must annually transfer to the Medical Assistance trust fund to \$27,500,000, effective for fiscal year 2008–09, and requires the Board of Regents to make the transfer through fiscal year 2012–13.

Currently, the federal government pays a specified percentage of the allowable costs of MA benefits. Currently, for some MA benefits, the provider contributes the entire state share of the cost of providing the benefit and the state disburses to the provider the federal share of the allowable costs of providing the benefit.

This bill provides that regardless of whether the specified federal percentages for federal fiscal years 2009 or 2010 are increased above the percentages published on November 28, 2007, and November 26, 2008, for certain benefits for which the state disburses the federal share to the provider, the state shall use the percentages published on those dates to calculate the federal share for benefits provided between October 1, 2008, and December 31, 2010.

HEALTH

Current law prohibits smoking in mass transit vehicles and specified indoor locations, including inpatient health care facilities, such as community based–residential facilities and nursing homes, prisons and jails, restaurants, and governmental buildings.

With limited exceptions, a smoking area may be designated at an indoor location by the person who is in charge of that location.

Under this bill, smoking areas at the specified indoor locations may no longer be designated, resulting in a complete ban on indoor smoking at those locations with exceptions for private residences, a limited number of designated rooms in lodging establishments and certain residence rooms in assisted living facilities. In addition to the specified indoor locations listed under current law, the bill prohibits smoking in any public place or place of employment.

Current law provides exemptions from the prohibition against smoking for bowling centers, taverns, halls used for private functions, rooms in which the main

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occupants are smokers, and areas of facilities that are used to manufacture or assemble goods, products, or merchandise. This bill eliminates these exemptions.

Current law allows smoking in any restaurant that has a seating capacity of no more than 50 individuals, or that holds a liquor license, if the sale of alcohol beverages accounts for more than 50 percent of the restaurant's receipts. This bill prohibits smoking in any restaurant regardless of the seating capacity or the number of liquor sale receipts.

Current law allows smoking in any tavern holding a "Class B" intoxicating liquor license or Class "B" fermented malt beverages license issued by a municipality. This bill prohibits smoking in any tavern. The bill also specifically prohibits smoking in private clubs.

Under current law, smoking is prohibited outside in limited instances. This bill adds a general prohibition against smoking outside within less than a reasonable distance from any entrance to a building, a window that may be opened, or a ventilation opening that draws air inside. The bill also specifically prohibits smoking in sports arenas and bus shelters.

Current law does not limit the authority of a municipality or county to enact smoking ordinances that protect the public's health and comfort. This bill makes no change in this provision.

This bill requires that persons in charge of places where smoking is prohibited enforce the prohibitions by taking certain steps to ensure compliance, such as asking a person who is smoking to leave and refusing to serve the person if the place is a restaurant, tavern, or private club.

Under current law, the Group Insurance Board, attached to DETF, administers a pharmacy benefits purchasing program that is available for all public and private sector employers in this state and all residents of this state. The program for private sector employers and other residents of this state, developed under contract with Navitus Health Solutions, is called BadgerRx Gold. This bill transfers the BadgerRx Gold program to DHS.

Under current law, DHS awards grants to organizations to provide mental health treatment and other services to women who are convicted of non-violent offenses and their dependent children. This bill eliminates this grant program.

LONG-TERM CARE

Currently, the state imposes a monthly, per-bed assessment on nursing homes that may not exceed \$75. This bill increases the maximum amount of the assessment to \$150 in fiscal year 2009-10 and \$170 in each fiscal year thereafter.

Current law imposes a cap on the number of nursing home beds that may be licensed statewide. DHS allocates the number of authorized licensed beds among seven planning areas and to nursing homes within the planning areas. A nursing home may transfer an authorized licensed bed to another nursing home if the receiving nursing home is in the same planning area as the transferring nursing home or in a county adjoining the planning area and the transferring and receiving nursing homes are under common ownership. This bill allows a nursing home to transfer an authorized licensed bed to another nursing home regardless of location

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or ownership of the nursing homes as long as the nursing homes notify DHS and DHS approves the transfer.

Currently, DHS may place a monitor in, and the secretary of health services may petition for appointment of a receiver for, a nursing home or community-based residential facility (CBRF) when any of several conditions (for example, operating without a license or in the event of an emergency) exist. This bill specifies two additional conditions for placement of a monitor or petitioning for appointment of a receiver: 1) DHS or the nursing home or CBRF determines that estimated operating expenses of the nursing home or CBRF significantly exceed anticipated revenues; and 2) the nursing home or CBRF or its operator has been charged with or convicted of MA fraud, fraud under the federal Medicare Program, or the abuse or neglect of residents of the nursing home or CBRF. The bill also permits a monitor placed in a nursing home or CBRF to assist in financial management.

Currently, licensure fees for CBRFs and adult family homes (AFHs), as well as the certification fee for adult day care centers (ADCCs), are established by statute, though DHS may increase the certification fee for ADCCs by rule. This bill increases the licensure fees for CBRFs and AFHs and the certification fee for ADCCs. In addition, the bill authorizes DHS to increase the licensure fees for CBRFs and AFHs by rule.

This bill authorizes DHS to assess a \$200 fee against a hospital, nursing home, CBRF, residential care apartment complex, AFH, hospice, home health agency, or ADCC if DHS takes enforcement action against the facility or provider and subsequently conducts an on-site inspection to review the facility's or provider's action to correct the violation.

Under current law, the long-term care ombudsman investigates complaints of improper care in, and serves as an advocate for residents of, nursing homes, CBRFs, AFHs, hospices, facilities providing care under continuing care contracts, and swing beds in hospitals.

This bill authorizes the ombudsman to investigate complaints in, and serve as an advocate for residents of, residential care apartment complexes, and requires residential care apartment complexes to post a notice regarding the ombudsman program.

MENTAL ILLNESS AND DEVELOPMENTAL DISABILITIES

Under current law, a person on supervised release after being institutionalized as a sexually violent person is in the custody and control of DHS and is subject to conditions and rules. For the first year of supervised release, such a person is restricted to his or her home except for limited outings supervised by an escort from DOC. This bill authorizes DHS to permit an outing without direct escort supervision.

Under current law, if a court has reason to doubt the competency of a criminal defendant, the court may require an examination to determine whether the defendant is competent to proceed to trial. If the examiner determines that the defendant is not competent, but may attain competency with treatment, the court must suspend the criminal proceedings and commit the defendant to DHS for placement in a mental health institution for up to 12 months, or for the maximum sentence specified for the most serious offense with which the defendant is charged,

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whichever is less. This bill reduces the maximum commitment time to six months, or the maximum sentence specified for the most serious offense with which the defendant is charged, whichever is less.

Under current law, if a defendant is found not guilty of a crime by reason of mental disease or mental defect, the court must commit the person to either institutional care or conditional release. If the court lacks sufficient information to decide between institutional care and conditional release, the court may order a predisposition investigation of the person or a supplementary mental examination, or both. Under this bill, the court may order only a predisposition investigation.

CHILDREN***Out-of-homecare***

Under current law, any person who provides care and maintenance for four or fewer children must obtain a license to operate a foster home and any person who provides care and maintenance and structured, professional treatment for four or fewer children must obtain a license to operate a treatment foster home. A foster parent is reimbursed for basic maintenance according to age-related rates specified by law and may receive a supplement for special needs, exceptional circumstances, and initial clothing allowances according to DCF rules. In addition, a treatment foster parent receives a supplement for providing treatment foster care. A relative who provides care and maintenance for a child is not required to obtain a foster or treatment foster home license, but may be eligible for kinship care payments of \$215 per month.

This bill eliminates kinship care payments and treatment foster homes as a separate licensing category effective on January 1, 2010. Instead, the bill requires DCF to promulgate rules as follows:

1. Rules specifying levels of care that a foster home is licensed to provide. The levels must be based on the knowledge, skill, training, experience, and other qualifications that are required of the licensee, the licensee's responsibilities, the needs of the children placed with the licensee, and any other requirements that DCF may promulgate by rule.

2. Rules establishing a standardized tool to assess the needs of a child placed outside the home, to determine the level of care that is required to meet those needs, and to place the child in a placement that meets those needs. A foster home may provide foster care for any child whose needs are assessed at or below the level of care that the foster home is licensed to provide.

3. Rules providing monthly reimbursement rates for foster care that are commensurate with the level of care that the foster home is licensed to provide and the needs of the child who is placed in the foster home. Those rates are added to the basic maintenance rates for foster care (which the bill increases by 5 percent on January 1, 2010, and by an additional 5 percent on January 1, 2011) and must include supplemental payment rates for special needs, exceptional circumstances, and initial clothing allowances for children placed in a foster home.

4. Rules providing a monthly fee for a foster home that agrees to maintain openings for emergency placements.

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A person who is licensed to operate a treatment foster home on December 31, 2009, is deemed licensed to operate a foster home beginning on January 1, 2010, and must be reimbursed for foster care at the rate determined under the DCF rules. A recipient of kinship care payments on December 31, 2009, is deemed licensed to operate a foster home beginning on January 1, 2010, and must be reimbursed at that rate, if the person passes the background investigation required of foster parents.

Under current law, a residential care center for children and youth (residential care center) and a group home must establish a per client rate for their services and must submit that rate and any change in that rate to DCF before charging any purchaser of those services.

This bill requires DCF to establish the per client rate. DCF must also establish per client “administrative rate” that a child welfare agency may charge for the administrative portion of its treatment foster care services provided beginning on January 1, 2011. The administrative rate is the difference between the rate charged by a child welfare agency to a purchaser of treatment foster care services and the rate paid by the child welfare agency to a treatment foster parent for the care and maintenance of a child. The bill also freezes for 2010 at the 2009 level the per client rate that a residential care center or a group home may charge for its services and the per client administrative rate that a child welfare agency may charge for the administrative portion of its treatment foster care services.

Under the bill, DCF must determine whether a rate proposed by a residential care center, group home, or child welfare agency is appropriate to the level of services to be provided; the qualifications of the residential care center, group home, or child welfare agency to provide those services; and the reasonable and necessary costs of providing those services. If DCF determines that a proposed rate is appropriate, DCF must approve it. If DCF does not approve a proposed rate, DCF must negotiate a rate with the residential care center, group home, or child welfare agency. If negotiations fail, the parties must engage in mediation. If mediation fails, the residential care center, group home, or child welfare agency may not provide the service for which the rate was proposed.

Current law requires a treatment foster parent to receive training before a child is placed in his or her home and requires ongoing training in the specific needs of the treatment foster parent after licensing. Additionally, a foster or treatment foster parent caring for a child with special needs may voluntarily participate in an education program. This bill requires all foster and treatment foster parents to successfully complete training in the care and support needs of children who are placed in foster or treatment foster care.

Under current law, when a person applies for or receives kinship care payments for the care of a child, any right of the child or of the child’s parent to support or maintenance from any other person, including any right to unpaid amounts accrued at the time of application for those payments or that aid (pre-assistance arrears), is assigned to the state. Beginning on October 1, 2009, this bill eliminates assignment to the state of any right of a child or parent to pre-assistance arrears and releases any right to pre-assistance arrears assigned to the state before that date to the person who assigned that right to the state.

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Under current law, immediately after receiving a report of child abuse or neglect, a county must determine whether a caregiver of the child is suspected of the abuse or neglect. If so, the county must investigate to determine whether the child is in need of protection or services. If another person is suspected of the abuse or neglect, the county may investigate. If the report is of child sexual abuse, the county must refer the report to the sheriff or police department. Within 60 days after receiving a report that it investigates, a county must determine whether abuse or neglect has occurred or is likely to occur. If a county determines that a specific person has abused or neglected a child, that person may appeal under procedures promulgated by DCF by rule.

This bill requires DCF to establish a pilot program under which a county must respond to such a report as follows:

1. If the county finds reason to suspect that substantial abuse or neglect has occurred or is likely to occur or that an investigation is otherwise necessary to ensure the safety of the child and his or her family, the county must investigate the report as provided under current law.

2. If the county finds reason to suspect that abuse or neglect, other than substantial abuse or neglect, has occurred or is likely to occur, but that there is no immediate threat to the safety of the child and his or her family and intervention by the juvenile court is not necessary, the county must conduct a comprehensive assessment of the safety of the child and his or her family, the risk of subsequent abuse or neglect, and the strengths and needs of the child's family to determine whether services are needed. Based on the assessment, the county must offer services to the child's family on a voluntary basis or refer the child's family to a service provider in the community. If the county conducts an assessment, the county is not required to refer the report to the sheriff or police department or determine whether abuse or neglect has occurred or is likely to occur or whether a specific person has abused or neglected the child.

3. If the county finds no reason to suspect that abuse or neglect has occurred or is likely to occur, the county must refer the child's family to a service provider in the community but is not required to conduct an assessment, refer the report to the sheriff or police department, or determine whether abuse or neglect has occurred or is likely to occur or whether a specific person has abused or neglected the child.

Under the current Child Abuse and Neglect Prevention Program, DCF awards grants to no more than six rural counties, three urban counties, and two Indian tribes that offer voluntary home visitation services to first-time parents who are eligible for MA. Current law requires DCF to determine the amount of a grant awarded to a county or an Indian tribe in excess of \$10,000 based on the number of births that are funded by MA in that county or the reservation of that Indian tribe in proportion to the number of those births in all of the counties and the reservations of all of the Indian tribes to which grants are awarded. Currently, a grant may be used to make payments totalling not more than \$1,000 per year for the appropriate expenses of a participating family. A county, other than Milwaukee County, or an Indian tribe may also use a grant to provide case management services for a participating family.

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This bill makes all of the following changes to the Child Abuse and Neglect Prevention Program:

1. Eliminates the caps on the number of counties and Indian tribes that may be selected to participate.

2. Requires DCF to determine the amount of a grant in excess of \$10,000 based on the number of births that are funded by MA in a county or a reservation of an Indian tribe, without regard to the number of those births in other counties and reservations, and on the rate of poor birth outcomes, including infant mortality, premature births, low birth weights, and racial or ethnic disproportionality in the rate of those outcomes, in the county or reservation.

3. Provides that if a family with a child who is at risk of abuse or neglect has been continuously receiving home visitation services for not less than 12 months, those services may continue until the child reaches three years of age, whether or not the child continues to be eligible for MA.

4. Permits Milwaukee County to use grant funds to provide case management services.

5. Eliminates the cap on the amount that a county or Indian tribe may pay per year for the expenses of a family participating in the program and instead requires a county or Indian tribe to pay not less than \$250 per year for those expenses.

6. Eliminates the authority of a county or Indian tribe that receives a grant to provide home visitation services to a person who is not eligible for the program, but who is at risk for perpetrating child abuse or neglect.

7. Requires a county or Indian tribe that receives a grant to do all of the following:

a. Agree to match at least 25 percent of the grant amount.

b. Offer voluntary home visitation services to all, not just first-time, pregnant women who are eligible for MA and to commence those services during the prenatal period.

c. Reinvest in the program a portion of the MA reimbursement received by the county or Indian tribe.

d. Implement strategies, in collaboration with local prenatal care coordination providers, aimed at achieving healthy birth outcomes.

Child care

Under current law, a day care center licensed by DCF may be reimbursed under the W-2 program for child care provided for a person who is eligible for a child care subsidy. This bill requires DCF to provide a quality rating system for licensed day care centers that are reimbursed under W-2 or that volunteer for rating under the system. The rating information must be made available, including on DCF's Internet site, to parents, guardians, and legal custodians of children who are recipients, or prospective recipients, of care and supervision from a rated day care center.

Under current law, a child care provider, other than a day care center licensed by DCF or established or contracted by a school board, must be certified by a county in order to be reimbursed for child care provided to a person who is eligible for a child care subsidy under W-2. This bill permits DCF to contract with a W-2 agency, child care resource and referral agency, or other agency to certify child care providers in

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a particular geographic area or Indian tribal unit for purposes of reimbursement under W-2.

Under current law, a day care center that provides care and supervision for nine or more children must pay a biennial license fee of \$30.25, plus \$10.33 per child based on licensed capacity. This bill raises the per child fee to \$16.94.

OTHER HEALTH AND HUMAN SERVICES

Under current law, DHS may recover payments for health care services under MA resulting from a misstatement or omission of fact by a person supplying information in an application for benefits. If DHS provides any medical assistance to a person as a result of an injury, for example, that was caused by a third party, DHS may recover from the third party the amount of the medical assistance provided. Also under current law, if an individual is delinquent in the payment of court-ordered child or family support (support) or maintenance, his or her name, social security number, and amount of support or maintenance owed is posted on a statewide support lien docket.

This bill requires every insurer authorized to do business in this state, before paying any claim of \$500 or more, to verify with DHS that the individual to whom the claim is to be paid does not owe an amount that was incorrectly paid under MA or an amount that DHS may recover because of medical assistance provided to another person (medical assistance liability) and to ensure that the individual does not have an overdue support or maintenance obligation (support liability). If the individual has a support or medical assistance liability, the insurer must pay the claim proceeds, up to the amount of the support or medical assistance liability, to DCF or DHS and pay any remainder to the individual.

Under current law, the fee for a copy of a birth certificate, death certificate, marriage certificate, or divorce or annulment certificate is \$20, the fee for expedited issuance of a copy of one of these certificates is \$20, and the fee for an additional copy of the same birth certificate at the same time is \$3. Current law reduces these fees, effective July 1, 2010, to the following amounts: for a copy of a birth certificate, \$12; for a copy of a death certificate, marriage certificate, or divorce or annulment certificate, \$7; and for expedited issuance of a copy of a certificate, \$10.

This bill repeals the scheduled fee reductions for certificates, increases the fee for a copy of a birth certificate to \$22, and increases the fee for an additional copy to \$5.

Under current law, with few exceptions, a patient's health information is confidential unless the patient gives informed consent to release the information. Hospitals, physicians, and certain laboratories, however, must report to DHS information concerning any person diagnosed as having cancer or a precancerous condition.

This bill allows DHS to disclose otherwise confidential cancer report information to a cancer researcher who submits an application with his or her qualifications, a written research protocol, documentation of approval of the protocol by an institutional review board, and any information that DHS requests. The bill prohibits the researcher from disclosing the cancer information obtained from DHS except in certain circumstances. Anyone who discloses a patient's confidential

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cancer information is liable to that patient for damages and may be subject to a fine or imprisonment.

Under the current childless adults program, DHS provides health care coverage to adults under the age of 65 who have incomes not exceeding 200 percent of the federal poverty line and who are not otherwise eligible for MA or Medicare. One of the eligibility criteria under the AZT-reimbursement is that an individual must have applied for coverage under and been denied eligibility for MA within 12 months before applying for reimbursement. With a number of exceptions for different types of MA coverage, including coverage under the childless adults program, persons who are eligible for MA are not eligible for coverage under HIRSP.

This bill provides that individuals who are eligible for coverage under the Benchmark Plan under BC+ are not for that reason ineligible for HIRSP. The bill also eliminates the requirement under the AZT-reimbursement program, that an individual must have applied for coverage under and been denied eligibility for MA within 12 months before applying for reimbursement, for individuals who are eligible for the childless adults program or the Benchmark Plan under BC+.

Under current law, DHS awards grants totaling \$225,000 annually for respite care for individuals with special needs or individuals who are at risk of abuse or neglect. This bill eliminates this program.

This bill eliminates the requirement for DHS or its attached entities to make recommendations regarding physical disabilities and hunger prevention, to collect information on hospital newborn hearing screenings, and to submit reports on the following subjects: the impact of the relocations of residents of state centers for the developmentally disabled on state employees, motor vehicle use by physically disabled persons, hunger prevention, the Badger Care Program, medical assistance certified pharmacists, care and service facilities, nursing home Class A violations, rehabilitation requests under the caregiver background requirements, the Birth to 3 Program, activities related to treatment of alcoholism, the state emergency medical services plan, statewide immunization, newborn hearing screening, birth defect surveillance, and tobacco use cessation grants.

INSURANCE**HEALTH INSURANCE*****Independent review***

Under current law, every insurer that issues a group or individual health benefit plan must have an internal grievance procedure and an independent review procedure for certain adverse decisions after the internal grievance procedure has been exhausted. Generally, the adverse decision must relate to the insurer's denial, reduction, or termination of a health care service or payment for a health care service on the basis that the service was experimental or did not meet the plan's requirements for medical necessity, appropriateness, health care setting, level of care, or effectiveness. An independent review may be conducted only by an independent review organization that has been certified by OCI.

This bill adds the rescission of a policy or certificate and a coverage denial determination based on a preexisting condition exclusion to the types of adverse decisions that are eligible for independent review. The bill also eliminates the \$25

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fee for an independent review. In addition, the bill requires every insurer that issues individual health benefit plans to report to OCI annually the number of plans issued by the insurer in the preceding year and the number of plans with respect to which the insurer initiated or completed a cancellation or rescission in the preceding year.

Preexisting condition exclusions

Under current law, an insurer may impose a preexisting condition exclusion for up to two years under an individual health insurance policy and there is no limit on how long before an insured's coverage began a condition may have existed to be treated as a preexisting condition. Under a group health insurance policy, a preexisting condition exclusion generally may not exceed one year and the insurer may impose an exclusion only with respect to conditions for which treatment was received or recommended within six months before coverage began. This bill provides that under an individual health insurance policy, an insurer may impose a preexisting condition exclusion for up to one year for a condition for which treatment was received or recommended within one year before the insured's coverage began.

Modifications at renewal of individual health insurance

Currently, with some exceptions, an insurer must renew an individual health insurance policy at the request of the insured. At renewal, the insurer may modify the policy form uniformly among all individuals with coverage under that policy form. This bill requires an insurer, at renewal of an individual health insurance policy and at the request of the insured, to issue comparable coverage that the insurer currently offers or coverage currently offered by the insurer that has more limited benefits or a higher deductible or to provide a higher deductible under the insured's current coverage. An insurer must annually mail to each insured under an individual policy issued a notice that informs the insured of his or her right to elect alternative coverage and that describes the alternatives and the procedure for electing the alternative coverage.

Uniform application for individual health insurance

This bill requires OCI to prescribe uniform questions and the format for applications that all insurers offering individual health insurance policies must use on an application for such a policy.

Dependent coverage

Current law contains a number of provisions related to coverage of dependents under health insurance policies, such as requiring a health insurer that covers a child of an insured also to cover any child of the insured's child until the insured's child is 18 years old and prohibiting a health insurer from terminating coverage of a dependent child who reaches the age at which the insurer no longer covers dependents if, and while, the child is incapable of self-sustaining employment because of mental retardation or physical handicap and is dependent on the insured for support and maintenance. Current law, however, does not require a health insurer to cover a dependent of an insured up to any particular age or, for example, because a dependent is a full-time student.

Under this bill, a health insurer that provides coverage for dependents must cover any child of an insured if the child is unmarried, is under 27 years old, does not

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have other health care coverage, and is not employed full time by an employer that offers health care coverage to its employees. The coverage requirement applies to both individual and group health insurance policies and plans, including those offered by the state, and to self-insured health plans of counties, cities, villages, towns, school districts, and the state.

Requirement for health insurer to cover claims

This bill prohibits a health insurer from refusing to cover claims for health care services provided to an insured on the basis that there may be coverage for those services under a liability insurance policy.

MOTOR VEHICLE INSURANCE***Proof of financial responsibility***

Current law imposes certain financial responsibility requirements on owners and operators of motor vehicles involved in accidents. If a motor vehicle accident results in injury, death, or property damage of \$1,000 or more, DOT must notify the operator and owner of the vehicle that the person must deposit with DOT security for the accident in an amount that DOT has determined is sufficient to satisfy any resulting judgment for damages. Unless an exception applies, if a person fails to timely deposit security after this notice, DOT must suspend the person's operating privilege if the person was the vehicle operator and suspend all vehicle registrations of the person if the person was the vehicle owner. One exception applies to a person who provides proof of financial responsibility. In addition, if DOT receives a certified copy of a judgment for damages of \$500 or more arising out of a motor vehicle accident, DOT must immediately suspend the operating privilege and all registrations of the judgment debtor unless he or she can provide proof of financial responsibility. In both situations, proof of financial responsibility includes coverage under a motor vehicle liability insurance policy with the following minimum limits for any single accident: \$25,000 for bodily injury to or death of one person, \$50,000 for bodily injury to or death of more than one person, and \$10,000 for property damage.

This bill increases the minimum limits required under a policy that is acceptable proof of financial responsibility to \$100,000 for bodily injury to or death of one person, \$300,000 for bodily injury to or death of more than one person, and \$25,000 for property damage.

Uninsured motorist and medical payments coverages

Under current law, all motor vehicle liability insurance policies must include uninsured motorist coverage of at least \$25,000 per person and \$50,000 per accident and medical payments coverage of at least \$1,000 per person. Uninsured motorist coverage provides coverage for persons who are legally entitled to recover damages for bodily injury from owners or operators of motor vehicles that are not insured. Medical payments coverage pays for medical or chiropractic services provided to persons who are injured while using the insured motor vehicle.

This bill increases the required level of uninsured motorist coverage to \$100,000 per person and \$300,000 per accident, and increases the level of required medical payments coverage to \$10,000.

ASSEMBLY BILL 75***Underinsured motorist coverage***

Current law, while not requiring that motor vehicle liability policies include underinsured motorist coverage, requires insurers to provide written notice of the availability of that coverage to one insured under each policy written after, or in effect on, October 1, 1995, that does not include the coverage. If an insured accepts the coverage after receiving notice of its availability, the policy must include the coverage in limits of at least \$50,000 per person and \$100,000 per accident. Underinsured motorist coverage provides coverage for persons who are legally entitled to damages for bodily injury from owners or operators of underinsured motor vehicles. “Underinsured motor vehicle” is not defined in the statutes.

This bill requires every motor vehicle liability insurance policy to include underinsured motorist coverage of at least \$100,000 per person and \$300,000 per accident. In addition, the bill defines an underinsured motor vehicle as a motor vehicle that is involved in an accident with an insured and which, at the time of the accident, was covered by a motor vehicle liability insurance policy with limits that are less than the amount needed to fully compensate the insured for his or her damages.

Umbrella and excess liability insurance policies

Current law exempts umbrella and excess liability insurance policies from the requirement that a policy covering motor vehicle liability include uninsured motorist coverage. Nothing in current law, however, exempts an insurer writing umbrella or excess liability insurance policies from the requirement to provide notice of the availability of underinsured motorist coverage.

This bill affirmatively requires an insurer that writes umbrella or excess liability policies that cover motor vehicle liability to make a written offer of both uninsured motorist coverage and underinsured motorist coverage whenever application is made for such a policy. The bill provides that, if an insurer fails to provide a required written offer of uninsured or underinsured motorist coverage and the umbrella or excess liability policy does not include the coverage, or coverages, for which an offer was not given, a court must, on the request of the insured, reform the policy to include the coverage or coverages with the same limits as the liability coverage limits under the policy.

Miscellaneous motor vehicle liability insurance provisions

Under current law, uninsured motorist coverage does not apply if an accident occurs without actual contact between two vehicles. This bill provides that actual contact is not necessary for uninsured motorist coverage to apply.

Current law specifies a number of provisions that are permissible in a motor vehicle liability insurance policy and a number of provisions that are prohibited in such a policy. This bill prohibits the following currently permissible provisions prohibited in a motor vehicle liability insurance policy:

1. Providing that, regardless of the number of policies, persons, or vehicles involved, the limits for coverage under the policy may not be added to the limits for similar coverage applying to other motor vehicles to determine an overall limit of coverage available for a person in any one accident.

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2. Providing that the maximum amount of uninsured or underinsured motorist coverage available for bodily injury or death suffered by a person not using a motor vehicle in an accident (such as a pedestrian) is any single limit of uninsured or underinsured motorist coverage for any vehicle with respect to which the person is insured at the time of the accident.

3. Providing that the maximum amount of medical payments coverage available for bodily injury or death suffered by a person not using a motor vehicle in an accident is any single limit of medical payments coverage for any vehicle with respect to which the person is insured at the time of the accident.

4. Providing that the limits under the policy for uninsured or underinsured motorist coverage for bodily injury or death resulting from an accident are reduced by amounts paid or payable by or on behalf of a person or organization that is legally responsible for the bodily injury or death; amounts paid or payable under any worker's compensation law; or amounts paid or payable under any disability benefits laws.

5. Providing that any coverage under the policy does not apply to a loss resulting from the use of a motor vehicle that is owned by the named insured or a spouse or relative of the named insured who lives in the named insured's household, that is not described in the policy, and that is not covered under the terms of the policy as a newly acquired or replacement motor vehicle.

OTHER INSURANCE

Under current law, a care management organization is certified by and contracts with DHS to administer the Family Care Program, which provides financial assistance for long-term care to eligible individuals.

This bill requires that, in order to provide family care services, a care management organization that does not also provide primary or acute medical care must also obtain a permit from OCI. OCI may issue a permit if, after consulting with DHS, it finds that: 1) the care management organization has met all requirements of law, 2) the directors, principal officer, or any controlling person are trustworthy and competent to engage in the proposed services, and 3) the care management organization's business plan is consistent with the interests of Family Care Program enrollees and the public. Under certain circumstances, OCI may revoke or suspend a permit.

Care management organizations that have a permit are subject to requirements under the bill similar to requirements in current law applicable to insurance companies, such as complying with OCI's request for reports, submitting to examinations and audits, paying the costs of examination, complying with OCI rules, reporting transactions with affiliates of the care management organization, and reporting changes in ownership or management of the care management organization to OCI. A care management organization with a permit must also deposit an amount determined by DHS, to pay for services on behalf of an insolvent or financially hazardous care management organization.

The bill also requires that Family Care Program enrollees not be held liable for any obligations of the care management organization.

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Under current law, for each notification or renewal of an insurance agent's appointment, the insurance company must pay to OCI a fee of not more than \$8 for a resident agent and \$24 for a nonresident agent. This bill eliminates the maximum fee and requires that the fee be paid in an amount, at times, and under procedures, set by OCI.

Under current law, a fraternal benefit society may provide insurance coverage only to its members and their spouses and dependent children. The bill authorizes fraternal benefit societies to provide insurance coverage to the domestic partners of fraternal members.

JUSTICE AND LAW ENFORCEMENT

This bill requires a law enforcement agency to collect the following information concerning motor vehicle stops made in any county having a population of 125,000 or more (populous county) on or after January 1, 2011: 1) the name, address, gender, and race of the vehicle operator; 2) the reason for the stop; 3) the make and year of the vehicle; 4) the date, time, and location of the stop; 5) whether a law enforcement officer conducted a search of the vehicle, operator, or any passenger and, if so, whether the search was with consent or by other means; 6) the name, address, gender, and race of any person searched; and 7) the name and badge number of the officer making the stop.

The information that is collected is not subject to inspection or copying as a public record, but must be submitted to DOJ. DOJ must then compile and analyze it, along with any other relevant information, to determine, both for each law enforcement agency and as an aggregated total for all law enforcement agencies in populous counties, whether the number of stops and searches involving vehicles operated or occupied by members of a racial minority are disproportionate compared to the number of stops and searches involving vehicles operated or occupied solely by persons who are not members of a racial minority. If DOJ finds that the number of stops and searches involving racial minorities is disproportionate compared to the number of stops and searches involving nonminorities, DOJ must then determine whether it is the result of racial profiling, racial stereotyping, or other race-based discrimination or selective enforcement. DOJ must prepare an annual report that summarizes the information submitted to it and describes the methods and conclusions of its analysis of the information.

Under current law, no person may be appointed as a law enforcement officer unless the person has been certified by the Law Enforcement Standards Board (LESB) after completing a training program approved by LESB. This bill requires additional training on cultural diversity, including sensitivity toward racial and ethnic differences, to prevent racial profiling, racial stereotyping, or other race-based discrimination.

Current law allows DOJ to grant compensation to the spouse of a person who is killed or injured while trying to prevent a crime, trying to detain a criminal, or trying to assist a crime victim or a law enforcement officer. This bill allows a domestic partner to receive the same compensation that a spouse receives under current law.

Under current law, DOJ charges firearms dealers an \$8 fee to conduct a firearms restrictions record search, which includes a criminal history search and a

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search to determine if the prospective buyer is prohibited from purchasing a firearm by state law. Forty-eight hours after requesting the search, the dealer may complete the sale, unless DOJ has informed the dealer that the purchase is prohibited.

This bill increases the fee to \$30.

This bill increases from \$8 to \$13 the crime laboratory and drug enforcement surcharge a court must assess when imposing a penalty or placing a person on probation for a violation of state law or a local ordinance.

Under current law, DOJ must impose a fee for a criminal history search that is not related to criminal justice or to a handgun purchase. The current fee is \$2 for a search requested by a nonprofit organization and \$5 for a search requested by a governmental agency. This bill changes both fees to \$7.

Under current law, if a person files a civil action, an action in small claims court, or a wage garnishment action, or if the person is assessed a civil forfeiture, the person generally pays a \$12 justice information surcharge. Of that amount, \$6 is credited to the consolidated court automation program (CCAP), \$5 is credited to the automated justice information system, and \$1 remains in the general fund.

This bill increases the justice information surcharge to \$18. Under the bill, \$6 is credited to CCAP, \$7.50 is credited to the automated justice information system, \$1.50 is credited to the Office of Justice Assistance (OJA) for statistical gathering and analyses, \$2 is credited to DOA for assistance to indigent civil litigants, and \$1 remains in the general fund.

Current law requires OJA to provide staff support for oversight and development of a statewide public safety interoperable communication system. This bill authorizes OJA to charge state public safety agencies a fee for using the system.

This bill eliminates a grant program, administered by OJA, that provides funding to law enforcement agencies for digital recording equipment for making audio or audio and visual recordings of custodial interrogations or for training personnel to use such equipment.

Under current law, OJA awards grants to counties to provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or drugs. This bill requires OJA to award a grant of \$371,200 in 2010 and in 2011 to the county with the highest crime rate among counties having a population of 500,000 or more, upon approval of the county's grant application.

The bill also requires OJA to provide \$495,000 in 2010 and in 2011 to the county that has the highest crime rate among counties having a population of 500,000 or more to perform presentencing assessments on a portion of the people convicted of a Class F, G, H, or I felony or a misdemeanor, for the purpose of providing courts information for sentencing decisions.

LOCAL GOVERNMENT

Under current law, local levy limits apply to the property tax levies that are imposed in December 2007 and 2008. Current law prohibits any city, village, town, or county (political subdivision) from increasing its levy by a percentage that exceeds its valuation factor, which is the greater of either 2 percent or the percentage change in the political subdivision's equalized value due to new construction, less improvements removed, except that for 2007 the levy limit is 3.86 percent. In

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addition, the calculation of a political subdivision's levy does not include any tax increment that is generated by a tax incremental district.

This bill extends the levy limits to the property tax levies that are imposed in December 2009 and 2010, and increases the 2009 and 2010 limit to the greater of either 3 percent or the percentage change in the political subdivision's equalized value due to new construction, less improvements removed. Under the bill, the base amount of a political subdivision's levy, on which the levy limit is imposed, is the maximum allowable levy for the immediately preceding year.

This bill authorizes a first class city (presently only Milwaukee) to issue appropriation bonds on a one-time basis, other than refunding bonds, to pay all or any part of the city's unfunded prior service liability with respect to an employee retirement system of the city. An appropriation bond is any bond, note, or other obligation of a city issued as provided in the bill to evidence the city's obligation to repay borrowed money that is payable from various sources, including moneys annually appropriated by the city for debt service due with respect to the appropriation bonds, proceeds of the sale of the appropriation bonds, and investment earnings on the appropriated moneys and bond sale proceeds.

Before the city may issue appropriation bonds, however, the city must enact an ordinance to implement a five-year strategic and financial plan related to the payment of unfunded employee retirement benefits. The financial plan must provide that future annual pension liabilities are funded on a current basis and must contain quantifiable benchmarks to measure compliance with the plan. Annually, the common council must report to the legislature, DOR, DOA, and the governor on a number of issues related to the appropriation bonds. If the city does not fully fund the lower of either the required cost contribution for a particular year or the normal cost for that year, DOR must reduce and withhold from the city's shared revenue payments the difference between its required cost contribution and the amount the city actually contributes to the system for that year. DOR must deposit the withheld amount into the city's employee retirement system.

The bill states that a first class city is not generally liable for appropriation bonds, and appropriation bonds are not a debt of the city for any purpose whatsoever. Appropriation bonds, including the principal and interest payments, are payable only from amounts that the common council may, from year to year, appropriate.

A similar statute currently applies to a county with a population of 500,000 or more (presently only Milwaukee county).

This bill requires DOR to impose annually an administrative fee of \$150 on each tax incremental district (TID) or environmental remediation TID (ERTID) for which DOR authorizes the allocation of a tax increment. The fee is imposed on the municipality that created the TID or on the municipality or county that created the ERTID.

Generally, under current law, the governing body of a political subdivision may enact an ordinance or adopt a resolution declaring itself to be a premier resort area if at least 40 percent of the equalized assessed value of the taxable property within the political subdivision is used by tourism-related retailers. A premier resort area may impose a tax at a rate of 0.5 percent of the gross receipts from the sale, lease,

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or rental of goods or services that are subject to the general sales and use tax and are sold by tourism-related retailers. The proceeds of the tax may be used only to pay for infrastructure expenses within the premier resort area, including the costs of purchasing, constructing, or improving parking lots; transportation facilities; sewer and water facilities; recreational facilities; fire fighting equipment; and police vehicles.

This bill expands the infrastructure expenses for which the tax proceeds may be used to include exposition center facilities used primarily for certain specified activities, including conventions, trade shows, musical or dramatic events, and educational, cultural, recreational, sporting, and commercial activities.

Under current law, a local governmental unit (which includes a city, village, town, county, school district, sewerage district, and drainage district) may provide health and life insurance for employees, officers, and their spouses and dependent children. Under this bill, such coverage may also be provided for an employee's and officer's domestic partner and dependent children.

NATURAL RESOURCES**FISH, GAME, AND WILDLIFE**

Under current law, if a court imposes a fine or forfeiture for a violation of certain laws regulating hunting, fishing, or trapping, or for a violation of other laws regulating wild animals, the court must also impose a wildlife violator compact surcharge of \$5. This bill increases the surcharge to \$20.

Currently, under the wildlife damage claim program, DNR makes payments to any eligible person for damage to the person's crops, orchard trees, nursery stock, apiaries, or livestock caused by certain wild animals. This bill raises the minimum amount for which a claim may be made from \$250 to \$500. The bill also lowers the maximum payment from \$15,000 to \$10,000 for each claim.

Under current law, DNR and the Lac du Flambeau band of the Lake Superior Chippewa have an agreement under which the band agrees to limit its treaty-based, off-reservation rights to fish in exchange for the band being able to issue DNR fishing licenses and stamps as an agent of DNR. The band retains all of the fees that the band collects for these fishing licenses and stamps.

For licenses and stamps issued by other DNR agents within the boundaries of the band's reservation, current law authorizes, but does not require, DNR to make an annual payment to the band that equals what the band would have received had it issued those licenses and stamps (reimbursement amount). Current law requires DNR to annually pay to the band \$50,000, which must be used for fishery management on the reservation. This bill eliminates this mandatory payment.

Instead, the bill requires DNR annually to pay the band the reimbursement amount or the amount appropriated for that payment, whichever is greater.

NAVIGABLE WATERS

Current law requires DNR to conduct a detailed inspection of each large dam that is maintained or operated in or across navigable waters. Under this bill, DNR must classify each dam in this state as a high hazard, significant hazard, or low hazard dam. DNR must inspect high hazard dams and significant hazard dams once every ten years. The bill also requires each owner of a large dam, regardless of the

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dam's classification, to engage a professional engineer to inspect the owner's dam on a regular basis. The frequency of the required inspection is based upon the dam's hazard classification. The bill also provides that the inspection requirements imposed upon DNR and upon dam owners apply to all large dams, not just those maintained or operated in or across navigable waters.

Under current law, DNR administers a financial assistance program for projects that increase dam safety, including projects to maintain, repair, or remove a dam. DNR may contract public debt for the dam safety program. This bill increases DNR's bonding authority, the debt service on which is paid from the general fund, to \$8,500,000.

The bill also broadens eligibility for financial assistance under the dam safety program by authorizing DNR to provide financial assistance to private owners for the removal of any dam, regardless of size.

The bill increases the cap on financial assistance from \$200,000 to \$400,000 for each dam safety project. Current law limits financial assistance for dam safety projects to 50 percent of the cost of the project except for projects to remove abandoned dams. This bill provides that any project to remove a dam, whether or not abandoned, is not subject to the limit.

Current law requires DNR to maintain an inventory of all dams that require a dam safety project. This bill eliminates this requirement.

Under current law, DNR awards grants to public and private entities for up to 50 percent of the costs of projects to control invasive species and awards contracts for the creation and support of a statewide lake monitoring network. DNR must promulgate rules specifying the eligible activities and qualifications for participation in the statewide lake monitoring network. This bill provides that the eligible activities must include providing technical assistance to entities that apply for, or have received, an invasive species grant.

Under current law, with certain exceptions no person may operate a boat in the waters of this state unless the boat is covered by a certificate of number and a registration. This bill increases the certificate of number issuance and renewal fees for most boats other than nonmotorized sailboats.

OTHER NATURAL RESOURCES

Under current law, with one exception, DNR must transfer a decedent's interest in a boat to his or her surviving spouse upon receipt of the title executed by the surviving spouse and an affidavit by the spouse that includes specified information. Under this bill, a domestic partner is provided the same boat transfer privileges as a surviving spouse.

RETIREMENT AND GROUP INSURANCE

This bill provides that domestic partners must be treated in the same manner as spouses with respect to all pension benefits provided to public employees who are covered under the Wisconsin Retirement System (WRS) and all other benefits provided to state employees. For purposes of these benefits, a domestic partner is any individual who is in a relationship with any other individual that satisfies all of the following:

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1. Each individual is at least 18 years old and otherwise competent to enter into a contract.

2. Neither individual is married to, or in a domestic partnership with, another individual.

3. The two individuals are not related by blood in any way that would prohibit marriage under current law.

4. The two individuals consider themselves to be members of each other's immediate family.

5. The two individuals agree to be responsible for each other's basic living expenses.

This bill increases the Wisconsin Retirement System (WRS) benefits for educational support personnel, who are school district employees other than teachers, librarians, or administrators, in the following ways:

1. Under current law, for coverage under the WRS, an individual must work at least one-third of what is considered full-time employment, as determined by rule. For WRS participants, other than teachers, librarians, and administrators, DETF defines full-time employment as 1,904 hours per year and one-third employment as 600 hours per year. For teachers, librarians, and administrators, DETF defines full-time employment as 1,320 hours per year and one-third employment as 440 hours per year. This bill requires that educational support personnel and teachers, librarians, and administrators be treated the same, with full-time employment for educational support personnel set at 1,320 hours per year.

2. Under current law, for early retirement purposes, a WRS participant, other than a teacher, librarian, or administrator, with at least 0.75 of a year of creditable service in any annual earnings period is treated as having one year of creditable service for that annual earnings period. To be eligible for this treatment, the participant must have earned only a partial year of creditable service in at least five of the ten annual earnings periods immediately preceding termination. This bill provides that, for early retirement purposes, a participant's amount of creditable service in any annual earnings period must be treated as the amount of creditable service that a teacher, librarian, or administrator would earn for that annual earnings period. Because DETF defines full-time employment to be 1,320 hours per year for a teacher, librarian, or administrator, this bill reduces the number of hours required for early retirement purposes for all other WRS participants, to qualify for a year of creditable service, from 1,428 hours to 1,320 hours per year.

Current law generally provides that state employee positions may be created or abolished only by law or in budget deliberations, by JCF, or by the governor with respect to positions funded with federal revenue. This bill authorizes the secretary of employee trust funds to create or abolish any position funded from the public employee trust fund. The secretary must notify the governor and JCF of his or her proposed action. If, within 14 working days after the notification, the governor objects or the cochairpersons of JCF notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposed action, the position changes may be made only upon JCF approval. Otherwise, changes may be made as proposed by the secretary.

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Current law permits GIB to contract with DHS and other public or private entities for data collection and analysis services related to health maintenance organizations and insurance companies that provide health insurance to state employees. This bill permits GIB to contract for any other consulting services related to plans it offers.

Current law, with important exceptions, prevents GIB from modifying or expanding group insurance coverage to materially affect the level of premiums paid by the state or its employees, or the level of benefits to be provided, under any plan. This bill provides that this restriction does not prevent GIB from encouraging participation in wellness or disease management programs.

SHARED REVENUE

This bill reduces the amount of county and municipal aid payments in 2010 by 1 percent. The reduction in total payments is allocated to counties and municipalities in proportion to the equalized value of the property located in the county or municipality. In 2011, and in each subsequent year, the amount of the county and municipal aid payment that each county and municipality receives is the same as the amount received in 2010.

Under current law, the public utility aid payment that a municipality receives may not exceed an amount equal to \$300 times the municipality's population. Beginning in 2009, the maximum payment for a municipality increases annually by \$125 per person. Under this bill, beginning with payments in 2009, the public utility aid payment that a municipality receives may not exceed an amount equal to \$425 times the municipality's population.

Under current law, the public utility aid payment that a county receives may not exceed an amount equal to \$100 times the county's population. Beginning in 2009, the maximum payment for a county increases annually by \$25 per person. Under this bill, beginning with payments in 2009, the public utility aid payment that a county receives may not exceed an equal to \$125 times the county's population.

Under current law, county and municipal aid payments (shared revenue) are made from the general fund. Under the bill, a portion of the shared revenue payments are made from the wireless 911 fund.

STATE GOVERNMENT**STATE BUILDING PROGRAM**

This bill makes various changes in state building construction procedures to grant DOA, the Building Commission, and other state agencies increased authority to award state building construction contracts notwithstanding current statutory requirements and without obtaining certain approvals required under current law.

STATE EMPLOYMENT

This bill provides that, if the secretary of administration determines that state operations may be performed more efficiently and effectively by the reassignment of employees among executive branch state agencies, the secretary may reassign employees from one state agency to another state agency. Under the bill, reassigned employees receive the same salary and fringe benefits they would otherwise receive and remain employees of the state agency from which they were reassigned for all

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purposes, including the payment of their salaries and fringe benefits and continuous service benefits.

This bill authorizes the secretary of administration to abolish any position in any executive branch state agency if that position has been vacant for more than 12 months, and to reduce authorized expenditure levels for those executive branch state agencies by the amounts of salary and fringe benefits for the abolished positions.

This bill creates a Division of Legal Services in DOA, which is authorized to provide legal services to executive branch state agencies, other than DOJ and DPI. The bill also creates an unclassified chief legal advisor position in DOA, DATCP, DCF, DOC, DHS, DNR, DOT, and DWD. The chief legal advisor position is one not currently in the state civil service system.

This bill authorizes OSER to provide state agencies with *any* services and materials and to charge state agencies for the services and materials. Currently, OSER may charge other state agencies only for *employment* services and materials. The bill also requires the secretary of administration, before July 1, 2011, to abolish all human resources positions in executive branch state agencies, other than the Board of Regents of the UW System, and authorizes the secretary of administration to transfer human relations employees from these agencies to OSER.

This bill authorizes the secretary of administration to abolish building maintenance positions in any executive branch state agency and to transfer employees holding these positions to DOA.

2005 Wisconsin Act 25, as affected by 2007 Wisconsin Act 5, provides that 13.0 FTE attorney positions in executive branch state agencies are to be eliminated on June 30, 2009. This bill provides that the secretary of administration must eliminate up to 13.0 FTE attorney the positions on June 30, 2011.

STATE FINANCE

This bill requires the secretary of administration to lapse or transfer to the general fund an amount equal to \$160,000,000 during the 2009–11 fiscal biennium. State agencies in all branches of government, except for the Investment Board and DETF, are subject to the lapse and transfer provisions. The bill also eliminates lapses and transfers for the 2009–11 fiscal biennium that were required under 2007 Wisconsin Act 20.

Currently, any time after enactment of the biennial budget act, if the secretary of administration determines that authorized expenditures will exceed revenues in the current or forthcoming fiscal year by more than 0.5 percent of estimated general purpose revenue (GPR) appropriations for that fiscal year, the governor must submit a bill making recommendations for correcting the imbalance between projected revenues and authorized expenditures. This bill increases the threshold to 2 percent.

Currently, the secretary of administration may temporarily reallocate moneys to the general fund from other state funds in an amount not to exceed, at any one time, five percent of total GPR appropriations for that fiscal year. This bill increases that percentage to ten percent.

Current statutes contain a rule of proceeding governing legislative action on certain bills, which provides that no bill affecting GPR may be adopted if the bill would cause the estimated general fund balance on June 30 of any fiscal year to be

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less than a certain amount of the total GPR appropriations for that fiscal year. For fiscal year 2009–10, the amount is \$65,000,000; for fiscal year 2010–11, the amount is \$65,000,000; and for each fiscal year thereafter, the amount is two percent of total GPR appropriations for that fiscal year.

This bill provides that for fiscal years 2010–11, 2011–12, and 2012–13, the amount is \$130,000,000; and for 2013–14 and each fiscal year thereafter, the amount is two percent of total GPR appropriations for that fiscal year.

Currently, every fiscal biennium, one-third of state agencies prepare a base budget review report that contains a description of each programmatic activity of the state agency; an accounting of all expenditures in the prior three fiscal years and, for each programmatic activity of the state agency, an accounting of all expenditures, arranged by revenue source and expenditure category in the last two quarters in each of the prior three fiscal years. This bill eliminates base budget review reports.

Under current law, the governor must distribute a copy of the biennial state budget report, as well as the budget-in-brief, to each member of the legislature. This bill permits the governor to post the biennial state budget report and the budget-in-brief on the Internet in lieu of distributing copies to members of the legislature.

The bill also permits the secretary of administration to develop procedures to permit electronic compliance with auditing of certain claims requirements and the filing and preservation of documents relating to the claims.

This bill increases the authorized bonding authority of DVA to make mortgage loans from \$2,205,840,000 to \$2,400,840,000.

Current statutes contain a rule of procedure governing legislative action on certain bills affecting GPR. Generally, the rule provides that the amount appropriated from GPR may not exceed the amount appropriated from GPR in the prior fiscal year, increased by any percentage increase in this state's aggregate personal income. This bill provides that any amount appropriated to pay debt service on appropriation obligations issued to purchase tobacco settlement revenues is excluded from this GPR appropriation limitation.

Currently, the National and Community Service Board, which assists persons who operate service programs that address unmet human, educational, environmental, or public safety needs, may assess certain state agencies for the amount specified by the board to pay its administrative costs but the board may not expend more than the amounts appropriated for this purpose. This bill permits the board to expend all moneys that the board receives from these assessments imposed on certain state agencies without limitation.

PUBLIC UTILITY REGULATION

This bill allows an investor-owned electric or natural gas public utility (energy utility) to apply to the PSC for authorization to administer, fund, or provide administrative services for a program that invests in energy efficiency improvements for customers in which the costs borne by a customer for the improvements are offset by the energy savings resulting from the improvement. If the PSC authorizes such a program, the energy utility must file a tariff specifying the terms and conditions for billing customers, as well as contracts between the

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energy utility and a property owner who is benefited by the improvement that require the owner to do the following: 1) inform lessees that are liable for utility service that the cost of the improvement will appear on the lessees' utility bills; and 2) inform a purchaser of the property that the purchaser, or any other person who is liable for utility service at the property, is liable for the unpaid costs of the improvement and that such costs will appear on utility bills for the property.

The bill also does the following: 1) allows an energy utility to include a separate line item on customer bills that offsets certain costs of the program with energy savings resulting from an improvement made under the program; 2) prohibits an energy utility from recovering from ratepayers any bad debt related to nonutility services provided under a program; and 3) requires an owner of residential property to make a disclosure about an improvement made under a program on the real estate conditions report that is required for property transfers.

Under current law, DOA awards grants from the utility public benefits fund (UPBF) to assist low-income households to weatherize and perform other energy conservation services, pay energy bills, and identify or prevent energy crises. DOA determines the amount of a monthly low-income assistance fee that electric utilities must charge customers. The fees are used to fund the grants. Some of the fees are also used to help fund the Wisconsin Works program, which provides work experience and benefits for low-income custodial parents. Under current law, the monthly fee may not exceed the lesser of \$750 or 3 percent of the customer's total charges for the month. This bill provides that the monthly fee may not exceed the lesser of \$750 or the sum of the foregoing 3 percent and a percentage of the customer's total charges for the month that is sufficient to generate the amounts used to help fund the Wisconsin Works program.

Current law also requires DOA to promulgate rules establishing the amount of the fee. For any fiscal year, DOA must establish the fee by subtracting a specified sum from the amount needed for assisting low-income customers. One component of the specified sum is the amount of funding received by the state under federal programs that provide weatherization and energy assistance to low-income customers. Under this bill, for fiscal years 2009–10 and 2010–11, the amount of funding received under the federal programs that is attributable to federal economic stimulus funds must be deducted from the sum.

Current law requires that, in each fiscal year, DOA must ensure that the amount awarded in grants for weatherization and other energy conservation services is equal to 47 percent of the sum of the following: 1) the amounts received under the weatherization and energy-assistance programs; 2) the amount spent by certain electric and natural gas utilities assisting low-income households; 3) the amount spent on all programs funded by the UPBF; and 4) the amount of monthly low-income assistance fees that certain municipal electric utilities and electric retail cooperatives are required to collect from their customers and members.

Instead of requiring DOA to ensure that 47 percent of the foregoing sum is spent in fiscal years 2009–10 to 2011–12 on grants for weatherization and other energy conservation services, this bill requires DOA to ensure that at least \$75,000,000 is spent in each fiscal year on such grants. In addition, in fiscal years 2010–11 and

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2011–12, DOA must increase the amount spent on such grants to reflect the cost-of-living increase that occurred during the previous fiscal year. Beginning in fiscal year 2012–13, DOA must ensure that 47 percent of the foregoing sum is spent on such grants, as is required under current law.

Under current law, DOA also administers federal programs for providing weatherization and energy assistance. Current law requires DOA to transfer in each fiscal year 15 percent of the federal funding for the energy assistance program to the weatherization program. This bill allows, but does not require, DOA to make the transfer. In addition, the bill requires DOA to deduct its administrative expenses for the program before making a transfer.

Under current law, DOA administers the federal and state programs described above. This bill transfers administrative responsibility from DOA to the PSC effective January 1, 2010.

Under current law, the PSC awards grants from the wireless 911 fund to wireless companies and local governments to reimburse certain costs incurred in complying with federal requirements regarding wireless 911 emergency telephone service. Current law requires that costs must be incurred during a specified reimbursement period in order to be eligible for reimbursement. At the conclusion of the reimbursement period, the PSC must distribute to wireless companies any funds remaining in the wireless 911 fund. A wireless company must credit customer accounts in amounts that correspond to the distribution made to the wireless company. This bill prohibits the PSC from making any distribution from the 911 wireless fund that is not a grant for reimbursement of the costs described above.

Under current law, DATCP enforces certain requirements that apply to advertising, sales representations, and sales and collection practices of telecommunications providers, including telecommunications utilities subject to varying degrees of regulation by the PSC. DATCP's enforcement costs are funded, in general, by general purpose revenues. Under this bill, DATCP's enforcement costs are funded by annual assessments paid by certain telecommunications utilities. The bill requires the PSC to assess telecommunications utilities in proportion to their gross operating revenues.

OTHER STATE GOVERNMENT

This bill provides requirements for forming a legal relationship of domestic partnership. Under the bill, a domestic partnership may be formed by two individuals who are at least 18 years old, are not married or in another domestic partnership, share a common residence, are not nearer of kin than second cousins, and are members of the same sex.

To form a domestic partnership, the individuals apply for a declaration of domestic partnership to the county clerk of the county in which at least one of them has resided for at least 30 days. Each applicant must submit identification and a certified copy of his or her birth certificate, as well as any other document affecting the domestic partnership status, such as a death certificate or a certificate of termination of domestic partnership. The clerk must then issue a declaration of domestic partnership, which the parties must complete and submit to the register

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of deeds of the county in which they reside. The register of deeds must record the declaration and send the original to the state registrar of vital statistics.

To terminate a domestic partnership, at least one of the domestic partners must file with the county clerk a notice of termination of domestic partnership. If only one of the domestic partners signs the notice, he or she must also file an affidavit stating either of the following: 1) that he or she has served the other domestic partner with notice that he or she is going to file a notice of termination of domestic partnership; or 2) that he or she has been unable to locate the other domestic partner and has published a notice in a newspaper of general circulation in the county in which the latest common residence of the domestic partners is located. Upon receipt of a notice of termination, the clerk issues a certificate of termination of domestic partnership, which must be recorded in the office of the register of deeds, who sends the original to the state registrar of vital statistics. Termination of the domestic partnership is effective 90 days after the certificate of termination of domestic partnership is recorded in the office of the register of deeds. However, if one or both domestic partners enters into a marriage that is valid in the state, the domestic partnership is automatically terminated on the date of the marriage.

The bill provides that domestic partners are joint tenants if they are named as owners in a document of title or as transferees or buyers in an instrument of transfer, just as husbands and wives are joint tenants under current law.

Under current law, if the head of a department or independent agency in state government finds any arbitrary discrimination based on marital status, the head is required to take remedial action. This bill requires a department or independent agency head to take remedial action if he or she finds any arbitrary discrimination based on domestic partnership status.

This bill requires DCF, DHS, DWD, and DOA to develop a plan, by July 1, 2010, for streamlining their processes, coordinating their computer systems, and developing compatible billing methodologies for the purpose of coordinating the administration of the public benefit programs administered by the departments and implementing a system in which a single smart card may be used for all of those programs. If statutory changes are necessary, the departments must prepare proposed legislation by July 1, 2010.

This bill requires the UW Hospital and Clinics Authority to pay, no later than June 30, 2009, \$49,000,000 to the state for deposit into the general fund.

This bill directs the secretary of regulation and licensing to form a dedicated work unit in DRL to support the work of the Medical Examining Board (MEB) and the affiliated credentialing boards attached to the MEB by performing all aspects of credential processing, examination, and complaint investigation, for any credential issued or renewed by the MEB or any affiliated credentialing board.

Under current law, if a state agency enters into or renews a contract for services that involves an estimated expenditure of more than \$25,000, the agency must conduct either a uniform cost-benefit analysis, for a new contract, or a continued appropriateness review, for a contract renewal. This bill eliminates the requirement that an agency conduct either a uniform cost-benefit analysis or a continued appropriateness review.

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Currently, DOA may sell certain state property if the Building Commission authorizes the property to be sold during the period beginning on October 27, 2007, and ending on June 30, 2009. Sales may be either on the basis of public bids or negotiated prices, and need not reflect fair market value. Sales may be with or without the approval of the state agency that has jurisdiction over the property.

This bill permits DOA to sell certain state property under the same terms and conditions as those specified under current law if an offer of sale is approved by the commission during the period beginning on the day this bill becomes law and ending on June 30, 2011. With certain exceptions, proceeds of the sales are deposited in the general fund. The bill does not apply to property under the jurisdiction of the Board of Regents of the UW System, but the bill requires any sales of such property by the Board of Regents to be used for the operation of the UW System.

Currently, under the federal coastal zone management program, the U.S. Department of Commerce awards administrative grants as well as resource management and coastal zone enhancement grants to eligible states to implement a state's coastal zone management program. This bill transfers the administration of this state's program from DOA to DNR. The bill does not transfer any positions or employees.

Under current law, DATCP issues annual licenses to operators of vehicle scales. DATCP is authorized to adjust the \$60 license fee by rule, and may impose a \$200 license fee surcharge on an applicant who has operated a scale without a license. Currently, no person may construct or relocate a scale without a permit from DATCP, but DATCP is not authorized to charge a permit fee. DATCP may grant a variance from its scale construction standards, but DATCP is not authorized to charge a variance fee.

This bill permits DATCP to adjust the \$200 license fee surcharge by rule. The bill also permits DATCP to establish and charge a fee for a permit to construct or relocate a scale or for a variance from DATCP construction standards.

Under current law, an operator of a liquid petroleum (LP) gas meter must register the meter with DATCP and pay a one-time registration fee of \$25. Operators must test LP gas meters annually or face a \$100 testing surcharge.

Under this bill, DATCP issues annual licenses to operators of gas meters and may charge a license fee in an amount DATCP sets by rule. DATCP may also impose a surcharge in an amount set by rule on an applicant who has operated a gas meter without a license, and may adjust the \$100 testing surcharge by rule. The bill requires DATCP to promulgate testing, reporting, and record-keeping standards for gas meter operators, and permits DATCP to promulgate standards for gas meter construction, operation, and maintenance.

Current law requires that a person who delivers fuel oil or certain other liquid fuels from a vehicle equipped with a pump and metering device to equip the pump and metering device with a delivery ticket printer that can print data including the volume of fuel delivered.

The bill requires an operator of a vehicle tank meter (used to measure a delivery of fuel oil or certain other liquid fuels) to obtain an annual license from DATCP. DATCP may charge a license fee and may impose a license fee surcharge on an

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applicant who operates a tank meter without a license. DATCP may set the amount of the license fee and the license fee surcharge by rule and may promulgate standards for tank meter construction, operation, and maintenance. Under the bill, a tank meter operator must have the tank meter tested annually, and must report the results to DATCP or pay a DATCP-imposed surcharge.

This bill prohibits a state employee from using a privately owned aircraft to travel outside of this state for the conduct of state business. Currently, the use of a privately owned aircraft for out-of-state travel is permitted if it is more efficient and economical for the conduct of state business than commercial transportation.

TAXATION**INCOME TAXATION**

Under current law, there are four income tax brackets for single individuals, certain fiduciaries, heads of households, and married persons. The brackets are indexed for inflation. The current rate of taxation for the lowest bracket is 4.6 percent of taxable income; the rate for the second bracket is 6.15 percent; the rate for the third bracket is 6.5 percent; and the rate for the highest bracket is 6.75 percent. The highest bracket applies to taxable income exceeding \$112,500 for single individuals, certain fiduciaries, and heads of households; \$150,000 for married persons filing jointly; and \$75,000 for married separate filers.

This bill creates a fifth tax bracket with a taxation rate of 7.75 percent. For single individuals, certain fiduciaries, and heads of households, this bracket applies to taxable income exceeding \$225,000. For married persons, this bracket applies to taxable income exceeding \$300,000 for joint filers and \$150,000 for separate filers. The bracket is indexed for inflation starting with taxable year 2010.

Under current law, an eligible claimant may recover a certain amount of property taxes paid through the refundable farmland preservation tax credit. A refundable tax credit may be paid to an eligible claimant by check if the amount of the credit which is otherwise due the claimant exceeds the claimant's tax liability, or if there is no outstanding tax liability.

A current eligibility requirement for the farmland preservation tax credit is that the farmland to which the claim relates be subject either to a farmland preservation agreement (FPA) or to a county exclusive agricultural use zoning ordinance. An FPA and an exclusive agricultural use zoning ordinance impose certain soil and water conservation standards. The term of an FPA is generally 10 to 25 years, although the parties may agree to relinquish the agreement under certain circumstances.

The credit is computed based on property taxes accrued on the claimant's farmland in the preceding year; the claimant's household income; and the agreement, planning, or zoning provisions that cover the farmland. The maximum credit is \$4,200, and the minimum credit is \$600, although the maximum credit may be reduced based on the zoning ordinances in the county where the farmland is located.

Under this bill, no new claims may be filed for taxable years beginning after December 31, 2009, but an otherwise eligible claimant who is subject to an FPA that

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is in effect on January 1, 2010, may continue to file a claim for the credit until the agreement expires.

The bill also creates a new refundable farmland preservation credit. The credit is funded from the lottery fund, up to approximately \$15,000,000 of claims. Excess claims, up to approximately \$12,280,000, are paid from the general fund. The maximum amount of credits that may be claimed each year may not exceed \$27,280,000. If the total amount of eligible claims exceed \$27,280,00, DOR must pay the excess claims in the subsequent fiscal year and prorate the per acre amounts (see below) to account for prior year claims being paid in the year subsequent to that year. If a claimant's payment is so delayed, the claimant may not receive any interest on his delayed payment, or any other refund.

The new farmland preservation credit is calculated by multiplying a claimant's qualifying acres by one of the following amounts: \$10, if the acres are in a farmland preservation zoning district and are subject to a new FPA (an FPA that was entered into after the effective date of the bill); \$7.50 if the acres are located in a farmland preservation zoning district, but are not subject to a new FPA; or \$5.00 if the acres are subject to a new FPA, but are not located in a farmland preservation zoning district.

Under the bill, qualifying acres are determined using several factors, including the number of acres of farm that correlate to a claimant's percentage of ownership interest in a farm, the extent to which the farm is covered by a new FPA, and whether the farm is in farmland preservation zoning district. For a description of the requirements of a new FPA, see "AGRICULTURE."

Under current law, for claims filed in 2001 and thereafter, the homestead tax credit threshold income is \$8,000; the maximum property taxes, or rent constituting property taxes, that a claimant may use in calculating his or her credit are \$1,450; and the maximum household income is \$24,500. Currently, as a claimant's income exceeds \$8,000, the credit is phased out until the credit equals zero when income exceeds \$24,500, and if the household income is \$8,000 or less, the credit is 80 percent of the property taxes accrued or rent constituting property taxes accrued. Using this formula, the credit that may be claimed ranges from \$10 to \$1,160.

Under this bill, for claims filed in 2011 and thereafter, the maximum household income is indexed for inflation. Also under the bill, as a claimant's income exceeds the threshold income amount, the credit is phased out until the credit equals zero when income exceeds the maximum income as adjusted for inflation.

Under current law, a corporation may claim an income and franchise tax credit in an amount equal to 5 percent of its qualified research expenses, as defined by the Internal Revenue Code, for research conducted in this state. In addition, a corporation may claim an income and franchise tax credit equal to 5 percent of the amount that it paid in the taxable year to construct and equip new facilities or expand existing facilities used in this state for qualified research, as defined by the Internal Revenue Code.

Under this bill, a corporation may also claim an income and franchise tax credit equal to its qualified research expenses in the taxable year for research conducted in this state that exceeds the amount equal to the average amount of the

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corporation's qualified research expenses in the previous three taxable years multiplied by 1.25. If the credit claimed by a corporation exceeds the corporation's tax liability, the state does not issue a refund, but the corporation may carry forward any remaining credit to five subsequent taxable years.

This bill allows a business to claim an income and franchise tax credit in an amount up to 10 percent of the wages that the business paid in the taxable year to certain full-time employees, as determined by Commerce. A business may also claim a credit for the costs it incurred for certain job-related training. If the amount of the taxpayer's credits exceed the taxpayer's tax liability, the taxpayer receives a refund.

This bill creates a refundable individual income tax credit for a beginning farmer who enters into at least a three-year lease of an established farmer's agricultural assets, other than land, and uses the assets for farming, and a refundable individual and corporate income and franchise tax credit for the established farmer whose assets are leased. If the amount of credit due a claimant exceeds the claimant's tax liability, the excess is refunded to the claimant by check. The credit first applies to taxable years beginning on January 1, 2011.

Under the bill, beginning farmer may claim a credit of up to \$500 on a one-time basis for the cost to enroll in a course in farm financial management that is offered by an educational institution, such as the UW-Madison, UW-Extension, or the Wisconsin Technical College System. An established farmer may claim a credit of 15 percent of the amount of payments received each year from the beginning farmer for the lease of the farm assets, except that the credit may be claimed by the established farmer only for the first three years of the lease.

A beginning farmer must have a net worth of less than \$200,000 and have farmed for fewer than ten years out of the preceding 15 years. An established farmer must have engaged in farming for at least ten years.

Under current law, after December 31, 2009, individuals and certain entities, including fiduciaries, corporations, and insurance companies, that are health care providers may receive a credit on income taxes based on purchases of information technology hardware and software for making and keeping electronic medical records. This bill delays the effective date of the tax credit until after December 31, 2011.

Under current law, there is an income tax exclusion for individuals, fiduciaries, members of limited liability corporations and partnerships, and shareholders of tax-option corporations (claimants) for 60 percent of the net long-term capital gains realized from the sale of assets held for at least one year. This bill reduces the exclusion to 40 percent.

Also under this bill, for taxable years beginning after December 31, 2010, a claimant may elect to defer the payment of income taxes on up to \$10,000,000 of the gain realized from the sale of any capital asset held more than one year (original asset) that is treated as a long-term gain under the Internal Revenue Code (IRC), if the claimant completes a number of requirements. The bill specifies that the basis of the investment is the amount of the investment minus the gain generated by the sale of the original asset. If a claimant defers the payment of income taxes on the gain generated by the sale of the original asset, the claimant may not use that gain

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to net the claimant's gains and losses as the claimant could do if the claimant did not elect to defer the payment of taxes on the gain.

Under current law, 50 percent of the sales of the following tangible personal property must be included in a taxpayer's sales factor for income and franchise tax purposes:

1. Property that is shipped from storage in this state to the federal government outside this state, if the destination state does not have tax jurisdiction over the taxpayer.

2. Property that is shipped from storage in this state to a purchaser, other than the federal government, if the destination state does not have tax jurisdiction over the taxpayer.

3. Property sold by an office in this state, but not shipped from this state, if neither the state from which the property is shipped nor the destination state has tax jurisdiction over the taxpayer.

Under this bill, 100 percent of the sales of all such tangible personal property must be included in a taxpayer's sales factor.

Under current law, 50 percent of the following must be included in a taxpayer's sales factor for income and franchise tax purposes:

1. Gross receipts from the use of computer software that are received in a state in which the taxpayer is not subject to an income tax, if the taxpayer's commercial domicile is in this state.

2. Gross receipts from services, if the benefit of service is received in a state in which the taxpayer is not subject to an income tax, but the taxpayer's employees or representative's performed services from a location in this state.

Under this bill, 100 percent of such gross receipts must be included in a taxpayer's sales factor.

Under current law, in order to claim the angel investment credit or the early stage seed investment credit, the taxpayer must hold the investment for at least three years. If a taxpayer holds the investment that is the basis for an angel investment credit for less than one year, the taxpayer must pay DOR the amount of the credit that the taxpayer received.

Under this bill, if a taxpayer holds an investment that is the basis for an angel investment credit or early stage seed investment credit for less than three years, the taxpayer must pay DOR the amount of the credit that the taxpayer received.

This bill adopts, for state income and franchise tax purposes, certain changes made in IRC.

Under federal law, a business may deduct a percentage of income derived from qualified domestic production activities, regardless of whether those activities occurred in this state. The percentage of income derived from such activities that a business may claim as a deduction is 3 percent in 2005 and 2006, 6 percent in 2007, 2008, and 2009, and 9 percent for 2010 and subsequent years. Under this bill, the increased deduction for qualified domestic production activities does not apply for state income and franchise tax purposes for taxable years beginning on or after January 1, 2009.

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This bill provides an income and franchise tax credit for 10 percent of the amount that a person pays in the taxable year for meat processing modernization or expansion related to the person's meat processing operation.

Under current law, a person may claim a credit against the person's income or franchise tax liability that is equal to 10 percent of the amount that the person paid in the taxable year for dairy manufacturing modernization or expansion related to the claimant's dairy manufacturing operation. If the amount of the credit exceeds the amount of the person's tax liability, the person receives a refund. Under current law, dairy cooperatives are generally not subject to state income or franchise taxes and therefore are not eligible to claim the credit for dairy manufacturing modernization or expansion.

This bill allows the members of a dairy cooperative to claim the credit for the dairy manufacturing modernization or expansion expenses paid by the cooperative. The dairy cooperative determines the amount of the credit that each member may claim based on the amount of milk each member delivers to the cooperative.

Under current law, a person who owns an income-producing historic building may claim a federal income tax credit that is equal to 20 percent of certain costs to rehabilitate the historic building. To claim the credit, the building must be listed, or be eligible for listing, on the national register of historic places or located in certain national, state, or local historic districts, and the rehabilitation work must comply with standards established by the secretary of the interior.

Under current law, a person who may claim the federal income tax credit for rehabilitating an income-producing historic building may also claim a state income tax or franchise tax credit equal to 5 percent of certain costs to rehabilitate the historic building. To claim the credit, the person must include with the person's tax return evidence that the secretary of the interior approved the rehabilitation work before the work began.

Under this bill, a person may claim the state income and franchise tax credit for rehabilitating an income-producing historic building if the person includes with the person's tax return evidence that the state historic preservation officer recommended the rehabilitation work for approval by the secretary of the interior before the rehabilitation work began and that the rehabilitation was approved by the secretary of the interior.

Under current law, any extension of time to file a federal individual income or corporate income or franchise tax return granted under federal law or by the Internal Revenue Service (IRS) automatically extends the time to file the corresponding Wisconsin individual income or corporate income or franchise tax return. If the federal extension is granted due to a presidentially declared disaster or terroristic or military action, however, Wisconsin taxpayers are charged interest at the rate of 12 percent per year during the extension period.

Under this bill, interest on unpaid individual income or corporate income or franchise tax, or interest that would otherwise be due for an underpayment of estimated taxes, does not apply if the taxpayer is allowed an extension due to disaster or terror. The bill also allows, for good cause, an extension of time to deposit withholding tax. In addition, the bill exempts from interest a late payment of

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withholding tax from a pass-through entity if the taxpayer is allowed an extension due to disaster or terror.

Under current law, the itemized deductions credit is calculated as 5 percent of the difference between the sum of certain amounts that are allowed as itemized deductions under the IRC and the standard deduction. Some deductions allowed under the IRC, such as casualty and theft deductions and miscellaneous deductions, are not allowed in the calculation of the itemized deductions credit. Under this bill, a casualty loss that is directly related to a presidentially-declared disaster may be used in the computation of the itemized deductions credit.

Under current law, partnerships, limited liability companies, tax-option corporations, estates, and trusts (pass-through entities) must pay withholding tax on Wisconsin income allocated to nonresident partners, members, shareholders, or beneficiaries. The tax is due in a single annual payment. Under this bill, a pass-through entity pays the withholding tax on the income allocated to nonresident partners, members, shareholders, or beneficiaries in four quarterly installments.

Under current law, if a corporation that must file a state income or franchise tax return is affiliated with any other corporation, DOR may require that the corporation submit a consolidated statement so that DOR may determine the taxable income received by any affiliated corporation. Under this bill, DOR may also require a corporation to submit a consolidated statement in order for DOR to determine whether the corporation and any affiliated corporation are a unitary business.

Under current law, a corporation that does not file its income or franchise tax return by the due date is subject to a \$30 penalty. If any other taxpayer fails to file an income or franchise tax return by its due date, the taxpayer is subject to the following penalties:

1. Two dollars, if the taxpayer's income tax is less than \$10.
2. Three dollars, if the taxpayer's income tax is \$10 or more, but less than \$20.
3. Five dollars, if the taxpayer's income tax is \$20 or more.

Under current law, however, a taxpayer that is not a corporation is subject to a \$30 penalty for a return that is at least 60 days late, regardless of the amount of the taxpayer's income tax.

Under this bill, any taxpayer who does not file an income or franchise tax return by the due date is subject to a \$50 penalty. The bill also provides that fiduciaries, partnerships, and tax-option corporations must provide schedules to their beneficiaries, partners, and shareholders that specify the income, deductions, credits, and other items related to the tax liability of the beneficiary, partner, or shareholder. Any fiduciary, partnership, or tax-option corporation that fails to provide the schedule is subject to a \$50 penalty.

Under current law, a person may claim an income and franchise tax credit for 25 percent of the amount the person paid in the taxable year to install or retrofit pumps that dispense motor vehicle fuel consisting of at least 85 percent ethanol or at least 20 percent biodiesel fuel. This bill modifies the credit so that taxpayers may claim the credit against the alternative minimum tax and so that corporations may compute the credit, with other credits, in the same order as insurance companies.

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Under current law, a health care provider may claim an income and franchise tax credit for 50 percent of the amount the provider paid in the taxable year for information technology hardware or software that is used to maintain medical records in electronic form. This bill allows a taxpayer to claim the credit against the alternative minimum tax.

Under current law, a business located in a technology zone may claim an income and franchise tax credit, in an amount certified by the Department of Commerce, based on the amount of real and personal property taxes, capital investments, and wages the business paid in the taxable year. Under current law, all entities, except insurance companies, must include the amount of the credit in their income calculation, for income and franchise tax purposes. This bill requires insurance companies to include technology zone credits in their income calculations.

PROPERTY TAXATION

Under current law, the total amount of the school levy and lottery and gaming property tax credits is distributed to counties, which distribute the amounts to the municipalities located in the counties. A municipality, however, may receive its share of the school levy and lottery and gaming credits directly from the state if the total amount of such credits due to the municipality is at least \$3,000,000 or if the municipality allows the payment of property taxes in three or more installments. Under current law, the total amount of the first dollar property tax credit is distributed to the municipalities. The first dollar credit is applied then to every parcel of real property with improvements located in a municipality.

Under this bill, the first dollar credit is distributed to counties, which distribute the amounts that they receive to the municipalities located in the counties. A municipality, however, may receive its share of the first dollar credit directly from the state if the total amount of that credit plus the school levy and lottery and gaming credits due to the municipality is at least \$3,000,000 or if the municipality allows the payment of property taxes in three or more installments.

Under current law, if a person pays property taxes in installments and is eligible to receive a lottery and gaming property tax credit, the amount of the credit is applied to the amount of the first installment. Under this bill, if a person pays property taxes in installments and is eligible to receive a first dollar property tax credit, the amount of the credit is applied to the amount of the first installment.

This bill creates a property tax exemption for machinery and other tangible personal property used for qualified research by persons engaged primarily in manufacturing or biotechnology in this state.

Under current law, computers are exempt from the property tax. The state, however, compensates the taxing jurisdictions in which tax-exempt computers are located for the property taxes that the jurisdictions would otherwise have collected. Under this bill, the state compensates the taxing jurisdictions in which tax-exempt research property is located for the property taxes that the jurisdictions would otherwise have collected.

Under current law, DOR monitors the property tax assessments in all taxation districts. If DOR determines that a major class of property in a taxation district (property with an assessed value representing more than 5 percent of the full value

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of all property in the taxation district) has not been assessed at a value that is within 10 percent of the full value of such property at least once during the most recent five years, DOR notifies the taxation district that the assessment staff in that district must participate in an assessment education program. Under current law, if DOR determines that a major class of property in the taxation district has not been assessed at a value that is within 10 percent of the full value of such property in the year that the taxation district's assessment staff participated in an assessment education program and in the following year, DOR must supervise the taxation district's next property tax assessment.

Under this bill, a major class of property is property with an assessed value representing more than 10 percent of the full value of all property in the taxation district in which the major class of property is located. Under the bill, if DOR determines that a major class of property in a taxation district has not been assessed at a value that is within 10 percent of the full value of such property at least once during the most recent five years, DOR notifies the taxation district that DOR may supervise a subsequent taxation district assessment. If DOR determines that a major class of property in the taxation district has not been assessed at a value that is within 10 percent of the full value of such property in the year after the taxation district receives such notice, DOR must supervise the taxation district's next property tax assessment.

This bill requires DOR to collaborate with counties to create county property tax assessment systems.

Under current law, state-owned facilities are exempt from the property tax. Instead, the state makes payments to counties and municipalities where state facilities are located to partially compensate the counties and municipalities for the costs of providing services to the facilities. Under current law, DOA administers the program to pay for county and municipal services. Under this bill, DOR administers the program.

OTHER TAXATION

This bill imposes an assessment on a motor vehicle fuel supplier at a rate not exceeding 3 percent of the supplier's gross receipts from the sale of motor vehicle fuel in this state. The revenue collected is deposited into the transportation fund. The supplier may not increase the selling price of motor vehicle fuel in order to recover the assessment amount. Income derived from the sale in this state of biodiesel fuel or ethanol blended with gasoline to create gasoline consisting of at least 85 percent ethanol is not included in the supplier's gross receipts.

This bill increases the cigarette tax from \$1.77 to \$2.52 a pack and increases the tobacco products tax from 50 percent to 71 percent of the manufacturer's established list price. In addition, the bill increases the tobacco products tax rate on moist snuff from \$1.31 per ounce to \$1.87 per ounce and imposes the increase on moist snuff in inventory.

Under current law, generally, a person may not sell cigarettes in this state without a permit from DOR. Current law also prohibits a direct marketer (anyone who sells cigarettes to a consumer who is not present on the seller's premises) from

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selling to consumers in this state unless the direct marketer fulfills certain requirements.

Under current law, a direct marketer must certify to DOR that the person will register with debit and credit card companies; that the invoices for all shipments of cigarettes will bear the direct marketer's name and address; and that the direct marketer will provide DOR any information that DOR considers necessary. The direct marketer may not sell any cigarettes unless the sales tax, use tax, or cigarette tax, as appropriate, has been paid.

Current law requires a direct marketer to verify the consumer's name and address and that the consumer is at least 18 years of age. In addition, any person who delivers cigarettes to consumers in this state must verify that the purchaser, and the person who receives the delivery, is at least 18 years of age.

Under this bill, generally, current provisions that apply to the direct marketing of cigarettes also apply to the direct marketing of tobacco products. In addition, no person may sell cigarettes or tobacco products to consumers in this state unless the person applies to DOR for a permit.

Under current law, a person may not sell cigarettes or tobacco products to consumers in this state unless the person obtains a license from each municipality in which the person intends to sell cigarettes or tobacco products. Under the bill, no municipality may issue a license to any person who has an arrest or conviction record related to selling cigarettes or tobacco products but a direct marketer who holds a valid permit to sell cigarettes or tobacco products to consumers in this state is not required to obtain a license from each municipality in which the cigarettes or tobacco products are sold.

Under current law, a municipality or county that is located in a premier resort area may impose a sales tax of 0.5 percent on gross receipts from the sale of tangible personal property and taxable services sold at certain businesses, as classified under the federal Standard Industrial Classification Manual.

This bill allows a municipality or county that imposed the premier resort area tax prior to January 1, 2000, to increase the tax rate to 1 percent. In addition, a number of businesses are added to the list of businesses in which sales are subject to the tax.

This bill creates a sales and use tax exemption for machinery and other tangible personal property used for qualified research by persons engaged primarily in manufacturing or biotechnology in this state.

This bill provides that, for sales and use tax purposes, taxable sales do not include the sale of tickets or admissions by a nonprofit organization to participate in any sports activity in which more than 50 percent of the participants are younger than 20.

Under current law, DOR may enter into agreements with American Indian tribes or bands in this state to refund, generally, the cigarette and tobacco product taxes imposed on sales of cigarettes and tobacco products on land that was designated a reservation or trust land on or before January 1, 1983. Under this bill, DOR may provide tax refunds for cigarettes and tobacco products sold on land

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designated a reservation or trust land on or before January 1, 1983, or on a later date determined by an agreement between DOR and the tribal council.

The bill also allows DOR to enter into agreements with American Indian tribes or bands in this state to collect, remit, and provide refunds of income, withholding, sales and use, motor vehicle fuel, and beverage taxes related to activities on tribal lands or undertaken by tribal members outside of tribal lands.

Under current law, a state agency may certify to DOR a debt owed to the agency so that DOR can collect the debt from the debtor's state tax refund. Certifiable debts include an amount that has been reduced to a judgment or an amount for which the agency has provided the debtor reasonable notice and an opportunity to be heard. Under current law, DOR charges the debtor for administrative expenses related to offsetting the debt.

This bill generally requires a state agency to enter into a written agreement with DOR to collect any amount owed to the agency that is more than 90 days past due, unless negotiations with the debtor are actively ongoing, the debt is the subject of legal or administrative proceedings, or the debtor is adhering to an acceptable payment arrangement. Under the agreement, DOR, rather than the agency, may provide the debtor reasonable notice and an opportunity to be heard with regard to the debt. Also, DOR may collect the debt directly from the debtor in addition to offsetting a state tax refund. Under the bill, DOR charges the debtor for administrative expenses related to collecting the debt.

This bill requires financial institutions to provide DOR with information about account holders so that DOR can determine if any of those persons owe the state delinquent debts. Current law permits DOR to levy on financial institutions to collect delinquent debts from the accounts of debtors.

Under this bill, DOR may enter into agreements with the IRS to collect a person's federal nontax debt by subtracting the amount from any state payment to that person, other than a tax refund. DOR may also charge a collection fee up to \$25 per transaction. In addition, DOR may enter into agreements with the IRS to collect a person's state tax or nontax debt by subtracting the amount from any federal payment to that person, as authorized by federal law.

Under this bill, for sales and use tax purposes, a retailer engaged in business in this state includes any person who has an affiliate in this state, if the person is related to the affiliate for federal tax purposes and if the affiliate uses facilities or employees in this state to establish a market for sales of items by the related person to purchasers in this state or for providing services to the related person's purchasers in this state.

Under this bill, for purposes of reviewing DOR's rules, the Tax Appeals Commission must give controlling weight to DOR's interpretation of its rules unless the interpretation is plainly erroneous or inconsistent with the language of the rules or the statutes that govern the rules.

Under current law, generally, the sale of tangible personal property that becomes an ingredient or component part of an article of tangible personal property, or is consumed, destroyed, or loses its identity in manufacturing an article of tangible personal property is exempt from the sales and use tax. This bill provides that the

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sale of such tangible personal property is exempt from the sales and use tax only if it is also used exclusively and directly in manufacturing an article of tangible personal property.

Under current law, for sales and use tax purposes, “manufacturing” is the production by machinery of a new article of tangible personal property with a different form, use, and name from existing materials, by a process popularly regarded as manufacturing. This bill provides that production begins with conveying raw materials and supplies from plant inventory to the place where work is performed in the same plant and ends with conveying finished units of tangible personal property to the point of first storage in the same plant.

Under current law, for sales and use tax purposes, “manufacturing” includes crushing, washing, grading, and blending sand, rock, gravel, and other minerals and ore dressing. Under this bill, “manufacturing” also includes conveying work in progress directly from one manufacturing process to another in the same plant; testing or inspecting the new article of tangible personal property that is being manufactured; storing work in progress in the same plant where the manufacturing occurs; assembling finished units of tangible personal property; and packaging a new article of tangible personal property, if the manufacturer, or another person on the manufacturer’s behalf, performs the packaging and if the packaging becomes part of the new article of tangible personal property as it is customarily offered for sale by the manufacturer.

The sales and use tax is currently imposed on the towing of tangible personal property, unless at the time of towing the sale of the tangible personal property in this state would be exempt from the sales and use tax, not including the exempt sale of a motor vehicle to a nonresident and certain other nontaxable sales. This bill specifies that the sales and use tax is imposed on the towing and hauling of motor vehicles by a tow truck, unless at the time of towing or hauling a sale of the motor vehicle in this state would be exempt from the sales and use tax, not including the exempt sale of a motor vehicle to a nonresident and certain other nontaxable sales.

Under current law, if the IRS requires taxpayers to electronically file information returns or wage statements for federal income tax purposes, the taxpayer must electronically file, with DOR, information or wage statements for state income or franchise tax purposes.

Under this bill, if DOR requires a person to file 50 or more of any one type of information return or 50 or more wage statements, the returns or statements must be filed electronically.

The bill also requires a person who must file a return related to collecting the state rental vehicle fee or dry cleaning fee to file the return in the manner prescribed by DOR.

Under current law, DOR may require a person to produce documents related to any matter that DOR has authority to investigate or for which DOR must make a determination. This bill provides that a person who fails to provide documents to DOR that support information shown on any income or franchise tax return or any sales and use tax return is subject to the disallowance of deductions, credits, or exemptions to which the requested documents relate.

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Under current law, for sales and use tax purposes, a person in this state who sells tangible personal property or services must have a valid seller's permit from DOR. This bill requires DOR to post a list of every person who has had a seller's permit revoked on an Internet site created and maintained by DOR.

TRANSPORTATION**HIGHWAYS**

Under current law, the Building Commission may issue revenue bonds for major highway projects and transportation administrative facilities in a principal amount that may not exceed \$2,708,341,000. This bill increases the revenue bond limit from \$2,708,341,000 to \$3,009,784,200.

This bill increases from \$303,300,000 to \$553,550,000 the general obligation bonding limit for DOT's funding of two southeast Wisconsin freeway rehabilitation projects: the Marquette interchange reconstruction project and the I 94 north-south corridor reconstruction project. The bill also expands the project boundaries of another southeast Wisconsin freeway rehabilitation project, the Zoo interchange reconstruction project.

Under current law, with limited exceptions, all highway improvement construction projects undertaken by DOT must be let by contract based upon competitive bidding. This bill allows DOT, for two years after the bill's effective date, to enter into highway improvement contracts utilizing a design-build procurement process if DOT finds that it would be more feasible and advantageous and if certain conditions are met. A design-build procurement process is calculating a method under which a project's engineering, design, and construction services are provided by a single private entity or consortium selected as part of a single bidding process.

DRIVERS AND MOTOR VEHICLES

Current law requires the use of seat belts, child safety seats, and booster seats in certain motor vehicles but prohibits a law enforcement officer from stopping or inspecting a motor vehicle solely to determine compliance with these requirements. An officer may, however, issue a citation for a seat belt use violation observed in the course of a stop or inspection made for other purposes.

This bill authorizes a law enforcement officer to stop or inspect a vehicle solely to determine compliance with seat belt use requirements, subject to any constitutional requirement that the officer have probable cause to believe that a violation has occurred. The bill also increases from \$10 to \$25 the penalty for violating this state's laws requiring the use of seat belts. As under current law, violators pay no additional costs, fees, or assessments.

Under current law, law enforcement officers are prohibited from using any radar device combined with photographic identification of a vehicle (photo radar speed detection) to determine compliance with motor vehicle speed limits.

This bill allows state and local law enforcement agencies to use photo radar speed detection to identify speed limit violations in highway work zones (work zone speed violations). The bill also allows DOT and local authorities to use traffic control photographic systems to identify motor vehicles that fail to stop at red traffic signals at intersections (red light violations). Subject to certain defenses, the bill allows liability to be imposed on the owner of a vehicle involved in a work zone speed

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violation detected through photo radar speed detection or involved in a red light violation detected by a traffic control photographic system.

Under current law, DOT issues two registration plates for most motor vehicles, which are generally required to be displayed on the front and rear of the vehicle. This bill directs DOT to issue only one registration plate for most motor vehicles, which is generally required to be displayed on the rear of the motor vehicle.

Under current law, when renewing a vehicle registration, DOT may issue a decal, to be placed on the vehicle's registration plate, to indicate the vehicle's period of registration. Current law also requires registration plates for most vehicles registered on the basis of gross weight to indicate the weight class into which the vehicle falls.

This bill eliminates the requirements that vehicle registration plates display an indication of the vehicle's registration period or expiration date and that registration plates for certain vehicles indicate the weight class into which the vehicle falls. The bill also eliminates DOT's issuance of decals to indicate a vehicle's period of registration.

Under current law, to renew most operator's licenses, DOT must administer an examination of the applicant's eyesight and make provisions for giving eyesight examinations at examining stations in each county. Under this bill, DOT is not required to provide eyesight examinations at examining stations in each county.

Under current law, a person who operates a motor vehicle after his or her operating privileges has been revoked is subject to a forfeiture up to \$2,500, but if he or she has a prior conviction within the last five years for operating after his or her operating privilege was revoked or if his or her operating privilege was revoked for an offense related to operating a vehicle while intoxicated (OWI), the person is subject to a fine up to \$2,500, imprisonment for up to one year, or both.

Under this bill, any person who operates a motor vehicle after his or her operating privileges have been revoked is subject to a forfeiture up to \$2,500 unless his or her operating privileges were revoked for an offense related to OWI. The bill does not change the penalty for a person who operates a vehicle after his or her operating privileges have been revoked for an offense related to OWI.

Under current law, a creditor's security interest in a motor vehicle is generally perfected by notation of the security interest on the certificate of title for the vehicle. A creditor may perfect its security interest by delivering to DOT any existing certificate of title for the vehicle and an application for a certificate of title noting the creditor's security interest. To release a security interest, the creditor executes and delivers to the owner a release of the security interest and the owner provides the release and certificate of title to DOT, after which DOT issues a new certificate of title free of the security interest notation. There is a single fee of \$4 for the original notation and subsequent release of each security interest noted on a certificate of title.

This bill requires creditors, other than individuals, that hold security interests in motor vehicles to utilize an electronic process for having these creditors' security interests noted on the certificates of title and for releasing these security interests. DOT rules may provide exemptions from this requirement. The bill also increases

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from \$4 to \$10 the fee for notation and release of a security interest noted on a certificate of title and eliminates a \$5 fee imposed on financial institutions for each transaction electronically transmitted to DOT relating to a certificate of title or vehicle registration.

This bill specifies that DOT may maintain any motor vehicle certificate of title or other motor vehicle title information in an automated format, including in digital or electronic form, and may consider any record maintained in an automated format to be the original and controlling record, notwithstanding the existence of any printed version of the same record.

Current law requires DOT to establish new designs for most vehicle registration plates every ten years and to issue the new plates on a rolling basis as vehicle registrations are renewed by the vehicle owners. This bill eliminates this ten-year redesign and reissuance schedule and instead requires these registration plates to be redesigned and reissued at intervals determined by DOT.

This bill requires DOT to develop and administer a program to award grants to providers of approved driver education courses, to supplement the cost of providing these courses to low-income individuals.

Under current law, a person who commits an out-of-service violation is subject to a criminal penalty. An out-of-service violation is a violation for operating a commercial motor vehicle while the operator or vehicle is ordered out-of-service under state or federal law. Under this bill, a person who commits an out-of-service violation is subject to a civil penalty rather than a criminal penalty. The bill also makes other changes relating to out-of-service violations.

Under current law, DOT issues identification cards only to residents who do not possess valid operator's licenses.

This bill prohibits DOT from charging a fee to an applicant for the initial issuance of an identification card if the applicant's valid operator's license has been cancelled or surrendered due to a medical condition and the license was not less than six months from expiring. The bill also repeals current law allowing a person whose license is cancelled due to poor eyesight to retain the license for use like an identification card.

Under current law, a person may purchase a specialized registration plate for his or her vehicle by paying an additional fee.

This bill establishes a second authorized special group and provides for the issuance of special registration plates for persons who support endangered resources. The fees charged to special group members are the same as for the existing endangered resources special group plates. The words or symbols used on the second endangered resources special group plate must be different from the existing one and the new design must cover the entire plate. In addition, the second endangered resources special group plate may be issued only if DOT purchases the plates from the state of Minnesota.

The bill also establishes an authorized special group and provides for the issuance of special distinguishing registration plates for persons who support the Milwaukee Brewers. Fees are the same as for the endangered resources plates.

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However, the \$25 annual fee provides funds to retire the debt of the professional baseball park district where the Milwaukee Brewers' home field is located.

Under current law, DOT's state traffic patrol has specified duties and is authorized to conduct investigations relating to the use or operation of vehicles. This bill allows the state traffic patrol to charge a lead law enforcement agency for services provided by the state traffic patrol in assisting with a traffic accident investigation or reconstruction.

Under current law, upon request by any person, DOT must furnish an abstract of the operating record of any person. DOT must charge the following fees for searches of vehicle operators' records: \$5 for any file search, \$5 for any computerized search, and \$6 or a monthly rate determined by DOT for any search requested by telephone. Under this bill, DOT must charge \$2 for providing a paper copy of an abstract. Also under this bill, DOT is prohibited from charging the fee for a computerized search or for a search requested by telephone to any governmental unit.

TRANSPORTATION AIDS

Under current law, DOT administers a general transportation aids program that makes aid payments to a county based on a share-of-costs formula, and to a municipality based on the greater of a share-of-costs formula or an aid rate per mile. This bill decreases, for 2010 and thereafter, the aid rate per mile for municipalities and the maximum amount of aid that may be paid to counties and municipalities.

Under current law, DOT provides state aid payments, for each of four classes of mass transit systems, to local public bodies in urban areas served by mass transit systems to assist with their costs.

This bill increases in 2010 and 2011 the amount of state aid to each class of mass transit.

This bill authorizes DOT to award grants to cities, villages, towns, and counties, or enter into contracts with private providers of intercity bus service, for the purpose of increasing the availability of intercity bus service. The amount of DOT funding related to any particular bus route is limited to the lesser of 50 percent of the net operating loss of the route or the net operating loss of the route that is not covered by federal funding.

This bill creates the southeast Wisconsin Transit Capital Assistance Program under which DOT may award grants, subject to certain conditions and restrictions, for transit capital improvements to qualifying transit authorities located in southeastern Wisconsin (presently only the southeast regional transit authority if such an authority is created under authorization provided in this bill — see OTHER TRANSPORTATION). The state may issue up to \$100,000,000 in general obligation bonds to provide grants under the program.

This bill authorizes within DOT to award grants to American Indian tribes or bands for the purpose of assisting in providing transportation services to elderly persons. The bill appropriates Indian gaming receipts to fund the grants.

RAIL AND AIR TRANSPORTATION

This bill increases the authorized general obligation bonding limit for the acquisition and improvement of rail property from \$66,500,000 to \$126,500,000.

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This bill increases from \$82,000,000 to \$122,000,000 the authorized general obligation bonding authority for DOT's rail passenger route development program.

OTHER TRANSPORTATION

This bill creates, or authorizes the creation of, three regional transit authorities: a southeast regional transit authority (SE RTA), a Dane County regional transit authority (DC RTA), and a Fox Cities regional transit authority (FC RTA). The SE RTA is created if the governing body of Milwaukee County or Kenosha County, or of any municipality located within that portion of Racine County east of I 94, adopts a resolution authorizing the county or municipality to become a member of the SE RTA. If any of these counties or municipalities fails to adopt a resolution creating the SE RTA, these counties and municipalities, as well as Racine County, may also join the SE RTA after it has been created. If Milwaukee County or Kenosha County joins the SE RTA, all municipalities located within Milwaukee County or Kenosha County, respectively, become members of the SE RTA. Waukesha County, Ozaukee County, and Washington County may join the SE RTA and any municipality located within these counties may join the SE RTA upon approval of the SE RTA's board of directors. The jurisdictional area of the SE RTA is the geographic area formed by the combined territorial boundaries of counties and municipalities that are members of the SE RTA.

The DC RTA is created if the governing body of Dane County adopts a resolution authorizing the county to become a member of the DC RTA. Once created, the members of the DC RTA consist of Dane County and all municipalities located within the Madison metropolitan planning area (MMPA). Any other municipality located within Dane County may join the DC RTA upon approval of the DC RTA's board of directors. The jurisdictional area of the DC RTA is the geographic area consisting of the MMPA and all municipalities outside the MMPA that join the DC RTA.

The members of the FC RTA consist of Outagamie County, Calumet County, and Winnebago County and all municipalities located within the urbanized area of the Fox Cities metropolitan planning area (UFCMPA). Any other municipality located within Outagamie County, Calumet County, or Winnebago County may join the FC RTA upon approval of the FC RTA's board of directors. The jurisdictional area of the FC RTA is the geographic area consisting of the UFCMPA and all municipalities outside the UFCMPA that join the FC RTA.

An RTA's authority is vested in its board of directors. Directors serve four-year terms. An RTA's bylaws govern its management, operations, and administration and must include specified provisions, including the maximum rate of the sales and use tax, not exceeding the statutory limit, that may be imposed by the RTA.

An RTA may establish or acquire a transportation system, and operate the transportation system or contract for its operation by another. An RTA may also contract with a public or private organization to provide transportation services in lieu of directly providing these services and may purchase and lease transportation facilities to public or private transit companies. An RTA may acquire property by condemnation; impose, by the adoption of a resolution by the RTA's board of directors, a sales and use tax in the RTA's jurisdictional area at a rate of not more than 0.5 percent of the gross receipts or sales price; and issue tax-exempt revenue bonds.

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Charges received by an RTA must be used only for the general expenses and capital expenditures of the RTA, to pay interest, amortization, and retirement charges on the RTA's revenue bonds, and for other specific purposes of the RTA, and may not be transferred to any political subdivision. An RTA must provide, or contract for the provision of, transit service within the RTA's jurisdictional area.

Under current law, the counties of Kenosha, Racine, and Milwaukee must create a Regional Transit Authority (KRM RTA). The KRM RTA is responsible for the coordination of transit and commuter rail programs within these counties but has no authority to manage or operate any transit system. The KRM RTA may receive funding by imposing a rental car transaction fee within these counties, but the fee may be used only to hire staff, conduct studies, and prepare a report to the legislature and the governor, due by November 15, 2008. This bill terminates the KRM RTA and modifies the rental car transaction fee so that it provides a funding source for the SE RTA if the SE RTA is created.

Under current law, DOT may accept payment by credit card of certain fees, particularly those relating to motor vehicle ownership and operation. This bill allows DOT to accept payment by credit card, debit card, or any other electronic payment mechanism for these fees. The bill also allows DOT to charge a convenience fee, set by DOT, for each payment made by credit card, debit card, or any other electronic payment mechanism. The convenience fee must approximate the cost to DOT for providing the service.

Under current law, the state may contract up to \$53,400,000 in public debt for DOT to award grants for harbor improvements. This bill increases this authorized general obligation bonding limit from \$53,400,000 to \$72,450,000.

VETERANS AND MILITARY AFFAIRS

Currently, DVA assists veterans whose need for services is based on homelessness, incarceration, or other circumstances, including assistance in receiving medical care, dental care, education, employment, and transitional housing. This bill expands the types of services that DVA may provide to include single room occupancy housing.

As a condition for receiving reimbursement for tuition from DVA, current law requires a veteran to provide DVA with the veteran's name, the educational institution the veteran is attending, whether the veteran is enrolled full time or part time, and an estimate of the amount of tuition reimbursement the veteran will later claim. This bill eliminates that requirement.

Current law requires a veteran to submit an application to DVA for tuition reimbursement within 60 days after completion of the semester or course. This bill allows DVA to set the time limit for submitting the application.

This bill eliminates the use of money in the veterans trust funds to assist indigent veterans to pay the costs of residing at the Wisconsin Veterans Home at Union Grove, and instead uses money provided to pay for the operation of the veterans homes for that purpose, but limits the amount that may be used for that purpose to not more than 1 percent of the moneys received from residents of the Home, the federal department of veterans affairs, and from Medical Assistance.

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The bill also allows up to \$100,000 of the amount appropriated for the operation of the veterans homes to be used for grants to counties and American Indian tribes and bands for the improvement of services to veterans.

The bill extends the sunset date for the grant program to train volunteers to assist individuals who return to this state after active duty in the national guard or armed forces from June 30, 2007, to June 30, 2011.

This bill provides funding from the petroleum inspection fund for the general program operations of the division of emergency management.

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

1 **SECTION 1.** 5.68 (1) of the statutes is amended to read:

2 5.68 (1) ~~The Except as provided in sub. (7), the~~ cost of acquisition of ballot boxes
3 and voting booths, voting machines or electronic voting systems and regular
4 maintenance thereof shall be borne by the municipalities in which the boxes, booths,
5 machines or systems are used.

6 **SECTION 2.** 5.68 (7) of the statutes is amended to read:

7 5.68 (7) Any municipality that maintained polling hours beginning later than
8 7 a.m. prior to April 29, 2006, and that incurs additional costs to adjust its polling
9 hours to begin at 7 a.m. at any election held after April 29, 2006, may file a claim with
10 the board for reimbursement of those costs. The claim shall be accompanied by
11 appropriate substantiation of all costs incurred. The board shall audit the claim and,
12 if the board finds that the costs have been incurred by the municipality, and the costs
13 would not have been incurred but for the requirement to open polling places at 7 a.m.,
14 the board shall may reimburse the municipality for those costs or any portion of those
15 costs. No claim is payable under this subsection unless the claim is filed with the
16 board, together with appropriate substantiation, within 60 days following the date
17 on which the costs are incurred.

18 **SECTION 3.** 7.33 (1) (c) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 3**

1 7.33 **(1)** (c) “State agency” has the meaning given under s. 20.001 (1) and
2 includes an authority created under subch. II of ch. 114 or ch. 52, 231, 232, 233, 234,
3 or 237.

4 **SECTION 4.** 7.33 (4) of the statutes is amended to read:

5 7.33 **(4)** Except as otherwise provided in this subsection, each local
6 governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon
7 proper application under sub. (3), permit each of its employees to serve as an election
8 official under s. 7.30 without loss of fringe benefits or seniority privileges earned for
9 scheduled working hours during the period specified in sub. (3), without loss of pay
10 for scheduled working hours during the period specified in sub. (3) except as provided
11 in sub. (5), and without any other penalty. For employees who are included in a
12 collective bargaining unit for which a representative is recognized or certified under
13 subch. V or VI of ch. 111, this subsection shall apply unless otherwise provided in a
14 collective bargaining agreement.

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

16 13.101 **(6)** (a) As an emergency measure necessitated by decreased state
17 revenues and to prevent the necessity for a state tax on general property, the
18 committee may reduce any appropriation made to any board, commission,
19 department, or the University of Wisconsin System, or to any other state agency or
20 activity, by such amount as it deems feasible, not exceeding 25% of the
21 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and
22 ~~(cr)~~ (vr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and (6) (af),
23 (aq), (ar), ~~and (au)~~, and (av), 20.435 ~~(6)~~ (7) (a) and ~~(7)~~ (da), and 20.437 (2) (a) and (dz)
24 or for forestry purposes under s. 20.370 (1), or any other moneys distributed to any
25 county, city, village, town, or school district. Appropriations of receipts and of a sum

ASSEMBLY BILL 75**SECTION 5**

1 sufficient shall for the purposes of this section be regarded as equivalent to the
2 amounts expended under such appropriations in the prior fiscal year which ended
3 June 30. All functions of said state agencies shall be continued in an efficient
4 manner, but because of the uncertainties of the existing situation no public funds
5 should be expended or obligations incurred unless there shall be adequate revenues
6 to meet the expenditures therefor. For such reason the committee may make
7 reductions of such appropriations as in its judgment will secure sound financial
8 operations of the administration for said state agencies and at the same time
9 interfere least with their services and activities.

10 **SECTION 6.** 13.106 (1) (b) of the statutes is repealed.

11 **SECTION 7.** 13.106 (1) (e) of the statutes is repealed.

12 **SECTION 8.** 13.106 (2) of the statutes is repealed.

13 **SECTION 9.** 13.111 (2) of the statutes is amended to read:

14 13.111 **(2)** DUTIES. The joint committee on employment relations shall perform
15 the functions assigned to it under ~~subch.~~ subchs. V and VI of ch. 111, subch. II of ch.
16 230 and ss. 16.53 (1) (d) 1., 20.916, 20.917, 20.923 and 40.05 (1) (b).

17 **SECTION 10.** 13.172 (1) of the statutes is amended to read:

18 13.172 **(1)** In this section, “agency” means an office, department, agency,
19 institution of higher education, association, society, or other body in state
20 government created or authorized to be created by the constitution or any law, that
21 is entitled to expend moneys appropriated by law, including the legislature and the
22 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in
23 ch. 52, 231, 233, 234, or 279.

24 **SECTION 11.** 13.40 (2) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 11**

1 13.40 **(2)** (intro.) Except as provided in ~~subs.~~ sub. (3) ~~and (3m)~~, the amount
2 appropriated from general purpose revenue for each fiscal biennium, excluding any
3 amount under an appropriation specified in sub. (3) (a) to (i), as determined under
4 sub. (4), may not exceed the sum of:

5 **SECTION 12.** 13.40 (3) (k) of the statutes is created to read:

6 13.40 **(3)** (k) An appropriation under s. 20.505 (1) (bq).

7 **SECTION 13.** 13.40 (3m) of the statutes is repealed.

8 **SECTION 14.** 13.48 (2) (a) of the statutes is amended to read:

9 13.48 **(2)** (a) There is created a building commission consisting of the governor,
10 who shall serve as chairperson, and 3 senators and 3 representatives to the assembly
11 appointed as are the members of standing committees in their respective houses.
12 The 2 major political parties shall be represented in the membership from each
13 house. One legislator from each house shall be a member of the state supported
14 programs study and advisory committee created by s. 13.47. One citizen member
15 shall be appointed by the governor to serve at the governor's pleasure. The secretary,
16 head of the engineering function, and ranking architect of the department of
17 administration shall be nonvoting advisory members. The secretary of
18 administration shall designate an employee of the department of administration to
19 serve as secretary to the building commission. The building commission shall bear
20 a title beginning with the words "State of Wisconsin". The members shall be liable
21 only for misconduct. Nonlegislator members of the building commission shall be
22 reimbursed for actual and necessary expenses, incurred as members of the building
23 commission, from the appropriation under s. 20.505.

24 **SECTION 15.** 13.48 (10) (a) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 15**

1 13.48 **(10)** (a) No state board, agency, officer, department, commission or body
2 corporate may enter into a contract for the construction, reconstruction, remodeling
3 of or addition to any building, structure, or facility, in connection with any building
4 project which involves a cost in excess of ~~\$150,000~~ \$250,000 without completion of
5 final plans and arrangement for supervision of construction and prior approval by
6 the building commission. The building commission may not approve a contract for
7 the construction, reconstruction, renovation or remodeling of or an addition to a state
8 building as defined in s. 44.51 (2) unless it determines that s. 44.57 has been complied
9 with or does not apply. This section applies to the department of transportation only
10 in respect to buildings, structures and facilities to be used for administrative or
11 operating functions, including buildings, land and equipment to be used for the
12 motor vehicle emission inspection and maintenance program under s. 110.20.

13 **SECTION 16.** 13.48 (13) (a) of the statutes is amended to read:

14 13.48 **(13)** (a) Except as provided in par. (b) or (c), every building, structure or
15 facility that is constructed for the benefit of or use of the state, any state agency,
16 board, commission or department, the University of Wisconsin Hospitals and Clinics
17 Authority, the Fox River Navigational System Authority, the Wisconsin Quality
18 Home Care Authority, or any local professional baseball park district created under
19 subch. III of ch. 229 if the construction is undertaken by the department of
20 administration on behalf of the district, shall be in compliance with all applicable
21 state laws, rules, codes and regulations but the construction is not subject to the
22 ordinances or regulations of the municipality in which the construction takes place
23 except zoning, including without limitation because of enumeration ordinances or
24 regulations relating to materials used, permits, supervision of construction or
25 installation, payment of permit fees, or other restrictions.

ASSEMBLY BILL 75**SECTION 17**

SECTION 17. 13.48 (14) (a) of the statutes is amended to read:

13.48 **(14)** (a) In this subsection, “agency” has the meaning given for “state agency” in s. 20.001 (1), except that during the ~~period prior to July 1, 2007, and the~~ period beginning on October 27, 2007, and ending on June 30, 2009, and the period beginning on the effective date of this paragraph [LRB inserts date], the term does not include the Board of Regents of the University of Wisconsin System.

SECTION 18. 13.48 (19m) of the statutes is created to read:

13.48 **(19m)** WAIVER OF CONSTRUCTION PROJECT CONTRACT REQUIREMENTS. The secretary of the building commission may waive compliance with any requirement under s. 16.855 for any project the estimated cost of which is less than \$5,000,000.

SECTION 19. 13.48 (29) of the statutes is amended to read:

13.48 **(29)** SMALL PROJECTS. Except as otherwise required under s. 16.855 (10m), the building commission may prescribe simplified policies and procedures to be used in lieu of the procedures provided in s. 16.855 for any project ~~that does not require prior approval of the building commission under sub. (10) (a)~~ having an estimated cost that does not exceed \$500,000.

SECTION 20. 13.62 (2) of the statutes is amended to read:

13.62 **(2)** “Agency” means any board, commission, department, office, society, institution of higher education, council, or committee in the state government, or any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232, 233, 234, 237, or 279, except that the term does not include a council or committee of the legislature.

SECTION 21. 13.94 (1) (dg) of the statutes is repealed.

SECTION 22. 13.94 (1) (ms) of the statutes is created to read:

ASSEMBLY BILL 75

1 13.94 **(1)** (ms) No later than July 1, 2014, prepare a financial and performance
2 evaluation audit of the economic development tax benefit program under ss. 560.701
3 to 560.706. The legislative audit bureau shall file a copy of the report of the audit
4 under this paragraph with the distributees specified in par. (b).

5 **SECTION 23.** 13.94 (4) (a) 1. of the statutes is amended to read:

6 13.94 **(4)** (a) 1. Every state department, board, examining board, affiliated
7 credentialing board, commission, independent agency, council or office in the
8 executive branch of state government; all bodies created by the legislature in the
9 legislative or judicial branch of state government; any public body corporate and
10 politic created by the legislature including specifically the Wisconsin Quality Home
11 Care Authority, the Fox River Navigational System Authority, the Lower Fox River
12 Remediation Authority, and the Wisconsin Aerospace Authority, a professional
13 baseball park district, a local professional football stadium district, a local cultural
14 arts district and a long-term care district under s. 46.2895; every Wisconsin works
15 agency under subch. III of ch. 49; every provider of medical assistance under subch.
16 IV of ch. 49; technical college district boards; ~~development zones designated under~~
17 ~~s. 560.71~~; every county department under s. 51.42 or 51.437; every nonprofit
18 corporation or cooperative or unincorporated cooperative association to which
19 moneys are specifically appropriated by state law; and every corporation, institution,
20 association or other organization which receives more than 50% of its annual budget
21 from appropriations made by state law, including subgrantee or subcontractor
22 recipients of such funds.

23 **SECTION 24.** 13.95 (intro.) of the statutes is amended to read:

24 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be
25 known as the “Legislative Fiscal Bureau” headed by a director. The fiscal bureau

ASSEMBLY BILL 75**SECTION 24**

1 shall be strictly nonpartisan and shall at all times observe the confidential nature
2 of the research requests received by it; however, with the prior approval of the
3 requester in each instance, the bureau may duplicate the results of its research for
4 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's
5 designated employees shall at all times, with or without notice, have access to all
6 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the
7 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
8 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
9 Authority, and the Fox River Navigational System Authority, and to any books,
10 records, or other documents maintained by such agencies or authorities and relating
11 to their expenditures, revenues, operations, and structure.

12 **SECTION 25.** 15.01 (2) of the statutes is amended to read:

13 15.01 (2) "Commission" means a 3-member governing body in charge of a
14 department or independent agency or of a division or other subunit within a
15 department, except for the Wisconsin waterways commission which shall consist of
16 5 members and the ~~parole~~ earned release review commission which shall consist of
17 8 members. A Wisconsin group created for participation in a continuing interstate
18 body, or the interstate body itself, shall be known as a "commission", but is not a
19 commission for purposes of s. 15.06. The ~~parole~~ earned release review commission
20 created under s. 15.145 (1) shall be known as a "commission", but is not a commission
21 for purposes of s. 15.06.

22 **SECTION 26.** 15.05 (3r) of the statutes is created to read:

23 15.05 (3r) CHIEF LEGAL ADVISOR. The secretary of each department specified in
24 s. 230.08 (2) (eg) may appoint in the unclassified service a chief legal advisor.

25 **SECTION 27.** 15.06 (6) of the statutes is amended to read:

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1 15.06 **(6)** QUORUM. A majority of the membership of a commission constitutes
2 a quorum to do business, except that vacancies shall not prevent a commission from
3 doing business. This subsection does not apply to the parole earned release review
4 commission.

5 **SECTION 28.** 15.07 (1) (b) 10. of the statutes is repealed.

6 **SECTION 29.** 15.07 (1) (cm) of the statutes is amended to read:

7 15.07 **(1)** (cm) The term of one member of the government accountability board
8 shall expire on each May 1. The terms of 3 members of the ~~development finance~~
9 economic policy board appointed under s. 15.155 (1)(a) 6. ~~(2)(a) 4.~~ shall expire on May
10 1 of every even-numbered year and the terms of the other 3 members appointed
11 under s. 15.155 (1)(a) 6. ~~(2)(a) 4.~~ shall expire on May 1 of every odd-numbered year.
12 ~~The terms of the 3 members of the land and water conservation board appointed~~
13 ~~under s. 15.135 (4) (b) 2. shall expire on January 1. The term of the member of the~~
14 ~~land and water conservation board appointed under s. 15.135 (4) (b) 2m. shall expire~~
15 ~~on May 1 of an even-numbered year. The terms of members of the real estate board~~
16 shall expire on July 1. The terms of the appraiser members of the real estate
17 appraisers board and the terms of the auctioneer and auction company
18 representative members of the auctioneer board shall expire on May 1 in an
19 even-numbered year. The terms of the members of the cemetery board shall expire
20 on July 1 in an even-numbered year. The term of the student member of the Board
21 of Regents of the University of Wisconsin System who is at least 24 years old shall
22 expire on May 1 of every even-numbered year.

23 **SECTION 30.** 15.07 (5) (h) of the statutes is repealed.

24 **SECTION 31.** 15.103 (1g) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 31**

1 15.103 **(1g)** DIVISION OF LEGAL SERVICES. There is created in the department of
2 administration a division of legal services.

3 **SECTION 32.** 15.135 (4) of the statutes is repealed.

4 **SECTION 33.** 15.137 (3) of the statutes is created to read:

5 15.137 **(3)** LAND AND WATER RESOURCE COUNCIL. (a) *Voting members.* There is
6 created in the department of agriculture, trade and consumer protection a land and
7 water resource council with the following voting members:

8 1. A representative of an agricultural organization appointed for a 4-year term.

9 2. A representative of an environmental organization appointed for a 4-year
10 term.

11 3. A representative of county government appointed for a 4-year term.

12 4. The secretary of agriculture, trade and consumer protection or the
13 secretary's designee.

14 5. The secretary of natural resources or the secretary's designee.

15 6. The dean of the College of Agricultural and Life Sciences of the University
16 of Wisconsin–Madison or the dean's designee.

17 7. The chancellor of the University of Wisconsin–Extension or the chancellor's
18 designee.

19 (b) *Nonvoting members.* In addition to the voting members under par. (a), the
20 Wisconsin state conservationist of the natural resource conservation service of the
21 federal department of agriculture and the Wisconsin state executive director of the
22 farm service agency of the federal department of agriculture may serve as nonvoting
23 members of the land and water resource council.

24 **SECTION 34.** 15.145 (1) of the statutes is amended to read:

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1 15.145 **(1)** ~~PAROLE~~ EARNED RELEASE REVIEW COMMISSION. There is created in the
2 department of corrections ~~a parole~~ an earned release review commission consisting
3 of 8 members. Members shall have knowledge of or experience in corrections or
4 criminal justice. The members shall include a chairperson who is nominated by the
5 governor, and with the advice and consent of the senate appointed, for a 2-year term
6 expiring March 1 of the odd-numbered years, subject to removal under s. 17.07 (3m),
7 and the remaining members in the classified service appointed by the chairperson.

8 **SECTION 35.** 15.155 (1) of the statutes is repealed.

9 **SECTION 36.** 15.155 (2) of the statutes is created to read:

10 15.155 **(2)** ECONOMIC POLICY BOARD. (a) There is created an economic policy
11 board attached to the department of commerce under s. 15.03 consisting of all of the
12 following:

- 13 1. The secretary of commerce or the secretary's designee.
- 14 2. The secretary of workforce development or the secretary's designee.
- 15 3. The director of the technical college system or the director's designee.
- 16 4. Six other members nominated by the governor, and with the advice and
17 consent of the senate appointed, for 2-year terms.
- 18 5. One member appointed by the speaker of the assembly.
- 19 6. One member appointed by the senate majority leader.

20 (b) The members appointed under par. (a) 4. shall represent the scientific,
21 technical, labor, small business, minority business, as defined in s. 560.036 (1) (e),
22 rural, and financial communities of this state.

23 **SECTION 37.** 15.155 (3) of the statutes is repealed.

24 **SECTION 38.** 15.155 (4) of the statutes is repealed.

25 **SECTION 39.** 15.155 (6) of the statutes is repealed.

ASSEMBLY BILL 75**SECTION 40**

1 **SECTION 40.** 15.157 (8) of the statutes is renumbered 15.917 (1) and 15.917 (1)
2 (intro.), as renumbered, is amended to read:

3 15.917 **(1)** RURAL HEALTH DEVELOPMENT COUNCIL. (intro.) There is created in the
4 ~~department of commerce~~ University of Wisconsin System a rural health
5 development council consisting of 13 members nominated by the governor, and with
6 the advice and consent of the senate appointed, for 5-year terms, and the secretaries
7 of commerce and health services, or their designees. The appointed members shall
8 include all of the following:

9 **SECTION 41.** 15.207 (24) (a) 7. of the statutes is amended to read:

10 15.207 **(24)** (a) 7. Subject to par. (d), two members who are nominated by ~~a~~
11 ~~children's services network established~~ the Wisconsin Works agency or agencies in
12 Milwaukee County under s. 49.143 (2) ~~(b)~~ and who are residents of ~~the a~~ geographical
13 area established under s. 49.143 (6) ~~that is served by the children's services network~~
14 in Milwaukee County.

15 **SECTION 42.** 15.207 (24) (d) of the statutes is amended to read:

16 15.207 **(24)** (d) If the department of children and families establishes more
17 than one geographical area in Milwaukee County under s. 49.143 (6), the ~~children's~~
18 ~~services networks established~~ Wisconsin Works agency or agencies in Milwaukee
19 County under s. 49.143 (2) ~~(b)~~, in nominating members under par. (a) 7., shall
20 nominate residents of different geographical areas established under s. 49.143 (6)
21 and, when the term of a member appointed under par. (a) 7. ends or if a vacancy
22 occurs in the membership of the council under par. (a) 7., ~~those children's services~~
23 ~~networks~~ the Wisconsin Works agency or agencies shall nominate a resident of a
24 different geographical area established under s. 49.143 (6) from the geographical

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1 area of the member who is being replaced according to a rotating order of succession
2 determined by the ~~children's services networks~~ Wisconsin Works agency or agencies.

3 **SECTION 43.** 15.917 (title) of the statutes is created to read:

4 **15.917 (title) Same; attached council.**

5 **SECTION 44.** 16.002 (2) of the statutes is amended to read:

6 16.002 **(2)** "Departments" means constitutional offices, departments, and
7 independent agencies and includes all societies, associations, and other agencies of
8 state government for which appropriations are made by law, but not including
9 authorities created in subch. II of ch. 114 or subch. III of ch. 149 and in chs. 52, 231,
10 232, 233, 234, 235, 237, and 279.

11 **SECTION 45.** 16.004 (4) of the statutes is amended to read:

12 16.004 **(4)** FREEDOM OF ACCESS. The secretary and such employees of the
13 department as the secretary designates may enter into the offices of state agencies
14 and authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under
15 chs. 52, 231, 233, 234, 237, and 279, and may examine their books and accounts and
16 any other matter that in the secretary's judgment should be examined and may
17 interrogate the agency's employees publicly or privately relative thereto.

18 **SECTION 46.** 16.004 (5) of the statutes is amended to read:

19 16.004 **(5)** AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
20 authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under chs.
21 52, 231, 233, 234, 237, and 279, and their officers and employees, shall cooperate with
22 the secretary and shall comply with every request of the secretary relating to his or
23 her functions.

24 **SECTION 47.** 16.004 (12) (a) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 47**

1 16.004 **(12)** (a) In this subsection, “state agency” means an association,
2 authority, board, department, commission, independent agency, institution, office,
3 society, or other body in state government created or authorized to be created by the
4 constitution or any law, including the legislature, the office of the governor, and the
5 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,
6 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
7 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
8 Care Authority, and the Fox River Navigational System Authority.

9 **SECTION 48.** 16.004 (15) of the statutes is created to read:

10 16.004 **(15)** LEGAL SERVICES. (a) In this subsection, “state agency” means an
11 office, commission, department, independent agency, or board in the executive
12 branch of state government, including the building commission, but does not include
13 the department of justice and the department of public instruction.

14 (b) The department may provide legal services to state agencies and shall
15 assess state agencies for legal services provided by the division of legal services. The
16 department shall credit all moneys received from state agencies under this
17 paragraph to the appropriation account under s. 20.505 (1) (kr).

18 (c) During the 2010–11 fiscal year, the secretary may transfer from state
19 agencies up to 3.0 full-time equivalent vacant attorney positions to the division of
20 legal services. The authorized full-time equivalent positions to the department,
21 funded from the appropriation account under s. 20.505 (1) (kr), are increased by the
22 number of full-time equivalent positions transferred under this paragraph. The
23 authorized full-time equivalent positions of a state agency from which a transfer is
24 made are decreased by the number of full-time equivalent positions transferred from
25 that state agency under this paragraph.

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SECTION 49. 16.009 (1) (em) 6. of the statutes is amended to read:

16.009 **(1)** (em) 6. An adult family home, as defined in s. 50.01 (1) (a) or (b).

SECTION 50. 16.009 (1) (em) 7. of the statutes is created to read:

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

SECTION 51. 16.04 (1) (am) of the statutes is amended to read:

16.04 **(1)** (am) Establish guidelines for the use by agencies of charter air travel or travel by private aircraft. The guidelines shall prohibit an employee of an agency from using a private aircraft to travel outside of this state for the conduct of state business.

SECTION 52. 16.045 (1) (a) of the statutes is amended to read:

16.045 **(1)** (a) “Agency” means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 232, 233, 234, 235, 237, or 279.

SECTION 53. 16.15 (1) (ab) of the statutes is amended to read:

16.15 **(1)** (ab) “Authority” has the meaning given under s. 16.70 (2), but excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and the Health Insurance Risk-Sharing Plan Authority.

SECTION 54. 16.18 (5) of the statutes is amended to read:

16.18 **(5)** No county may receive a grant under this section in an amount exceeding ~~\$500,000~~ \$600,000 in any state fiscal year.

ASSEMBLY BILL 75**SECTION 55**

SECTION 55. 16.19 of the statutes is amended to read:

16.19 Civil legal services for the indigent. Annually, the department shall pay the amount appropriated under s. 20.505 (1) ~~(e)~~ (j) to the Wisconsin Trust Account Foundation, Inc., to provide civil legal services to indigent persons. The Wisconsin Trust Account Foundation, Inc., shall distribute the amount received as grants to programs that provide civil legal services to indigent persons, and those programs may use the grant funds to match other federal and private grants. The grants may be used only for the purposes for which the funding was provided.

SECTION 56. 16.26 of the statutes is renumbered 196.3742 and amended to read:

196.3742 ~~Weatherization~~ Federal weatherization assistance.

Notwithstanding s. 16.54 (2) (a), the ~~department~~ commission shall administer federal funds available to this state under the weatherization assistance for low-income persons program, as amended, 42 USC 6861 to 6873. The ~~department~~ commission shall administer the funds in accordance with 42 USC 6861 to 6873 and regulations adopted under 42 USC 6861 or 6873.

SECTION 57. 16.27 (title) of the statutes is renumbered 196.3744 (title) and amended to read:

196.3744 (title) ~~Low-income~~ Federal low-income energy assistance.

SECTION 58. 16.27 (1) of the statutes is renumbered 196.3744 (1), and 196.3744 (1) (e), as renumbered, is amended to read:

196.3744 **(1)** (e) “Low-income warm room program volunteer” means a person who is eligible for assistance under 42 USC 8621 to 8629, whose dwelling, in comparison to the dwellings of other persons eligible for assistance under 42 USC 8621 to 8629, has a high ratio of space to occupant, and who volunteers to take the

ASSEMBLY BILL 75**SECTION 58**

1 training under sub. (2) (b) and to cooperate with the ~~department~~ commission in the
2 installation and operation of low-income warm room program materials in his or her
3 dwelling.

4 **SECTION 59.** 16.27 (2) of the statutes is renumbered 196.3744 (2) and amended
5 to read:

6 196.3744 **(2)** ADMINISTRATION. (a) The ~~department~~ commission shall
7 administer low-income energy assistance as provided in this section to assist an
8 eligible household to meet the costs of home energy with low-income home energy
9 assistance benefits authorized under 42 USC 8621 to 8629.

10 (b) The ~~department~~ commission shall administer a low-income warm room
11 program to install low-income warm room program materials in the dwellings of
12 low-income warm room program volunteers and to train the low-income warm room
13 program volunteers and the members of each low-income warm room program
14 volunteer's household in the operation of the low-income warm room program
15 materials to achieve maximum health and heating efficiency.

16 **SECTION 60.** 16.27 (3) (am) (intro.), 2., 3., 4. and 5. (intro.) of the statutes, as
17 affected by 2009 Wisconsin Act (this act), are renumbered 196.3744 (3) (am)
18 (intro.), 2., 3., 4. and 5. (intro.) and amended to read:

19 196.3744 **(3)** (am) (intro.) Subject to s. 16.54 (2), the ~~department~~ commission
20 shall do all of the following, within the limits of the availability of federal funds
21 received under 42 USC 8621 to 8629:

22 2. By October 1 of every year from the appropriation under s. ~~20.505 (1) (mb)~~
23 20.155 (3) (m), determine the total amount available for payment of heating
24 assistance under sub. (6) and determine the benefit schedule.

ASSEMBLY BILL 75**SECTION 60**

1 3. From the appropriation under s. ~~20.505 (1) (mb)~~ 20.155 (3) (m), allocate
2 \$1,100,000 in each federal fiscal year for the ~~department's~~ commission's expenses in
3 administering the funds to provide low-income energy assistance under this section.

4 4. From the appropriation under s. ~~20.505 (1)~~ 20.155 (3) (n), allocate \$2,900,000
5 in each federal fiscal year for the expenses of a county department, another local
6 governmental agency, or a private nonprofit organization in administering under
7 sub. (4) the funds to provide low-income energy assistance under this section.

8 5. (intro.) From the appropriation under s. ~~20.505 (1) (mb)~~ 20.155 (3) (m):

9 **SECTION 61.** 16.27 (3) (am) 5. c., f. and g. of the statutes, as affected by 2009
10 Wisconsin Act (this act), are renumbered 196.3744 (3) (am) 5. c., f. and g., and
11 196.3744 (3) (am) 5. f. and g., as renumbered, are amended to read:

12 196.3744 **(3)** (am) 5. f. If federal funds received under 42 USC 8621 to 8629 in
13 a federal fiscal year total less than 90% of the amount received in the previous federal
14 fiscal year, submit a plan of expenditure ~~under s. 16.54 (2) (b)~~ of the funds to the joint
15 committee on finance. The commission may not use the funds unless the committee
16 approves the plan.

17 g. By October 1 of each year, allocate funds budgeted but not spent and any
18 funds remaining from previous fiscal years to heating assistance under sub. (6) or to
19 the weatherization assistance program under s. ~~16.26~~ 196.3742.

20 **SECTION 62.** 16.27 (3) (intro.), (b), (c), (d) and (e) (intro.) of the statutes are
21 renumbered 16.27 (3) (am) (intro.), 2., 3., 4. and 5. (intro.).

22 **SECTION 63.** 16.27 (3) (bm) of the statutes, as affected by 2009 Wisconsin Act
23 (this act), is renumbered 196.3744 (3) (bm) and amended to read:

24 196.3744 **(3)** (bm) Subject to s. 16.54 (2), the ~~department~~ commission may, after
25 deducting the costs of administering the program under s. ~~16.26~~ 196.3742, and

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1 within the limits of the availability of federal funds received under 42 USC 8621 to
2 8629, allocate and transfer from the appropriation under s. ~~20.505 (1) (mb)~~ 20.155
3 ~~(3) (m)~~ to the appropriation under s. ~~20.505 (1) (kn)~~ 20.155 (3) (n), 15% of the moneys
4 received under 42 USC 8621 to 8629 in each federal fiscal year under the priority of
5 maintaining funding for the geographical areas on July 20, 1985, and, if funding is
6 reduced, prorating contracted levels of payment, for the program under s. ~~16.26~~
7 196.3742.

8 **SECTION 64.** 16.27 (3) (e) 1. of the statutes is renumbered 16.27 (3) (bm) and
9 amended to read:

10 16.27 **(3)** (bm) ~~Allocate~~ Subject to s. 16.54 (2), the department may, after
11 deducting the costs of administering the program under s. 16.26, and within the
12 limits of the availability of federal funds received under 42 USC 8621 to 8629,
13 allocate and transfer from the appropriation under s. 20.505 (1) (mb) to the
14 appropriation under s. 20.505 (1) ~~(kn)~~ (n), 15% of the moneys received under 42 USC
15 8621 to 8629 in each federal fiscal year under the priority of maintaining funding for
16 the geographical areas on July 20, 1985, and, if funding is reduced, prorating
17 contracted levels of payment, for the ~~weatherization~~ assistance program
18 administered by the department under s. 16.26.

19 **SECTION 65.** 16.27 (3) (e) 3., 6. and 7. of the statutes are renumbered 16.27 (3)
20 (am) 5. c., f. and g., and 16.27 (3) (am) 5. c., as renumbered, is amended to read:

21 16.27 **(3)** (am) 5. c. Except as provided under subd. ~~6.~~ 5. f., allocate the balance
22 of funds received under 42 USC 8621 to 8629 in a federal fiscal year, after making
23 the allocations under ~~pars. (c) and (d) and subd. 1.~~ subds. 3. and 4. and par. (bm), for
24 the payment of heating assistance or for the payment of crisis assistance under sub.
25 (6).

ASSEMBLY BILL 75**SECTION 66**

1 **SECTION 66.** 16.27 (4) of the statutes is renumbered 196.3744 (4) and amended
2 to read:

3 196.3744 **(4)** APPLICATION PROCEDURE. (a) A household may apply after
4 September 30 and before May 16 of any year for heating assistance from the county
5 department under s. 46.215 (1) (n) or 46.22 (1) (b) 4m. a. to e. or from another local
6 governmental agency or a private nonprofit organization with which the ~~department~~
7 commission contracts to administer the heating assistance program, and shall have
8 the opportunity to do so on a form prescribed by the ~~department~~ commission for that
9 purpose.

10 (b) If by February 1 of any year the number of households applying under par.
11 (a) substantially exceeds the number anticipated, the ~~department~~ commission may
12 reduce the amounts of payments made under sub. (6) made after that date. The
13 ~~department~~ commission may suspend the processing of additional applications
14 received until the ~~department~~ commission adjusts benefit amounts payable.

15 **SECTION 67.** 16.27 (5) of the statutes, as affected by 2009 Wisconsin Act (this
16 act), is renumbered 196.3744 (5).

17 **SECTION 68.** 16.27 (5) (c) of the statutes is amended to read:

18 16.27 **(5)** (c) A household entirely composed of persons receiving aid to families
19 with dependent children under s. 49.19, food stamps under 7 USC 2011 to 2029 2036,
20 or supplemental security income or state supplemental payments under 42 USC
21 1381 to 1383c or s. 49.77.

22 **SECTION 69.** 16.27 (5) (e) of the statutes is created to read:

23 16.27 **(5)** (e) A household that is not eligible under par. (c) that includes at least
24 one person who is eligible for food stamps under 7 USC 2011 to 2036, excluding any
25 household in an institution, as defined by the department of health services by rule.

ASSEMBLY BILL 75**SECTION 69**

1 Notwithstanding sub. (6), a household under this paragraph shall be eligible for a
2 heating assistance benefit of not more than \$1.

3 **SECTION 70.** 16.27 (6) of the statutes is renumbered 196.3744 (6) and amended
4 to read:

5 196.3744 **(6)** BENEFITS. Within the limits of federal funds allocated under sub.
6 (3) and subject to the requirements of sub. subs. (4) (b) and s. ~~16.54 (2) (b)~~ (6m),
7 heating assistance shall be paid under this section according to a benefit schedule
8 established by the ~~department~~ commission based on household income, family size
9 and energy costs.

10 **SECTION 71.** 16.27 (7) of the statutes is renumbered 196.3744 (7).

11 **SECTION 72.** 16.27 (8) of the statutes is renumbered 196.3744 (8) and amended
12 to read:

13 196.3744 **(8)** CRISIS ASSISTANCE PROGRAM. A household eligible for heating
14 assistance under sub. (6) may also be eligible for a crisis assistance payment to meet
15 a weather-related or fuel supply shortage crisis. The ~~department~~ commission shall
16 define the circumstances constituting a crisis for which a payment may be made and
17 shall establish the amount of payment to an eligible household or individual. The
18 ~~department~~ commission may delegate a portion of its responsibility under this
19 subsection to a county department under s. 46.215 or 46.22 or to another local
20 governmental agency or a private nonprofit organization.

21 **SECTION 73.** 16.27 (9) of the statutes is renumbered 196.3744 (9) and amended
22 to read:

23 196.3744 **(9)** NOTICE OF UTILITY DISCONNECTION REQUIRED. Any public utility, ~~as~~
24 ~~defined in s. 196.01 (5)~~, or any fuel distributor furnishing heat, light or power to a
25 residential customer shall provide written notice of intent to disconnect or

ASSEMBLY BILL 75**SECTION 73**

1 discontinue service during the months of November to April and shall include
2 information concerning any federal, state or local program that provides assistance
3 for fuel or home heating bills. The ~~department~~ commission shall provide printed
4 information at no cost upon request to any fuel distributor serving residential
5 customers except public utilities. The information shall describe the nature and
6 availability of any federal, state or local program that provides assistance for fuel or
7 home heating bills.

8 **SECTION 74.** 16.41 (4) of the statutes is amended to read:

9 16.41 **(4)** In this section, “authority” means a body created under subch. II of
10 ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 233, 234, 237, or 279.

11 **SECTION 75.** 16.417 (1) (b) of the statutes is amended to read:

12 16.417 **(1)** (b) “Authority” means a body created under subch. II of ch. 114 or
13 ch. 52, 231, 232, 233, 234, 235, 237, or 279.

14 **SECTION 76.** 16.42 (1) (f) of the statutes is repealed.

15 **SECTION 77.** 16.42 (3) of the statutes is created to read:

16 16.42 **(3)** In formulating the 2011–13 biennial budget bill, the secretary shall
17 assume that the base level of funding for general equalization aid distributed to
18 school districts from the appropriation under s. 20.255 (2) (ac) in the 2011–13 fiscal
19 biennium is the sum of the amounts appropriated under s. 20.255 (2) (ac) and (p) in
20 the 2010–11 fiscal year.

21 **SECTION 78.** 16.42 (4) of the statutes is created to read:

22 16.42 **(4)** In formulating the biennial budget bill, the secretary shall assume
23 that the base level of funding for the appropriation under s. 20.435 (4) (b) beginning
24 in fiscal years 2011–2012 and 2012–2013 is \$1,564,356,500.

25 **SECTION 79.** 16.423 of the statutes is repealed.

ASSEMBLY BILL 75

1 **SECTION 80.** 16.45 of the statutes is amended to read:

2 **16.45 Budget message to legislature.** In each regular session of the
3 legislature, the governor shall deliver the budget message to the 2 houses in joint
4 session assembled. Unless a later date is requested by the governor and approved
5 by the legislature in the form of a joint resolution, the budget message shall be
6 delivered on or before the last Tuesday in January of the odd-numbered year. With
7 the message the governor shall transmit to the legislature, as provided in ss. 16.46
8 and 16.47, the biennial state budget report and the executive budget bill or bills
9 together with suggestions for the best methods for raising the needed revenues. The
10 governor may distribute the biennial state budget report in printed or optical disk
11 format or post the biennial state budget report on the Internet.

12 **SECTION 81.** 16.46 (intro.) of the statutes is amended to read:

13 **16.46 Biennial budget, contents.** (intro.) The biennial state budget report
14 shall be prepared by the secretary, under the direction of the governor, and a copy of
15 a budget-in-brief thereof shall be furnished to each member of the legislature or
16 posted on the Internet on the day of the delivery of the budget message. The biennial
17 state budget report shall be furnished to each member of the legislature or posted on
18 the Internet on the same day and shall contain the following information:

19 **SECTION 82.** 16.46 (5g) of the statutes is repealed.

20 **SECTION 83.** 16.50 (3) (b) of the statutes is amended to read:

21 16.50 **(3)** (b) No change in the number of full-time equivalent positions
22 authorized through the biennial budget process or other legislative act may be made
23 without the approval of the joint committee on finance, except for position changes
24 made by the governor under s. 16.505 (1) (c) or (2), by the secretary of employee trust
25 funds under s. 16.505 (2e), by the secretary of administration under s. 16.505 (2g).

ASSEMBLY BILL 75**SECTION 83**

1 by the University of Wisconsin Hospitals and Clinics Board under s. 16.505 (2n), or
2 by the board of regents of the University of Wisconsin System under s. 16.505 (2m)
3 or (2p).

4 **SECTION 84.** 16.50 (3) (e) of the statutes is amended to read:

5 16.50 **(3)** (e) No pay increase may be approved unless it is at the rate or within
6 the pay ranges prescribed in the compensation plan or as provided in a collective
7 bargaining agreement under subch. V or VI of ch. 111.

8 **SECTION 85.** 16.50 (5) of the statutes is amended to read:

9 16.50 **(5)** DISBURSEMENTS. The secretary may not draw a warrant for payment
10 of any expenditures incurred by any department nor may any department make any
11 expenditure for which the approval of the secretary or the governor is necessary
12 under this section, including any expenditure under s. 20.867, unless the
13 expenditure was made in accordance with an estimate submitted to and approved
14 by the secretary or by the governor. In the event that the secretary determines that
15 previously authorized expenditures will exceed revenues in the current or
16 forthcoming fiscal year by more than ~~0.5%~~ 2 percent of the estimated general purpose
17 revenue appropriations for that fiscal year, he or she may not decline to approve an
18 estimate or to draw a warrant under this subsection, but shall instead proceed under
19 sub. (7).

20 **SECTION 86.** 16.50 (7) (a) of the statutes is amended to read:

21 16.50 **(7)** (a) If following the enactment of the biennial budget act in any
22 biennium the secretary determines that previously authorized expenditures will
23 exceed revenues in the current or forthcoming fiscal year by more than ~~one-half of~~
24 ~~one~~ 2 percent of the estimated general purpose revenue appropriations for that fiscal
25 year, he or she may not take any action under sub. (2) and shall immediately notify

ASSEMBLY BILL 75

1 the governor, the presiding officers of each house of the legislature and the joint
2 committee on finance.

3 **SECTION 87.** 16.501 of the statutes is repealed.

4 **SECTION 88.** 16.505 (1) (intro.) of the statutes is amended to read:

5 16.505 **(1)** (intro.) Except as provided in subs. (2), ~~(2e), (2g),~~ (2m), (2n), and (2p)
6 and s. 16.004 (15) (c), no position, as defined in s. 230.03 (11), regardless of funding
7 source or type, may be created or abolished unless authorized by one of the following:

8 **SECTION 89.** 16.505 (2e) of the statutes is created to read:

9 16.505 **(2e)** (a) The secretary of employee trust funds may create or abolish a
10 full-time equivalent position or portion thereof that is funded from revenues
11 deposited in the public employee trust fund by notifying the governor and the joint
12 committee on finance in writing of his or her proposed action. If, within 14 working
13 days after the date of the secretary's notification, the governor does not object to the
14 proposed action and if the cochairpersons of the committee do not notify the secretary
15 that the committee has scheduled a meeting for the purpose of reviewing the
16 proposed action within 14 working days after the date of the secretary's notification,
17 the position changes may be made as proposed by the secretary. If the governor
18 objects to the proposed action within 14 working days after the date of the secretary's
19 notification or the cochairpersons notify the secretary that the committee has
20 scheduled a meeting for the purpose of reviewing the proposed action, the position
21 changes may be made only upon approval of the committee.

22 (b) If a full-time equivalent position or portion thereof is created under par. (a),
23 the appropriation that is used to pay salary and fringe benefit costs for the position
24 is supplemented to cover the salary and fringe benefit costs for the position.

ASSEMBLY BILL 75**SECTION 89**

1 (c) The secretary of employee trust funds shall submit a quarterly report to the
2 employee trust funds board, the governor, and the joint committee on finance of any
3 position changes made under this subsection.

4 **SECTION 90.** 16.505 (2g) of the statutes is created to read:

5 16.505 **(2g)** (a) In this subsection, “executive branch state agency” means any
6 office, department, or independent agency in the executive branch of state
7 government.

8 (b) The secretary may abolish any full-time equivalent position or portion
9 thereof in any executive branch state agency if that position has been vacant for more
10 than 12 months.

11 (c) Notwithstanding s. 20.001 (3) (a) to (c), the secretary shall lapse from each
12 sum certain appropriation made to an executive branch state agency from any
13 revenue source except program revenue, federal revenue, or segregated revenue
14 derived from specific program receipts, or shall reestimate to subtract from the
15 expenditure estimate for each appropriation other than a sum certain appropriation
16 made to an executive branch state agency from any revenue source, the amount
17 expended from the appropriations by that executive branch state agency for annual
18 salary and fringe benefit costs for the vacant positions abolished by the secretary
19 under par. (b).

20 **SECTION 91.** 16.505 (2m) of the statutes is amended to read:

21 16.505 **(2m)** The board of regents of the University of Wisconsin System may
22 create or abolish a full-time equivalent position or portion thereof from revenues
23 appropriated under s. 20.285 (1) (gs), (h), (ip), (iz), (j), (kc), (m), (n), or ~~(u)~~ (q) to (w)
24 or (3) (iz) or (n) and may create or abolish a full-time equivalent position or portion
25 thereof from revenues appropriated under s. 20.285 (1) (im) that are generated from

ASSEMBLY BILL 75

1 increased enrollment and from courses for which the academic fees or tuition
2 charged equals the full cost of offering the courses. No later than the last day of the
3 month following completion of each calendar quarter, the board of regents shall
4 report to the department and the cochairpersons of the joint committee on finance
5 concerning the number of full-time equivalent positions created or abolished by the
6 board under this subsection during the preceding calendar quarter and the source
7 of funding for each such position.

8 **SECTION 92.** 16.506 of the statutes is created to read:

9 **16.506 Reassignment of employees in state agencies for purposes of**
10 **efficiency and effectiveness of state operations. (1)** In this section, “state
11 agency” means any office, department, or independent agency in the executive
12 branch of state government, and includes the building commission.

13 **(2)** If the secretary determines that state operations may be performed more
14 efficiently and effectively by the reassignment of employees among state agencies,
15 the secretary may reassign employees from one state agency to another state agency.

16 **(3) (a)** Employees who are reassigned from one state agency to another state
17 agency under sub. (2) shall, for the duration of the reassignment, perform any work
18 assignment of the state agency to which they are reassigned.

19 **(b)** Employees who are reassigned from one state agency to another state
20 agency under sub. (2) are entitled to the same salary and fringe benefits to which they
21 would otherwise be entitled and shall remain employees of the state agency from
22 which they were reassigned for all purposes, including the payment of their salaries
23 and fringe benefits, and any continuous service benefits.

24 **SECTION 93.** 16.52 (7) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 93**

1 16.52 **(7)** PETTY CASH ACCOUNT. Petty cash account. With the approval of the
2 secretary, each agency that is authorized to maintain a contingent fund under s.
3 20.920 may establish a petty cash account from its contingent fund. The procedure
4 for operation and maintenance of petty cash accounts and the character of
5 expenditures therefrom shall be prescribed by the secretary. In this subsection,
6 “agency” means an office, department, independent agency, institution of higher
7 education, association, society, or other body in state government created or
8 authorized to be created by the constitution or any law, that is entitled to expend
9 moneys appropriated by law, including the legislature and the courts, but not
10 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
11 52, 231, 233, 234, 237, or 279.

12 **SECTION 94.** 16.528 (1) (a) of the statutes is amended to read:

13 16.528 **(1)** (a) “Agency” means an office, department, independent agency,
14 institution of higher education, association, society, or other body in state
15 government created or authorized to be created by the constitution or any law, that
16 is entitled to expend moneys appropriated by law, including the legislature and the
17 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
18 ch. 149 or in ch. 52, 231, 233, 234, 237, or 279.

19 **SECTION 95.** 16.53 (2) of the statutes is amended to read:

20 16.53 **(2)** IMPROPER INVOICES. If an agency receives an improperly completed
21 invoice, the agency shall notify the sender of the invoice within 10 working days after
22 it receives the invoice of the reason it is improperly completed. In this subsection,
23 “agency” means an office, department, independent agency, institution of higher
24 education, association, society, or other body in state government created or
25 authorized to be created by the constitution or any law, that is entitled to expend

ASSEMBLY BILL 75

1 moneys appropriated by law, including the legislature and the courts, but not
2 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
3 52, 231, 233, 234, 237, or 279.

4 **SECTION 96.** 16.53 (4) of the statutes is amended to read:

5 16.53 **(4)** AUDIT ORDER ENDORSED ON CLAIM; RECORD. The order of the secretary
6 auditing any claim shall be endorsed on or annexed to such claim, shall specify the
7 amount allowed, the fund from which the same is payable, and the law that
8 authorizes payment of such claim out of the treasury; and said order with the claim
9 and all evidence relative thereto shall be filed and preserved in the secretary's office.
10 The secretary may develop procedures to permit electronic compliance with any
11 requirement under this subsection.

12 **SECTION 97.** 16.54 (2) (b) of the statutes is renumbered 196.3744 (6m) and
13 amended to read:

14 196.3744 **(6m)** JOINT FINANCE REVISIONS. Upon presentation of proposed
15 revisions by the department commission to the joint committee on finance of
16 ~~alternatives to the provisions under s. 16.27~~, the joint committee on finance may
17 revise the eligibility criteria under s. ~~16.27~~ sub. (5) or benefit payments under s.
18 ~~16.27~~ sub. (6), and the department commission shall implement those revisions.
19 Benefits or eligibility criteria so revised shall take into account and be consistent
20 with the requirements of federal regulations promulgated under 42 USC 8621 to
21 8629. ~~If funds received under 42 USC 8621 to 8629 in a federal fiscal year total less~~
22 ~~than 90% of the amount received in the previous federal fiscal year, the department~~
23 ~~shall submit to the joint committee on finance a plan for expenditure of the funds.~~
24 ~~The department may not use the funds unless the committee approves the plan.~~

25 **SECTION 98.** 16.54 (9) (a) 1. of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 98**

1 16.54 **(9)** (a) 1. “Agency” means an office, department, independent agency,
2 institution of higher education, association, society or other body in state
3 government created or authorized to be created by the constitution or any law, which
4 is entitled to expend moneys appropriated by law, including the legislature and the
5 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
6 ch. 149 or in ch. 52, 231, 233, 234, 237, or 279.

7 **SECTION 99.** 16.70 (2) of the statutes is amended to read:

8 16.70 **(2)** “Authority” means a body created under subch. II of ch. 114 or subch.
9 III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, or 279.

10 **SECTION 100.** 16.70 (3g) of the statutes is repealed.

11 **SECTION 101.** 16.705 (2) of the statutes is amended to read:

12 16.705 **(2)** The department shall promulgate rules for the procurement of
13 contractual services by the department and its designated agents, including but not
14 limited to rules prescribing approval and monitoring processes for contractual
15 service contracts, ~~a requirement for agencies to conduct a uniform cost-benefit~~
16 ~~analysis of each proposed contractual service procurement involving an estimated~~
17 ~~expenditure of more than \$25,000 in accordance with standards prescribed in the~~
18 ~~rules, and a requirement for agencies to review periodically, and before any renewal,~~
19 ~~the continued appropriateness of contracting under each contractual services~~
20 ~~agreement involving an estimated expenditure of more than \$25,000.~~ Each officer
21 requesting approval to engage any person to perform contractual services shall
22 submit to the department written justification for such contracting which shall
23 include a description of the contractual services to be procured, justification of need,
24 justification for not contracting with other agencies, a specific description of the
25 scope of contractual services to be performed, and justification for the procurement

ASSEMBLY BILL 75**SECTION 101**

1 process if a process other than competitive bidding is to be used. The department
2 may not approve any contract for contractual services unless it is satisfied that the
3 justification for contracting conforms to the requirements of this section and ss. 16.71
4 to 16.77.

5 **SECTION 102.** 16.705 (3) (c) of the statutes is amended to read:

6 16.705 **(3)** (c) Do not enter into any contract for contractual services in conflict
7 with any collective bargaining agreement under subch. V or VI of ch. 111.

8 **SECTION 103.** 16.705 (8) (intro.) and (b) of the statutes are consolidated,
9 renumbered 16.705 (8) and amended to read:

10 16.705 **(8)** The department shall, annually on or before October 15, submit to
11 the governor, the joint committee on finance, the joint legislative audit committee
12 and the chief clerk of each house of the legislature for distribution to the appropriate
13 standing committees under s. 13.172 (3), a report concerning the number, value and
14 nature of contractual service procurements authorized for each agency during the
15 preceding fiscal year. The report shall also include, with respect to contractual
16 service procurements by agencies for the preceding fiscal year:—(b)
17 Recommendations, recommendations for elimination of unneeded contractual
18 service procurements and for consolidation or resolicitation of existing contractual
19 service procurements.

20 **SECTION 104.** 16.705 (8) (a) of the statutes is repealed.

21 **SECTION 105.** 16.765 (1) of the statutes is amended to read:

22 16.765 **(1)** Contracting agencies, the University of Wisconsin Hospitals and
23 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
24 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
25 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and

ASSEMBLY BILL 75**SECTION 105**

1 the Bradley Center Sports and Entertainment Corporation shall include in all
2 contracts executed by them a provision obligating the contractor not to discriminate
3 against any employee or applicant for employment because of age, race, religion,
4 color, handicap, sex, physical condition, developmental disability as defined in s.
5 51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national origin and,
6 except with respect to sexual orientation, obligating the contractor to take
7 affirmative action to ensure equal employment opportunities.

8 **SECTION 106.** 16.765 (2) of the statutes is amended to read:

9 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
10 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
11 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
12 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and
13 the Bradley Center Sports and Entertainment Corporation shall include the
14 following provision in every contract executed by them: “In connection with the
15 performance of work under this contract, the contractor agrees not to discriminate
16 against any employee or applicant for employment because of age, race, religion,
17 color, handicap, sex, physical condition, developmental disability as defined in s.
18 51.01 (5), sexual orientation or national origin. This provision shall include, but not
19 be limited to, the following: employment, upgrading, demotion or transfer;
20 recruitment or recruitment advertising; layoff or termination; rates of pay or other
21 forms of compensation; and selection for training, including apprenticeship. Except
22 with respect to sexual orientation, the contractor further agrees to take affirmative
23 action to ensure equal employment opportunities. The contractor agrees to post in
24 conspicuous places, available for employees and applicants for employment, notices

ASSEMBLY BILL 75**SECTION 106**

1 to be provided by the contracting officer setting forth the provisions of the
2 nondiscrimination clause”.

3 **SECTION 107.** 16.765 (4) of the statutes is amended to read:

4 16.765 **(4)** Contracting agencies, the University of Wisconsin Hospitals and
5 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
6 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
7 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and
8 the Bradley Center Sports and Entertainment Corporation shall take appropriate
9 action to revise the standard government contract forms under this section.

10 **SECTION 108.** 16.765 (5) of the statutes is amended to read:

11 16.765 **(5)** The head of each contracting agency and the boards of directors of
12 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
13 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
14 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
15 Authority, the Wisconsin Quality Home Care Authority, and the Bradley Center
16 Sports and Entertainment Corporation shall be primarily responsible for obtaining
17 compliance by any contractor with the nondiscrimination and affirmative action
18 provisions prescribed by this section, according to procedures recommended by the
19 department. The department shall make recommendations to the contracting
20 agencies and the boards of directors of the University of Wisconsin Hospitals and
21 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
22 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
23 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and
24 the Bradley Center Sports and Entertainment Corporation for improving and
25 making more effective the nondiscrimination and affirmative action provisions of

ASSEMBLY BILL 75**SECTION 108**

1 contracts. The department shall promulgate such rules as may be necessary for the
2 performance of its functions under this section.

3 **SECTION 109.** 16.765 (6) of the statutes is amended to read:

4 16.765 **(6)** The department may receive complaints of alleged violations of the
5 nondiscrimination provisions of such contracts. The department shall investigate
6 and determine whether a violation of this section has occurred. The department may
7 delegate this authority to the contracting agency, the University of Wisconsin
8 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
9 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
10 the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care
11 Authority, or the Bradley Center Sports and Entertainment Corporation for
12 processing in accordance with the department's procedures.

13 **SECTION 110.** 16.765 (7) (intro.) of the statutes is amended to read:

14 16.765 **(7)** (intro.) When a violation of this section has been determined by the
15 department, the contracting agency, the University of Wisconsin Hospitals and
16 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
17 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Lower
18 Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, or
19 the Bradley Center Sports and Entertainment Corporation, the contracting agency,
20 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
21 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
22 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
23 Authority, the Wisconsin Quality Home Care Authority, or the Bradley Center Sports
24 and Entertainment Corporation shall:

25 **SECTION 111.** 16.765 (7) (d) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 111**

1 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
2 further violations of this section and to report its corrective action to the contracting
3 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
4 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
5 Insurance Risk-Sharing Plan Authority, the Lower Fox River Remediation
6 Authority, the Wisconsin Quality Home Care Authority, or the Bradley Center Sports
7 and Entertainment Corporation.

8 **SECTION 112.** 16.765 (8) of the statutes is amended to read:

9 16.765 (8) If further violations of this section are committed during the term
10 of the contract, the contracting agency, the Fox River Navigational System Authority,
11 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
12 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
13 Care Authority, or the Bradley Center Sports and Entertainment Corporation may
14 permit the violating party to complete the contract, after complying with this section,
15 but thereafter the contracting agency, the Fox River Navigational System Authority,
16 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
17 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
18 Care Authority, or the Bradley Center Sports and Entertainment Corporation shall
19 request the department to place the name of the party on the ineligible list for state
20 contracts, or the contracting agency, the Fox River Navigational System Authority,
21 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
22 Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home
23 Care Authority, or the Bradley Center Sports and Entertainment Corporation may
24 terminate the contract without liability for the uncompleted portion or any materials

ASSEMBLY BILL 75**SECTION 112**

1 or services purchased or paid for by the contracting party for use in completing the
2 contract.

3 **SECTION 113.** 16.85 (1) of the statutes is amended to read:

4 16.85 **(1)** To take charge of and supervise all engineering or architectural
5 services or construction work as defined in s. 16.87 performed by, or for, the state, or
6 any department, board, institution, commission or officer thereof, including
7 nonprofit-sharing corporations organized for the purpose of assisting the state in the
8 construction and acquisition of new buildings or improvements and additions to
9 existing buildings as contemplated under ss. 13.488, 36.09 and 36.11, except the
10 engineering, architectural and construction work of the department of
11 transportation, the engineering service performed by the department of commerce,
12 department of revenue, public service commission, department of health services
13 and other departments, boards and commissions when the service is not related to
14 the maintenance, and construction and planning of the physical properties of the
15 state. For the purpose of selection of an appropriate engineer or architect for each
16 construction project under the department's supervision, except an emergency
17 project approved under s. 16.855 (16) (b) 2., the secretary shall appoint one or more
18 selection committees. If the estimated cost of a project is \$5,000,000 or more, the
19 selection committee shall interview each candidate for appointment as an engineer
20 or architect for the project, except that the secretary of administration or the
21 secretary to the building commission may waive this requirement when he or she
22 determines that it is in the best interests of the state to do so. The department shall
23 not authorize construction work for any state office facility in the city of Madison
24 after May 11, 1990, unless the department first provides suitable space for a day care
25 center primarily for use by children of state employees.

ASSEMBLY BILL 75**SECTION 114**

1 **SECTION 114.** 16.85 (2) of the statutes is amended to read:

2 16.85 **(2)** To furnish engineering, architectural, project management, and other
3 building construction services whenever requisitions therefor are presented to the
4 department by any agency. The department may deposit moneys received from the
5 provision of these services in the account under s. 20.505 (1) (kc) or in the general
6 fund as general purpose revenue — earned. In this subsection, “agency” means an
7 office, department, independent agency, institution of higher education, association,
8 society, or other body in state government created or authorized to be created by the
9 constitution or any law, which is entitled to expend moneys appropriated by law,
10 including the legislature and the courts, but not including an authority created in
11 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, or 279.

12 **SECTION 115.** 16.855 (2) (intro.) of the statutes is amended to read:

13 16.855 **(2)** (intro.) Except for projects authorized under s. 16.858, whenever the
14 estimated construction cost of a project exceeds \$40,000 \$100,000, or if less and in
15 the best interest of the state, the department shall:

16 **SECTION 116.** 16.855 (10) of the statutes is amended to read:

17 16.855 **(10)** When the department believes that it is in the best interests of the
18 state to contract for certain specified proprietary articles or materials ~~available from~~
19 ~~only one source~~, it may contract for said articles or materials ~~without~~ upon
20 solicitation of bids apart from the usual statutory procedure, after a publication of
21 a class 1 notice, under ch. 985, in the official state newspaper.

22 **SECTION 117.** 16.855 (13) (a) of the statutes is amended to read:

23 16.855 **(13)** (a) ~~A~~ The department may require each person who submits a bid
24 to provide a list of the subcontractors shall not be required to be submitted for work
25 to be performed with the its bid. The department may also require the each prime

ASSEMBLY BILL 75**SECTION 117**

1 contractor to submit in writing the names of prospective subcontractors for the
2 department's approval before the award of a contract to the prime contractor.

3 **SECTION 118.** 16.855 (22) of the statutes is amended to read:

4 16.855 **(22)** The provisions of this section, except sub. (10m), do not apply to
5 construction work for any project that does not require the prior approval of the
6 building commission under s. 13.48 (10) (a) if the project is constructed in accordance
7 with policies and procedures prescribed by the building commission under s. 13.48
8 (29). If the estimated construction cost of any project is at least \$40,000 \$100,000,
9 and the building commission elects to utilize the procedures prescribed under s.
10 13.48 (29) to construct the project, the department shall provide adequate public
11 notice of the project and the procedures to be utilized to construct the project on a
12 publicly accessible computer site.

13 **SECTION 119.** 16.865 (4) of the statutes is amended to read:

14 16.865 **(4)** Manage the state employees' worker's compensation program and
15 the statewide self-funded programs to protect the state from losses of and damage
16 to state property and liability and, if retained by the department of workforce
17 development under s. 102.65 (3), prosecute or defend claims for payments into or out
18 of the work injury supplemental benefit fund as provided in s. 102.65 (3).

19 **SECTION 120.** 16.865 (8) of the statutes is amended to read:

20 16.865 **(8)** Annually in each fiscal year, allocate as a charge to each agency a
21 proportionate share of the estimated costs attributable to programs administered by
22 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
23 may charge premiums to agencies to finance costs under this subsection and pay the
24 costs from the appropriation on an actual basis. The department shall deposit all
25 collections under this subsection in the appropriation account under s. 20.505 (2) (k).

ASSEMBLY BILL 75**SECTION 120**

1 Costs assessed under this subsection may include judgments, investigative and
2 adjustment fees, data processing and staff support costs, program administration
3 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this
4 subsection, “agency” means an office, department, independent agency, institution
5 of higher education, association, society, or other body in state government created
6 or authorized to be created by the constitution or any law, that is entitled to expend
7 moneys appropriated by law, including the legislature and the courts, but not
8 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
9 52, 231, 232, 233, 234, 235, 237, or 279.

10 **SECTION 121.** 16.87 (3) of the statutes is amended to read:

11 16.87 **(3)** Except as provided in sub. (4) and this subsection, a contract under
12 sub. (2) is not valid or effectual for any purpose until it is endorsed in writing and
13 approved by the secretary or the secretary’s designated assistant and, if the contract
14 involves an expenditure over \$60,000, approved by the governor. The governor may
15 delegate the authority to approve any contract requiring his or her approval under
16 this subsection ~~that involves an expenditure of less than \$150,000~~ to the secretary
17 or the secretary’s designee. Except as provided in sub. (4), no payment or
18 compensation for work done under any contract involving \$2,500 or more, except a
19 highway contract, may be made unless the written claim is audited and approved by
20 the secretary or the secretary’s designee. Any change order to a contract requiring
21 approval under this subsection requires the prior approval by the secretary or the
22 secretary’s designated assistant and, if the change order involves an expenditure
23 over \$60,000, the approval of the governor ~~or, if, unless~~ the governor delegates his
24 or her authority to approve contracts under this subsection ~~and the change order~~

ASSEMBLY BILL 75**SECTION 121**

1 involves an expenditure of less than \$150,000, the approval of to the secretary or the
2 secretary's designee.

3 **SECTION 122.** 16.957 (title) of the statutes is renumbered 196.3746 (title) and
4 amended to read:

5 **196.3746** (title) ~~Low-income~~ State low-income assistance.

6 **SECTION 123.** 16.957 (1) (intro.) of the statutes is renumbered 196.3746 (1)
7 (intro.).

8 **SECTION 124.** 16.957 (1) (bm) of the statutes is repealed.

9 **SECTION 125.** 16.957 (1) (c) to (n) of the statutes are renumbered 196.3746 (1)
10 (c) to (n).

11 **SECTION 126.** 16.957 (1) (o) of the statutes is renumbered 196.3746 (1) (o), and
12 196.3746 (1) (o) 1., as renumbered, is amended to read:

13 196.3746 **(1)** (o) 1. The total amount received by the department of
14 administration for low-income funding under 42 USC 6861 to 6873 and 42 USC 8621
15 to 8629 in fiscal year 1997–98.

16 **SECTION 127.** 16.957 (1) (p) and (q) of the statutes are renumbered 196.3746
17 (1) (p) and (q).

18 **SECTION 128.** 16.957 (1) (qm) of the statutes is repealed.

19 **SECTION 129.** 16.957 (1) (s) to (x) of the statutes are renumbered 196.3746 (1)
20 (s) to (x).

21 **SECTION 130.** 16.957 (2) (intro.) of the statutes is renumbered 196.3746 (2)
22 (intro.) and amended to read:

23 196.3746 **(2)** ~~DEPARTMENT~~ COMMISSION DUTIES. (intro.) In consultation with the
24 council, the department commission shall do all of the following:

ASSEMBLY BILL 75**SECTION 131**

1 **SECTION 131.** 16.957 (2) (a) (intro.) of the statutes is renumbered 16.957 (2) (a)
2 and amended to read:

3 16.957 **(2)** (a) *Low-income programs.* After holding a hearing, establish
4 programs to be administered by the department for awarding grants from the
5 appropriation under s. 20.505 (3) (r) to provide low-income assistance. In each fiscal
6 year, the amount awarded under this paragraph shall be sufficient to ensure that an
7 amount equal to ~~47% of the sum of the following~~ not less than \$75,000,000, or the
8 amount determined under par. (d) 2m., is spent for weatherization and other energy
9 conservation services.

10 **SECTION 132.** 16.957 (2) (a) of the statutes, as affected by 2009 Wisconsin Act
11 (this act), is renumbered 196.3746 (2) (a) and amended to read:

12 196.3746 **(2)** (a) *Low-income programs.* After holding a hearing, establish
13 programs to be administered by the ~~department~~ commission for awarding grants
14 from the appropriation under s. ~~20.505~~ 20.155 (3) (r) to provide low-income
15 assistance. In each fiscal year, the amount awarded under this paragraph shall be
16 sufficient to ensure that not less than \$75,000,000, or the amount determined under
17 par. (d) 2m., is spent for weatherization and other energy conservation services.

18 **SECTION 133.** 16.957 (2) (a) 1. to 4. of the statutes are repealed.

19 **SECTION 134.** 16.957 (2) (c) of the statutes is renumbered 196.3746 (2) (c).

20 **SECTION 135.** 16.957 (2) (d) of the statutes is renumbered 196.3746 (2) (d), and
21 196.3746 (2) (d) 4. a. and d., as renumbered, are amended to read:

22 196.3746 **(2)** (d) 4. a. The expenses of the ~~department~~ commission, other state
23 agencies, and grant recipients in administering or participating in the programs
24 under par. (a).

ASSEMBLY BILL 75**SECTION 135**

1 d. Any other issue identified by the ~~department~~ commission, council, governor,
2 speaker of the assembly or majority leader of the senate.

3 **SECTION 136.** 16.957 (2) (d) 2m. of the statutes is created to read:

4 16.957 **(2)** (d) 2m. In fiscal years 2010–11 and 2011–12, increase the amount
5 required to be spent on weatherization and other energy conservation services under
6 par. (a) to reflect the increase in the cost of living, as determined by the department,
7 that occurred during the previous fiscal year.

8 **SECTION 137.** 16.957 (2) (d) 2m. of the statutes, as created by 2009 Wisconsin
9 Act (this act), is renumbered 196.3746 (2) (d) 2m. and amended to read:

10 196.3746 **(2)** (d) 2m. In fiscal years 2010–11 and 2011–12, increase the amount
11 required to be spent on weatherization and other energy conservation services under
12 par. (a) to reflect the increase in the cost of living, as determined by the ~~department~~,
13 commission that occurred during the previous fiscal year.

14 **SECTION 138.** 16.957 (3) of the statutes is renumbered 196.3746 (3) and
15 amended to read:

16 196.3746 **(3)** CONTRACTS. The ~~department~~ commission shall, on the basis of
17 competitive bids, contract with community action agencies described in s. 49.265 (2)
18 (a) 1., nonstock, nonprofit corporations organized under ch. 181, or local units of
19 government to provide services under the programs established under sub. (2) (a).

20 **SECTION 139.** 16.957 (4) (a), (am) and (b) of the statutes are renumbered
21 196.3746 (4) (a), (am) and (b), and 196.3746 (4) (a) and (b) (intro.), as renumbered,
22 are amended to read:

23 196.3746 **(4)** (a) *Requirement to charge low-income assistance fees.* Each
24 electric utility, except for a municipal utility, shall charge each customer a
25 low-income assistance fee in an amount established in rules promulgated by the

ASSEMBLY BILL 75**SECTION 139**

1 ~~department~~ commission under par. (b). An electric utility, except for a municipal
2 utility, shall collect and pay the fees to the ~~department~~ commission in accordance
3 with the rules promulgated under par. (b). The low-income assistance fees collected
4 by an electric utility shall be considered trust funds of the ~~department~~ commission
5 and not income of the electric utility.

6 (b) *Rules.* (intro.) In consultation with the council, the ~~department~~ commission
7 shall promulgate rules that establish the amount of a low-income assistance fee
8 under par. (a). Fees established in rules under this paragraph may vary by class of
9 customer, but shall be uniform within each class, and shall satisfy each of the
10 following:

11 **SECTION 140.** 16.957 (4) (c) (intro.) of the statutes is renumbered 196.3746 (4)
12 (c) (intro.).

13 **SECTION 141.** 16.957 (4) (c) 1. of the statutes is renumbered 196.3746 (4) (c) 1.
14 and 196.3746 (4) (c) 1. (intro.), as renumbered, is amended to read:

15 196.3746 **(4)** (c) 1. ‘Low-income funding from fee.’ In each fiscal year, the
16 low-income assistance fee shall be an amount that, when added to the sum of the
17 following shall equal the low-income need target for that fiscal year determined by
18 the ~~department~~ commission under sub. (2) (d) 1.:

19 **SECTION 142.** 16.957 (4) (c) 3. (intro.) of the statutes, as affected by 2009
20 Wisconsin Act (this act), is renumbered 196.3746 (4) (c) 3. (intro.).

21 **SECTION 143.** 16.957 (4) (c) 3. of the statutes is renumbered 16.957 (4) (c) 3.
22 (intro.) and amended to read:

23 16.957 **(4)** (c) 3. ‘Limitation on low-income assistance fees.’ (intro.) In any
24 month, the low-income assistance fee may not exceed 3% of the total of every other

ASSEMBLY BILL 75**SECTION 143**

1 ~~charge for which the customer is billed for that month or \$750~~ or the sum of the
2 following, whichever is less.:

3 **SECTION 144.** 16.957 (4) (c) 3. a. of the statutes is created to read:

4 16.957 **(4)** (c) 3. a. Three percent of the total of every other charge for which the
5 customer is billed for that month.

6 **SECTION 145.** 16.957 (4) (c) 3. a. of the statutes, as created by 2009 Wisconsin
7 Act (this act), is renumbered 196.3746 (4) (c) 3. a.

8 **SECTION 146.** 16.957 (4) (c) 3. b. of the statutes is created to read:

9 16.957 **(4)** (c) 3. b. As determined by the department, the percentage of the total
10 of every other charge for which the customer is billed for that month that is sufficient
11 to generate, over the course of the fiscal year within which the month falls, the
12 amount shown in the schedule under s. 20.437 (2) (s) for that fiscal year.

13 **SECTION 147.** 16.957 (4) (c) 3. b. of the statutes, as created by 2009 Wisconsin
14 Act (this act), is renumbered 196.3746 (4) (c) 3. b. and amended to read:

15 196.3746 **(4)** (c) 3. b. As determined by the department commission, the
16 percentage of the total of every other charge for which the customer is billed for that
17 month that is sufficient to generate, over the course of the fiscal year within which
18 the month falls, the amount shown in the schedule under s. 20.437 (2) (s) for that
19 fiscal year.

20 **SECTION 148.** 16.957 (5) of the statutes is renumbered 196.3746 (5), and
21 196.3746 (5) (b) 2. and (g) 1. (intro.) and 2., as renumbered, are amended to read:

22 196.3746 **(5)** (b) 2. No later than October 1, 2007, and no later than every 3rd
23 year after that date, each municipal utility or retail electric cooperative shall notify
24 the department commission whether the utility or cooperative has elected to
25 contribute the fees that the utility or cooperative charges under par. (a) to the

ASSEMBLY BILL 75**SECTION 148**

1 programs established under sub. (2) (a) in each year of the 3-year period for which
2 the utility or cooperative has made the election. If a municipal utility or retail
3 electric cooperative elects to contribute to the programs established under sub. (2)
4 (a), the utility or cooperative shall pay the low-income assistance fees that the utility
5 or cooperative collects under par. (a) to the ~~department~~ commission in each year of
6 the 3-year period for which the utility or cooperative has made the election.

7 (g) *Reports.* 1. (intro.) Annually, each municipal utility and retail electric
8 cooperative that spends the low-income assistance fees that the utility or
9 cooperative charges under par. (a) on commitment to community programs under
10 par. (b) 1. shall provide for an independent audit of its programs and submit a report
11 to the ~~department~~ commission that describes each of the following:

12 2. The ~~department~~ commission shall require that municipal utilities and retail
13 electric cooperatives file reports under subd. 1. electronically, in a format that allows
14 for tabulation, comparison, and other analysis of the reports. The department shall
15 maintain reports filed under subd. 1. for at least 6 years.

16 **SECTION 149.** 16.964 (1) (intro.) and (a) to (i) of the statutes are renumbered
17 16.964 (1m) (intro.) and (a) to (i), and 16.964 (1m) (intro.), as renumbered, is amended
18 to read:

19 16.964 **(1m)** (intro.) The office of ~~justice assistance~~ shall:

20 **SECTION 150.** 16.964 (1) (j) of the statutes is renumbered 16.964 (15) (a) and
21 amended to read:

22 16.964 **(15)** (a) ~~Provide~~ The office shall provide staff support for the
23 interoperability council under s. 16.9645 and oversight of the development and
24 operation of a statewide public safety interoperable communication system.

25 **SECTION 151.** 16.964 (1g) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 151**

1 16.964 **(1g)** In this section, “office” means the office of justice assistance.

2 **SECTION 152.** 16.964 (2) of the statutes is amended to read:

3 16.964 **(2)** All persons in charge of law enforcement agencies and other criminal
4 and juvenile justice system agencies shall supply the office with the information
5 described in sub. ~~(1)~~ (1m) (g) on the basis of the forms or instructions or both to be
6 supplied by the office under sub. ~~(1)~~ (1m) (g).

7 **SECTION 153.** 16.964 (8) (a) of the statutes is amended to read:

8 16.964 **(8)** (a) From the appropriations under s. 20.505 (1) (kh) and (6) (d) and
9 (kj), the office shall allocate \$500,000 in each fiscal year to enter into a contract with
10 an organization to provide services in a county having a population of 500,000 or
11 more for the diversion of youths from gang activities into productive activities,
12 including placement in appropriate educational, recreational, and employment
13 programs. Notwithstanding s. 16.75, the office may enter into a contract under this
14 paragraph without soliciting bids or proposals and without accepting the lowest
15 responsible bid or offer.

16 **SECTION 154.** 16.964 (8) (c) of the statutes is amended to read:

17 16.964 **(8)** (c) From the appropriations under s. 20.505 (1) (kh) and (6) (d) and
18 (kj), the office shall allocate \$150,000 in each fiscal year to enter into a contract with
19 an organization to provide services in Racine County, \$150,000 in each fiscal year to
20 enter into a contract with an organization to provide services in Kenosha County,
21 \$150,000 in each fiscal year to enter into a contract with an organization that is
22 located in ward 2 in the city of Racine to provide services in Racine County, and
23 \$150,000 in each fiscal year to enter into a contract with an organization to provide
24 services in Brown County, and from the appropriation under s. 20.505 (6) (kj), the
25 department shall allocate \$100,000 in each fiscal year to enter into a contract with

ASSEMBLY BILL 75**SECTION 154**

1 an organization, for the diversion of youths from gang activities into productive
2 activities, including placement in appropriate educational, recreational, and
3 employment programs, and for alcohol or other drug abuse education and treatment
4 services for participants in that organization's youth diversion program. The
5 organization that is located in ward 2 in the city of Racine shall have a recreational
6 facility, shall offer programs to divert youths from gang activities, may not be
7 affiliated with any national or state association, and may not have entered into a
8 contract under s. 301.265 (3), 1995 stats. Notwithstanding s. 16.75, the office may
9 enter into a contract under this paragraph without soliciting bids or proposals and
10 without accepting the lowest responsible bid or offer.

11 **SECTION 155.** 16.964 (10) of the statutes is repealed.

12 **SECTION 156.** 16.964 (12) (b) of the statutes is amended to read:

13 16.964 **(12)** (b) The office shall make grants to counties to enable them to
14 establish and operate programs, including suspended and deferred prosecution
15 programs and programs based on principles of restorative justice, that provide
16 alternatives to prosecution and incarceration for criminal offenders who abuse
17 alcohol or other drugs. The office shall make the grants from the appropriations
18 under s. 20.505 (6) (b) ~~and, (ku), and (kv).~~ The office shall collaborate with the
19 departments of corrections and health services in establishing this grant program.

20 **SECTION 157.** 16.964 (14) (intro.) of the statutes is amended to read:

21 16.964 **(14)** (intro.) ~~Beginning in fiscal year 2008=09, from From the~~
22 appropriation accounts under s. 20.505 ~~(1) (kh) and~~ (6) (f), the office shall in each
23 fiscal year provide \$20,000 to each of the following child advocacy centers for
24 education, training, medical advice, and quality assurance activities:

25 **SECTION 158.** 16.964 (15) (b) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 158**

1 16.964 **(15)** (b) The office may charge a public safety agency, as defined in s.
2 256.35 (1) (g), that is a state agency a fee for use of the statewide public safety
3 interoperable communication system under par. (a).

4 **SECTION 159.** 16.997 (2g) (a) of the statutes is renumbered 16.997 (2g) (a)
5 (intro.) and amended to read:

6 16.997 **(2g)** (a) (intro.) Provide access to the data line to any business entity,
7 as defined in s. 13.62 (5), unless the business entity complies with all of the
8 following:

9 **SECTION 160.** 16.997 (2g) (a) 1. to 3. of the statutes are created to read:

10 16.997 **(2g)** (a) 1. The business entity is broadcasting an event sponsored by
11 the educational agency.

12 2. The business entity has the permission of the educational agency to record
13 and broadcast the event.

14 3. The business entity reimburses the department for its proportionate share
15 of the cost of the data line used to broadcast the event.

16 **SECTION 161.** 17.07 (3m) of the statutes is amended to read:

17 17.07 **(3m)** Notwithstanding sub. (3), the parole earned release review
18 commission chairperson may be removed by the governor, at pleasure.

19 **SECTION 162.** 19.36 (12) of the statutes is amended to read:

20 19.36 **(12)** INFORMATION RELATING TO CERTAIN EMPLOYEES. Unless access is
21 specifically authorized or required by statute, an authority shall not provide access
22 to a record prepared or provided by an employer performing work on a project to
23 which s. 66.0903, 66.0904, 103.49, or 103.50 applies, or on which the employer is
24 otherwise required to pay prevailing wages, if that record contains the name or other
25 personally identifiable information relating to an employee of that employer, unless

ASSEMBLY BILL 75**SECTION 162**

1 the employee authorizes the authority to provide access to that information. In this
2 subsection, “personally identifiable information” does not include an employee’s
3 work classification, hours of work, or wage or benefit payments received for work on
4 such a project.

5 **SECTION 163.** 19.42 (10) (s) of the statutes is created to read:

6 19.42 **(10)** (s) The executive director and members of the board of directors of
7 the Wisconsin Quality Home Care Authority.

8 **SECTION 164.** 19.42 (13) (o) of the statutes is created to read:

9 19.42 **(13)** (o) The executive director and members of the board of directors of
10 the Wisconsin Quality Home Care Authority.

11 **SECTION 165.** 19.82 (1) of the statutes is amended to read:

12 19.82 **(1)** “Governmental body” means a state or local agency, board,
13 commission, committee, council, department or public body corporate and politic
14 created by constitution, statute, ordinance, rule or order; a governmental or
15 quasi-governmental corporation except for the Bradley center sports and
16 entertainment corporation; a local exposition district under subch. II of ch. 229; a
17 long-term care district under s. 46.2895; or a formally constituted subunit of any of
18 the foregoing, but excludes any such body or committee or subunit of such body which
19 is formed for or meeting for the purpose of collective bargaining under subch. I, IV
20 or V, or VI of ch. 111.

21 **SECTION 166.** 19.85 (3) of the statutes is amended to read:

22 19.85 **(3)** Nothing in this subchapter shall be construed to authorize a
23 governmental body to consider at a meeting in closed session the final ratification or
24 approval of a collective bargaining agreement under subch. I, IV or V, or VI of ch. 111
25 which has been negotiated by such body or on its behalf.

ASSEMBLY BILL 75**SECTION 167**

SECTION 167. 19.86 of the statutes is amended to read:

19.86 Notice of collective bargaining negotiations. Notwithstanding s. 19.82 (1), where notice has been given by either party to a collective bargaining agreement under subch. I, IV ~~or~~ V, or VI of ch. 111 to reopen such agreement at its expiration date, the employer shall give notice of such contract reopening as provided in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given by the employer's chief officer or such person's designee.

SECTION 168. 20.002 (11) (b) 2. of the statutes is amended to read:

20.002 **(11)** (b) 2. Except as provided in subd. 3, the secretary of administration shall limit the total amount of any temporary reallocations to the general fund at any one time during a fiscal year to an amount equal to ~~5%~~ 10 percent of the total amounts shown in the schedule under s. 20.005 (3) of appropriations of general purpose revenues, calculated by the secretary as of that time and for that fiscal year.

SECTION 169. 20.003 (4) (fx) of the statutes is amended to read:

20.003 **(4)** (fx) For fiscal year 2010–11, ~~\$65,000,000~~ \$130,000,000.

SECTION 170. 20.003 (4) (g) of the statutes is repealed.

SECTION 171. 20.003 (4) (gc) of the statutes is created to read:

20.003 **(4)** (gc) For fiscal year 2011–12, \$130,000,000.

SECTION 172. 20.003 (4) (gh) of the statutes is created to read:

20.003 **(4)** (gh) For fiscal year 2012–13, \$130,000,000.

SECTION 173. 20.003 (4) (L) of the statutes is created to read:

20.003 **(4)** (L) For fiscal year 2013–14 and each fiscal year thereafter, 2 percent.

SECTION 174. 20.005 (1) of the statutes is repealed and recreated to read:

ASSEMBLY BILL 75**SECTION 174**

20.005 (1) SUMMARY OF ALL FUNDS. The budget governing fiscal operations for the state of Wisconsin for all funds beginning on July 1, 2009, and ending on June 30, 2011, is summarized as follows: [See Figure 20.005 (1) following]

Figure: 20.005 (1)

GENERAL FUND SUMMARY

	2009-10	2010-11
Opening Balance, July 1	\$ 216,014,700	\$ 236,194,800
Revenues		
Taxes	\$ 12,845,203,000	\$13,376,504,000
Departmental Revenues		
Tribal Gaming	26,574,100	31,293,600
Other	<u>561,608,600</u>	<u>572,676,600</u>
Total Available	\$ 13,649,400,400	\$14,216,669,000
Appropriations and Reserves		
Gross Appropriations	\$ 13,701,959,000	\$14,230,257,200
Compensation Reserves	47,279,100	95,962,700
Less Lapses	<u>-336,032,500</u>	<u>-378,221,600</u>
Total Expenditures	\$ 13,413,205,600	\$13,947,998,300
Balances		
Gross Balance	\$ 236,194,800	\$ 268,670,700
Less Required Statutory Balance	<u>-65,000,000</u>	<u>-130,000,000</u>
Net Balance, June 30	\$ 171,194,800	\$ 138,670,700

ASSEMBLY BILL 75**SECTION 174****SUMMARY OF APPROPRIATIONS — ALL FUNDS**

	2009-10	2010-11
General Purpose Revenue	\$ 13,701,959,000	\$ 14,230,257,200
Federal Revenue	\$ 10,049,729,000	\$ 8,936,329,200
Program	8,933,517,900	8,102,286,900
Segregated	1,116,211,100	834,042,300
Program Revenue	\$ 4,353,141,600	\$ 4,454,910,700
Nonservice	3,489,570,800	3,560,698,100
Service	863,570,800	894,212,600
Segregated Revenue	\$ 3,474,629,400	\$ 3,523,046,300
State nonservice	3,193,435,600	3,211,852,500
Local	107,528,800	107,528,800
Service	173,665,000	203,665,000
GRAND TOTAL	\$ 31,579,459,000	\$ 31,144,543,400

SUMMARY OF COMPENSATION RESERVES — ALL FUNDS

General Purpose Revenue	\$ 47,279,100	\$ 95,962,700
Federal Revenue	14,101,500	28,315,100
Program Revenue	45,910,700	93,024,600
Segregated Revenue	<u>8,840,400</u>	<u>17,707,600</u>
TOTAL	\$ 116,131,700	\$ 235,010,000

ASSEMBLY BILL 75**SECTION 174****LOTTERY FUND SUMMARY**

	2009-10	2010-11
Gross Revenue		
Ticket Sales	\$ 487,164,700	\$ 478,672,600
Miscellaneous Revenue	<u>483,000</u>	<u>431,300</u>
	\$ 487,647,700	\$ 479,103,900
Expenses		
Prizes	\$ 283,978,400	\$ 279,692,400
Administrative Expenses	<u>69,505,000</u>	<u>68,644,700</u>
	\$ 353,483,400	\$ 348,337,100
Net Proceeds	\$ 134,164,300	\$ 130,766,800
Total Available for Property Tax Relief		
Opening Balance	\$ 9,559,000	\$ 9,753,000
Net Proceeds	134,164,300	130,766,800
Interest Earnings	531,500	1,694,500
Gaming-related Revenue	<u>306,600</u>	<u>306,600</u>
	\$ 144,561,400	\$ 142,520,900
Property Tax Relief	\$ 134,808,400	\$ 132,938,800
Gross Closing Balance	\$ 9,753,000	\$ 9,582,100
Reserve	\$ <u>9,753,000</u>	\$ <u>9,582,100</u>
Net Closing Balance	\$ -0-	\$ -0-

ASSEMBLY BILL 75**SECTION 175**

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

Figure: 20.005 (2) (a)

**SUMMARY OF BONDING AUTHORITY MODIFICATIONS
2009–11 FISCAL BIENNIUM**

Source and Purpose	Amount

GENERAL OBLIGATIONS

Agriculture, Trade and Consumer Protection

Soil and water	\$ 7,000,000
Conservation reserve enhancement	–12,000,000
Agricultural conservation easements	12,000,000

Environmental Improvement Fund

Clean water fund program	76,500,000
Safe drinking water loan program	9,400,000

Natural Resources

Nonpoint source	7,000,000
Urban nonpoint source cost-sharing	6,000,000
Contaminated sediment removal	5,000,000
Dam safety projects	3,000,000

Transportation

Rail passenger route development	40,000,000
Southeast Wisconsin transit improvements	100,000,000
Marquette interchange and I 94 north-south corridor reconstruction projects	250,250,000
Harbor improvements	19,050,000

ASSEMBLY BILL 75**SECTION 175**

Source and Purpose	Amount
Rail acquisitions and improvements	60,000,000

Veterans Affairs

Self-amortizing mortgage loans	<u>195,000,000</u>

TOTAL General Obligation Bonds	\$ 778,200,000

REVENUE OBLIGATIONS

Environmental Improvement Fund

Clean water fund program	\$ 418,800,000

Transportation

Major highway projects, transportation facilities	<u>301,443,200</u>

TOTAL Revenue Obligation Bonds	\$ 720,243,200

GRAND TOTAL General and Revenue Obligation Bonding Authority Modifications	\$ 1,498,443,200

Figure: 20.005 (2) (b)

**GENERAL OBLIGATION DEBT SERVICE
FISCAL YEARS 2009-10 AND 2010-11**

STATUTE, AGENCY AND PURPOSE	SOURCE	2009-10	2010-11
<i>20.115 Agriculture, trade and consumer protection, department of</i>			
(2) (d) Principal repayment and interest	GPR	\$ 11,700	\$ 10,800
(7) (b) Principal repayment and interest, conservation reserve enhancement	GPR	2,020,100	3,036,400
(7) (br) Principal repayment and interest; agricultural conservation easements	GPR	-0-	-0-

ASSEMBLY BILL 75**SECTION 175**

STATUTE, AGENCY AND PURPOSE	SOURCE	2009–10	2010–11
<i>20.190 State fair park board</i>			
(1) (c) Housing facilities principal repayment, interest and rebates	GPR	900,700	929,500
(1) (d) Principal repayment and interest	GPR	1,587,800	1,582,400
<i>20.225 Educational communications board</i>			
(1) (c) Principal repayment and interest	GPR	2,626,600	2,712,100
<i>20.245 Historical society</i>			
(1) (e) Principal repayment, interest, and rebates	GPR	2,131,900	2,782,000
<i>20.250 Medical College of Wisconsin</i>			
(1) (c) Principal repayment, interest, and rebates; biomedical research and technology incubator	GPR	2,036,300	2,180,300
(1) (e) Principal repayment and interest	GPR	162,700	162,300
<i>20.255 Public instruction, department of</i>			
(1) (d) Principal repayment and interest	GPR	1,076,200	873,900
<i>20.285 University of Wisconsin System</i>			
(1) (d) Principal repayment and interest	GPR	151,465,800	155,373,800
(1) (db) Self-amortizing facilities principal and interest	GPR	–0–	–0–
<i>20.320 Environmental improvement program</i>			
(1) (c) Principal repayment and interest – clean water fund program	GPR	43,592,300	51,113,800
(2) (c) Principal repayment and interest – safe drinking water loan program	GPR	2,951,900	3,101,200

ASSEMBLY BILL 75**SECTION 175**

STATUTE, AGENCY AND PURPOSE	SOURCE	2009-10	2010-11
20.370 Natural resources, department of			
(7) (aa) Resource acquisition and development – principal repayment and interest	GPR	48,004,400	54,664,500
(7) (ac) Principal repayment and interest – recreational boating bonds	GPR	-0-	-0-
(7) (cb) Principal repayment and interest – pollution abatement bonds	GPR	35,254,700	16,881,600
(7) (cc) Principal repayment and interest – combined sewer overflow; pollution abatement bonds	GPR	11,442,100	8,360,500
(7) (cd) Principal repayment and interest – municipal clean drinking water grants	GPR	856,400	860,400
(7) (ce) Principal repayment and interest – nonpoint source	GPR	657,000	-0-
(7) (cf) Principal repayment and interest – urban nonpoint source cost-sharing	GPR	2,240,500	-0-
(7) (ea) Administrative facilities – principal repayment and interest	GPR	837,400	854,500
20.395 Transportation, department of			
(6) (af) Principal repayment and interest, local roads for job preservation program and major highway and rehabilitation projects, state funds	GPR	73,342,800	75,283,900
20.410 Corrections, department of			
(1) (e) Principal repayment and interest	GPR	82,651,900	80,232,000
(1) (ec) Prison industries principal, interest and rebates	GPR	-0-	-0-

ASSEMBLY BILL 75**SECTION 175**

STATUTE, AGENCY AND PURPOSE	SOURCE	2009–10	2010–11
(3) (e) Principal repayment and interest	GPR	4,750,900	4,670,500
20.435 Health services, department of			
(2) (ee) Principal repayment and interest	GPR	16,207,000	16,014,700
20.465 Military affairs, department of			
(1) (d) Principal repayment and interest	GPR	4,437,700	4,464,800
20.485 Veterans affairs, department of			
(1) (f) Principal repayment and interest	GPR	1,616,100	1,598,200
20.505 Administration, department of			
(4) (es) Principal, interest, and rebates; general purpose revenue – schools	GPR	4,349,800	4,342,400
(4) (et) Principal, interest, and rebates; general purpose revenue – public library boards	GPR	11,400	11,000
(5) (c) Principal repayment and interest; Black Point Estate	GPR	94,700	107,800
20.855 Miscellaneous appropriations			
(8) (a) Dental clinic and education facility; principal repayment, interest and rebates	GPR	996,000	991,000
20.867 Building commission			
(1) (a) Principal repayment and interest; housing of state agencies	GPR	–0–	–0–
(1) (b) Principal repayment and interest; capitol and executive residence	GPR	13,217,800	12,990,800
(3) (a) Principal repayment and interest	GPR	14,004,600	33,966,500
(3) (b) Principal repayment and interest	GPR	1,418,200	2,080,000

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STATUTE, AGENCY AND PURPOSE	SOURCE	2009-10	2010-11
(3) (bm) Principal repayment, interest, and rebates; HR Academy, Inc.	GPR	116,900	117,100
(3) (bn) Principal repayment, interest and rebates; Hmong cultural centers	GPR	44,500	137,100
(3) (bp) Principal repayment, interest and rebates	GPR	-0-	-0-
(3) (bq) Principal repayment, interest and rebates; children's research institute	GPR	646,700	801,000
(3) (br) Principal repayment, interest and rebates	GPR	84,700	85,500
(3) (bu) Principal repayment, interest and rebates; Civil War exhibit at the Kenosha Public Museums	GPR	26,900	26,900
(3) (bv) Principal repayment, interest, and rebates; Bond Health Center	GPR	15,000	58,600
(3) (e) Principal repayment, interest and rebates; parking ramp	GPR	<u>-0-</u>	<u>-0-</u>
TOTAL General Purpose Revenue Debt Service		\$ 527,890,100	\$ 543,459,800

20.190 State Fair Park Board

(1) (i) State fair capital expenses	PR	\$ -0-	\$ -0-
(1) (j) State fair principal repayment, interest and rebates	PR	3,635,500	3,760,500

20.225 Educational communications board

(1) (i) Program revenue facilities; principal repayment, interest, and rebates	PR	13,500	13,500

ASSEMBLY BILL 75**SECTION 175**

STATUTE, AGENCY AND PURPOSE	SOURCE	2009–10	2010–11
20.245 Historical society			
(1) (j) Self-amortizing facilities; principal repayment, interest, and rebates	PR	52,100	25,100
20.285 University of Wisconsin System			
(1) (in) Payment of debt service; University of Wisconsin–Platteville tri-state initiative facilities	PR	–0–	–0–
(1) (jq) Steam and chilled–water plant; principal repayment, interest, and rebates; nonstate entities	PR	883,600	885,000
(1) (kd) Principal repayment, interest and rebates	PR	74,499,600	81,817,700
(1) (km) Aquaculture demonstration facility; principal repayment and interest	PR	–0–	–0–
(1) (ko) Steam and chilled–water plant; principal repayment, interest, and rebates	PR	5,006,700	5,014,600
20.370 Natural resources, department of			
(7) (ag) Land acquisition – principal repayment and interest	PR	–0–	–0–
(7) (cg) Principal repayment and interest – nonpoint repayments	PR	–0–	–0–
20.410 Corrections, department of			
(1) (ko) Prison industries principal repayment, interest and rebates	PR	262,800	432,800
20.485 Veterans affairs, department of			
(1) (go) Self-amortizing facilities; principal repayment and interest	PR	1,456,500	1,891,300

ASSEMBLY BILL 75**SECTION 175**

STATUTE, AGENCY AND PURPOSE	SOURCE	2009-10	2010-11
20.505 Administration, department of			
(4) (ha) Principal, interest, and rebates; program revenue – schools	PR	1,056,000	1,032,400
(4) (hb) Principal, interest, and rebates; program revenue – public library boards	PR	5,200	5,200
(5) (g) Principal repayment, interest and rebates; parking	PR	1,768,400	1,775,600
(5) (kc) Principal repayment, interest and rebates	PR	20,316,300	22,401,000
(5) (kd) Energy conservation construction projects; principal repayment, interest and rebates	PR	891,400	2,118,400
20.867 Building commission			
(3) (g) Principal repayment, interest and rebates; program revenues	PR	-0-	-0-
(3) (h) Principal repayment, interest, and rebates	PR	-0-	-0-
(3) (i) Principal repayment, interest and rebates; capital equipment	PR	<u>-0-</u>	<u>-0-</u>
TOTAL Program Revenue Debt Service		\$ 109,847,600	\$ 121,173,100
20.115 Agriculture, trade and consumer protection, department of			
(7) (s) Principal repayment and interest; soil and water, environmental fund	SEG	\$ 2,425,600	\$ 2,563,300
(7) (tb) Principal and interest; agricultural conservation easements, working lands fund	SEG	-0-	-0-
20.320 Environmental improvement program			
(1) (t) Principal repayment and interest – clean water fund program bonds	SEG	9,000,000	9,000,000

ASSEMBLY BILL 75**SECTION 175**

STATUTE, AGENCY AND PURPOSE	SOURCE	2009–10	2010–11
20.370 Natural resources, department of			
(7) (aq) Resource acquisition and development – principal repayment and interest	SEG	89,800	1,000
(7) (ar) Dam repair and removal – principal repayment and interest	SEG	497,100	532,200
(7) (at) Recreation development – principal repayment and interest	SEG	–0–	–0–
(7) (au) State forest acquisition and development – principal repayment and interest	SEG	16,000,000	16,000,000
(7) (bq) Principal repayment and interest – remedial action	SEG	4,077,000	4,352,700
(7) (br) Principal repayment and interest – contaminated sediment	SEG	464,000	635,200
(7) (cq) Principal repayment and interest – nonpoint source grants	SEG	7,695,300	7,981,100
(7) (cr) Principal repayment and interest – nonpoint source	SEG	–0–	806,600
(7) (cs) Principal repayment and interest – urban nonpoint source cost-sharing	SEG	–0–	2,557,900
(7) (ct) Principal and interest – pollution abatement, environmental fund	SEG	–0–	8,000,000
(7) (eq) Administrative facilities – principal repayment and interest	SEG	4,511,500	5,625,700
(7) (er) Administrative facilities – principal repayment and interest; environmental fund	SEG	639,800	743,800

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STATUTE, AGENCY AND PURPOSE	SOURCE	2009-10	2010-11
20.395 Transportation, department of			
(6) (aq) Principal repayment and interest, transportation facilities, state funds	SEG	6,927,300	7,690,400
(6) (ar) Principal repayment and interest, buildings, state funds	SEG	4,100	4,100
(6) (au) Principal repayment and interest, Marquette interchange and I 94 north-south corridor reconstruction projects, state funds	SEG	22,661,700	23,959,900
(6) (av) Principal repayment and interest, southeast Wisconsin transit improvements, state funds	SEG	-0-	-0-
20.485 Veterans affairs, department of			
(3) (t) Debt service	SEG	26,264,200	26,257,800
(4) (qm) Repayment of principal and interest	SEG	89,300	89,700
20.867 Building commission			
(3) (q) Principal repayment and interest; segregated revenues	SEG	-0-	-0-
TOTAL Segregated Revenue Debt Service		\$ 101,346,700	\$ 116,801,400
GRAND TOTAL All Debt Service		\$ 739,084,400	\$ 781,434,300

SECTION 176. 20.005 (3) of the statutes is repealed and recreated to read:

20.005 **(3)** APPROPRIATIONS. The following schedule sets forth all annual, biennial, and sum certain continuing appropriations and anticipated expenditures from other appropriations for the programs and other purposes indicated. All appropriations are made from the general fund unless otherwise indicated. The

ASSEMBLY BILL 75**SECTION 176**

letter abbreviations shown designating the type of appropriation apply to both fiscal years in the schedule unless otherwise indicated. [See Figure 20.005 (3) following]

Figure: 20.005 (3)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009-10	2010-11

Commerce

20.115 Agriculture, trade and consumer protection, department of

(1) FOOD SAFETY AND CONSUMER PROTECTION

(a)	General program operations	GPR	A	–0–	–0–
	Food inspection	GPR	A	3,466,100	3,466,100
	Meat and poultry inspection	GPR	A	3,338,700	3,338,700
	Trade and consumer protection	GPR	A	1,852,800	1,549,500
	NET APPROPRIATION			8,657,600	8,354,300
(g)	Related services	PR	A	50,000	50,000
(gb)	Food regulation	PR	A	5,414,900	5,414,900
(gf)	Fruit and vegetable inspection	PR	C	1,056,000	1,056,000
(gg)	Meat and poultry inspection	PR	A	310,900	371,500
(gh)	Public warehouse regulation	PR	A	143,700	143,700
(gm)	Dairy trade regulation	PR	A	172,200	172,200
(h)	Grain inspection and certification	PR	C	1,418,000	1,418,000
(hm)	Ozone-depleting refrigerants and products regulation	PR	A	522,500	522,500
(i)	Sale of supplies	PR	A	29,700	29,700
(j)	Weights and measures inspection	PR	A	1,369,900	1,369,900

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1	(jb)	Consumer protection, information,				
2		and education	PR	A	173,200	173,200
3	(jm)	Telecommunications utility trade				
4		practices	PR	A	415,800	415,800
5	(m)	Federal funds	PR-F	C	5,259,700	5,321,000
6	(q)	Dairy, grain, and vegetable security	SEG	A	1,253,800	1,253,800
7	(r)	Unfair sales act enforcement	SEG	A	228,200	228,200
8	(s)	Weights and measures; petroleum				
9		inspection fund	SEG	A	787,200	787,200
10	(u)	Recyclable and nonrecyclable				
11		products regulation	SEG	A	-0-	-0-
12	(v)	Agricultural producer security;				
13		contingent financial backing	SEG	S	350,000	350,000
14	(w)	Agricultural producer security;				
15		payments	SEG	S	2,000,000	2,000,000
16	(wb)	Agricultural producer security;				
17		proceeds of contingent financial				
18		backing	SEG	C	-0-	-0-
19	(wc)	Agricultural producer security;				
20		repayment of contingent financial				
21		backing	SEG	S	-0-	-0-

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	8,657,600	8,354,300
PROGRAM REVENUE	16,336,500	16,458,400
FEDERAL	(5,259,700)	(5,321,000)
OTHER	(11,076,800)	(11,137,400)
SEGREGATED FUNDS	4,619,200	4,619,200
OTHER	(4,619,200)	(4,619,200)
TOTAL-ALL SOURCES	29,613,300	29,431,900

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1	(2)	ANIMAL HEALTH SERVICES				
2	(a)	General program operations	GPR	A	2,661,600	2,661,600
3	(b)	Animal disease indemnities	GPR	S	108,600	108,600
4	(c)	Financial assistance for				
5		paratuberculosis testing	GPR	A	235,000	235,000
6	(d)	Principal repayment and interest	GPR	S	11,700	10,800
7	(g)	Related services	PR	C	–0–	–0–
8	(h)	Sale of supplies	PR	A	30,000	30,000
9	(ha)	Inspection, testing and enforcement	PR	C	847,000	927,000
10	(j)	Dog licenses, rabies control, and				
11		related services	PR	C	176,100	176,100
12	(m)	Federal funds	PR-F	C	2,363,500	2,257,200
(2) PROGRAM TOTALS						
		GENERAL PURPOSE REVENUES			3,016,900	3,016,000
		PROGRAM REVENUE			3,416,600	3,390,300
		FEDERAL			(2,363,500)	(2,257,200)
		OTHER			(1,053,100)	(1,133,100)
		TOTAL-ALL SOURCES			6,433,500	6,406,300
13	(3)	AGRICULTURAL DEVELOPMENT SERVICES				
14	(a)	General program operations	GPR	A	2,231,500	2,231,500
15	(g)	Related services	PR	A	–0–	–0–
16	(ge)	Agricultural education and				
17		workforce development council,				
18		gifts and grants	PR	C	86,600	86,600
19	(h)	Loans for rural development	PR	C	61,900	61,900
20	(i)	Marketing orders and agreements	PR	C	99,000	99,000
21	(j)	Stray voltage program	PR	A	532,100	532,100

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1	(ja)	Agricultural development services				
2		and materials	PR	C	168,100	168,100
3	(jm)	Stray voltage program; rural				
4		electric cooperatives	PR	A	23,800	23,800
5	(L)	Something special from Wisconsin				
6		promotion	PR	A	34,300	34,300
7	(m)	Federal funds	PR-F	C	4,838,600	4,838,600
(3) PROGRAM TOTALS						
		GENERAL PURPOSE REVENUES			2,231,500	2,231,500
		PROGRAM REVENUE			5,844,400	5,844,400
		FEDERAL			(4,838,600)	(4,838,600)
		OTHER			(1,005,800)	(1,005,800)
		TOTAL-ALL SOURCES			8,075,900	8,075,900
8	(4)	AGRICULTURAL ASSISTANCE				
9	(a)	Aid to Wisconsin livestock breeders				
10		association	GPR	A	-0-	-0-
11	(am)	Buy local grants	GPR	B	211,400	211,400
12	(b)	Aids to county and district fairs	GPR	A	376,000	376,000
13	(c)	Agricultural investment aids	GPR	B	357,200	357,200
14	(e)	Aids to World Dairy Expo, Inc.	GPR	A	22,300	22,300
15	(f)	Exposition center grants	GPR	A	203,300	203,300
16	(q)	Grants for agriculture in the				
17		classroom program	SEG	A	99,000	99,000
18	(qm)	Grants for soybean crushing				
19		facilities	SEG	B	-0-	-0-
20	(r)	Agricultural investment aids,				
21		agrichemical management fund	SEG	B	-0-	-0-

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1	(s)	Grazing lands conservation	SEG	A	396,000	396,000
(4) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			1,170,200	1,170,200
		SEGREGATED FUNDS			495,000	495,000
		OTHER			(495,000)	(495,000)
		TOTAL-ALL SOURCES			1,665,200	1,665,200
2	(7)	AGRICULTURAL RESOURCE MANAGEMENT				
3	(a)	General program operations	GPR	A	776,000	776,000
4	(b)	Principal repayment and interest,				
5		conservation reserve enhancement	GPR	S	2,020,100	3,036,400
6	(br)	Principal repayment and interest;				
7		agricultural conservation				
8		easements	GPR	S	-0-	-0-
9	(c)	Soil and water resource				
10		management program	GPR	C	4,277,000	4,277,000
11	(dm)	Farmland preservation planning				
12		grants	GPR	A	-0-	394,800
13	(g)	Agricultural impact statements	PR	C	288,400	288,400
14	(ga)	Related services	PR	C	271,000	274,900
15	(gm)	Seed testing and labeling	PR	C	82,200	95,200
16	(h)	Fertilizer research assessments	PR	C	158,900	158,900
17	(ha)	Liming material research funds	PR	C	24,700	24,700
18	(i)	Agricultural conservation				
19		easements; gifts, grants and				
20		repayments	PR	C	-0-	-0-
21	(ja)	Plant protection	PR	C	332,400	332,400

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1	(k)	Agricultural resource management				
2		services	PR-S	C	607,800	607,800
3	(m)	Federal funds	PR-F	C	4,207,500	4,132,000
4	(qc)	Plant protection; conservation fund	SEG	A	1,576,700	1,576,700
5	(qd)	Soil and water management;				
6		environmental fund	SEG	A	12,821,400	12,821,400
7	(r)	General program operations;				
8		agrichemical management	SEG	A	5,860,000	5,863,600
9	(s)	Principal repayment and interest;				
10		soil and water, environmental fund	SEG	S	2,425,600	2,563,300
11	(t)	International crane foundation				
12		funding	SEG	A	-0-	-0-
13	(tb)	Principal and int.; agricultural				
14		conservation easements, working				
15		lands fund	SEG	S	-0-	-0-
16	(tg)	Agricultural conservation				
17		easements	SEG	A	-0-	-0-
18	(tm)	Farmland preservation planning				
19		grants; working lands fund	SEG	A	-0-	-0-
20	(ts)	Working lands programs	SEG	A	-0-	-0-
21	(wm)	Agricultural chemical cleanup				
22		reimbursement	SEG	C	2,970,000	2,970,000

(7) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	7,073,100	8,484,200
PROGRAM REVENUE	5,972,900	5,914,300
FEDERAL	(4,207,500)	(4,132,000)
OTHER	(1,157,600)	(1,174,500)
SERVICE	(607,800)	(607,800)
SEGREGATED FUNDS	25,653,700	25,795,000

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		OTHER			(25,653,700)	(25,795,000)
		TOTAL-ALL SOURCES			38,699,700	40,193,500
1	(8)	CENTRAL ADMINISTRATIVE SERVICES				
2	(a)	General program operations	GPR	A	6,023,000	6,023,000
3	(g)	Gifts and grants	PR	C	989,000	928,500
4	(gm)	Enforcement cost recovery	PR	A	4,900	4,900
5	(h)	Sale of material and supplies	PR	C	11,300	11,300
6	(ha)	General laboratory related services	PR	C	81,400	81,400
7	(hm)	Restitution	PR	C	-0-	-0-
8	(i)	Related services	PR	A	99,000	99,000
9	(j)	Electronic processing	PR	C	-0-	-0-
10	(jm)	Telephone solicitation regulation	PR	C	841,200	841,200
11	(k)	Computer system equipment, staff				
12		and services	PR-S	A	2,148,500	2,148,500
13	(ke)	Federal economic stimulus funds	PR-S	C	-0-	-0-
14	(kL)	Central services	PR-S	C	846,200	846,200
15	(km)	General laboratory services	PR-S	B	3,007,900	3,012,400
16	(ks)	State services	PR-S	C	197,800	197,800
17	(m)	Federal funds	PR-F	C	2,099,000	2,099,000
18	(pz)	Indirect cost reimbursements	PR-F	C	1,939,100	1,939,100
		(8) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			6,023,000	6,023,000
		PROGRAM REVENUE			12,265,300	12,209,300
		FEDERAL			(4,038,100)	(4,038,100)
		OTHER			(2,026,800)	(1,966,300)
		SERVICE			(6,200,400)	(6,204,900)
		TOTAL-ALL SOURCES			18,288,300	18,232,300

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20.115 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	28,172,300	29,279,200
PROGRAM REVENUE	43,835,700	43,816,700
FEDERAL	(20,707,400)	(20,586,900)
OTHER	(16,320,100)	(16,417,100)
SERVICE	(6,808,200)	(6,812,700)
SEGREGATED FUNDS	30,767,900	30,909,200
OTHER	(30,767,900)	(30,909,200)
TOTAL-ALL SOURCES	102,775,900	104,005,100

1	20.143 Commerce, department of					
2	(1) ECONOMIC AND COMMUNITY DEVELOPMENT					
3	(a) General program operations	GPR	A	3,916,300	3,873,400	
4	(b) Economic development promotion,					
5	plans and studies	GPR	A	28,200	28,200	
6	(bk) Wisconsin venture fund	GPR	A	1,316,000	1,316,000	
7	(bp) Film project grants	GPR	A	470,000	470,000	
8	(c) Wisconsin development fund;					
9	grants, loans, reimbursements, and					
10	assistance	GPR	B	6,472,500	6,472,500	
11	(cf) Community-based, nonprofit					
12	organization grant for educational					
13	project	GPR	A	-0-	-0-	
14	(d) High-technology business					
15	development corporation	GPR	A	335,000	335,000	
16	(dr) Main street program	GPR	A	397,800	397,800	
17	(e) Technology-based economic					
18	development	GPR	A	-0-	-0-	
19	(em) Hazardous pollution prevention;					
20	contract	GPR	A	-0-	-0-	

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1	(ew)	International trade, business and				
2		economic development grant	GPR	B	–0–	–0–
3	(fi)	Forward innovation fund; grants				
4		and loans	GPR	A	1,410,000	1,410,000
5	(fj)	Manufacturing extension center				
6		grants	GPR	A	1,128,000	1,128,000
7	(fw)	Women's business initiative				
8		corporation	GPR	A	94,000	94,000
9	(fy)	Women's business incubator grant	GPR	B	–0–	–0–
10	(g)	Gifts, grants, and proceeds	PR	C	487,100	487,100
11	(gc)	Business development assistance				
12		center	PR	C	–0–	–0–
13	(gh)	Recycling and renewable energy				
14		fund; repayments	PR	C	–0–	–0–
15	(gm)	Administration of grants and loans	PR	C	177,400	220,300
16	(gr)	Woman-owned business				
17		certification processing fees	PR	C	306,900	306,900
18	(h)	Economic development operations	PR	A	–0–	–0–
19	(hm)	Certified capital companies	PR	C	–0–	–0–
20	(ie)	Wisconsin development fund,				
21		repayments	PR	C	4,009,500	4,009,500
22	(ig)	Gaming economic development and				
23		diversification; repayments	PR	B	346,500	346,500
24	(im)	Minority business projects;				
25		repayments	PR	C	317,200	317,200

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1	(io)	Grant and loan repayments;				
2		forward innovation fund	PR	C	-0-	-0-
3	(ir)	Rural economic development loan				
4		repayments	PR	C	120,100	120,100
5	(jp)	Manufactured housing				
6		rehabilitation and recycling;				
7		program revenue	PR	A	69,300	69,300
8	(k)	Sale of materials or services	PR-S	C	-0-	-0-
9	(ka)	Sale of materials and services —				
10		local assistance	PR-S	C	-0-	-0-
11	(kb)	Sale of materials and services —				
12		individuals and organizations	PR-S	C	-0-	-0-
13	(kc)	Clean air act compliance assistance	PR-S	A	239,300	239,300
14	(kf)	American Indian economic				
15		development; technical assistance	PR-S	A	93,100	93,100
16	(kg)	American Indian economic liaison				
17		and gaming grants specialist and				
18		pgm mktg	PR-S	A	110,100	110,100
19	(kh)	American Indian economic				
20		development; liaison-grants	PR-S	A	-0-	-0-
21	(kj)	Gaming economic development and				
22		diversification; grants and loans	PR-S	B	1,191,800	1,191,800
23	(kt)	Funds transferred from other state				
24		agencies	PR-S	C	-0-	-0-
25	(m)	Federal aid, state operations	PR-F	C	1,343,000	1,343,000

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1	(n)	Federal aid, local assistance	PR-F	C	34,400,000	34,400,000
2	(o)	Federal aid, individuals and				
3		organizations	PR-F	C	-0-	-0-
4	(qa)	Brownfields redevelopment				
5		activities; administration	SEG	A	207,700	207,700
6	(qm)	Brownfields grant program and				
7		related grants; environmental fund	SEG	A	6,930,000	6,930,000
8	(tm)	Wisconsin development fund grants				
9		and loans; recycling fund	SEG	B	14,850,000	14,850,000
10	(um)	Wisconsin development fund,				
11		administration; recycling fund	SEG	A	75,800	75,800
12	(x)	Industrial building construction				
13		loan fund	SEG	C	-0-	-0-
(1) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			15,567,800	15,524,900
		PROGRAM REVENUE			43,211,300	43,254,200
		FEDERAL			(35,743,000)	(35,743,000)
		OTHER			(5,834,000)	(5,876,900)
		SERVICE			(1,634,300)	(1,634,300)
		SEGREGATED FUNDS			22,063,500	22,063,500
		OTHER			(22,063,500)	(22,063,500)
		TOTAL-ALL SOURCES			80,842,600	80,842,600
14	(2)	HOUSING ASSISTANCE				
15	(a)	General program operations	GPR	A	590,500	590,500
16	(b)	Housing grants and loans; general				
17		purpose revenue	GPR	B	3,267,300	3,267,300
18	(c)	Payments to designated agents	GPR	A	-0-	-0-
19	(fm)	Shelter for homeless and				
20		transitional housing grants	GPR	B	1,490,900	1,490,900

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1	(fr)	Mental health for homeless				
2		individuals	GPR	A	44,500	44,500
3	(gg)	Housing program services; other				
4		entities	PR	C	198,000	198,000
5	(gm)	Housing grants and loans; surplus				
6		transfer	PR	B	-0-	-0-
7	(h)	Funding for the homeless	PR	C	495,000	495,000
8	(k)	Sale of materials or services	PR-S	C	-0-	-0-
9	(kg)	Housing program services	PR-S	C	495,000	495,000
10	(L)	Shelter for homeless and				
11		transitional housing grants;				
12		surplus transfer	PR	B	-0-	-0-
13	(m)	Federal aid; state operations	PR-F	C	1,290,400	1,290,400
14	(n)	Federal aid; local assistance	PR-F	C	10,000,000	10,000,000
15	(o)	Federal aid; individuals and				
16		organizations	PR-F	C	23,000,000	23,000,000
(2) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			5,393,200	5,393,200
		PROGRAM REVENUE			35,478,400	35,478,400
		FEDERAL			(34,290,400)	(34,290,400)
		OTHER			(693,000)	(693,000)
		SERVICE			(495,000)	(495,000)
		TOTAL-ALL SOURCES			40,871,600	40,871,600
17	(3)	REGULATION OF INDUSTRY, SAFETY AND BUILDINGS				
18	(a)	General program operations	GPR	A	-0-	-0-
19	(de)	Private sewage system replacement				
20		and rehabilitation	GPR	C	2,819,000	2,819,000
21	(dm)	Storage tank inventory	GPR	A	-0-	-0-

ASSEMBLY BILL 75**SECTION 176**

1	(g)	Gifts and grants	PR	C	17,800	17,800
2	(ga)	Auxiliary services	PR	C	24,700	24,700
3	(gb)	Local agreements	PR	C	–0–	–0–
4	(h)	Local energy resource system fees	PR	A	–0–	–0–
5	(j)	Safety and building operations	PR	A	17,917,700	17,996,400
6	(ka)	Interagency agreements	PR-S	C	131,400	131,400
7	(kg)	Construction career academy grant	PR	B	–0–	–0–
8	(km)	Crex Meadows Youth Conservation				
9		Camp grant	PR	B	–0–	–0–
10	(ks)	Data processing	PR-S	C	–0–	–0–
11	(L)	Fire dues distribution	PR	C	14,721,300	14,721,300
12	(La)	Fire prevention and fire dues				
13		administration	PR	A	699,200	699,200
14	(Lm)	Petroleum storage remedial action				
15		fees	PR	A	–0–	–0–
16	(m)	Federal funds	PR-F	C	1,756,400	1,756,400
17	(ma)	Federal aid – program				
18		administration	PR-F	C	–0–	–0–
19	(pz)	Indirect cost reimbursements	PR-F	C	–0–	–0–
20	(q)	Groundwater – standards;				
21		implementation	SEG	A	–0–	–0–
22	(r)	Safety and building operations;				
23		petroleum inspection fund	SEG	A	5,616,900	5,616,900

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1	(t)	Petroleum inspection fund –				
2		revenue obligation repayment	SEG	S	–0–	–0–
3	(v)	Petroleum storage environmental				
4		remedial action; awards	SEG	B	14,550,000	14,550,000
5	(vm)	Removal of underground petroleum				
6		storage tanks	SEG	A	247,500	247,500
7	(w)	Petroleum storage environmental				
8		remedial action; administration	SEG	A	2,687,800	2,687,800
(3) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			2,819,000	2,819,000
		PROGRAM REVENUE			35,268,500	35,347,200
		FEDERAL			(1,756,400)	(1,756,400)
		OTHER			(33,380,700)	(33,459,400)
		SERVICE			(131,400)	(131,400)
		SEGREGATED FUNDS			23,102,200	23,102,200
		OTHER			(23,102,200)	(23,102,200)
		TOTAL-ALL SOURCES			61,189,700	61,268,400
9	(4)	EXECUTIVE AND ADMINISTRATIVE SERVICES				
10	(a)	General program operations	GPR	A	1,485,900	1,485,900
11	(g)	Gifts, grants and proceeds	PR	C	11,900	11,900
12	(k)	Sale of materials or services	PR-S	C	41,800	41,800
13	(ka)	Sale of materials and services —				
14		local assistance	PR-S	C	–0–	–0–
15	(kb)	Sale of materials and services —				
16		individuals and organizations	PR-S	C	–0–	–0–
17	(kd)	Administrative services	PR-S	A	3,916,400	3,935,600
18	(ke)	Transfer of unappropriated				
19		balances	PR-S	C	–0–	–0–
20	(km)	Federal economic stimulus funds	PR-S	C	–0–	–0–

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1	(m)	Federal aid, state operations	PR-F	C	-0-	-0-
2	(n)	Federal aid, local assistance	PR-F	C	-0-	-0-
3	(o)	Federal aid, individuals and				
4		organizations	PR-F	C	-0-	-0-
5	(pz)	Indirect cost reimbursements	PR-F	C	478,800	478,800

(4) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	1,485,900	1,485,900
PROGRAM REVENUE	4,448,900	4,468,100
FEDERAL	(478,800)	(478,800)
OTHER	(11,900)	(11,900)
SERVICE	(3,958,200)	(3,977,400)
TOTAL-ALL SOURCES	5,934,800	5,954,000

20.143 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	25,265,900	25,223,000
PROGRAM REVENUE	118,407,100	118,547,900
FEDERAL	(72,268,600)	(72,268,600)
OTHER	(39,919,600)	(40,041,200)
SERVICE	(6,218,900)	(6,238,100)
SEGREGATED FUNDS	45,165,700	45,165,700
OTHER	(45,165,700)	(45,165,700)
TOTAL-ALL SOURCES	188,838,700	188,936,600

6 20.144 Financial institutions, department of**7 (1) SUPERVISION OF FINANCIAL INSTITUTIONS, SECURITIES REG. AND OTHER FUNCTIONS**

8	(a)	Losses on public deposits	GPR	S	-0-	-0-
9	(g)	General program operations	PR	A	15,595,900	15,595,900
10	(h)	Gifts, grants, settlements and				
11		publications	PR	C	64,300	64,300
12	(i)	Investor education fund	PR	A	99,000	99,000
13	(u)	State deposit fund	SEG	S	-0-	-0-

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	-0-	-0-
PROGRAM REVENUE	15,759,200	15,759,200
OTHER	(15,759,200)	(15,759,200)
SEGREGATED FUNDS	-0-	-0-

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		OTHER			(-0-)	(-0-)
		TOTAL-ALL SOURCES			15,759,200	15,759,200
1	(2)	OFFICE OF CREDIT UNIONS				
2	(g)	General program operations	PR	A	2,137,700	2,149,900
3	(m)	Credit union examinations, federal				
4		funds	PR-F	C	-0-	-0-
		(2) PROGRAM TOTALS				
		PROGRAM REVENUE			2,137,700	2,149,900
		FEDERAL			(-0-)	(-0-)
		OTHER			(2,137,700)	(2,149,900)
		TOTAL-ALL SOURCES			2,137,700	2,149,900
		20.144 DEPARTMENT TOTALS				
		GENERAL PURPOSE REVENUES			-0-	-0-
		PROGRAM REVENUE			17,896,900	17,909,100
		FEDERAL			(-0-)	(-0-)
		OTHER			(17,896,900)	(17,909,100)
		SEGREGATED FUNDS			-0-	-0-
		OTHER			(-0-)	(-0-)
		TOTAL-ALL SOURCES			17,896,900	17,909,100
5	20.145 Insurance, office of the commissioner of					
6	(1)	SUPERVISION OF THE INSURANCE INDUSTRY				
7	(g)	General program operations	PR	A	17,840,700	18,075,100
8	(gm)	Gifts and grants	PR	C	-0-	-0-
9	(h)	Holding company restructuring				
10		expenses	PR	C	-0-	-0-
11	(m)	Federal funds	PR-F	C	-0-	-0-
		(1) PROGRAM TOTALS				
		PROGRAM REVENUE			17,840,700	18,075,100
		FEDERAL			(-0-)	(-0-)
		OTHER			(17,840,700)	(18,075,100)
		TOTAL-ALL SOURCES			17,840,700	18,075,100
12	(2)	INJURED PATIENTS AND FAMILIES COMPENSATION FUND				

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1	(q)	Interest earned on future medical				
2		expenses	SEG	S	-0-	-0-
3	(u)	Administration	SEG	A	1,245,700	1,229,700
4	(um)	Peer review council	SEG	A	143,300	143,300
5	(v)	Specified responsibilities, inv. board				
6		payments and future medical				
7		expenses	SEG	C	54,150,400	54,150,400
(2) P R O G R A M T O T A L S						
		SEGREGATED FUNDS			55,539,400	55,523,400
		OTHER			(55,539,400)	(55,523,400)
		TOTAL-ALL SOURCES			55,539,400	55,523,400
8	(3)	LOCAL GOVERNMENT PROPERTY INSURANCE FUND				
9	(u)	Administration	SEG	A	937,300	937,300
10	(v)	Specified payments, fire dues and				
11		reinsurance	SEG	C	26,657,300	26,657,300
(3) P R O G R A M T O T A L S						
		SEGREGATED FUNDS			27,594,600	27,594,600
		OTHER			(27,594,600)	(27,594,600)
		TOTAL-ALL SOURCES			27,594,600	27,594,600
12	(4)	STATE LIFE INSURANCE FUND				
13	(u)	Administration	SEG	A	639,200	639,200
14	(v)	Specified payments and losses	SEG	C	3,557,700	3,557,700
(4) P R O G R A M T O T A L S						
		SEGREGATED FUNDS			4,196,900	4,196,900
		OTHER			(4,196,900)	(4,196,900)
		TOTAL-ALL SOURCES			4,196,900	4,196,900
2 0 . 1 4 5 D E P A R T M E N T T O T A L S						
		PROGRAM REVENUE			17,840,700	18,075,100
		FEDERAL			(-0-)	(-0-)
		OTHER			(17,840,700)	(18,075,100)
		SEGREGATED FUNDS			87,330,900	87,314,900

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OTHER	(87,330,900)	(87,314,900)
TOTAL-ALL SOURCES	105,171,600	105,390,000

1 20.155 Public service commission**2 (1) REGULATION OF PUBLIC UTILITIES**

3	(g)	Utility regulation	PR	A	15,920,400	15,920,300

4	(h)	Holding company and nonutility				

5		affiliate regulation	PR	C	711,900	711,900

6	(j)	Intervenor financing	PR	A	742,500	742,500

7	(L)	Stray voltage program	PR	A	219,300	219,300

8	(Lb)	Gifts for stray voltage program	PR	C	-0-	-0-

9	(Lm)	Consumer education and awareness	PR	C	-0-	-0-

10	(m)	Federal funds	PR-F	C	244,900	244,900

11	(n)	Indirect costs reimbursement	PR-F	C	50,000	50,000

12	(q)	Universal telecommunications				

13		service	SEG	A	5,940,000	5,940,000

14	(r)	Nuclear waste escrow fund	SEG	S	-0-	-0-

(1) PROGRAM TOTALS

PROGRAM REVENUE	17,889,000	17,888,900
FEDERAL	(294,900)	(294,900)
OTHER	(17,594,100)	(17,594,000)
SEGREGATED FUNDS	5,940,000	5,940,000
OTHER	(5,940,000)	(5,940,000)
TOTAL-ALL SOURCES	23,829,000	23,828,900

15 (2) OFFICE OF THE COMMISSIONER OF RAILROADS

16	(g)	Railroad and water carrier				

17		regulation and general program				

18		operations	PR	A	501,500	501,600

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1	(m)	Railroad and water carrier				
2		regulation; federal funds	PR-F	C	-0-	-0-
(2) P R O G R A M T O T A L S						
		PROGRAM REVENUE			501,500	501,600
		FEDERAL			(-0-)	(-0-)
		OTHER			(501,500)	(501,600)
		TOTAL-ALL SOURCES			501,500	501,600
3	(3)	OTHER PROGRAMS				
4	(m)	Federal aid	PR-F	C	1,568,900	3,137,700
5	(n)	Federal aid; local assistance	PR-F	C	45,000,000	90,000,000
6	(q)	Wireless 911 program operations				
7		and grants	SEG	C	-0-	-0-
8	(qm)	General program operations;				
9		low-income assistance	SEG	A	6,229,700	12,586,500
10	(r)	Low-income assistance grants	SEG	S	10,250,000	20,500,000
11	(s)	Energy efficiency and renewable				
12		resource programs	SEG	A	470,400	470,400
(3) P R O G R A M T O T A L S						
		PROGRAM REVENUE			46,568,900	93,137,700
		FEDERAL			(46,568,900)	(93,137,700)
		SEGREGATED FUNDS			16,950,100	33,556,900
		OTHER			(16,950,100)	(33,556,900)
		TOTAL-ALL SOURCES			63,519,000	126,694,600
2 0 . 1 5 5 D E P A R T M E N T T O T A L S						
		PROGRAM REVENUE			64,959,400	111,528,200
		FEDERAL			(46,863,800)	(93,432,600)
		OTHER			(18,095,600)	(18,095,600)
		SEGREGATED FUNDS			22,890,100	39,496,900
		OTHER			(22,890,100)	(39,496,900)
		TOTAL-ALL SOURCES			87,849,500	151,025,100

13 **20.165 Regulation and licensing, department of**

14 (1) PROFESSIONAL REGULATION

ASSEMBLY BILL 75**SECTION 176**

1	(g)	General program operations	PR	A	10,920,900	10,920,900
2	(gm)	Applicant investigation				
3		reimbursement	PR	C	132,500	132,500
4	(h)	Technical assistance; nonstate				
5		agencies and organizations	PR	C	-0-	-0-
6	(hg)	General program operations;				
7		medical examining board	PR	B	3,087,100	3,087,100
8	(i)	Examinations; general program				
9		operations	PR	C	1,506,600	1,506,600
10	(j)	Gifts and grants	PR	C	200,000	200,000
11	(k)	Technical assistance; state agencies	PR-S	C	-0-	-0-
12	(m)	Federal funds	PR-F	C	-0-	-0-
13	(s)	Drug distributor bonding	SEG	S	-0-	-0-

20.165 DEPARTMENT TOTALS

PROGRAM REVENUE	15,847,100	15,847,100
FEDERAL	(-0-)	(-0-)
OTHER	(15,847,100)	(15,847,100)
SERVICE	(-0-)	(-0-)
SEGREGATED FUNDS	-0-	-0-
OTHER	(-0-)	(-0-)
TOTAL-ALL SOURCES	15,847,100	15,847,100

14 20.190 State fair park board

15	(1)	STATE FAIR PARK				
16	(c)	Housing facilities principal				
17		repayment, interest and rebates	GPR	S	900,700	929,500
18	(d)	Principal repayment and interest	GPR	S	1,587,800	1,582,400
19	(h)	State fair operations	PR	C	13,043,700	12,991,000
20	(i)	State fair capital expenses	PR	C	221,800	221,800

ASSEMBLY BILL 75**SECTION 176**

1	(j)	State fair principal repayment,				
2		interest and rebates	PR	S	3,635,500	3,760,500
3	(jm)	Gifts and grants	PR	C	–0–	–0–
4	(m)	Federal funds	PR-F	C	–0–	–0–

20.190 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	2,488,500	2,511,900
PROGRAM REVENUE	16,901,000	16,973,300
FEDERAL	(–0–)	(–0–)
OTHER	(16,901,000)	(16,973,300)
TOTAL-ALL SOURCES	19,389,500	19,485,200

Commerce

FUNCTIONAL AREA TOTALS

GENERAL PURPOSE REVENUES	55,926,700	57,014,100
PROGRAM REVENUE	295,687,900	342,697,400
FEDERAL	(139,839,800)	(186,288,100)
OTHER	(142,821,000)	(143,358,500)
SERVICE	(13,027,100)	(13,050,800)
SEGREGATED FUNDS	186,154,600	202,886,700
FEDERAL	(–0–)	(–0–)
OTHER	(186,154,600)	(202,886,700)
SERVICE	(–0–)	(–0–)
LOCAL	(–0–)	(–0–)
TOTAL-ALL SOURCES	537,769,200	602,598,200

Education5 **20.215 Arts board**

6	(1)	SUPPORT OF ARTS PROJECTS				
7	(a)	General program operations	GPR	A	366,800	366,800
8	(b)	State aid for the arts	GPR	A	1,866,600	1,866,600
9	(c)	Portraits of governors	GPR	A	–0–	–0–
10	(d)	Challenge grant program	GPR	A	84,600	84,600
11	(f)	Wisconsin regranting program	GPR	A	116,900	116,900
12	(fm)	One-time grants	GPR	A	–0–	–0–

ASSEMBLY BILL 75**SECTION 176**

1	(g)	Gifts and grants; state operations	PR	C	20,000	20,000
2	(h)	Gifts and grants; aids to individuals				
3		and organizations	PR	C	-0-	-0-
4	(j)	Support of arts programs	PR	C	-0-	-0-
5	(k)	Funds received from other state				
6		agencies	PR-S	C	526,600	526,600
7	(ka)	Percent-for-art administration	PR-S	A	-0-	-0-
8	(kc)	Federal economic stimulus funds	PR-S	C	-0-	-0-
9	(km)	State aid for the arts; Indian				
10		gaming receipts	PR-S	A	24,900	24,900
11	(m)	Federal grants; state operations	PR-F	C	473,100	473,100
12	(o)	Federal grants; aids to individuals				
13		and organizations	PR-F	C	301,000	301,000

20.215 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	2,434,900	2,434,900
PROGRAM REVENUE	1,345,600	1,345,600
FEDERAL	(774,100)	(774,100)
OTHER	(20,000)	(20,000)
SERVICE	(551,500)	(551,500)
TOTAL-ALL SOURCES	3,780,500	3,780,500

14 20.220 Wisconsin artistic endowment foundation

15	(1)	WISCONSIN ARTISTIC ENDOWMENT FOUNDATION				
16	(a)	Education and marketing	GPR	C	-0-	-0-
17	(q)	General program operations	SEG	A	-0-	-0-
18	(r)	Support of the arts	SEG	C	-0-	-0-

20.220 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	-0-	-0-
SEGREGATED FUNDS	-0-	-0-

ASSEMBLY BILL 75**SECTION 176**

OTHER
TOTAL-ALL SOURCES

(-0-)
-0-

(-0-)
-0-

1	20.225 Educational communications board					
2	(1)	INSTRUCTIONAL TECHNOLOGY				
3	(a)	General program operations	GPR	A	3,196,100	3,196,100
4	(b)	Energy costs	GPR	A	736,300	762,500
5	(c)	Principal repayment and interest	GPR	S	2,626,600	2,712,100
6	(d)	Milwaukee area technical college	GPR	A	235,800	235,800
7	(eg)	Transmitter construction	GPR	C	-0-	-0-
8	(er)	Transmitter operation	GPR	A	17,800	17,800
9	(f)	Programming	GPR	A	1,166,600	1,166,600
10	(g)	Gifts, grants, contracts, leases,				
11		instructional material, and				
12		copyrights	PR	C	9,466,000	9,466,000
13	(i)	Program revenue facilities;				
14		principal repayment, interest, and				
15		rebates	PR	S	13,500	13,500
16	(k)	Funds received from other state				
17		agencies	PR-S	C	-0-	-0-
18	(kb)	Emergency weather warning				
19		system operation	PR-S	A	153,900	153,900
20	(kd)	Federal economic stimulus funds	PR-S	C	-0-	-0-
21	(m)	Federal grants	PR-F	C	1,171,800	1,171,800
20.225 DEPARTMENT TOTALS						
GENERAL PURPOSE REVENUES					7,979,200	8,090,900
PROGRAM REVENUE					10,805,200	10,805,200
FEDERAL					(1,171,800)	(1,171,800)

ASSEMBLY BILL 75**SECTION 176**

OTHER	(9,479,500)	(9,479,500)
SERVICE	(153,900)	(153,900)
TOTAL-ALL SOURCES	18,784,400	18,896,100

1	20.235 Higher educational aids board					
2	(1) STUDENT SUPPORT ACTIVITIES					
3	(b) Tuition grants	GPR	B	26,338,300	26,870,300	
4	(cg) Nursing student loans	GPR	A	-0-	-0-	
5	(cm) Nursing student loan program	GPR	A	445,500	445,500	
6	(cr) Minority teacher loans	GPR	A	259,500	259,500	
7	(cu) Teacher education loan program	GPR	A	272,200	272,200	
8	(cx) Loan pgm for teachers & orient &					
9	mobility instructors of vis imp					
10	pupils	GPR	A	99,000	99,000	
11	(d) Dental education contract	GPR	A	1,386,400	1,386,400	
12	(e) Minnesota-Wisconsin student					
13	reciprocity agreement	GPR	S	10,017,200	10,017,200	
14	(fc) Independent student grants					
15	program	GPR	B	-0-	-0-	
16	(fd) Talent incentive grants	GPR	B	4,458,800	4,458,800	
17	(fe) Wisconsin higher education grants;					
18	University of Wisconsin system					
19	students	GPR	S	38,024,200	71,489,700	
20	(ff) Wisconsin higher education grants;					
21	technical college students	GPR	B	17,723,500	18,081,500	
22	(fg) Minority undergraduate retention					
23	grants program	GPR	B	802,800	819,000	

ASSEMBLY BILL 75**SECTION 176**

1	(fj)	Handicapped student grants	GPR	B	122,600	122,600
2	(fm)	Wisconsin covenant scholars grants	GPR	A	–0–	25,000,000
3	(fy)	Academic excellence higher				
4		education scholarship program	GPR	S	3,190,000	3,190,000
5	(fz)	Remission of fees and				
6		reimbursement for veterans and				
7		dependents	GPR	B	6,496,700	6,496,700
8	(g)	Student loans	PR	A	–0–	–0–
9	(gg)	Nursing student loan repayments	PR	C	–0–	–0–
10	(gm)	Indian student assistance;				
11		contributions	PR	C	–0–	–0–
12	(i)	Gifts and grants	PR	C	–0–	–0–
13	(k)	Indian student assistance	PR-S	B	779,700	779,700
14	(ke)	Wisconsin higher education grants				
15		for UW students; auxiliary				
16		enterprises	PR-S	A	25,000,000	–0–
17	(km)	Wisconsin higher education grants;				
18		tribal college students	PR-S	B	428,300	437,000
19	(no)	Federal aid; aids to individuals and				
20		organizations	PR-F	C	1,433,600	1,433,600

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	109,636,700	169,008,400
PROGRAM REVENUE	27,641,600	2,650,300
FEDERAL	(1,433,600)	(1,433,600)
OTHER	(–0–)	(–0–)
SERVICE	(26,208,000)	(1,216,700)
TOTAL-ALL SOURCES	137,278,300	171,658,700

21 (2) ADMINISTRATION

ASSEMBLY BILL 75**SECTION 176**

1	(aa)	General program operations	GPR	A	937,200	937,200
2	(bb)	Student loan interest, loans sold or				
3		conveyed	GPR	S	–0–	–0–
4	(bc)	Write-off of uncollectible student				
5		loans	GPR	A	–0–	–0–
6	(bd)	Purchase of defective student loans	GPR	S	–0–	–0–
7	(ga)	Student interest payments	PR	C	1,000	1,000
8	(gb)	Student interest payments, loans				
9		sold or conveyed	PR	C	–0–	–0–
10	(ia)	Student loans; collection and				
11		administration	PR	C	–0–	–0–
12	(ja)	Write-off of defaulted student loans	PR	A	–0–	–0–
13	(k)	Federal economic stimulus funds	PR-S	C	–0–	–0–
14	(n)	Federal aid; state operations	PR-F	C	–0–	–0–
15	(qa)	Student loan revenue obligation				
16		repayment	SEG	C	–0–	–0–

(2) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	937,200	937,200
PROGRAM REVENUE	1,000	1,000
FEDERAL	(–0–)	(–0–)
OTHER	(1,000)	(1,000)
SERVICE	(–0–)	(–0–)
SEGREGATED FUNDS	–0–	–0–
OTHER	(–0–)	(–0–)
TOTAL-ALL SOURCES	938,200	938,200

20.235 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	110,573,900	169,945,600
PROGRAM REVENUE	27,642,600	2,651,300
FEDERAL	(1,433,600)	(1,433,600)
OTHER	(1,000)	(1,000)
SERVICE	(26,208,000)	(1,216,700)
SEGREGATED FUNDS	–0–	–0–

ASSEMBLY BILL 75**SECTION 176**OTHER
TOTAL-ALL SOURCES(-0-)
138,216,500(-0-)
172,596,900

1	20.245 Historical society					
2	(1) HISTORY SERVICES					
3	(a) General program operations	GPR	A	10,461,400	10,428,800	
4	(b) Wisconsin black historical society					
5	and museum	GPR	A	84,600	84,600	
6	(c) Energy costs	GPR	A	1,191,300	1,223,500	
7	(e) Principal repayment, interest, and					
8	rebates	GPR	S	2,131,900	2,782,000	
9	(h) Gifts, grants, and membership					
10	sales	PR	C	397,000	384,200	
11	(j) Self-amortizing facilities; principal					
12	repayment, interest and rebates	PR	S	52,100	25,100	
13	(k) Storage facility	PR-S	B	248,800	213,900	
14	(kc) Federal economic stimulus funds	PR-S	C	-0-	-0-	
15	(km) Northern great lakes center	PR-S	A	259,300	259,300	
16	(ks) General program operations –					
17	service funds	PR-S	C	1,738,800	1,738,800	
18	(kw) Records management — service					
19	funds	PR-S	C	254,600	254,600	
20	(m) General program operations;					
21	federal funds	PR-F	C	1,116,100	1,116,100	
22	(n) Federal aids	PR-F	C	-0-	-0-	
23	(pz) Indirect cost reimbursements	PR-F	C	97,400	97,400	

ASSEMBLY BILL 75**SECTION 176**

1	(q)	Endowment principal	SEG	C	609,900	609,900
2	(r)	History preservation partnership				
3		trust fund	SEG	C	3,177,300	3,177,300
4	(y)	Northern great lakes center;				
5		interpretive programming	SEG	A	47,900	47,900

20.245 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	13,869,200	14,518,900
PROGRAM REVENUE	4,164,100	4,089,400
FEDERAL	(1,213,500)	(1,213,500)
OTHER	(449,100)	(409,300)
SERVICE	(2,501,500)	(2,466,600)
SEGREGATED FUNDS	3,835,100	3,835,100
OTHER	(3,835,100)	(3,835,100)
TOTAL-ALL SOURCES	21,868,400	22,443,400

6 20.250 Medical college of Wisconsin

7	(1)	TRAINING OF HEALTH PERSONNEL				
8	(a)	General program operations	GPR	A	1,950,000	1,929,400
9	(b)	Family medicine and practice	GPR	A	3,203,200	3,169,500
10	(c)	Principal repay, int & rebates;				
11		biomedical research & technology				
12		incubator	GPR	S	2,036,300	2,180,300
13	(e)	Principal repayment and interest	GPR	S	162,700	162,300
14	(k)	Tobacco-related illnesses	PR-S	C	-0-	-0-
15	(kc)	Federal economic stimulus funds	PR-S	C	-0-	-0-

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	7,352,200	7,441,500
PROGRAM REVENUE	-0-	-0-
SERVICE	(-0-)	(-0-)
TOTAL-ALL SOURCES	7,352,200	7,441,500

16 (2) RESEARCH

ASSEMBLY BILL 75**SECTION 176**

1	(g)	Breast cancer research	PR	C	247,500	247,500
2	(h)	Prostate cancer research	PR	C	–0–	–0–
(2) P R O G R A M T O T A L S						
		PROGRAM REVENUE			247,500	247,500
		OTHER			(247,500)	(247,500)
		TOTAL–ALL SOURCES			247,500	247,500
2 0 . 2 5 0 D E P A R T M E N T T O T A L S						
		GENERAL PURPOSE REVENUES			7,352,200	7,441,500
		PROGRAM REVENUE			247,500	247,500
		OTHER			(247,500)	(247,500)
		SERVICE			(–0–)	(–0–)
		TOTAL–ALL SOURCES			7,599,700	7,689,000
3	20.255 Public instruction, department of					
4	(1)	EDUCATIONAL LEADERSHIP				
5	(a)	General program operations	GPR	A	11,016,800	11,016,800
6	(b)	Gen pgm ops: program for the deaf				
7		and center for the blind	GPR	A	12,068,400	12,068,400
8	(c)	Energy costs: program for the deaf				
9		and center for the blind	GPR	A	689,900	716,100
10	(d)	Principal repayment and interest	GPR	S	1,076,200	873,900
11	(dw)	Pupil assessment	GPR	A	5,424,100	5,424,100
12	(g)	Student activity therapy	PR	A	1,000	1,000
13	(gb)	Program for the deaf and center for				
14		the blind; nonresident fees	PR	C	49,500	49,500
15	(gL)	Program for the deaf and center for				
16		the blind; leasing of space	PR	C	18,100	18,100
17	(gs)	Program for the deaf and center for				
18		the blind; services	PR	C	69,300	69,300

ASSEMBLY BILL 75**SECTION 176**

1	(gt)	Program for the deaf and center for				
2		the blind; pupil transportation	PR	A	1,275,700	1,597,200
3	(hf)	Administrative leadership academy	PR	A	–0–	–0–
4	(hg)	Personnel licensure, teacher supply,				
5		info. and analysis and teacher				
6		improv.	PR	A	3,412,500	3,412,500
7	(hj)	General educational development				
8		and high school graduation				
9		equivalency	PR	A	107,100	108,700
10	(hm)	Services for drivers	PR-S	A	270,600	270,600
11	(i)	Publications	PR	A	254,100	254,100
12	(im)	Library products and services	PR	C	247,400	247,400
13	(j)	Milwaukee parental choice				
14		program; financial audits	PR	C	71,300	92,900
15	(jg)	School lunch handling charges	PR	A	14,853,400	14,853,400
16	(jm)	Professional services center charges	PR	A	173,200	173,200
17	(jr)	Gifts, grants and trust funds	PR	C	2,029,500	2,029,500
18	(jz)	School district boundary appeal				
19		proceedings	PR	C	10,500	10,500
20	(kc)	Federal economic stimulus funds	PR-S	C	–0–	–0–
21	(kd)	Alcohol and other drug abuse				
22		program	PR-S	A	683,600	673,600
23	(ke)	Funds transferred from other state				
24		agencies; program operations	PR-S	C	2,650,900	2,611,400

ASSEMBLY BILL 75**SECTION 176**

1	(km)	State agency library processing				
2		center	PR-S	A	41,600	41,600
3	(ks)	Data processing	PR-S	C	4,079,700	4,095,800
4	(me)	Federal aids; program operations	PR-F	C	42,594,000	41,920,500
5	(pz)	Indirect cost reimbursements	PR-F	C	2,872,700	2,864,600
(1) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			30,275,400	30,099,300
		PROGRAM REVENUE			75,765,700	75,395,400
		FEDERAL			(45,466,700)	(44,785,100)
		OTHER			(22,572,600)	(22,917,300)
		SERVICE			(7,726,400)	(7,693,000)
		TOTAL-ALL SOURCES			106,041,100	105,494,700
6	(2)	AIDS FOR LOCAL EDUCATIONAL PROGRAMMING				
7	(ac)	General equalization aids	GPR	A	4,522,501,900	4,600,447,600
8	(ad)	Supplemental aid	GPR	A	123,700	123,700
9	(ae)	Sparsity aid	GPR	A	3,608,200	3,608,200
10	(b)	Aids for special education and				
11		school age parents programs	GPR	A	368,939,100	368,939,100
12	(bb)	Aid for high-poverty school				
13		districts	GPR	A	15,000,000	15,000,000
14	(bc)	Aid for children-at-risk programs	GPR	A	3,465,000	3,465,000
15	(bd)	Additional special education aid	GPR	A	3,500,000	3,500,000
16	(be)	Supplemental special education aid	GPR	A	1,750,000	1,750,000
17	(bh)	Aid to county children with				
18		disabilities education boards	GPR	A	4,172,700	4,172,700
19	(cc)	Bilingual-bicultural education aids	GPR	A	9,791,500	9,791,500

ASSEMBLY BILL 75**SECTION 176**

1	(ce)	English for Southeast Asian				
2		children	GPR	A	99,000	99,000
3	(cf)	Alternative education grants	GPR	A	4,950,000	4,950,000
4	(cg)	Tuition payments; full-time open				
5		enrollment transfer payments	GPR	A	9,396,100	9,396,100
6	(cm)	Grants for school breakfast				
7		programs	GPR	C	2,861,700	2,861,700
8	(cn)	Aids for school lunches and				
9		nutritional improvement	GPR	A	4,327,400	4,327,400
10	(cp)	Wisconsin school day milk program	GPR	A	703,500	703,500
11	(cs)	Aid for debt service	GPR	A	148,500	148,500
12	(cu)	Achievement guarantee contracts	GPR	A	115,695,300	117,425,500
13	(df)	Grants for improving pupil				
14		academic achievement	GPR	A	9,900,000	9,900,000
15	(dL)	Grants for nursing services	GPR	A	247,500	247,500
16	(dm)	Grants for alcohol & other drug				
17		abuse prevention & intervention				
18		programs	GPR	A	4,474,800	4,474,800
19	(do)	Grants for preschool to grade 5				
20		programs	GPR	A	7,280,200	7,280,200
21	(dp)	Four-year-old kindergarten grants	GPR	A	4,000,000	4,000,000
22	(eh)	Head start supplement	GPR	A	7,140,400	7,140,400
23	(ep)	Second chance partnership	GPR	S	147,500	147,500
24	(fg)	Aid for cooperative educational				
25		service agencies	GPR	A	297,000	297,000

ASSEMBLY BILL 75**SECTION 176**

1	(fk)	Grant program for peer review and				
2		mentoring	GPR	A	495,000	495,000
3	(fm)	Charter schools	GPR	S	48,350,000	56,125,000
4	(fu)	Milwaukee parental choice program	GPR	S	135,443,500	142,050,500
5	(fw)	Grants for advanced placement				
6		courses	GPR	A	99,000	99,000
7	(fy)	Grants to support gifted and				
8		talented pupils	GPR	A	270,300	270,300
9	(fz)	Grants for science, technology,				
10		engineering, and mathematics				
11		programs	GPR	A	60,900	60,900
12	(k)	Funds transferred from other state				
13		agencies; local aids	PR-S	C	9,187,000	9,187,000
14	(kd)	Aid for alcohol and other drug				
15		abuse programs	PR-S	A	1,427,500	1,427,500
16	(kg)	Mentoring grants for initial				
17		educators	GPR	A	1,336,500	1,336,500
18	(km)	Tribal language revitalization				
19		grants	PR-S	A	247,500	247,500
20	(m)	Federal aids; local aid	PR-F	C	614,996,600	614,996,600
21	(n)	Federal aid; economic stimulus				
22		funds	PR-F	C	177,200,000	194,100,000
23	(p)	Federal aids; state allocations	PR-F	C	277,000,000	221,000,000
24	(s)	School library aids	SEG	C	39,600,000	39,600,000
25	(vr)	Aid for pupil transportation	SEG	A	27,019,600	27,019,600

ASSEMBLY BILL 75**SECTION 176**

1	(vw)	Aid for transportation; youth				
2		options program	SEG	A	19,800	19,800
3	(vy)	Aid for transportation; open				
4		enrollment	SEG	A	495,000	495,000
(2) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			5,290,576,200	5,384,634,100
		PROGRAM REVENUE			1,080,058,600	1,040,958,600
		FEDERAL			(1,069,196,600)	(1,030,096,600)
		SERVICE			(10,862,000)	(10,862,000)
		SEGREGATED FUNDS			67,134,400	67,134,400
		OTHER			(67,134,400)	(67,134,400)
		TOTAL-ALL SOURCES			6,437,769,200	6,492,727,100
5	(3)	AIDS TO LIBRARIES, INDIVIDUALS AND ORGANIZATIONS				
6	(b)	Adult literacy grants	GPR	A	69,400	69,400
7	(c)	Grants for national teacher				
8		certification or master educator				
9		licensure	GPR	S	2,071,700	2,389,100
10	(d)	Elks and Easter Seals center for				
11		respite and recreation	GPR	A	82,200	82,200
12	(dn)	Grant to project lead the way	GPR	A	235,000	235,000
13	(eg)	Milwaukee public museum	GPR	A	47,000	47,000
14	(fa)	Very special arts	GPR	A	70,400	70,400
15	(fg)	Special olympics	GPR	A	70,400	70,400
16	(fz)	Precollege scholarships	GPR	A	2,149,200	2,149,200
17	(mm)	Federal funds; local assistance	PR-F	C	1,107,100	1,107,100
18	(ms)	Federal funds; individuals and				
19		organizations	PR-F	C	54,424,700	54,424,700

ASSEMBLY BILL 75**SECTION 176**

1	(q)	Periodical and reference				
2		information databases; newslines for				
3		the blind	SEG	A	2,458,800	2,673,900
4	(qm)	Aid to public library systems	SEG	A	17,027,200	17,543,000
5	(r)	Library service contracts	SEG	A	1,134,300	1,169,800

(3) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	4,795,300	5,112,700
PROGRAM REVENUE	55,531,800	55,531,800
FEDERAL	(55,531,800)	(55,531,800)
SEGREGATED FUNDS	20,620,300	21,386,700
OTHER	(20,620,300)	(21,386,700)
TOTAL-ALL SOURCES	80,947,400	82,031,200

20.255 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	5,325,646,900	5,419,846,100
PROGRAM REVENUE	1,211,356,100	1,171,885,800
FEDERAL	(1,170,195,100)	(1,130,413,500)
OTHER	(22,572,600)	(22,917,300)
SERVICE	(18,588,400)	(18,555,000)
SEGREGATED FUNDS	87,754,700	88,521,100
OTHER	(87,754,700)	(88,521,100)
TOTAL-ALL SOURCES	6,624,757,700	6,680,253,000

20.285 University of Wisconsin system

7	(1)	UNIVERSITY EDUCATION, RESEARCH AND PUBLIC SERVICE				
8	(a)	General program operations	GPR	A	785,176,900	823,301,300
9	(ab)	Student aid	GPR	A	1,333,900	1,333,900
10	(am)	Distinguished professorships	GPR	A	906,500	906,500
11	(as)	Industrial and economic				
12		development research	GPR	A	1,838,800	1,838,800
13	(b)	Area health education centers	GPR	A	1,149,000	1,149,000
14	(bm)	Fee remissions	GPR	A	29,700	29,700
15	(c)	Energy costs	GPR	A	127,247,400	132,291,400

ASSEMBLY BILL 75**SECTION 176**

1	(cm)	Educational technology	GPR	A	6,706,500	6,706,500
2	(d)	Principal repayment and interest	GPR	S	151,465,800	155,373,800
3	(da)	Lease rental payments	GPR	S	-0-	-0-
4	(db)	Self-amortizing facilities principal				
5		and interest	GPR	S	-0-	-0-
6	(em)	Schools of business	GPR	A	1,782,300	1,782,300
7	(eo)	Extension outreach	GPR	A	377,600	377,600
8	(ep)	Extension local planning program	GPR	A	94,700	94,700
9	(er)	Grants for study abroad	GPR	A	990,000	990,000
10	(fc)	Department of family medicine and				
11		practice	GPR	A	10,340,900	10,340,900
12	(fd)	State laboratory of hygiene; general				
13		program operations	GPR	A	9,928,100	9,928,100
14	(fj)	Veterinary diagnostic laboratory	GPR	A	4,900,200	4,900,200
15	(fm)	Laboratories	GPR	A	3,867,900	3,867,900
16	(fs)	Farm safety program grants	GPR	A	19,200	19,200
17	(ft)	Wisconsin humanities council	GPR	A	71,900	71,900
18	(fx)	Alcohol and other drug abuse				
19		prevention and intervention	GPR	A	78,700	78,700
20	(g)	Physical plant service departments	PR	C	2,962,700	2,962,700
21	(gm)	Breast cancer research	PR	C	264,200	264,200
22	(gn)	Prostate cancer research	PR	C	-0-	-0-
23	(gr)	Center for urban land economics				
24		research	PR	A	188,300	188,300

ASSEMBLY BILL 75**SECTION 176**

1	(gs)	Charter school operator payments	PR	C	–0–	–0–
2	(h)	Auxiliary enterprises	PR	C	528,322,600	551,368,600
3	(ha)	Stores	PR	C	4,516,600	4,516,600
4	(hm)	Extension outreach	PR	C	139,900	139,900
5	(i)	State laboratory of hygiene	PR	C	22,331,400	22,331,400
6	(ia)	State laboratory of hygiene, drivers	PR-S	C	1,668,100	1,668,100
7	(im)	Academic student fees	PR	C	935,574,800	939,742,200
8	(in)	Payment of debt service;				
9		UW-Platteville tri-state initiative				
10		facilities	PR-S	C	–0–	–0–
11	(ip)	Extension student fees	PR	C	35,185,000	35,185,000
12	(iz)	General operations receipts	PR	C	208,250,800	208,250,800
13	(j)	Gifts and donations	PR	C	503,387,200	517,300,000
14	(ja)	Gifts; student loans	PR	C	3,759,700	3,759,700
15	(jc)	Physician and dentist and health				
16		care provider loan assistance				
17		programs	PR	C	–0–	–0–
18	(je)	Veterinary diagnostic laboratory;				
19		fees	PR	C	3,948,900	3,948,900
20	(jm)	Distinguished professorships	PR	C	939,300	939,300
21	(jp)	License plate scholarship programs	PR	C	199,500	199,500
22	(jq)	Steam and chilled-water plant;				
23		prin repaymt, int, and rebates;				
24		nonstate ent	PR	C	883,600	885,000

ASSEMBLY BILL 75**SECTION 176**

1	(k)	Funds transferred from other state				
2		agencies	PR-S	C	247,500	247,500
3	(ka)	Sale of real property	PR	C	-0-	-0-
4	(kb)	Great Lakes studies	PR-S	A	48,300	48,300
5	(kc)	Charter school	PR-S	C	-0-	-0-
6	(kd)	Principal repayment, interest and				
7		rebates	PR-S	S	74,499,600	81,817,700
8	(ke)	Lease rental payments	PR-S	S	-0-	-0-
9	(kf)	Outdoors skills training	PR-S	A	49,500	49,500
10	(kg)	Veterinary diagnostic laboratory;				
11		state agencies	PR-S	C	844,900	844,900
12	(kh)	Federal economic stimulus funds	PR-S	C	-0-	-0-
13	(km)	Aquaculture demonstration facility;				
14		principal repayment and interest	PR-S	A	-0-	-0-
15	(kn)	Aquaculture demonstration facility;				
16		operational costs	PR-S	A	404,500	404,500
17	(ko)	Steam and chilled-water plant;				
18		principal repayment, interest, and				
19		rebates	PR-S	C	5,006,700	5,014,600
20	(kp)	Student-related activities	PR-S	C	-0-	-0-
21	(kr)	University of Wisconsin center for				
22		tobacco research and intervention	PR-S	C	-0-	-0-
23	(ks)	Physician and health care provider				
24		loan assistance	PR-S	B	483,800	483,800
25	(Lm)	Laboratories	PR	A	4,362,100	4,362,100

ASSEMBLY BILL 75**SECTION 176**

1	(Ls)	Schools of business	PR	A	601,900	601,900
2	(m)	Federal aid	PR-F	C	650,241,300	650,241,300
3	(ma)	Federal aid; loans and grants	PR-F	C	326,648,300	326,648,300
4	(mc)	Veterinary diagnostic lab-federal				
5		aid	PR-F	C	1,700,700	1,700,700
6	(n)	Federal indirect cost				
7		reimbursement	PR-F	C	130,759,700	130,759,700
8	(q)	Telecommunications services	SEG	A	1,044,300	1,044,300
9	(qm)	Grants for forestry programs	SEG	A	131,800	131,800
10	(qr)	Discovery farm grants	SEG	A	248,900	248,900
11	(r)	Environmental education;				
12		environmental assessments	SEG	C	49,500	49,500
13	(rc)	Environmental education; forestry	SEG	A	396,000	396,000
14	(s)	Wisconsin bioenergy initiative	SEG	A	4,000,000	4,000,000
15	(tb)	Extension recycling education	SEG	A	357,400	357,400
16	(tm)	Solid waste research and				
17		experiments	SEG	A	155,800	155,800
18	(u)	Trust fund income	SEG	C	26,013,600	27,172,300
19	(w)	Trust fund operations	SEG	C	-0-	-0-

(1) P R O G R A M T O T A L S

GENERAL PURPOSE REVENUES	1,108,306,000	1,155,382,400
PROGRAM REVENUE	3,448,421,400	3,496,875,000
FEDERAL	(1,109,350,000)	(1,109,350,000)
OTHER	(2,255,818,500)	(2,296,946,100)
SERVICE	(83,252,900)	(90,578,900)
SEGREGATED FUNDS	32,397,300	33,556,000
OTHER	(32,397,300)	(33,556,000)
TOTAL-ALL SOURCES	4,589,124,700	4,685,813,400

ASSEMBLY BILL 75**SECTION 176**

1	(3)	UNIVERSITY SYSTEM ADMINISTRATION				
2	(a)	General program operations	GPR	A	9,907,700	9,907,700
3	(iz)	General operations receipts	PR	C	172,500	172,500
4	(n)	Federal indirect cost				
5		reimbursement	PR-F	C	2,345,000	2,345,000
		(3) P R O G R A M T O T A L S				
		GENERAL PURPOSE REVENUES			9,907,700	9,907,700
		PROGRAM REVENUE			2,517,500	2,517,500
		FEDERAL			(2,345,000)	(2,345,000)
		OTHER			(172,500)	(172,500)
		TOTAL-ALL SOURCES			12,425,200	12,425,200
6	(4)	MINORITY AND DISADVANTAGED PROGRAMS				
7	(a)	Minority and disadvantaged				
8		programs	GPR	A	11,850,000	11,850,000
9	(b)	Graduate student financial aid	GPR	A	8,150,500	8,603,100
10	(dd)	Lawton minority undergraduate				
11		grants program	GPR	S	6,399,500	6,757,900
		(4) P R O G R A M T O T A L S				
		GENERAL PURPOSE REVENUES			26,400,000	27,211,000
		TOTAL-ALL SOURCES			26,400,000	27,211,000
12	(5)	UNIVERSITY OF WISCONSIN-MADISON INTERCOLLEGIATE ATHLETICS				
13	(h)	Auxiliary enterprises	PR	A	72,498,400	76,197,000
14	(i)	Nonincome sports	PR	C	329,800	363,100
15	(j)	Gifts and grants	PR	C	14,941,000	16,028,200
		(5) P R O G R A M T O T A L S				
		PROGRAM REVENUE			87,769,200	92,588,300
		OTHER			(87,769,200)	(92,588,300)
		TOTAL-ALL SOURCES			87,769,200	92,588,300
16	(6)	UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY				

ASSEMBLY BILL 75**SECTION 176**

1	(a)	Services received from authority	GPR	A	4,824,200	4,824,200

2	(g)	Services provided to authority	PR	C	35,640,000	35,640,000

(6) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	4,824,200	4,824,200
PROGRAM REVENUE	35,640,000	35,640,000
OTHER	(35,640,000)	(35,640,000)
TOTAL-ALL SOURCES	40,464,200	40,464,200

20.285 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	1,149,437,900	1,197,325,300
PROGRAM REVENUE	3,574,348,100	3,627,620,800
FEDERAL	(1,111,695,000)	(1,111,695,000)
OTHER	(2,379,400,200)	(2,425,346,900)
SERVICE	(83,252,900)	(90,578,900)
SEGREGATED FUNDS	32,397,300	33,556,000
OTHER	(32,397,300)	(33,556,000)
TOTAL-ALL SOURCES	4,756,183,300	4,858,502,100

3 20.292 Technical college system, board of**4 (1) TECHNICAL COLLEGE SYSTEM**

5	(a)	General program operations	GPR	A	3,613,700	3,613,700

6	(am)	Fee remissions	GPR	A	14,200	14,200

7	(b)	Displaced homemakers' program	GPR	A	805,300	805,300

8	(c)	Minority student participation and				
9		retention grants	GPR	A	583,300	583,300

10	(ce)	Basic skills grants	GPR	A	-0-	-0-

11	(ch)	Health care education programs	GPR	A	5,395,500	5,395,500

12	(d)	State aid for technical colleges;				
13		statewide guide	GPR	A	116,730,800	116,730,800

14	(dc)	Incentive grants	GPR	C	6,418,300	6,418,300

15	(dd)	Farm training program tuition				
16		grants	GPR	A	141,800	141,800

ASSEMBLY BILL 75**SECTION 176**

1	(de)	Services for handicapped students;				
2		local assistance	GPR	A	378,200	378,200
3	(dm)	Aid for special collegiate transfer				
4		programs	GPR	A	1,063,000	1,063,000
5	(e)	Technical college instructor				
6		occupational competency program	GPR	A	67,400	67,400
7	(ef)	School-to-work programs for				
8		children at risk	GPR	A	282,100	282,100
9	(eg)	Faculty development grants	GPR	A	786,700	786,700
10	(eh)	Training program grants	GPR	A	2,970,000	2,970,000
11	(em)	Apprenticeship curriculum				
12		development	GPR	A	70,900	70,900
13	(fc)	Driver education, local assistance	GPR	A	304,400	304,400
14	(fg)	Chauffeur training grants	GPR	C	189,100	189,100
15	(fm)	Supplemental aid	GPR	A	1,418,200	1,418,200
16	(fp)	Emergency medical technician –				
17		basic training; state operations	GPR	A	–0–	–0–
18	(g)	Text materials	PR	A	121,800	121,800
19	(ga)	Auxiliary services	PR	C	17,800	17,800
20	(gm)	Fire schools; state operations	PR	A	443,700	443,700
21	(gr)	Fire schools; local assistance	PR	A	744,000	825,600
22	(h)	Gifts and grants	PR	C	20,400	20,400
23	(hm)	Truck driver training	PR-S	C	609,800	609,800
24	(i)	Conferences	PR	C	85,000	85,000

ASSEMBLY BILL 75**SECTION 176**

1	(j)	Personnel certification	PR	A	299,200	299,200
2	(k)	Gifts and grants	PR	C	29,900	29,900
3	(ka)	Interagency projects; local				
4		assistance	PR-S	A	3,380,600	3,380,600
5	(kb)	Interagency projects; state				
6		operations	PR-S	A	692,100	692,100
7	(kc)	Federal economic stimulus funds	PR-S	C	–0–	–0–
8	(kd)	Transfer of Indian gaming receipts;				
9		work-based learning programs	PR-S	A	594,000	594,000
10	(km)	Master logger apprenticeship				
11		grants	SEG	C	–0–	–0–
12	(kx)	Interagency and intra-agency				
13		programs	PR-S	C	287,800	287,800
14	(L)	Services for district boards	PR	A	137,400	137,400
15	(m)	Federal aid, state operations	PR-F	C	4,158,800	4,159,500
16	(n)	Federal aid, local assistance	PR-F	C	28,424,300	28,424,300
17	(o)	Federal aid, aids to individuals and				
18		organizations	PR-F	C	800,000	800,000
19	(pz)	Indirect cost reimbursements	PR-F	C	196,000	196,000
20	(q)	Agricultural education consultant	GPR	A	76,700	76,700

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	141,309,600	141,309,600
PROGRAM REVENUE	41,042,600	41,124,900
FEDERAL	(33,579,100)	(33,579,800)
OTHER	(1,899,200)	(1,980,800)
SERVICE	(5,564,300)	(5,564,300)
SEGREGATED FUNDS	–0–	–0–

ASSEMBLY BILL 75**SECTION 176**

	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			182,352,200	182,434,500
1	(2) EDUCATIONAL APPROVAL BOARD				
2	(g) Proprietary school programs	PR-S	A	543,000	543,000
3	(gm) Student protection	PR-S	C	59,700	59,700
4	(i) Closed schools; preservaton of				
5	student records	PR-S	A	12,800	12,800
	(2) P R O G R A M T O T A L S				
	PROGRAM REVENUE			615,500	615,500
	SERVICE			(615,500)	(615,500)
	TOTAL-ALL SOURCES			615,500	615,500
	2 0 . 2 9 2 D E P A R T M E N T T O T A L S				
	GENERAL PURPOSE REVENUES			141,309,600	141,309,600
	PROGRAM REVENUE			41,658,100	41,740,400
	FEDERAL			(33,579,100)	(33,579,800)
	OTHER			(1,899,200)	(1,980,800)
	SERVICE			(6,179,800)	(6,179,800)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			182,967,700	183,050,000
	Education				
	FUNCTIONAL AREA TOTALS				
	GENERAL PURPOSE REVENUES			6,758,603,800	6,960,912,800
	PROGRAM REVENUE			4,871,567,300	4,860,386,000
	FEDERAL			(2,320,062,200)	(2,280,281,300)
	OTHER			(2,414,069,100)	(2,460,402,300)
	SERVICE			(137,436,000)	(119,702,400)
	SEGREGATED FUNDS			123,987,100	125,912,200
	FEDERAL			(-0-)	(-0-)
	OTHER			(123,987,100)	(125,912,200)
	SERVICE			(-0-)	(-0-)
	LOCAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			11,754,158,200	11,947,211,000

Environmental Resources6 **20.320 Environmental improvement program**

7 (1) CLEAN WATER FUND PROGRAM OPERATIONS

ASSEMBLY BILL 75**SECTION 176**

1	(a)	Environmental aids — clean water				
2		fund program	GPR	A	–0–	–0–
3	(c)	Principal repayment and				
4		interest — clean water fund				
5		program	GPR	S	43,592,300	51,113,800
6	(r)	Clean water fund program				
7		repayment of revenue obligations	SEG	S	–0–	–0–
8	(s)	Clean water fund program financial				
9		assistance	SEG	S	–0–	–0–
10	(sm)	Land recycling loan program				
11		financial assistance	SEG	S	–0–	–0–
12	(t)	Principal repayment and				
13		interest — clean water fund				
14		program bonds	SEG	A	9,000,000	9,000,000
15	(u)	Principal repay. & interest – clean				
16		water fd. prog. rev. obligation repay.	SEG	C	–0–	–0–
17	(x)	Clean water fund program financial				
18		assistance; federal	SEG-F	C	–0–	–0–
19	(y)	Clean water fund program federal				
20		financial hardship assistance	SEG-F	C	–0–	–0–

(1) P R O G R A M T O T A L S

GENERAL PURPOSE REVENUES	43,592,300	51,113,800
SEGREGATED FUNDS	9,000,000	9,000,000
FEDERAL	(–0–)	(–0–)
OTHER	(9,000,000)	(9,000,000)
TOTAL-ALL SOURCES	52,592,300	60,113,800

21 (2) SAFE DRINKING WATER LOAN PROGRAM OPERATIONS

ASSEMBLY BILL 75**SECTION 176**

1	(c)	Principal repayment and				
2		interest — safe drinking water loan				
3		program	GPR	S	2,951,900	3,101,200
4	(s)	Safe drinking water loan programs				
5		financial assistance	SEG	S	-0-	-0-
6	(x)	Safe drinking water loan programs				
7		financial assistance; federal	SEG-F	C	-0-	-0-
(2) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			2,951,900	3,101,200
		SEGREGATED FUNDS			-0-	-0-
		FEDERAL			(-0-)	(-0-)
		OTHER			(-0-)	(-0-)
		TOTAL-ALL SOURCES			2,951,900	3,101,200
8	(3)	PRIVATE SEWAGE SYSTEM PROGRAM				
9	(q)	Private sewage system loans	SEG	C	-0-	-0-
(3) P R O G R A M T O T A L S						
		SEGREGATED FUNDS			-0-	-0-
		OTHER			(-0-)	(-0-)
		TOTAL-ALL SOURCES			-0-	-0-
2 0 . 3 2 0 D E P A R T M E N T T O T A L S						
		GENERAL PURPOSE REVENUES			46,544,200	54,215,000
		SEGREGATED FUNDS			9,000,000	9,000,000
		FEDERAL			(-0-)	(-0-)
		OTHER			(9,000,000)	(9,000,000)
		TOTAL-ALL SOURCES			55,544,200	63,215,000
10	20.360 Lower Wisconsin state riverway board					
11	(1)	CONTROL OF LAND DEVELOPMENT AND USE IN THE LOWER WISCONSIN STATE RIVERWAY				
12	(g)	Gifts and grants	PR	C	-0-	-0-
13	(q)	General program operations —				
14		conservation fund	SEG	A	208,800	208,800
2 0 . 3 6 0 D E P A R T M E N T T O T A L S						
		PROGRAM REVENUE			-0-	-0-
		OTHER			(-0-)	(-0-)

ASSEMBLY BILL 75**SECTION 176**

SEGREGATED FUNDS
OTHER
TOTAL-ALL SOURCES

208,800	208,800
(208,800)	(208,800)
208,800	208,800

1	20.370 Natural resources, department of					
2	(1)	LAND AND FORESTRY				
3	(cq)	Forestry — reforestation	SEG	C	100,500	100,500
4	(cr)	Forestry — recording fees	SEG	C	89,100	89,100
5	(cs)	Forestry — forest fire emergencies	SEG	C	–0–	–0–
6	(ct)	Timber sales contracts – repair and				
7		reimbursement costs	SEG	C	–0–	–0–
8	(cu)	Forestry – forestry education				
9		curriculum	SEG	A	198,000	198,000
10	(cv)	Forestry – public education	SEG	C	198,000	198,000
11	(cx)	Forestry–management plans	SEG	C	316,800	316,800
12	(cy)	Forestry – cooperating foresters	SEG	C	–0–	–0–
13	(ea)	Parks — general program				
14		operations	GPR	A	5,109,000	5,109,000
15	(eq)	Parks and forests – operation and				
16		maintenance	SEG	S	–0–	–0–
17	(er)	Parks and forests – campground				
18		reservation fees	SEG	C	–0–	–0–
19	(es)	Parks – interpretive programs	SEG	C	–0–	–0–
20	(fb)	Endangered resources — general				
21		program operations	GPR	A	–0–	–0–

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1	(fc)	Endangered resources — Wisconsin				
2		stewardship program	GPR	A	–0–	–0–
3	(fd)	Endangered resources — natural				
4		heritage inventory program	GPR	A	248,900	248,900
5	(fe)	Endangered resources — general				
6		fund	GPR	S	500,000	500,000
7	(fs)	Endangered resources — voluntary				
8		payments; sales, leases, and fees	SEG	C	1,747,400	1,747,400
9	(ft)	Endangered resources —				
10		application fees	SEG	C	–0–	–0–
11	(gr)	Endangered resources program —				
12		gifts and grants	SEG	C	–0–	–0–
13	(gt)	Habitat conservation plan fees	SEG	C	9,900	9,900
14	(hc)	Indemnification agreements	GPR	S	–0–	–0–
15	(hk)	Elk management	PR-S	A	104,800	104,800
16	(hq)	Elk hunting fees	SEG	C	–0–	–0–
17	(hr)	Pheasant restoration	SEG	C	206,000	206,000
18	(hs)	Chronic wasting disease				
19		management	SEG	A	–0–	–0–
20	(ht)	Wild turkey restoration	SEG	C	765,100	765,100
21	(hu)	Wetlands habitat improvement	SEG	C	342,900	342,900
22	(hv)	Aquatic and terrestrial resources				
23		inventory	SEG	A	128,500	128,500
24	(hw)	Pheasant stocking and propagation	SEG	C	269,700	269,700
25	(it)	Atlas revenues	SEG	C	–0–	–0–

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1	(iu)	Gravel pit reclamation	SEG	C	–0–	–0–
2	(jr)	Rental property and equipment —				
3		maintenance and replacement	SEG	C	8,300	8,300
4	(kq)	Taxes and assessments;				
5		conservation fund	SEG	A	297,000	297,000
6	(Lk)	Reintroduction of whooping cranes	PR-S	A	64,900	64,900
7	(Lq)	Trapper education program	SEG	C	48,800	48,800
8	(Lr)	Beaver control; fish and wildlife				
9		account	SEG	C	36,200	36,200
10	(Ls)	Control of wild animals	SEG	C	284,800	284,800
11	(Lt)	Wildlife management	SEG	A	–0–	–0–
12	(Lu)	Fish and wildlife habitat	SEG	S	–0–	–0–
13	(ma)	General program operations —				
14		state funds	GPR	A	5,500	5,500
15	(mg)	General program operations —				
16		endangered resources	PR	C	–0–	–0–
17	(mi)	General program operations —				
18		private and public sources	PR	C	694,000	694,000
19	(mk)	General program operations —				
20		service funds	PR-S	C	836,000	836,000
21	(mq)	General program operations —				
22		state snowmobile trails and areas	SEG	A	209,700	209,700
23	(ms)	General program operations —				
24		state all-terrain vehicle projects	SEG	A	310,500	310,500

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1	(mt) Land preservation and				
2	management – endowment fund	SEG	S	–0–	–0–
3	(mu) General program operations —				
4	state funds	SEG	A	–0–	–0–
5	Land program management	SEG	A	1,068,700	1,068,700
6	Wildlife management	SEG	A	12,615,400	12,615,400
7	Southern forests	SEG	A	5,423,400	5,423,400
8	Parks and recreation	SEG	A	12,018,600	12,118,600
9	Endangered resources	SEG	A	762,400	762,400
10	Facilities and lands	SEG	A	7,532,600	7,532,600
	NET APPROPRIATION			39,421,100	39,521,100
11	(mv) General program operations – state				
12	funds; forestry	SEG	A	53,055,900	52,955,100
13	(my) General program operations —				
14	federal funds	SEG-F	C	–0–	–0–
15	Wildlife management	SEG-F	C	5,007,600	5,007,600
16	Forestry	SEG-F	C	1,492,400	1,492,400
17	Southern forests	SEG-F	C	119,500	119,500
18	Parks and recreation	SEG-F	C	812,900	812,900
19	Endangered resources	SEG-F	C	2,251,600	2,251,600
20	Facilities and lands	SEG-F	C	2,205,700	2,205,700
	NET APPROPRIATION			11,889,700	11,889,700
21	(mz) Forest fire emergencies — federal				
22	funds	SEG-F	C	–0–	–0–

ASSEMBLY BILL 75**SECTION 176****(1) PROGRAM TOTALS**

GENERAL PURPOSE REVENUES	5,863,400	5,863,400
PROGRAM REVENUE	1,699,700	1,699,700
OTHER	(694,000)	(694,000)
SERVICE	(1,005,700)	(1,005,700)
SEGREGATED FUNDS	109,933,900	109,933,100
FEDERAL	(11,889,700)	(11,889,700)
OTHER	(98,044,200)	(98,043,400)
TOTAL-ALL SOURCES	117,497,000	117,496,200

1	(2)	AIR AND WASTE				
2	(bg)	Air management — stationary				
3		sources	PR	A	6,738,100	6,738,100
4	(bh)	Air management — state permit				
5		sources	PR	A	2,291,700	2,291,700
6	(bi)	Air management — asbestos				
7		management	PR	C	486,100	606,500
8	(bq)	Air management — vapor recovery				
9		administration	SEG	A	96,500	96,500
10	(br)	Air management — mobile sources	SEG	A	1,352,200	1,352,200
11	(cf)	Air management — motor veh.				
12		emission inspection & maint. prog.,				
13		state funds	GPR	A	64,700	64,700
14	(cg)	Air management — recovery of				
15		ozone-depleting refrigerants	PR	A	161,400	161,400
16	(ch)	Air management — emission				
17		analysis	PR	C	–0–	–0–
18	(ci)	Air management — permit review				
19		and enforcement	PR	A	2,167,700	2,167,700

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1	(cL)	Air waste management —				
2		incinerator operator certification	PR	C	–0–	–0–
3	(dg)	Solid waste management — solid				
4		and hazardous waste disposal				
5		administration	PR	C	2,820,400	2,820,400
6	(dh)	Solid waste				
7		management–remediated property	PR	C	858,300	858,300
8	(dq)	Solid waste management — waste				
9		management fund	SEG	C	–0–	–0–
10	(dt)	Solid waste management — closure				
11		and long–term care	SEG	C	–0–	–0–
12	(du)	Solid waste management –				
13		site–specific remediation	SEG	C	–0–	–0–
14	(dv)	Solid waste management —				
15		environmental repair; spills;				
16		abandoned containers	SEG	C	2,418,900	2,418,900
17	(dw)	Solid waste management —				
18		environmental repair; petroleum				
19		spills; admin.	SEG	A	1,792,100	1,792,100
20	(dy)	Solid waste mgt. — corrective				
21		action; proofs of financial				
22		responsibility	SEG	C	–0–	–0–
23	(dz)	Solid waste management –				
24		assessments and legal action	SEG	C	–0–	–0–
25	(eg)	Solid waste facility siting board fee	PR	C	–0–	–0–

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1	(eh) Solid waste management — source				
2	reduction review	PR	C	–0–	–0–
3	(eq) Solid waste management – dry				
4	cleaner environmental response	SEG	A	169,000	169,000
5	(fq) Indemnification agreements	SEG	S	–0–	–0–
6	(gh) Mining — mining regulation and				
7	administration	PR	A	123,300	123,300
8	(gr) Solid waste management — mining				
9	programs	SEG	C	–0–	–0–
10	(hq) Recycling; administration	SEG	A	1,320,400	1,320,400
11	(ma) General program operations —				
12	state funds	GPR	A	1,757,500	1,757,500
13	(mi) General program operations —				
14	private and public sources	PR	C	–0–	–0–
15	(mk) General program operations —				
16	service funds	PR-S	C	99,000	99,000
17	(mm) General program operations —				
18	federal funds	PR-F	C	8,831,500	8,646,900
19	(mq) General program operations –				
20	environmental fund	SEG	A	3,838,800	3,736,400
21	(mr) General program operations –				
22	brownfields	SEG	A	314,800	314,800
23	(mu) Petroleum inspection fd. suppl. to				
24	env. fd.; env. repair and well comp.	SEG	A	1,038,900	1,038,900

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1	(my) General program operations —				
2	environmental fund; federal funds	SEG-F	C	845,100	845,100
(2) P R O G R A M T O T A L S					
	GENERAL PURPOSE REVENUES			1,822,200	1,822,200
	PROGRAM REVENUE			24,577,500	24,513,300
	FEDERAL			(8,831,500)	(8,646,900)
	OTHER			(15,647,000)	(15,767,400)
	SERVICE			(99,000)	(99,000)
	SEGREGATED FUNDS			13,186,700	13,084,300
	FEDERAL			(845,100)	(845,100)
	OTHER			(12,341,600)	(12,239,200)
	TOTAL-ALL SOURCES			39,586,400	39,419,800
3	(3) ENFORCEMENT AND SCIENCE				
4	(ak) Law enforcement – snowmobile				
5	enforcement and safety training;				
6	service funds	PR-S	A	1,276,300	1,276,300
7	(aq) Law enforcement — snowmobile				
8	enforcement and safety training	SEG	A	127,900	127,900
9	(ar) Law enforcement — boat				
10	enforcement and safety training	SEG	A	3,014,800	2,963,000
11	(as) Law enforcement — all-terrain				
12	vehicle enforcement	SEG	A	1,309,300	1,287,200
13	(at) Education and safety programs	SEG	C	337,600	337,600
14	(aw) Law enforcement — car kill deer	SEG	A	509,500	509,500
15	(ax) Law enforcement – water resources				
16	enforcement	SEG	A	205,800	200,400
17	(ay) Law enforcement — car killed deer;				
18	transportation fund	SEG	A	509,500	509,500
19	(bg) Enforcement — stationary sources	PR	A	110,000	110,000

ASSEMBLY BILL 75**SECTION 176**

1	(bL)	Operator certification — fees	PR	A	91,300	91,300
2	(dg)	Environmental impact —				
3		consultant services; printing and				
4		postage costs	PR	C	–0–	–0–
5	(dh)	Environmental impact — power				
6		projects	PR	C	27,800	27,800
7	(di)	Environmental consulting costs —				
8		federal power projects	PR	A	–0–	–0–
9	(fj)	Environmental quality – laboratory				
10		certification	PR	A	791,300	791,300
11	(is)	Lake research; voluntary				
12		contributions	SEG	C	68,800	68,800
13	(ma)	General program operations —				
14		state funds	GPR	A	3,271,100	3,271,100
15	(mi)	General program operations —				
16		private and public sources	PR	C	396,500	396,500
17	(mk)	General program operations —				
18		service funds	PR-S	C	1,516,400	1,516,400
19	(mm)	General program operations —				
20		federal funds	PR-F	C	562,100	562,100
21	(mq)	General program operations —				
22		environmental fund	SEG	A	1,273,700	1,262,300
23	(mr)	Recycling; enforcement and				
24		research	SEG	A	316,700	313,300

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1	(ms) General program operations –				
2	pollution prevention	SEG	A	74,400	74,400
3	(mt) General program operations,				
4	nonpoint source — environmental				
5	fund	SEG	A	420,200	420,200
6	(mu) General program operations —				
7	state funds	SEG	A	20,952,900	20,534,600
8	(mw) Water resources – public health	SEG	A	24,700	24,700
9	(my) General program operations —				
10	federal funds	SEG-F	C	6,978,500	6,978,500
(3) P R O G R A M T O T A L S					
	GENERAL PURPOSE REVENUES			3,271,100	3,271,100
	PROGRAM REVENUE			4,771,700	4,771,700
	FEDERAL			(562,100)	(562,100)
	OTHER			(1,416,900)	(1,416,900)
	SERVICE			(2,792,700)	(2,792,700)
	SEGREGATED FUNDS			36,124,300	35,611,900
	FEDERAL			(6,978,500)	(6,978,500)
	OTHER			(29,145,800)	(28,633,400)
	TOTAL-ALL SOURCES			44,167,100	43,654,700
11	(4) WATER				
12	(af) Water resources – remedial action	GPR	C	134,000	134,000
13	(ag) Water resources – pollution credits	PR	C	–0–	–0–
14	(ah) Water resources – Great Lakes				
15	protection fund	PR	C	226,700	226,700
16	(ai) Water resources — water use fees	PR	C	–0–	999,400
17	(aj) Water resources — ballast water				
18	discharge permits	PR	C	210,400	246,400

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1	(aq)	Water resources management –				
2		lake, river and invasive species				
3		management	SEG	A	3,279,300	3,279,300
4	(ar)	Water resources – groundwater				
5		management	SEG	B	91,900	91,900
6	(as)	Water resources — trading water				
7		pollution credits	SEG	C	–0–	–0–
8	(at)	Watershed — nonpoint source				
9		contracts	SEG	B	997,600	997,600
10	(au)	Cooperative remedial action;				
11		contributions	SEG	C	–0–	–0–
12	(av)	Cooperative remedial action;				
13		interest on contributions	SEG	S	–0–	–0–
14	(bg)	Water regulation and zoning –				
15		computer access fees	PR	C	–0–	–0–
16	(bh)	Water regulation and zoning – dam				
17		inspect. and safety administ.; gen.				
18		fund	PR	A	–0–	–0–
19	(bi)	Water regulation and zoning – fees	PR	C	859,900	859,900
20	(bj)	Storm water management – fees	PR	A	1,855,700	1,855,700
21	(bL)	Wastewater management – fees	PR	C	150,400	150,400
22	(br)	Water reg. & zoning — dam safety				
23		& wetland mapping; conservation				
24		fund	SEG	A	635,500	635,500
25	(cg)	Groundwater quantity				
26		administration	PR	A	692,200	504,800

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1	(ch)	Groundwater quantity research	PR	B	99,000	99,000
2	(kk)	Fishery resources for ceded				
3		territories	PR-S	A	170,900	170,900
4	(kr)	Commercial fish protection and				
5		Great Lakes resource surcharges	SEG	C	5,500	5,500
6	(ku)	Great Lakes trout and salmon	SEG	C	1,277,700	1,277,700
7	(kv)	Trout habitat improvement	SEG	C	1,331,200	1,331,200
8	(kw)	Sturgeon stock and habitat	SEG	C	138,700	138,700
9	(ky)	Sturgeon stock and habitat – inland				
10		waters	SEG	C	135,900	135,900
11	(ma)	General program operations – state				
12		funds	GPR	A	–0–	–0–
13		Watershed management	GPR	A	11,807,700	11,747,500
14		Fisheries management	GPR	A	136,600	136,600
15		Drinking water and groundwater	GPR	A	2,370,800	2,370,800
16		Water program management	GPR	A	1,094,400	1,094,400
		NET APPROPRIATION			15,409,500	15,349,300
17	(mi)	General program operations –				
18		private and public sources	PR	C	235,300	235,300
19	(mk)	General program operations —				
20		service funds	PR-S	C	535,600	535,600
21	(mm)	General program operations –				
22		federal funds	PR-F	C	–0–	–0–
23		Watershed management	PR-F	C	14,421,800	14,245,700

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1	Fisheries management	PR-F	C	228,100	228,100
2	Drinking water and groundwater	PR-F	C	5,063,800	5,063,800
	NET APPROPRIATION			19,713,700	19,537,600
3	(mq) General program operations –				
4	environmental fund	SEG	A	–0–	–0–
5	Watershed management	SEG	A	2,105,400	2,105,400
6	Drinking water and groundwater	SEG	A	2,416,500	2,416,500
7	Water program management	SEG	A	–0–	–0–
	NET APPROPRIATION			4,521,900	4,521,900
8	(mr) General program operations,				
9	nonpoint source	SEG	A	612,200	612,200
10	(mt) General program				
11	operations–environmental				
12	improvement programs; state funds	SEG	A	731,600	731,600
13	(mu) General program operations – state				
14	funds	SEG	A	17,237,100	17,237,100
15	(mw) Petroleum inspection fund				
16	supplement to env. fund;				
17	groundwater management	SEG	A	759,200	759,200
18	(mx) General program operations – clean				
19	water fund program; federal funds	SEG-F	C	798,000	798,000
20	(my) General program operations –				
21	environmental fund – federal funds	SEG-F	C	–0–	–0–
22	(mz) General program operations –				
23	federal funds	SEG-F	C	5,346,300	5,346,300

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1	(nz)	General program operations—safe				
2		drinking water loan programs;				
3		federal funds	SEG-F	C	911,300	911,300
(4) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			15,543,500	15,483,300
		PROGRAM REVENUE			24,749,800	25,421,700
		FEDERAL			(19,713,700)	(19,537,600)
		OTHER			(4,329,600)	(5,177,600)
		SERVICE			(706,500)	(706,500)
		SEGREGATED FUNDS			38,810,900	38,810,900
		FEDERAL			(7,055,600)	(7,055,600)
		OTHER			(31,755,300)	(31,755,300)
		TOTAL-ALL SOURCES			79,104,200	79,715,900
4	(5)	CONSERVATION AIDS				
5	(ad)	Resource aids — interpretive center	GPR	A	25,300	25,300
6	(aq)	Resource aids – Canadian agencies				
7		migratory waterfowl aids	SEG	C	167,500	167,500
8	(ar)	Resource aids – county				
9		conservation aids	SEG	C	148,500	148,500
10	(as)	Recreation aids – fish, wildlife and				
11		forestry recreation aids	SEG	C	112,200	112,200
12	(at)	Ice age trail area grants	SEG	A	74,200	74,200
13	(au)	Resource aids – Ducks Unlimited,				
14		Inc., payments	SEG	C	–0–	–0–
15	(av)	Resource aids – forest grants	SEG	B	1,147,900	1,147,900
16	(aw)	Resource aids – nonprofit				
17		conservation organizations	SEG	C	232,600	232,600
18	(ax)	Resource aids – forestry	SEG	A	148,500	148,500

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1	(ay) Resource aids – urban land				
2	conservation	SEG	A	74,200	74,200
3	(bp) Resource aids – urban forestry				
4	grants	SEG	C	–0–	–0–
5	(bq) Resource aids – county forest loans;				
6	severance share payments	SEG	C	–0–	–0–
7	(br) Resource aids – forest croplands				
8	and managed forest land aids	SEG	A	1,237,500	1,237,500
9	(bs) Resource aids – county forest loans	SEG	A	616,200	616,200
10	(bt) Resource aids – county forest				
11	project loans	SEG	C	396,000	396,000
12	(bu) Resource aids – county forest				
13	project loans; severance share				
14	payments	SEG	C	–0–	–0–
15	(bv) Res. aids – county forests, forest				
16	croplands and managed forest land				
17	aids	SEG	S	1,416,400	1,416,400
18	(bw) Res. aids–urban forestry, county				
19	sust. forestry & county forest adm.				
20	grants	SEG	C	1,576,900	1,576,900
21	(bx) Resource aids – national forest				
22	income aids	SEG–F	C	782,200	782,200
23	(by) Resource aids — fire suppression				
24	grants	SEG	A	–0–	–0–
25	(bz) Resource aids – forestry outdoor				
26	activity grants	SEG	C	–0–	–0–

ASSEMBLY BILL 75**SECTION 176**

1	(cb)	Recreation aids – snowmobile trail				
2		and area aids; general fund	GPR	A	–0–	–0–
3	(cq)	Recreation aids – recreational				
4		boating and other projects	SEG	C	400,000	400,000
5	(cr)	Recreation aids – county				
6		snowmobile trail and area aids	SEG	C	2,475,400	2,475,400
7	(cs)	Recreation aids – snowmobile trail				
8		areas	SEG	C	4,654,700	4,678,000
9	(ct)	Recreation aids – all-terrain				
10		vehicle project aids; gas tax				
11		payment	SEG	C	1,864,400	1,920,300
12	(cu)	Recreation aids — all-terrain				
13		vehicle project aids	SEG	C	1,572,000	1,670,000
14	(cv)	Recreation aids — all terrain				
15		vehicle landowner incentive				
16		program	SEG	C	405,900	405,900
17	(cw)	Recreation aids – supplemental				
18		snowmobile trail aids	SEG	C	531,900	531,900
19	(cx)	Recreation aids — all-terrain				
20		vehicle safety program	SEG	A	297,000	297,000
21	(cy)	Recreation and resource aids,				
22		federal funds	SEG-F	C	3,162,100	3,162,100
23	(da)	Aids in lieu of taxes – general fund	GPR	S	7,650,000	9,050,000
24	(dq)	Aids in lieu of taxes – sum				
25		sufficient	SEG	S	780,000	780,000

ASSEMBLY BILL 75**SECTION 176**

1	(dr)	Aids in lieu of taxes – sum certain	SEG	A	3,960,000	3,960,000
2	(dx)	Resource aids — payment in lieu of				
3		taxes; federal	SEG-F	C	440,000	440,000
4	(ea)	Enforcement aids — spearfishing				
5		enforcement	GPR	C	–0–	–0–
6	(eq)	Enforcement aids — boating				
7		enforcement	SEG	A	1,386,000	1,386,000
8	(er)	Enforcement aids — all-terrain				
9		vehicle enforcement	SEG	A	495,000	495,000
10	(es)	Enforcement aids — snowmobiling				
11		enforcement	SEG	A	396,000	396,000
12	(ex)	Enforcement aids — federal funds	SEG-F	C	–0–	–0–
13	(fq)	Wildlife damage claims and				
14		abatement	SEG	C	3,638,200	3,638,200
15	(fr)	Wildlife abatement and control				
16		grants	SEG	B	24,700	24,700
17	(fs)	Venison processing	SEG	B	594,000	594,000
18	(ft)	Venison processing; voluntary				
19		contributions	SEG	C	14,800	14,800
(5) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			7,675,300	9,075,300
		SEGREGATED FUNDS			35,222,900	35,400,100
		FEDERAL			(4,384,300)	(4,384,300)
		OTHER			(30,838,600)	(31,015,800)
		TOTAL-ALL SOURCES			42,898,200	44,475,400
20	(6)	ENVIRONMENTAL AIDS				

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1	(aa)	Environmental aids – nonpoint				
2		source	GPR	B	789,000	789,000
3	(ar)	Environmental aids – lake				
4		protection	SEG	C	2,648,600	2,648,600
5	(as)	Environmental aids — invasive				
6		aquatic species and lake monitoring	SEG	B	4,257,000	4,257,000
7	(au)	Environmental aids — river				
8		protection; environmental fund	SEG	A	–0–	–0–
9	(av)	Environmental aids – river				
10		protection; conservation fund	SEG	A	289,500	289,500
11	(aw)	Environmental aids – river				
12		protection, nonprofit organization				
13		contracts	SEG	C	74,200	74,200
14	(bj)	Environmental aids — waste				
15		reduction and recycling grants and				
16		gifts	PR	C	–0–	–0–
17	(bk)	Environmental aids — wastewater				
18		and drinking water grant	PR-S	A	–0–	–0–
19	(bu)	Financial assistance for responsible				
20		units	SEG	A	30,690,000	30,690,000
21	(ca)	Environmental aids – scenic urban				
22		waterways	GPR	C	–0–	–0–
23	(cm)	Environmental aids – federal funds	PR-F	C	–0–	–0–
24	(cr)	Environmental aids – compensation				
25		for well contamination and				
26		abandonment	SEG	C	291,100	291,100

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1	(da) Environmental planning aids –				
2	local water quality planning	GPR	A	253,000	253,000
3	(dm) Environmental planning aids –				
4	federal funds	PR-F	C	150,000	150,000
5	(dq) Environmental aids — urban				
6	nonpoint source	SEG	B	1,385,000	1,385,000
7	(ef) Brownfields revolving loan				
8	repayments	PR	C	–0–	–0–
9	(eg) Groundwater mitigation and local				
10	assistance	PR	C	507,000	507,000
11	(eh) Brownfields revolving loan funds				
12	administered for other entity	PR	C	–0–	–0–
13	(em) Federal brownfields revolving loan				
14	funds	PR-F	C	1,000,000	1,000,000
15	(eq) Environmental aids – dry cleaner				
16	environmental response	SEG	B	1,207,800	1,207,800
17	(et) Environmental aids – brownfield				
18	site assessment	SEG	B	1,683,000	1,683,000
19	(eu) Environmental aids – brownfields				
20	green space grants	SEG	B	495,000	495,000
21	(ev) Reimbursement for disposal of				
22	contaminated sediment	SEG	A	3,000,000	3,000,000

(6) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	1,042,000	1,042,000
PROGRAM REVENUE	1,657,000	1,657,000
FEDERAL	(1,150,000)	(1,150,000)
OTHER	(507,000)	(507,000)
SERVICE	(–0–)	(–0–)
SEGREGATED FUNDS	46,021,200	46,021,200

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		OTHER			(46,021,200)	(46,021,200)
		TOTAL-ALL SOURCES			48,720,200	48,720,200
1	(7)	DEBT SERVICE AND DEVELOPMENT				
2	(aa)	Resource acquisition and				
3		development – principal repayment				
4		and interest	GPR	S	48,004,400	54,664,500
5	(ac)	Principal repayment and interest –				
6		recreational boating bonds	GPR	S	–0–	–0–
7	(ag)	Land acquisition – principal				
8		repayment and interest	PR	C	–0–	–0–
9	(aq)	Resource acquisition and				
10		development – principal repayment				
11		and interest	SEG	S	89,800	1,000
12	(ar)	Dam repair and removal – principal				
13		repayment and interest	SEG	S	497,100	532,200
14	(at)	Recreation development – principal				
15		repayment and interest	SEG	S	–0–	–0–
16	(au)	State forest acquisition and				
17		development — principal				
18		repayment and interest	SEG	A	16,000,000	16,000,000
19	(bq)	Principal repayment and interest –				
20		remedial action	SEG	S	4,077,000	4,352,700
21	(br)	Principal repayment and interest –				
22		contaminated sediment	SEG	S	464,000	635,200
23	(cb)	Principal repayment and interest –				
24		pollution abatement bonds	GPR	S	35,254,700	16,881,600

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1	(cc)	Principal repay. and int. – combined				
2		sewer overflow; pollution abat.				
3		bonds	GPR	S	11,442,100	8,360,500
4	(cd)	Principal repayment and interest –				
5		municipal clean drinking water				
6		grants	GPR	S	856,400	860,400
7	(ce)	Principal repayment and interest –				
8		nonpoint source	GPR	S	657,000	–0–
9	(cf)	Principal repayment and interest –				
10		urban nonpoint source cost-sharing	GPR	S	2,240,500	–0–
11	(cg)	Principal repayment and interest –				
12		nonpoint repayments	PR	C	–0–	–0–
13	(cq)	Principal repayment and				
14		interest — nonpoint source grants	SEG	S	7,695,300	7,981,100
15	(cr)	Principal repayment and				
16		interest — nonpoint source	SEG	S	–0–	806,600
17	(cs)	Principal repayment and				
18		interest — urban nonpoint source				
19		cost-sharing	SEG	S	–0–	2,557,900
20	(ct)	Principal and interest — pollution				
21		abatement, environmental fund	SEG	A	–0–	8,000,000
22	(ea)	Administrative facilities – principal				
23		repayment and interest	GPR	S	837,400	854,500
24	(eq)	Administrative facilities – principal				
25		repayment and interest	SEG	S	4,511,500	5,625,700

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1	(er)	Administrative facilities – principal				
2		repayment & interest; env. fund	SEG	S	639,800	743,800
3	(fa)	Resource maintenance and				
4		development – state funds	GPR	C	840,800	840,800
5	(fk)	Resource acquisition and				
6		development – service funds;				
7		transportation moneys	PR-S	C	990,000	990,000
8	(fr)	Resource acq. and dev. – boating				
9		access to southeastern lakes	SEG	C	99,000	99,000
10	(fs)	Resource acquisition and				
11		development – state funds	SEG	C	889,100	889,100
12	(ft)	Resource acquisition and				
13		development – boating access	SEG	C	198,000	198,000
14	(fu)	Resource acquisition and				
15		development — nonmotorized				
16		boating improvements	SEG	C	–0–	–0–
17	(fw)	Resource acq. and dev. – Mississippi				
18		and St. Croix rivers management	SEG	C	61,900	61,900
19	(fy)	Resource acquisition and				
20		development — federal funds	SEG-F	C	9,120,000	9,120,000
21	(gg)	Ice age trail – gifts and grants	PR	C	–0–	–0–
22	(gq)	State trails – gifts and grants	SEG	C	–0–	–0–
23	(ha)	Facilities acquisition, development				
24		and maintenance	GPR	C	160,700	160,700

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1	(hq)	Facilities acquisition, development				
2		and maintenance – conservation				
3		fund	SEG	C	373,000	373,000
4	(jr)	Rental property and equipment –				
5		maintenance and replacement	SEG	C	–0–	–0–
6	(mi)	General program operations –				
7		private and public sources	PR	C	–0–	–0–
8	(mk)	General program operations –				
9		service funds	PR-S	C	–0–	–0–
10	(mr)	Resource maintenance and				
11		development — state park, forest				
12		and riverway roads	SEG	C	2,970,000	2,970,000
(7) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			100,294,000	82,623,000
		PROGRAM REVENUE			990,000	990,000
		OTHER			(–0–)	(–0–)
		SERVICE			(990,000)	(990,000)
		SEGREGATED FUNDS			47,685,500	60,947,200
		FEDERAL			(9,120,000)	(9,120,000)
		OTHER			(38,565,500)	(51,827,200)
		TOTAL-ALL SOURCES			148,969,500	144,560,200
13	(8)	ADMINISTRATION AND TECHNOLOGY				
14	(ir)	Promotional activities and				
15		publications	SEG	C	82,200	82,200
16	(iw)	Statewide recycling administration	SEG	A	411,400	428,200
17	(ma)	General program operations —				
18		state funds	GPR	A	2,739,400	2,739,400
19	(mg)	General program operations —				
20		stationary sources	PR	A	–0–	–0–

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1	(mi) General program operations —				
2	private and public sources	PR	C	–0–	–0–
3	(mk) General program operations —				
4	service funds	PR-S	C	5,091,700	5,091,700
5	(mq) General program operations —				
6	mobile sources	SEG	A	919,600	943,900
7	(mr) General program operations –				
8	environmental improvement fund	SEG	A	353,700	353,700
9	(mt) Equipment pool operations	SEG-S	C	–0–	–0–
10	(mu) General program operations —				
11	state funds	SEG	A	16,131,700	16,221,700
12	(mv) General program operations —				
13	environmental fund	SEG	A	1,478,800	1,535,100
14	(mz) Indirect cost reimbursements	SEG-F	C	7,544,500	7,544,500
15	(ni) Geographic information systems,				
16	general program operations – other				
17	funds	PR	C	38,300	38,300
18	(nk) Geographic information systems,				
19	general program operations —				
20	service funds	PR-S	C	1,783,700	1,783,700
21	(ok) Federal economic stimulus funds	PR-S	C	–0–	–0–
22	(zq) Gifts and donations	SEG	C	–0–	–0–

(8) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	2,739,400	2,739,400
PROGRAM REVENUE	6,913,700	6,913,700
OTHER	(38,300)	(38,300)
SERVICE	(6,875,400)	(6,875,400)
SEGREGATED FUNDS	26,921,900	27,109,300
FEDERAL	(7,544,500)	(7,544,500)

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OTHER	(19,377,400)	(19,564,800)
SERVICE	(-0-)	(-0-)
TOTAL-ALL SOURCES	36,575,000	36,762,400

1	(9)	CUSTOMER ASSISTANCE AND EXTERNAL RELATIONS				
2	(eg)	Gifts and grants; environmental				
3		management systems	PR	C	-0-	-0-
4	(gb)	Education programs – program fees	PR	B	69,800	69,800
5	(hk)	Approval fees to Lac du Flambeau				
6		band-service funds	PR-S	A	99,000	99,000
7	(hs)	Approval fees from Lac du				
8		Flambeau band	SEG	C	-0-	-0-
9	(ht)	Approval fees to Lac du Flambeau				
10		band	SEG	S	-0-	-0-
11	(hu)	Handling and other fees	SEG	C	152,500	152,500
12	(hv)	Fee amounts for statewide				
13		automated issuing system	SEG	C	2,863,100	2,863,100
14	(iq)	Natural resources magazine	SEG	C	982,400	982,400
15	(is)	Statewide recycling administration	SEG	A	459,600	459,600
16	(ma)	General program operations – state				
17		funds	GPR	A	1,069,900	939,200
18	(mh)	General programs operations –				
19		stationary sources	PR	A	461,800	461,800
20	(mi)	General program operations —				
21		private and public sources	PR	C	39,600	39,600
22	(mk)	General program operations —				
23		service funds	PR-S	C	1,726,200	1,726,200

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1	(mm) General program operations –				
2	federal funds	PR-F	C	1,090,900	1,090,900
3	(mq) General program operations –				
4	mobile sources	SEG	A	182,200	182,200
5	(mt) Aids administration —				
6	environmental improvement				
7	programs; state funds	SEG	A	1,337,400	1,337,400
8	(mu) General program operations – state				
9	funds	SEG	A	11,969,700	9,915,600
10	(mv) General program operations —				
11	environmental fund	SEG	A	1,117,900	1,117,900
12	(mw) Aids administration – snowmobile				
13	recreation	SEG	A	192,300	192,300
14	(mx) Aids administration – clean water				
15	fund program; federal funds	SEG-F	C	1,235,000	1,235,000
16	(my) General program operations –				
17	federal funds	SEG-F	C	301,900	301,900
18	(mz) Indirect cost reimbursements	SEG-F	C	1,259,500	959,500
19	(nq) Aids administration – dry cleaner				
20	environmental response	SEG	A	85,000	85,000
21	(ny) Aids administration – safe drinking				
22	water loan programs; federal funds	SEG-F	C	168,900	168,900

(9) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	1,069,900	939,200
PROGRAM REVENUE	3,487,300	3,487,300
FEDERAL	(1,090,900)	(1,090,900)
OTHER	(571,200)	(571,200)
SERVICE	(1,825,200)	(1,825,200)
SEGREGATED FUNDS	22,307,400	19,953,300

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FEDERAL	(2,965,300)	(2,665,300)
OTHER	(19,342,100)	(17,288,000)
TOTAL-ALL SOURCES	26,864,600	24,379,800

20.370 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	139,320,800	122,858,900
PROGRAM REVENUE	68,846,700	69,454,400
FEDERAL	(31,348,200)	(30,987,500)
OTHER	(23,204,000)	(24,172,400)
SERVICE	(14,294,500)	(14,294,500)
SEGREGATED FUNDS	376,214,700	386,871,300
FEDERAL	(50,783,000)	(50,483,000)
OTHER	(325,431,700)	(336,388,300)
SERVICE	(-0-)	(-0-)
TOTAL-ALL SOURCES	584,382,200	579,184,600

1 20.373 Fox river navigational system authority**2 (1) INITIAL COSTS****3 (g) Administration, operation, repair,**

4 and rehabilitation PR C -0- -0-

5 (r) Establishment and operation SEG C 125,400 125,400

20.373 DEPARTMENT TOTALS

PROGRAM REVENUE	-0-	-0-
OTHER	(-0-)	(-0-)
SEGREGATED FUNDS	125,400	125,400
OTHER	(125,400)	(125,400)
TOTAL-ALL SOURCES	125,400	125,400

6 20.375 Lower Fox River remediation authority**7 (1) INITIAL COSTS**

8 (a) Initial costs GPR B -0- -0-

20.375 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	-0-	-0-
TOTAL-ALL SOURCES	-0-	-0-

9 20.380 Tourism, department of**10 (1) TOURISM DEVELOPMENT AND PROMOTION**

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1	(a)	General program operations	GPR	A	3,097,600	2,971,200
2	(b)	Tourism marketing; general				
3		purpose revenue	GPR	A	–0–	–0–
4	(g)	Gifts, grants and proceeds	PR	C	7,200	7,200
5	(h)	Tourism promotion; sale of surplus				
6		property receipts	PR	C	–0–	–0–
7	(ig)	Golf promotion	PR	C	–0–	–0–
8	(ir)	Payments to the WPGA Junior				
9		Foundation	PR	C	–0–	–0–
10	(j)	Tourism promotion – private and				
11		public sources	PR	C	99,000	99,000
12	(k)	Sale of materials or services	PR-S	C	–0–	–0–
13	(ka)	Sale of materials and services–local				
14		assistance	PR-S	C	–0–	–0–
15	(kb)	Sale of materials and				
16		services–individuals and				
17		organizations	PR-S	C	–0–	–0–
18	(kc)	Marketing clearinghouse charges	PR-S	A	–0–	–0–
19	(kf)	Federal economic stimulus funds	PR-S	C	–0–	–0–
20	(kg)	Tourism marketing; gaming				
21		revenue	PR-S	B	8,683,400	8,683,400
22	(km)	Tourist information assistant	PR-S	A	–0–	–0–
23	(m)	Federal aid, state operations	PR-F	C	–0–	–0–
24	(n)	Federal aid, local assistance	PR-F	C	–0–	–0–

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1	(o)	Federal aid, individuals and				
2		organizations	PR-F	C	-0-	-0-
3	(q)	Administrative				
4		services-conservation fund	SEG	A	12,100	12,100
5	(w)	Tourism marketing; transportation				
6		fund	SEG	B	1,870,100	1,710,100
(1) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			3,097,600	2,971,200
		PROGRAM REVENUE			8,789,600	8,789,600
		FEDERAL			(-0-)	(-0-)
		OTHER			(106,200)	(106,200)
		SERVICE			(8,683,400)	(8,683,400)
		SEGREGATED FUNDS			1,882,200	1,722,200
		OTHER			(1,882,200)	(1,722,200)
		TOTAL-ALL SOURCES			13,769,400	13,483,000
7	(2)	KICKAPOO VALLEY RESERVE				
8	(ip)	Kickapoo reserve management				
9		board; program services	PR	C	106,300	106,300
10	(ir)	Kickapoo reserve management				
11		board; gifts and grants	PR	C	-0-	-0-
12	(kc)	Kickapoo valley reserve; law				
13		enforcement services	PR-S	A	32,000	32,000
14	(ms)	Kickapoo reserve management				
15		board; federal aid	PR-F	C	-0-	-0-
16	(q)	Kickapoo reserve management				
17		board; general program operations	SEG	A	426,000	426,000
18	(r)	Kickapoo valley reserve; aids in lieu				
19		of taxes	SEG	S	334,800	334,800
(2) P R O G R A M T O T A L S						
		PROGRAM REVENUE			138,300	138,300
		FEDERAL			(-0-)	(-0-)

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OTHER	(106,300)	(106,300)
SERVICE	(32,000)	(32,000)
SEGREGATED FUNDS	760,800	760,800
OTHER	(760,800)	(760,800)
TOTAL-ALL SOURCES	899,100	899,100

20.380 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	3,097,600	2,971,200
PROGRAM REVENUE	8,927,900	8,927,900
FEDERAL	(-0-)	(-0-)
OTHER	(212,500)	(212,500)
SERVICE	(8,715,400)	(8,715,400)
SEGREGATED FUNDS	2,643,000	2,483,000
OTHER	(2,643,000)	(2,483,000)
TOTAL-ALL SOURCES	14,668,500	14,382,100

1 20.395 Transportation, department of

2	(1)	AIDS				
3	(ar)	Corrections of transportation aid				
4		payments	SEG	S	-0-	-0-
5	(as)	Transportation aids to counties,				
6		state funds	SEG	A	99,143,400	98,200,700
7	(at)	Transportation aids to				
8		municipalities, state funds	SEG	A	311,899,500	309,751,600
9	(bq)	Intercity bus assistance program,				
10		state funds	SEG	C	1,228,600	1,228,600
11	(br)	Milwaukee urban area rail transit				
12		system planning study; state funds	SEG	A	-0-	-0-
13	(bs)	Transportation employment and				
14		mobility, state funds	SEG	C	332,600	332,600
15	(bt)	Urban rail transit system grants	SEG	C	-0-	-0-

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1	(bv)	Transit and other				
2		transportation-related aids, local				
3		funds	SEG-L	C	108,900	108,900
4	(bx)	Transit and other				
5		transportation-related aids, federal				
6		funds	SEG-F	C	38,000,000	38,000,000
7	(ck)	Tribal elderly transportation grants	PR-S	A	247,500	247,500
8	(cq)	Elderly and disabled capital aids,				
9		state funds	SEG	C	912,700	912,700
10	(cr)	Elderly and disabled county aids,				
11		state funds	SEG	A	13,196,000	13,623,400
12	(cv)	Elderly and disabled aids, local				
13		funds	SEG-L	C	599,400	599,400
14	(cx)	Elderly and disabled aids, federal				
15		funds	SEG-F	C	1,500,000	1,500,000
16	(ex)	Highway safety, local assistance,				
17		federal funds	SEG-F	C	1,700,000	1,700,000
18	(fq)	Connecting highways aids, state				
19		funds	SEG	A	12,723,400	12,723,400
20	(fs)	Flood damage aids, state funds	SEG	S	600,000	600,000
21	(ft)	Lift bridge aids, state funds	SEG	B	2,271,500	2,271,500
22	(fu)	County forest road aids, state funds	SEG	A	300,300	300,300
23	(gq)	Expressway policing aids, state				
24		funds	SEG	A	1,079,900	1,079,900

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1	(gt)	Soo Locks improvements, state				
2		funds	SEG	A	-0-	-0-
3	(hr)	Tier B transit operating aids, state				
4		funds	SEG	A	24,683,700	25,234,400
5	(hs)	Tier C transit operating aids, state				
6		funds	SEG	A	5,587,500	5,712,300
7	(ht)	Tier A-1 transit operating aids,				
8		state funds	SEG	A	65,479,000	66,945,500
9	(hu)	Tier A-2 transit operating aids,				
10		state funds	SEG	A	17,206,700	17,590,500
11	(ig)	Professional football stadium				
12		maintenance and operating costs,				
13		state funds	PR	C	-0-	-0-
14	(ih)	Child abuse and neglect prevention,				
15		state funds	PR	C	-0-	-0-
(1) P R O G R A M T O T A L S						
		PROGRAM REVENUE			247,500	247,500
		OTHER			(-0-)	(-0-)
		SERVICE			(247,500)	(247,500)
		SEGREGATED FUNDS			598,553,100	598,415,700
		FEDERAL			(41,200,000)	(41,200,000)
		OTHER			(556,644,800)	(556,507,400)
		LOCAL			(708,300)	(708,300)
		TOTAL-ALL SOURCES			598,800,600	598,663,200
16	(2)	LOCAL TRANSPORTATION ASSISTANCE				
17	(aq)	Accelerated local bridge				
18		improvement assistance, state				
19		funds	SEG	C	-0-	-0-

ASSEMBLY BILL 75**SECTION 176**

1	(av)	Accelerated local bridge				
2		improvement assistance, local				
3		funds	SEG-L	C	-0-	-0-
4	(ax)	Accelerated local bridge				
5		improvement assistance, federal				
6		funds	SEG-F	C	-0-	-0-
7	(bq)	Rail service assistance, state funds	SEG	C	821,700	821,700
8	(bu)	Freight rail infrastructure				
9		improvements, state funds	SEG	C	-0-	-0-
10	(bv)	Rail service assistance, local funds	SEG-L	C	495,000	495,000
11	(bw)	Freight rail assistance loan				
12		repayments, local funds	SEG-L	C	3,960,000	3,960,000
13	(bx)	Rail service assistance, federal				
14		funds	SEG-F	C	50,000	50,000
15	(cq)	Harbor assistance, state funds	SEG	C	610,400	610,400
16	(cr)	Rail passenger service, state funds	SEG	C	1,649,400	3,302,900
17	(cs)	Harbor assistance, federal funds	SEG-F	C	-0-	-0-
18	(ct)	Pass. railroad station imprvmt. &				
19		comm. rail trans. sys. grants, state				
20		fds.	SEG	B	-0-	-0-
21	(cu)	Pass. railroad station imprvmt. &				
22		comm. rail trans. sys. grants, local				
23		fds.	SEG-L	C	-0-	-0-
24	(cv)	Rail passenger service, local funds	SEG-L	C	-0-	-0-
25	(cw)	Harbor assistance, local funds	SEG-L	C	-0-	-0-

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1	(cx)	Rail passenger service, federal				
2		funds	SEG-F	C	6,649,600	13,263,500
3	(dq)	Aeronautics assistance, state funds	SEG	C	12,982,100	12,982,100
4	(ds)	Aviation career education, state				
5		funds	SEG	A	160,400	160,400
6	(dv)	Aeronautics assistance, local funds	SEG-L	C	41,580,000	41,580,000
7	(dx)	Aeronautics assistance, federal				
8		funds	SEG-F	C	74,000,000	74,000,000
9	(eq)	Highway and local bridge				
10		improvement assistance, state				
11		funds	SEG	C	8,461,000	8,461,000
12	(ev)	Loc. brdg. imprvmt. & trfc. marking				
13		enhncmnt. asst., loc. & transfrd.				
14		fnds.	SEG-L	C	8,692,600	8,692,600
15	(ex)	Local bridge improvement				
16		assistance, federal funds	SEG-F	C	24,439,200	24,439,200
17	(fb)	Local roads for job preservation,				
18		state funds	GPR	C	-0-	-0-
19	(fr)	Local roads improvement program,				
20		state funds	SEG	C	17,083,100	17,083,100
21	(ft)	Local roads improvement program;				
22		discretionary grants, state funds	SEG	C	7,210,000	7,210,000
23	(fv)	Local transportation facility				
24		improvement assistance, local				
25		funds	SEG-L	C	38,506,500	38,506,500

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1	(fx)	Local transportation facility				
2		improvement assistance, federal				
3		funds	SEG-F	C	72,291,300	72,291,300
4	(fz)	Local roads for job preservation,				
5		federal funds	SEG-F	C	-0-	-0-
6	(gj)	Railroad crossing protection				
7		installation and maintenance, state				
8		funds	SEG	C	-0-	-0-
9	(gq)	Railroad crossing improvement and				
10		protection maintenance, state funds	SEG	A	2,227,500	2,227,500
11	(gr)	Railroad crossing improvement and				
12		protection installation, state funds	SEG	C	1,683,000	1,683,000
13	(gs)	Railroad crossing repair assistance,				
14		state funds	SEG	C	247,500	247,500
15	(gv)	Railroad crossing improvement,				
16		local funds	SEG-L	C	-0-	-0-
17	(gx)	Railroad crossing improvement,				
18		federal funds	SEG-F	C	3,299,600	3,299,600
19	(hq)	Multimodal transportation studies,				
20		state funds	SEG	C	-0-	-0-
21	(hx)	Multimodal transportation studies,				
22		federal funds	SEG-F	C	-0-	-0-
23	(iq)	Transportation facilities economic				
24		assistance and development, state				
25		funds	SEG	C	3,588,700	3,588,700

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1	(iv)	Transportation facilities economic				
2		assistance and development, local				
3		funds	SEG-L	C	3,588,700	3,588,700
4	(iw)	Transportation facility				
5		improvement loans, local funds	SEG-L	C	-0-	-0-
6	(ix)	Transportation facilities economic				
7		assistance & development, federal				
8		funds	SEG-F	C	-0-	-0-
9	(js)	Driver education grants, state				
10		funds	SEG	A	3,960,000	3,960,000
11	(kv)	Congestion mitigation and air				
12		quality improvement, local funds	SEG-L	C	3,093,500	3,093,500
13	(kx)	Congestion mitigation and air				
14		quality improvement, federal funds	SEG-F	C	11,619,000	11,619,000
15	(mq)	Astronautics assistance, state funds	SEG	C	-0-	-0-
16	(mv)	Astronautics assistance, local funds	SEG-L	C	-0-	-0-
17	(mx)	Astronautics assistance, federal				
18		funds	SEG-F	C	-0-	-0-
19	(nv)	Transportation enhancement				
20		activities, local funds	SEG-L	C	1,665,800	1,665,800
21	(nx)	Transportation enhancement				
22		activities, federal funds	SEG-F	C	18,934,900	6,251,600
23	(ny)	Milwaukee lakeshore walkway,				
24		federal funds	SEG-F	B	-0-	-0-

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1	(ov)	Bicycle and pedestrian facilities,				
2		local funds	SEG-L	C	673,200	673,200
3	(ox)	Bicycle and pedestrian facilities,				
4		federal funds	SEG-F	C	2,720,000	2,720,000
5	(ph)	Transportation infrastructure				
6		loans, gifts and grants	SEG	C	-0-	-0-
7	(pq)	Transportation infrastructure				
8		loans, state funds	SEG	C	4,900	4,900
9	(pu)	Transportation infrastructure				
10		loans, service funds	SEG-S	C	-0-	-0-
11	(pv)	Transportation infrastructure				
12		loans, local funds	SEG-L	C	-0-	-0-
13	(px)	Transportation infrastructure				
14		loans, federal funds	SEG-F	C	-0-	-0-
15	(qv)	Safe routes to school, local funds	SEG-L	C	319,800	319,800
16	(qx)	Safe routes to school, federal funds	SEG-F	C	3,230,100	3,230,100
(2) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			-0-	-0-
		SEGREGATED FUNDS			380,498,500	376,082,600
		FEDERAL			(217,233,700)	(211,164,300)
		OTHER			(60,689,700)	(62,343,200)
		SERVICE			(-0-)	(-0-)
		LOCAL			(102,575,100)	(102,575,100)
		TOTAL-ALL SOURCES			380,498,500	376,082,600
17	(3)	STATE HIGHWAY FACILITIES				
18	(bq)	Major highway development, state				
19		funds	SEG	C	71,979,100	72,273,200

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1	(br)	Major highway development,					
2		service funds	SEG-S	C	135,721,600	165,721,600	
3	(bv)	Major highway development, local					
4		funds	SEG-L	C	-0-	-0-	
5	(bx)	Major highway development,					
6		federal funds	SEG-F	C	154,975,000	78,975,000	
7	(ck)	West Canal Street reconstruction					
8		and extension, service funds	PR-S	C	-0-	-0-	
9	(cq)	State highway rehabilitation, state					
10		funds	SEG	C	365,444,600	372,736,000	
11	(cr)	Southeast Wisconsin freeway					
12		rehabilitation, state funds	SEG	C	60,251,600	68,601,600	
13	(ct)	Marquette interchange reconstr,					
14		owner controlled ins pgm, service					
15		funds	SEG-S	C	-0-	-0-	
16	(cv)	State highway rehabilitation, local					
17		funds	SEG-L	C	1,980,000	1,980,000	
18	(cw)	Southeast Wisconsin freeway					
19		rehabilitation, local funds	SEG-L	C	-0-	-0-	
20	(cx)	State highway rehabilitation,					
21		federal funds	SEG-F	C	445,819,100	307,091,500	
22	(cy)	Southeast Wisconsin freeway					
23		rehabilitation, federal funds	SEG-F	C	171,191,600	110,091,600	
24	(eq)	Highway maintenance, repair, and					
25		traffic operations, state funds	SEG	C	205,934,300	205,934,300	

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1	(er)	State-owned lift bridge operations				
2		and maintenance, state funds	SEG	A	2,210,100	2,210,100
3	(ev)	Highway maintenance, repair, and				
4		traffic operations, local funds	SEG-L	C	1,900,000	1,900,000
5	(ex)	Highway maintenance, repair, and				
6		traffic operations, federal funds	SEG-F	C	1,102,900	1,102,900
7	(iq)	Administration and planning, state				
8		funds	SEG	A	16,969,400	16,969,400
9	(ir)	Disadvantaged business				
10		mobilization assistance, state funds	SEG	C	-0-	-0-
11	(iv)	Administration and planning, local				
12		funds	SEG-L	C	-0-	-0-
13	(ix)	Administration and planning,				
14		federal funds	SEG-F	C	3,818,300	3,818,300
15	(jh)	Utility facilities within highway				
16		rights-of-way, state funds	PR	C	-0-	-0-
17	(jj)	Damage claims	PR	C	2,503,000	2,553,400
18	(js)	Telecommunications services,				
19		service funds	SEG-S	C	-0-	-0-

(3) PROGRAM TOTALS

PROGRAM REVENUE	2,503,000	2,553,400
OTHER	(2,503,000)	(2,553,400)
SERVICE	(-0-)	(-0-)
SEGREGATED FUNDS	1,639,297,600	1,409,405,500
FEDERAL	(776,906,900)	(501,079,300)
OTHER	(722,789,100)	(738,724,600)
SERVICE	(135,721,600)	(165,721,600)
LOCAL	(3,880,000)	(3,880,000)
TOTAL-ALL SOURCES	1,641,800,600	1,411,958,900

20 (4) GENERAL TRANSPORTATION OPERATIONS

ASSEMBLY BILL 75**SECTION 176**

1	(aq)	Departmental management and				
2		operations, state funds	SEG	A	60,578,800	61,268,200
3	(ar)	Minor construction projects, state				
4		funds	SEG	C	-0-	-0-
5	(at)	Capital building projects, service				
6		funds	SEG-S	C	5,940,000	5,940,000
7	(av)	Departmental management and				
8		operations, local funds	SEG-L	C	365,400	365,400
9	(ax)	Departmental management and				
10		operations, federal funds	SEG-F	C	14,438,700	14,438,700
11	(ch)	Gifts and grants	SEG	C	-0-	-0-
12	(dq)	Demand management	SEG	A	405,900	405,900
13	(eq)	Data processing services, service				
14		funds	SEG-S	C	14,859,800	14,859,800
15	(er)	Fleet operations, service funds	SEG-S	C	11,992,500	11,992,500
16	(es)	Other department services,				
17		operations, service funds	SEG-S	C	5,151,100	5,151,100
18	(et)	Equipment acquisition	SEG	A	-0-	-0-
19	(ew)	Operating budget supplements,				
20		state funds	SEG	C	-0-	-0-

(4) P R O G R A M T O T A L S

SEGREGATED FUNDS	113,732,200	114,421,600
FEDERAL	(14,438,700)	(14,438,700)
OTHER	(60,984,700)	(61,674,100)
SERVICE	(37,943,400)	(37,943,400)
LOCAL	(365,400)	(365,400)
TOTAL-ALL SOURCES	113,732,200	114,421,600

21 (5) MOTOR VEHICLE SERVICES AND ENFORCEMENT

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1	(cg)	Convenience fees, state funds	PR	C	–0–	–0–
2	(ch)	Repaired salvage vehicle				
3		examinations, state funds	PR	C	–0–	–0–
4	(ci)	Breath screening instruments,				
5		state funds	PR	C	296,200	296,200
6	(cj)	Vehicle registration, special group				
7		plates, state funds	PR	C	–0–	–0–
8	(cL)	Football plate licensing fees, state				
9		funds	PR	C	–0–	–0–
10	(cq)	Veh. reg., insp. & maint., driver				
11		licensing & aircraft reg., state				
12		funds	SEG	A	75,850,700	74,271,100
13	(cx)	Vehicle registration and driver				
14		licensing, federal funds	SEG–F	C	200,000	200,000
15	(dg)	Escort, security and traffic				
16		enforcement services, state funds	PR	C	159,700	159,700
17	(dh)	Traffic academy tuition payments,				
18		state funds	PR	C	470,100	470,100
19	(di)	Chemical testing training and				
20		services, state funds	PR	A	1,464,200	1,464,200
21	(dk)	Public safety radio management,				
22		service funds	PR–S	C	268,000	268,000
23	(dL)	Public safety radio management,				
24		state funds	PR	C	21,700	21,700

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1	(dq)	Vehicle inspection, traffic				
2		enforcement and radio				
3		management, state funds	SEG	A	58,995,900	60,003,300
4	(dr)	Transportation safety, state funds	SEG	A	1,556,900	1,556,900
5	(ds)	School bus inspection, state funds	SEG	C	773,400	773,400
6	(dt)	Ambulance inspection, state funds	SEG	C	84,200	84,200
7	(du)	State traffic patrol investigation				
8		assistance, state funds	SEG	C	1,000,000	1,000,000
9	(dx)	Vehicle inspection and traffic				
10		enforcement, federal funds	SEG-F	C	8,638,700	8,638,700
11	(dy)	Transportation safety, federal funds	SEG-F	C	3,985,700	3,876,900
12	(ej)	Baseball plate licensing fees, state				
13		funds	PR	C	-0-	-0-
14	(ek)	Safe-ride grant program; state				
15		funds	PR-S	C	-0-	-0-
16	(hq)	Mtr. veh. emission inspec. & maint.				
17		prog.; contractor costs & equip.				
18		grants	SEG	A	3,742,200	3,742,200
19	(hx)	Motor vehicle emission inspection				
20		and maintenance programs, federal				
21		funds	SEG-F	C	-0-	-0-
22	(iv)	Municipal and county registration				
23		fee, local funds	SEG-L	C	-0-	-0-
24	(jr)	Pretrial intoxicated driver				
25		intervention grants, state funds	SEG	A	771,600	771,600

ASSEMBLY BILL 75**SECTION 176****(5) P R O G R A M T O T A L S**

PROGRAM REVENUE			2,679,900	2,679,900
OTHER			(2,411,900)	(2,411,900)
SERVICE			(268,000)	(268,000)
SEGREGATED FUNDS			155,599,300	154,918,300
FEDERAL			(12,824,400)	(12,715,600)
OTHER			(142,774,900)	(142,202,700)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			158,279,200	157,598,200

1	(6)	DEBT SERVICES					
2	(af)	Prin. rpmt. & int., local rds. job					
3		psrv. & maj. hwy & rehab., state					
4		funds	GPR	S	73,342,800	75,283,900	
5	(aq)	Principal repayment and interest,					
6		transportation facilities, state funds	SEG	S	6,927,300	7,690,400	
7	(ar)	Principal repayment and interest,					
8		buildings, state funds	SEG	S	4,100	4,100	
9	(as)	Principle repayment and interest,					
10		transit, state funds	SEG-S	S	-0-	-0-	
11	(au)	Prin pmt & int, Marq interch & I94					
12		n-s corridor reconst proj, state fds	SEG	S	22,661,700	23,959,900	
13	(av)	Principal payment & int, Southeast					
14		Wisconsin transit imprvmnts, state					
15		funds	SEG	S	-0-	-0-	

(6) P R O G R A M T O T A L S

GENERAL PURPOSE REVENUES			73,342,800	75,283,900
SEGREGATED FUNDS			29,593,100	31,654,400
OTHER			(29,593,100)	(31,654,400)
SERVICE			(-0-)	(-0-)
TOTAL-ALL SOURCES			102,935,900	106,938,300

16	(9)	GENERAL PROVISIONS					

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1	(qd) Freeway land disposal				
2	reimbursement clearing account	SEG	C	-0-	-0-
3	(qh) Highways, bridges and local				
4	transportation assistance clearing				
5	account	SEG	C	-0-	-0-
6	(qj) Hwys., bridges & local transp.				
7	assist. clearing acct., fed. funded				
8	pos.	SEG-F	C	-0-	-0-
9	(qn) Motor vehicle financial				
10	responsibility	SEG	C	-0-	-0-
11	(th) Temporary funding of projects				
12	financed by revenue bonds	SEG	S	-0-	-0-

(9) PROGRAM TOTALS

SEGREGATED FUNDS	-0-	-0-
FEDERAL	(-0-)	(-0-)
OTHER	(-0-)	(-0-)
TOTAL-ALL SOURCES	-0-	-0-

20.395 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	73,342,800	75,283,900
PROGRAM REVENUE	5,430,400	5,480,800
OTHER	(4,914,900)	(4,965,300)
SERVICE	(515,500)	(515,500)
SEGREGATED FUNDS	2,917,273,800	2,684,898,100
FEDERAL	(1,062,603,700)	(780,597,900)
OTHER	(1,573,476,300)	(1,593,106,400)
SERVICE	(173,665,000)	(203,665,000)
LOCAL	(107,528,800)	(107,528,800)
TOTAL-ALL SOURCES	2,996,047,000	2,765,662,800

Environmental Resources**FUNCTIONAL AREA TOTALS**

GENERAL PURPOSE REVENUES	262,305,400	255,329,000
PROGRAM REVENUE	83,205,000	83,863,100
FEDERAL	(31,348,200)	(30,987,500)
OTHER	(28,331,400)	(29,350,200)
SERVICE	(23,525,400)	(23,525,400)
SEGREGATED FUNDS	3,305,465,700	3,083,586,600
FEDERAL	(1,113,386,700)	(831,080,900)

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OTHER	(1,910,885,200)	(1,941,311,900)
SERVICE	(173,665,000)	(203,665,000)
LOCAL	(107,528,800)	(107,528,800)
TOTAL-ALL SOURCES	3,650,976,100	3,422,778,700

Human Relations and Resources

1	20.410 Corrections, department of					
2	(1) ADULT CORRECTIONAL SERVICES					
3	(a) General program operations	GPR	A	700,980,500	706,985,100	
4	(aa) Institutional repair and					
5	maintenance	GPR	A	3,949,200	4,067,300	
6	(ab) Corrections contracts and					
7	agreements	GPR	A	23,724,000	23,392,200	
8	(b) Services for community corrections	GPR	A	143,976,700	148,335,700	
9	(bm) Pharmacological treatment for					
10	certain child sex offenders	GPR	A	103,400	103,400	
11	(bn) Reimbursing counties for probation,					
12	extended supervision and parole					
13	holds	GPR	A	4,885,700	4,885,700	
14	(c) Reimbursemnt claims of counties					
15	containing state prisons	GPR	S	85,700	85,700	
16	(cw) Mother-young child care program	GPR	A	188,000	188,000	
17	(d) Purchased services for offenders	GPR	A	31,541,100	32,267,100	
18	(e) Principal repayment and interest	GPR	S	82,651,900	80,232,000	
19	(ec) Prison industries principal, interest					
20	and rebates	GPR	S	-0-	-0-	
21	(ed) Correctional facilities rental	GPR	A	-0-	-0-	

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1	(ef)	Lease rental payments	GPR	S	–0–	–0–
2	(f)	Energy costs	GPR	A	30,675,300	32,268,300
3	(g)	Loan fund for persons on probation,				
4		extended supervision or parole	PR	A	–0–	–0–
5	(gb)	Drug testing	PR	C	–0–	–0–
6	(gc)	Sex offender honesty testing	PR	C	450,800	570,800
7	(gd)	Sex offender management	PR	A	824,800	824,800
8	(ge)	Administrative and minimum				
9		supervision	PR	A	–0–	–0–
10	(gf)	Probation, parole and extended				
11		supervision	PR	A	11,758,700	11,758,700
12	(gg)	Supervision of defendants and				
13		offenders	PR	A	–0–	–0–
14	(gh)	Supervision of persons on lifetime				
15		supervision	PR	A	–0–	–0–
16	(gi)	General operations	PR	A	3,813,400	3,820,600
17	(gj)	General operations; child				
18		pornography surcharge	PR	C	5,000	5,000
19	(gk)	Global positioning system tracking				
20		devices	PR	C	57,700	85,400
21	(gm)	Sale of fuel and water service	PR	A	–0–	–0–
22	(gr)	Home detention services	PR	A	711,700	712,400
23	(gt)	Telephone company commissions	PR	A	1,105,100	1,105,100
24	(h)	Administration of restitution	PR	A	1,176,800	1,177,700

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1	(hm) Private business employment of				
2	inmates and residents	PR	A	–0–	–0–
3	(i) Gifts and grants	PR	C	33,100	33,100
4	(jz) Operations and maintenance	PR	C	401,200	423,700
5	(kc) Correctional institution enterprises;				
6	inmate activities and employment	PR-S	C	3,518,300	3,718,900
7	(kd) Federal economic stimulus funds	PR-S	C	–0–	–0–
8	(kf) Correctional farms	PR-S	A	5,060,400	5,563,800
9	(kh) Victim services and programs	PR-S	A	274,800	274,800
10	(kk) Institutional operations and				
11	charges	PR-S	A	18,917,400	19,322,800
12	(km) Prison industries	PR-S	A	20,776,300	21,802,700
13	(ko) Prison industries principal				
14	repayment, interest and rebates	PR-S	S	262,800	432,800
15	(kp) Correctional officer training	PR-S	A	2,232,500	2,237,600
16	(kx) Interagency and intra-agency				
17	programs	PR-S	C	2,218,700	2,091,600
18	(ky) Interagency and intra-agency aids	PR-S	C	1,427,700	1,427,700
19	(kz) Interagency and intra-agency local				
20	assistance	PR-S	C	–0–	–0–
21	(m) Federal project operations	PR-F	C	2,473,100	2,473,100
22	(n) Federal program operations	PR-F	C	86,800	86,800
23	(qm) Computer recycling	SEG	A	309,200	315,400
(1) P R O G R A M T O T A L S					
GENERAL PURPOSE REVENUES				1,022,761,500	1,032,810,500
PROGRAM REVENUE				77,587,100	79,949,900

ASSEMBLY BILL 75**SECTION 176**

FEDERAL	(2,559,900)	(2,559,900)
OTHER	(20,338,300)	(20,517,300)
SERVICE	(54,688,900)	(56,872,700)
SEGREGATED FUNDS	309,200	315,400
OTHER	(309,200)	(315,400)
TOTAL-ALL SOURCES	1,100,657,800	1,113,075,800

1	(2)	EARNED RELEASE REVIEW COMMISSION				
2	(a)	General program operations	GPR	A	1,147,600	1,147,600
3	(kx)	Interagency and intra-agency				
4		programs	PR-S	C	-0-	-0-
(2) PROGRAM TOTALS						
		GENERAL PURPOSE REVENUES			1,147,600	1,147,600
		PROGRAM REVENUE			-0-	-0-
		SERVICE			(-0-)	(-0-)
		TOTAL-ALL SOURCES			1,147,600	1,147,600
5	(3)	JUVENILE CORRECTIONAL SERVICES				
6	(a)	General program operations	GPR	A	1,034,200	1,034,400
7	(ba)	Mendota juvenile treatment center	GPR	A	1,296,500	1,296,500
8	(c)	Reimbursement claims of counties				
9		containing juvenile corr facilities	GPR	A	188,000	188,000
10	(cd)	Community youth and family aids	GPR	A	92,440,500	92,440,500
11	(cg)	Serious juvenile offenders	GPR	B	18,078,300	17,974,800
12	(dm)	Interstate compact for juveniles				
13		assessments	GPR	A	-0-	-0-
14	(e)	Principal repayment and interest	GPR	S	4,750,900	4,670,500
15	(f)	Community intervention program	GPR	A	3,525,000	3,525,000
16	(g)	Legal service collections	PR	C	-0-	-0-
17	(gg)	Collection remittances to local units				
18		of government	PR	C	-0-	-0-

ASSEMBLY BILL 75**SECTION 176**

1	(hm)	Juvenile correctional services	PR	A	59,497,600	60,040,500
2	(ho)	Juvenile residential aftercare	PR	A	5,084,800	5,348,300
3	(hr)	Juvenile corrective sanctions				
4		program	PR	A	4,918,600	4,928,200
5	(i)	Gifts and grants	PR	C	7,600	7,600
6	(j)	State-owned housing maintenance	PR	A	34,600	34,600
7	(jr)	Institutional operations and				
8		charges	PR	A	219,800	219,800
9	(jv)	Secure detention services	PR	C	200,000	200,000
10	(ko)	Interagency programs; community				
11		youth and family aids	PR-S	C	2,424,700	2,424,700
12	(kx)	Interagency and intra-agency				
13		programs	PR-S	C	1,760,300	1,741,800
14	(ky)	Interagency and intra-agency aids	PR-S	C	-0-	-0-
15	(kz)	Interagency and intra-agency local				
16		assistance	PR-S	C	-0-	-0-
17	(m)	Federal project operations	PR-F	C	219,400	219,400
18	(n)	Federal program operations	PR-F	C	30,000	30,000
19	(q)	Girls school benevolent trust fund	SEG	C	-0-	-0-

(3) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	121,313,400	121,129,700
PROGRAM REVENUE	74,397,400	75,194,900
FEDERAL	(249,400)	(249,400)
OTHER	(69,963,000)	(70,779,000)
SERVICE	(4,185,000)	(4,166,500)
SEGREGATED FUNDS	-0-	-0-
OTHER	(-0-)	(-0-)
TOTAL-ALL SOURCES	195,710,800	196,324,600

ASSEMBLY BILL 75**SECTION 176****20.410 DEPARTMENT TOTALS**

GENERAL PURPOSE REVENUES	1,145,222,500	1,155,087,800
PROGRAM REVENUE	151,984,500	155,144,800
FEDERAL	(2,809,300)	(2,809,300)
OTHER	(90,301,300)	(91,296,300)
SERVICE	(58,873,900)	(61,039,200)
SEGREGATED FUNDS	309,200	315,400
OTHER	(309,200)	(315,400)
TOTAL-ALL SOURCES	1,297,516,200	1,310,548,000

1 20.425 Employment relations commission**2 (1) LABOR RELATIONS**

3	(a)	General program operations	GPR	A	2,611,600	2,806,600
4	(i)	Fees, collective bargaining training,				
5		publications, and appeals	PR	A	608,900	608,900
6	(k)	Federal economic stimulus funds	PR-S	C	-0-	-0-

20.425 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	2,611,600	2,806,600
PROGRAM REVENUE	608,900	608,900
OTHER	(608,900)	(608,900)
SERVICE	(-0-)	(-0-)
TOTAL-ALL SOURCES	3,220,500	3,415,500

7 20.432 Board on aging and long-term care**8 (1) IDENTIFICATION OF THE NEEDS OF THE AGED AND DISABLED**

9	(a)	General program operations	GPR	A	1,110,600	1,110,600
10	(i)	Gifts and grants	PR	C	-0-	-0-
11	(k)	Contracts with other state agencies	PR-S	C	1,115,800	1,115,800
12	(kb)	Insurance and other information,				
13		counseling and assistance	PR-S	A	547,800	561,900
14	(kc)	Federal economic stimulus funds	PR-S	C	-0-	-0-
15	(m)	Federal aid	PR-F	C	-0-	-0-

ASSEMBLY BILL 75**SECTION 176****20.432 DEPARTMENT TOTALS**

GENERAL PURPOSE REVENUES	1,110,600	1,110,600
PROGRAM REVENUE	1,663,600	1,677,700
FEDERAL	(-0-)	(-0-)
OTHER	(-0-)	(-0-)
SERVICE	(1,663,600)	(1,677,700)
TOTAL-ALL SOURCES	2,774,200	2,788,300

1 20.433 Child abuse and neglect prevention board**2 (1) PREVENTION OF CHILD ABUSE AND NEGLECT**

3	(b)	Grants to organizations	GPR	C	1,110,500	1,110,500
4	(g)	General program operations	PR	A	464,500	464,500
5	(h)	Grants to organizations; program				
6		revenues	PR	C	1,465,200	1,465,200
7	(i)	Gifts and grants	PR	C	-0-	-0-
8	(k)	Interagency programs	PR-S	C	-0-	-0-
9	(kc)	Federal economic stimulus funds	PR-S	C	-0-	-0-
10	(m)	Federal project operations	PR-F	C	173,700	173,700
11	(ma)	Federal project aids	PR-F	C	450,000	450,000
12	(q)	Children's trust fund; gifts and				
13		grants	SEG	C	23,100	23,100

20.433 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	1,110,500	1,110,500
PROGRAM REVENUE	2,553,400	2,553,400
FEDERAL	(623,700)	(623,700)
OTHER	(1,929,700)	(1,929,700)
SERVICE	(-0-)	(-0-)
SEGREGATED FUNDS	23,100	23,100
OTHER	(23,100)	(23,100)
TOTAL-ALL SOURCES	3,687,000	3,687,000

14 20.435 Health services, department of**15 (1) PUBLIC HEALTH SERVICES PLANNING, REGULATION AND DELIVERY**

ASSEMBLY BILL 75**SECTION 176**

1	(a)	General program operations	GPR	A	4,023,700	4,024,100
2	(am)	Services, reimbursement &				
3		payment related to human				
4		immunodeficiency virus	GPR	A	5,475,100	6,626,600
5	(b)	General aids and local assistance	GPR	A	573,200	573,200
6	(c)	Public health emergency				
7		quarantine costs	GPR	S	-0-	-0-
8	(cb)	Well woman program	GPR	A	2,228,200	2,228,200
9	(cc)	Cancer control and prevention	GPR	A	371,000	371,000
10	(ce)	Primary health for homeless				
11		individuals	GPR	C	-0-	-0-
12	(ch)	Emergency medical services; aids	GPR	A	2,178,000	2,178,000
13	(cm)	Immunization	GPR	S	-0-	-0-
14	(de)	Dental services	GPR	A	3,004,800	3,004,800
15	(dg)	Clinic aids	GPR	A	74,200	74,200
16	(dm)	Rural health dental clinics	GPR	A	995,000	995,000
17	(dn)	Food distribution grants	GPR	A	320,000	320,000
18	(ds)	Statewide poison control program	GPR	A	220,700	220,700
19	(e)	Public health dispensaries and				
20		drugs	GPR	B	661,000	734,400
21	(ed)	Radon aids	GPR	A	29,700	29,700
22	(ef)	Lead poisoning or lead exposure				
23		services	GPR	A	994,100	994,100
24	(eg)	Pregnancy counseling	GPR	A	76,800	76,800

ASSEMBLY BILL 75**SECTION 176**

1	(em) Supplemental food program for				
2	women, infants and children				
3	benefits	GPR	C	179,300	179,300
4	(eu) Reducing fetal and infant mortality				
5	and morbidity	GPR	B	247,500	247,500
6	(ev) Pregnancy outreach and infant				
7	health	GPR	A	209,100	209,100
8	(f) Family planning	GPR	A	1,935,600	1,935,600
9	(fh) Community health services	GPR	A	5,539,000	5,539,000
10	(fi) Payments to the Wisconsin				
11	Women's Health Foundation	PR	C	-0-	-0-
12	(fm) Tobacco use control grants	GPR	C	14,350,000	14,350,000
13	(gi) Payments to the Women's Health				
14	Foundation	PR	C	-0-	-0-
15	(gm) Licensing, review and certifying				
16	activities fees; supplies and services	PR	A	14,615,800	16,299,200
17	(gp) Cancer information	PR	C	20,000	20,000
18	(gr) Supplemental food program for				
19	women, infants and children				
20	administration	PR	C	51,700	60,000
21	(hg) General program operations: health				
22	care information	PR	A	1,299,800	1,151,600
23	(hi) Compilations and special reports;				
24	health care information	PR	C	48,700	48,700
25	(i) Gifts and grants	PR	C	4,954,400	4,954,400

ASSEMBLY BILL 75**SECTION 176**

1	(ja)	Congenital disorders; diagnosis,				
2		special dietary treatment and				
3		counseling	PR	A	2,391,400	2,482,200
4	(jb)	Congenital disorders; operations	PR	A	86,700	86,700
5	(jd)	Fees for administrative services	PR	C	125,000	125,000
6	(kb)	Minority health	PR-S	A	148,500	148,500
7	(ke)	American Indian health projects	PR-S	A	118,800	118,800
8	(kx)	Interagency and intra-agency				
9		programs	PR-S	C	3,210,300	3,210,500
10	(ky)	Interagency and intra-agency aids	PR-S	C	914,700	914,700
11	(kz)	Interagency and intra-agency local				
12		assistance	PR-S	C	-0-	-0-
13	(m)	Federal project operations	PR-F	C	20,674,600	20,676,000
14	(ma)	Federal project aids	PR-F	C	55,000,000	55,000,000
15	(mc)	Federal block grant operations	PR-F	C	6,644,100	6,644,500
16	(md)	Federal block grant aids	PR-F	C	7,910,800	7,910,800
17	(n)	Federal program operations	PR-F	C	5,929,600	5,929,600
18	(na)	Federal program aids	PR-F	C	85,000,000	85,000,000
19	(q)	Groundwater and air quality				
20		standards	SEG	A	323,500	323,600

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	43,686,000	44,911,300
PROGRAM REVENUE	209,144,900	210,781,200
FEDERAL	(181,159,100)	(181,160,900)
OTHER	(23,593,500)	(25,227,800)
SERVICE	(4,392,300)	(4,392,500)
SEGREGATED FUNDS	323,500	323,600

ASSEMBLY BILL 75**SECTION 176**

		OTHER			(323,500)	(323,600)
		TOTAL-ALL SOURCES			253,154,400	256,016,100
1	(2)	MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES; FACILITIES				
2	(a)	General program operations	GPR	A	67,235,400	67,554,200
3	(aa)	Institutional repair and				
4		maintenance	GPR	A	652,700	689,600
5	(bj)	Competency examinations and				
6		conditional and supervised released				
7		services	GPR	B	8,431,100	9,064,000
8	(bm)	Secure mental health units or				
9		facilities	GPR	A	87,987,300	93,868,200
10	(ee)	Principal repayment and interest	GPR	S	16,207,000	16,014,700
11	(f)	Energy costs	GPR	A	4,488,600	4,705,900
12	(g)	Alternative services of institutes				
13		and centers	PR	C	12,061,000	12,022,300
14	(gk)	Institutional operations and				
15		charges	PR	A	167,432,300	159,489,500
16	(i)	Gifts and grants	PR	C	384,700	384,700
17	(kx)	Interagency and intra-agency				
18		programs	PR-S	C	7,290,700	7,314,500
19	(m)	Federal project operations	PR-F	C	-0-	-0-
		(2) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			185,002,100	191,896,600
		PROGRAM REVENUE			187,168,700	179,211,000
		FEDERAL			(-0-)	(-0-)
		OTHER			(179,878,000)	(171,896,500)
		SERVICE			(7,290,700)	(7,314,500)
		TOTAL-ALL SOURCES			372,170,800	371,107,600

ASSEMBLY BILL 75**SECTION 176**

1	(4)	HEALTH CARE ACCESS AND ACCOUNTABILITY				
2	(a)	General program operations	GPR	A	16,295,200	9,452,300
3	(b)	Medical assistance program				
4		benefits	GPR	B	1,105,645,900	1,355,059,700
5	(bm)	MA food stamp program admin;				
6		contracts costs; ins reports & res				
7		ctrs	GPR	B	31,701,700	32,360,900
8	(bn)	Income maintenance	GPR	B	35,763,900	35,941,400
9	(bt)	Relief block grants to counties	GPR	A	255,000	128,000
10	(bv)	Prescription drug assistance for				
11		elderly; aids	GPR	B	30,694,800	37,648,500
12	(e)	Disease aids	GPR	B	5,468,700	5,817,200
13	(ed)	State supplement to federal				
14		supplemental security income				
15		program	GPR	S	138,450,400	140,704,600
16	(g)	Family care benefit; cost sharing	PR	C	-0-	-0-
17	(gp)	Medical assistance; hospital				
18		assessments	PR	C	1,500,000	1,500,000
19	(h)	BadgerCare Plus childless adults				
20		program; intergovernmental				
21		transfersfer	PR	C	6,731,400	6,731,400
22	(i)	Gifts and grants; health care				
23		financing	PR	C	25,114,600	27,114,600
24	(iL)	Medical assistance provider				
25		assessments	PR	C	-0-	-0-

ASSEMBLY BILL 75**SECTION 176**

1	(im)	Medical assistance; correct				
2		payment recovery; collections; other				
3		recoveries	PR	C	23,307,900	24,793,200
4	(in)	Community options program;				
5		family care; recovery of costs				
6		administration	PR	A	116,100	116,200
7	(j)	Prescription drug assistance for				
8		elderly; manufacturer rebates	PR	C	50,832,700	55,618,600
9	(jb)	Prescription drug assistance for				
10		elderly; enrollment fees	PR	C	2,820,100	2,820,400
11	(je)	Disease aids; drug manufacturer				
12		rebates	PR	C	224,800	241,000
13	(jk)	BadgerCare Plus childless adults;				
14		enrollment fees	PR	C	2,212,900	2,448,000
15	(jt)	Care management organization,				
16		insolvency assistance	PR-S	C	-0-	-0-
17	(jw)	BadgerCare plus administrative				
18		costs	PR	C	2,709,200	2,773,100
19	(jz)	Medical assistance and BadgerCare				
20		cost sharing & employer penalty				
21		assessmts	PR	C	27,507,600	27,507,600
22	(kb)	Relief block grants to tribal				
23		governing bodies	PR-S	A	792,000	792,000
24	(kt)	Medical assistance outreach and				
25		reimbursements for tribes	PR-S	B	1,059,300	1,059,300

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1	(kv)	Care management organization;				
2		oversight	PR-S	C	-0-	-0-
3	(kx)	Interagency and intra-agency				
4		programs	PR-S	C	3,151,600	3,163,100
5	(ky)	Department of children and				
6		families payments for SSI	PR-S	C	47,035,200	47,035,200
7	(kz)	Interagency and intra-agency local				
8		assistance	PR-S	C	1,027,100	1,049,300
9	(L)	Fraud and error reduction	PR	C	844,600	844,700
10	(m)	Federal project operations	PR-F	C	1,190,700	1,254,600
11	(ma)	Federal project aids	PR-F	C	400,000	400,000
12	(md)	Federal block grant aids	PR-F	C	-0-	-0-
13	(n)	Federal program operations	PR-F	C	46,212,300	39,180,100
14	(na)	Federal aid: nursing home capital				
15		incentive	PR-F	C	9,730,400	10,230,400
16	(nn)	Federal aid; income maintenance	PR-F	C	56,936,500	57,114,000
17	(o)	Federal aid; medical assistance	PR-F	C	4,206,490,200	4,079,610,100
18	(pa)	Federal aid; medical assistance and				
19		food stamps contracts				
20		administration	PR-F	C	56,650,500	55,819,900
21	(pg)	Federal aid; prescription drug				
22		assistance for elderly	PR-F	C	45,712,300	46,703,100
23	(pv)	Food stamps; electronic benefits				
24		transfer	PR-F	C	-0-	-0-
25	(w)	Medical assistance trust fund	SEG	B	358,939,600	355,446,800

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1	(wm) Medical assistance trust fund;				
2	nursing homes	SEG	S	-0-	-0-
3	(wp) Medical assistance trust fund;				
4	county reimbursement	SEG	S	-0-	-0-
5	(xc) Hospital assessment fund; hospital				
6	payments	SEG	A	204,051,200	220,872,300
(4) P R O G R A M T O T A L S					
	GENERAL PURPOSE REVENUES			1,364,275,600	1,617,112,600
	PROGRAM REVENUE			4,620,310,000	4,495,919,900
	FEDERAL			(4,423,322,900)	(4,290,312,200)
	OTHER			(143,921,900)	(152,508,800)
	SERVICE			(53,065,200)	(53,098,900)
	SEGREGATED FUNDS			562,990,800	576,319,100
	OTHER			(562,990,800)	(576,319,100)
	TOTAL-ALL SOURCES			6,547,576,400	6,689,351,600
7	(5) MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES				
8	(a) General program operations	GPR	A	1,564,000	1,564,500
9	(bc) Grants for community programs	GPR	A	6,039,900	6,039,900
10	(be) Mental health treatment services	GPR	A	10,478,000	10,478,000
11	(bL) Community support programs and				
12	psychosocial services	GPR	A	2,175,000	4,175,000
13	(co) Integrated service programs for				
14	children with severe disabilities	GPR	A	132,000	132,000
15	(da) Reimbursements to local units of				
16	government	GPR	S	346,800	346,800
17	(gb) Alcohol and drug abuse initiatives	PR	C	761,500	759,700
18	(gg) Collection remittances to local units				
19	of government	PR	C	4,900	4,900
20	(hx) Services related to drivers, receipts	PR	A	-0-	-0-

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1	(hy)	Services for drivers, local assistance	PR	A	990,000	990,000
2	(i)	Gifts and grants	PR	C	233,600	233,600
3	(jb)	Fees for administrative services	PR	C	4,500	4,500
4	(kb)	Severely emotionally disturbed				
5		children	PR-S	C	724,500	724,500
6	(kg)	Compulsive awareness gambling				
7		campaigns	PR-S	A	396,000	396,000
8	(kL)	Indian aids	PR-S	A	268,900	268,900
9	(km)	Indian drug abuse prevention and				
10		education	PR-S	A	495,000	495,000
11	(kx)	Interagency and intra-agency				
12		programs	PR-S	C	1,371,100	1,152,200
13	(ky)	Interagency and intra-agency aids	PR-S	C	-0-	-0-
14	(m)	Federal project operations	PR-F	C	2,500	2,500
15	(ma)	Federal project aids	PR-F	C	107,800	107,800
16	(mc)	Social services block grant -				
17		operations	PR-F	C	2,906,800	2,907,700
18	(md)	Federal block grant aids	PR-F	C	8,143,800	8,143,800
19	(me)	Community mental health block				
20		grant - counties	PR-F	C	7,451,400	7,451,400
21	(n)	Medical assistance state				
22		administration	PR-F	C	750,200	750,600
23	(na)	Federal program aids	PR-F	C	-0-	-0-
24	(nL)	Federal program local assistance	PR-F	C	-0-	-0-

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1	(o)	Federal aid; community aids	PR-F	C	17,546,600	13,306,800
(5) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			20,735,700	22,736,200
		PROGRAM REVENUE			42,159,100	37,699,900
		FEDERAL			(36,909,100)	(32,670,600)
		OTHER			(1,994,500)	(1,992,700)
		SERVICE			(3,255,500)	(3,036,600)
		TOTAL-ALL SOURCES			62,894,800	60,436,100
2	(6)	QUALITY ASSURANCE SERVICES PLANNING, REGULATION AND DELIVERY				
3	(a)	General program operations	GPR	A	5,553,500	5,553,500
4	(g)	Nursing facility resident protection	PR	C	149,500	149,500
5	(hs)	Interpreter services for hearing				
6		impaired	PR	A	–0–	–0–
7	(i)	Gifts and grants	PR	C	100	100
8	(jb)	Fees for administrative services	PR	C	202,200	202,200
9	(jm)	Licensing and support services	PR	A	5,008,700	5,075,700
10	(kx)	Interagency and intra-agency				
11		programs	PR-S	C	–0–	–0–
12	(ky)	Interagency and intra-agency aids	PR-S	C	413,700	413,700
13	(kz)	Interagency and intra-agency local				
14		assistance	PR-S	C	–0–	–0–
15	(m)	Federal project operations	PR-F	C	856,000	856,000
16	(mc)	Federal block grant operations	PR-F	C	211,800	211,800
17	(n)	Federal program operations	PR-F	C	15,260,300	15,400,100
18	(na)	Federal program aids	PR-F	C	–0–	–0–
19	(nL)	Federal program local assistance	PR-F	C	–0–	–0–
(6) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			5,553,500	5,553,500

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		PROGRAM REVENUE			22,102,300	22,309,100
		FEDERAL			(16,328,100)	(16,467,900)
		OTHER			(5,360,500)	(5,427,500)
		SERVICE			(413,700)	(413,700)
		TOTAL-ALL SOURCES			27,655,800	27,862,600
1	(7)	LONG TERM CARE SERVICES ADMINISTRATION AND DELIVERY				
2	(a)	General program operations	GPR	A	11,452,500	12,811,600
3	(b)	Community aids and medical				
4		assistance payments	GPR	A	128,693,300	171,711,500
5	(bc)	Grants for community programs	GPR	A	631,200	631,200
6	(bd)	Long-term care programs	GPR	A	87,809,700	87,809,700
7	(bg)	Alzheimer's disease; training and				
8		information grants	GPR	A	131,400	131,400
9	(bm)	Purchased services for clients	GPR	A	93,900	93,900
10	(bt)	Early intervention services for				
11		infants and toddlers with				
12		disabilities	GPR	C	6,290,800	5,789,000
13	(c)	Independent living centers	GPR	A	430,600	430,600
14	(cg)	Guardianship grant program	GPR	A	-0-	-0-
15	(d)	Interpreter services and				
16		telecommunication aid for the				
17		hearing impaired	GPR	A	178,200	178,200
18	(da)	Reimbursements to local units of				
19		government	GPR	S	53,200	53,200
20	(dh)	Programs for senior citizens; elder				
21		abuse services; benefit specialist				
22		pgm	GPR	A	14,257,500	15,175,500

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1	(ee)	Administrative expenses for state				
2		supplement to federal SSI program	GPR	A	–0–	–0–
3	(g)	Long-term care; county				
4		contributions	PR	C	44,217,200	62,472,800
5	(gc)	Disabled children's long-term				
6		support waivers; state operations	PR	A	–0–	–0–
7	(gm)	Health facilities review fees	PR	A	18,400	18,400
8	(h)	Disabled children's long-term				
9		support waivers	PR	C	800,000	–0–
10	(hs)	Interpreter services for hearing				
11		impaired	PR	A	39,900	39,900
12	(i)	Gifts and grants	PR	C	14,900	14,900
13	(im)	Community options program;				
14		family care benefit; recovery of				
15		costs	PR	C	390,300	392,100
16	(jb)	Fees for administrative services	PR	C	5,000	5,000
17	(kc)	Independent living center grants	PR-S	A	594,000	594,000
18	(kn)	Elderly nutrition; home-delivered				
19		and congregate meals	PR-S	A	495,000	495,000
20	(kx)	Interagency and intra-agency	PR-S	C	2,890,900	2,891,500
21	(ky)	Interagency and intra-agency aids	PR-S	C	–0–	–0–
22	(kz)	Interagency and intra-agency local				
23		assistance	PR-S	C	99,000	99,000
24	(m)	Federal project operations	PR-F	C	4,404,300	4,393,500
25	(ma)	Federal project aids	PR-F	C	663,100	663,100

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1	(mb)	Federal project local assistance	PR-F	C	-0-	-0-
2	(mc)	Federal block grant operations	PR-F	C	664,200	664,500
3	(md)	Federal block grant aids	PR-F	C	967,600	961,500
4	(me)	Federal block grant local assistance	PR-F	C	-0-	-0-
5	(n)	Federal program operations	PR-F	C	14,028,000	13,186,200
6	(na)	Federal program aids	PR-F	C	27,875,700	27,875,700
7	(nL)	Federal program local assistance	PR-F	C	6,762,300	6,762,300
8	(o)	Federal aid; community aids	PR-F	C	33,706,200	33,706,200
(7) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			250,022,300	294,815,800
		PROGRAM REVENUE			138,636,000	155,235,600
		FEDERAL			(89,071,400)	(88,213,000)
		OTHER			(45,485,700)	(62,943,100)
		SERVICE			(4,078,900)	(4,079,500)
		TOTAL-ALL SOURCES			388,658,300	450,051,400
9	(8)	GENERAL ADMINISTRATION				
10	(a)	General program operations	GPR	A	12,365,100	12,365,400
11	(i)	Gifts and grants	PR	C	10,000	10,000
12	(k)	Administrative and support				
13		services	PR-S	A	34,321,400	34,321,800
14	(kc)	Federal economic stimulus funds	PR-S	C	-0-	-0-
15	(kx)	Interagency and intra-agency				
16		programs	PR-S	C	1,200	1,200
17	(m)	Federal project operations	PR-F	C	23,000	23,000
18	(ma)	Federal project aids	PR-F	C	-0-	-0-
19	(mb)	Income augmentation services				
20		receipts	PR-F	C	6,621,900	6,634,300

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1	(mc)	Federal block grant operations	PR-F	C	1,555,900	1,555,900
2	(n)	Federal program operations	PR-F	C	2,593,700	2,593,700
3	(pz)	Indirect cost reimbursements	PR-F	C	2,969,100	2,885,400
(8) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			12,365,100	12,365,400
		PROGRAM REVENUE			48,096,200	48,025,300
		FEDERAL			(13,763,600)	(13,692,300)
		OTHER			(10,000)	(10,000)
		SERVICE			(34,322,600)	(34,323,000)
		TOTAL-ALL SOURCES			60,461,300	60,390,700
2 0 . 4 3 5 D E P A R T M E N T T O T A L S						
		GENERAL PURPOSE REVENUES			1,881,640,300	2,189,391,400
		PROGRAM REVENUE			5,267,617,200	5,149,182,000
		FEDERAL			(4,760,554,200)	(4,622,516,900)
		OTHER			(400,244,100)	(420,006,400)
		SERVICE			(106,818,900)	(106,658,700)
		SEGREGATED FUNDS			563,314,300	576,642,700
		OTHER			(563,314,300)	(576,642,700)
		TOTAL-ALL SOURCES			7,712,571,800	7,915,216,100
4	20.437 Children and families, department of					
5	(1)	CHILDREN AND FAMILY SERVICES				
6	(a)	General program operations	GPR	A	7,098,500	7,183,300
7	(ab)	Child abuse and neglect prevention				
8		grants	GPR	A	985,700	985,700
9	(ac)	Child abuse and neglect prevention				
10		technical assistance	GPR	A	-0-	-0-
11	(b)	Children and family aids payments	GPR	A	10,745,900	29,749,700
12	(bc)	Grants for children's community				
13		programs	GPR	A	789,200	789,200
14	(cd)	Domestic abuse grants	GPR	A	7,150,800	7,150,800

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1	(cf)	Foster and family-operated group				
2		home parent insurance and liability	GPR	A	59,400	59,400
3	(cw)	Milwaukee child welfare services;				
4		general program operations	GPR	A	16,094,200	19,191,900
5	(cx)	Milwaukee child welfare services;				
6		aids	GPR	A	57,313,600	49,903,600
7	(da)	Child welfare program				
8		enhancement plan; aids	GPR	A	1,792,400	1,796,500
9	(dd)	State foster care, guardianship, and				
10		adoption services	GPR	A	48,312,900	49,545,200
11	(dg)	State adoption information				
12		exchange and state adoption center	GPR	A	169,600	169,600
13	(eg)	Brighter futures initiative and				
14		tribal adolescent services	GPR	A	1,939,900	1,939,900
15	(f)	Second-chance homes	GPR	A	–0–	–0–
16	(gg)	Collection remittances to local units				
17		of government	PR	C	–0–	–0–
18	(gx)	Milwaukee child welfare services;				
19		collections	PR	C	3,474,100	3,474,100
20	(hh)	Domestic abuse surcharge grants	PR	C	773,200	773,200
21	(i)	Gifts and grants	PR	C	–0–	–0–
22	(j)	Statewide automated child welfare				
23		information system receipts	PR	C	775,600	775,600
24	(jb)	Fees for administrative services	PR	C	78,000	78,000

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1	(jj)	Searches for birth parents and				
2		adoption record information;				
3		foreign adopt	PR	A	127,600	127,600
4	(kw)	Interagency and intra-agency aids;				
5		Milwaukee child welfare services	PR-S	A	26,981,400	19,881,400
6	(kx)	Interagency and intra-agency				
7		programs	PR-S	C	12,548,500	12,548,500
8	(ky)	Interagency and intra-agency aids	PR-S	C	7,254,900	7,254,900
9	(kz)	Interagency and intra-agency local				
10		assistance	PR-S	C	495,000	495,000
11	(m)	Federal project operations	PR-F	C	818,600	818,600
12	(ma)	Federal project aids	PR-F	C	3,780,700	3,780,700
13	(mb)	Federal project local assistance	PR-F	C	-0-	-0-
14	(mc)	Federal block grant operations	PR-F	C	377,400	377,400
15	(md)	Federal block grant aids	PR-F	C	1,583,000	1,583,000
16	(me)	Federal block grant local assistance	PR-F	C	-0-	-0-
17	(mw)	Federal aid; Milwaukee child				
18		welfare services general program				
19		operations	PR-F	C	3,401,000	3,463,100
20	(mx)	Federal aid; Milwaukee child				
21		welfare services aids	PR-F	C	14,006,600	27,401,800
22	(n)	Federal program operations	PR-F	C	7,405,600	7,488,300
23	(na)	Federal program aids	PR-F	C	2,985,900	2,985,900
24	(nL)	Federal program local assistance	PR-F	C	10,259,800	10,259,800

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1	(o)	Federal aid; children and family				
2		aids	PR-F	C	29,555,300	28,092,800
3	(pd)	Federal aid; state foster care,				
4		guardianship, and adoption				
5		services	PR-F	C	46,968,100	48,863,100
6	(pm)	Federal aid; adoption incentive				
7		payments	PR-F	C	-0-	-0-
(1) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			152,452,100	168,464,800
		PROGRAM REVENUE			173,650,300	180,522,800
		FEDERAL			(121,142,000)	(135,114,500)
		OTHER			(5,228,500)	(5,228,500)
		SERVICE			(47,279,800)	(40,179,800)
		TOTAL-ALL SOURCES			326,102,400	348,987,600
8	(2)	ECONOMIC SUPPORT				
9	(a)	General program operations	GPR	A	5,122,900	5,122,900
10	(b)	Child support local assistance	GPR	C	-0-	-0-
11	(cm)	Wisconsin works child care	GPR	A	28,849,400	28,849,400
12	(cr)	Liability for overpayments collected				
13		under the AFDC program	GPR	S	-0-	-0-
14	(dz)	Temporary assistance for needy				
15		families; maintenance of effort	GPR	A	144,941,500	124,077,000
16	(i)	Gifts and grants	PR	C	2,500	2,500
17	(ja)	Child support state operations –				
18		fees and reimbursements	PR	C	14,319,700	14,319,700
19	(jb)	Fees for administrative services	PR	C	726,000	726,000
20	(jL)	Job access loan repayments	PR	C	610,200	610,200
21	(jm)	Licensing activities	PR	A	1,492,300	1,492,300

ASSEMBLY BILL 75**SECTION 176**

1	(k)	Child support transfers	PR-S	C	16,991,100	16,052,700
2	(kp)	Delinquent support, maintenance				
3		and fee payments	PR-S	C	-0-	-0-
4	(kx)	Interagency and intra-agency				
5		programs	PR-S	C	23,553,700	23,553,700
6	(L)	Public assistance overpayment				
7		recovery, fraud and error reduction	PR	C	297,900	292,900
8	(ma)	Federal project activities and				
9		administration	PR-F	C	525,400	525,400
10	(mc)	Federal block grant operations	PR-F	A	25,606,600	25,874,300
11	(md)	Federal block grant aids	PR-F	A	375,424,900	360,253,500
12	(me)	Child care and temporary				
13		assistance overpayment recovery	PR-F	C	2,500,000	2,530,000
14	(mf)	Federal economic stimulus funds	PR-F	C	15,246,700	15,246,700
15	(mm)	Reimbursement from federal				
16		government	PR-F	C	-0-	-0-
17	(n)	Child support operations; federal				
18		funds	PR-F	C	14,096,400	14,096,400
19	(na)	Federal program aids	PR-F	C	-0-	-0-
20	(nL)	Child support local assistance	PR-F	C	65,487,600	65,487,600
21	(nn)	Federal program operations	PR-F	C	-0-	-0-
22	(om)	Refugee assistance; federal funds	PR-F	C	6,096,000	6,040,400
23	(pv)	Electronic benefits transfer	PR-F	C	-0-	-0-
24	(pz)	Income augmentation services				
25		receipts	PR-F	C	-0-	-0-

ASSEMBLY BILL 75**SECTION 176**

1	(q)	Centralized support receipt and				
2		disbursement; interest	SEG	S	195,400	195,400
3	(qm)	Child support state ops and reimb				
4		for claims and exp; unclaimed				
5		pymnts	SEG	S	469,200	469,200
6	(r)	Support receipt and disbursement				
7		program; payments	SEG	C	-0-	-0-
8	(s)	Economic support – public benefits	SEG	A	9,139,700	9,139,700
(2) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			178,913,800	158,049,300
		PROGRAM REVENUE			562,977,000	547,104,300
		FEDERAL			(504,983,600)	(490,054,300)
		OTHER			(17,448,600)	(17,443,600)
		SERVICE			(40,544,800)	(39,606,400)
		SEGREGATED FUNDS			9,804,300	9,804,300
		OTHER			(9,804,300)	(9,804,300)
		TOTAL-ALL SOURCES			751,695,100	714,957,900
9	(3)	GENERAL ADMINISTRATION				
10	(a)	General program operations	GPR	A	1,215,900	1,215,900
11	(fr)	Skills enhancement grants	GPR	A	-0-	-0-
12	(i)	Gifts and grants	PR	C	-0-	-0-
13	(jb)	Fees for administrative services	PR	C	-0-	-0-
14	(k)	Administrative and support				
15		services	PR-S	A	17,936,000	17,940,000
16	(kc)	Federal economic stimulus funds	PR-S	C	-0-	-0-
17	(kx)	Interagency and intra-agency				
18		programs	PR-S	C	-0-	-0-
19	(ky)	Interagency and intra-agency aids	PR-S	C	-0-	-0-

ASSEMBLY BILL 75**SECTION 176**

1	(kz)	Interagency and intra-agency local				
2		assistance	PR-S	C	-0-	-0-
3	(mc)	Federal block grant operations	PR-F	C	351,700	351,700
4	(md)	Federal block grant aids	PR-F	C	-0-	-0-
5	(mf)	Federal economic stimulus funds	PR-F	C	5,500,000	2,700,000
6	(mm)	Reimbursements from federal				
7		government	PR-F	C	-0-	-0-
8	(mp)	Income augmentation services				
9		receipts	PR-F	C	-0-	-0-
10	(n)	Federal project activities	PR-F	C	303,000	303,000
11	(pz)	Indirect cost reimbursements	PR-F	C	298,300	298,300

(3) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	1,215,900	1,215,900
PROGRAM REVENUE	24,389,000	21,593,000
FEDERAL	(6,453,000)	(3,653,000)
OTHER	(-0-)	(-0-)
SERVICE	(17,936,000)	(17,940,000)
TOTAL-ALL SOURCES	25,604,900	22,808,900

20.437 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	332,581,800	327,730,000
PROGRAM REVENUE	761,016,300	749,220,100
FEDERAL	(632,578,600)	(628,821,800)
OTHER	(22,677,100)	(22,672,100)
SERVICE	(105,760,600)	(97,726,200)
SEGREGATED FUNDS	9,804,300	9,804,300
OTHER	(9,804,300)	(9,804,300)
TOTAL-ALL SOURCES	1,103,402,400	1,086,754,400

12 20.438 Board for people with developmental disabilities

13	(1)	DEVELOPMENTAL DISABILITIES				
14	(a)	General program operations	GPR	A	20,600	20,600
15	(h)	Program services	PR	C	-0-	-0-

ASSEMBLY BILL 75**SECTION 176**

1	(i)	Gifts and grants	PR	C	-0-	-0-
2	(k)	Federal economic stimulus funds	PR-S	C	-0-	-0-
3	(mc)	Federal project operations	PR-F	C	859,100	859,100
4	(md)	Federal project aids	PR-F	C	543,600	543,600

20.438 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	20,600	20,600
PROGRAM REVENUE	1,402,700	1,402,700
FEDERAL	(1,402,700)	(1,402,700)
OTHER	(-0-)	(-0-)
SERVICE	(-0-)	(-0-)
TOTAL-ALL SOURCES	1,423,300	1,423,300

5 20.440 Health and educational facilities authority**6 (1) CONSTRUCTION OF HEALTH AND EDUCATIONAL FACILITIES**

7	(a)	General program operations	GPR	C	-0-	-0-

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	-0-	-0-
TOTAL-ALL SOURCES	-0-	-0-

8 (2) RURAL HOSPITAL LOAN GUARANTEE

9	(a)	Rural assistance loan fund	GPR	C	-0-	-0-

(2) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	-0-	-0-
TOTAL-ALL SOURCES	-0-	-0-

20.440 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	-0-	-0-
TOTAL-ALL SOURCES	-0-	-0-

10 20.445 Workforce development, department of**11 (1) WORKFORCE DEVELOPMENT**

12	(a)	General program operations	GPR	A	5,392,600	5,284,100

13	(aa)	Special death benefit	GPR	S	479,100	479,100

ASSEMBLY BILL 75**SECTION 176**

1	(cr)	State supplement to employment				
2		opportunity demonstration projects	GPR	A	223,200	223,200
3	(e)	Local youth apprenticeship grants	GPR	A	2,068,000	2,068,000
4	(em)	Youth apprenticeship training				
5		grants	GPR	A	–0–	–0–
6	(f)	Death and disability benefit				
7		payments; public insurrections	GPR	S	–0–	–0–
8	(fg)	Employment transit aids, state				
9		funds	GPR	A	517,100	517,100
10	(fm)	Youth summer jobs programs	GPR	A	495,000	495,000
11	(g)	Gifts and grants	PR	C	–0–	–0–
12	(ga)	Auxiliary services	PR	C	445,300	445,300
13	(gb)	Local agreements	PR	C	2,092,100	2,092,100
14	(gc)	Unemployment administration	PR	C	–0–	–0–
15	(gd)	Unemployment interest and				
16		penalty payments	PR	C	2,146,700	2,146,700
17	(gg)	Unemployment information				
18		technology systems; interest and				
19		penalties	PR	C	–0–	–0–
20	(gh)	Unemployment tax and accounting				
21		system; assessments	PR	C	2,677,600	2,677,600
22	(gk)	Child labor permit system; fees	PR	C	325,500	434,000
23	(ka)	Interagency and intra-agency				
24		agreements	PR-S	C	29,412,100	29,412,100
25	(kc)	Administrative services	PR-S	A	35,532,500	35,532,500

ASSEMBLY BILL 75**SECTION 176**

1	(ke)	Federal economic stimulus funds	PR-S	C	-0-	-0-
2	(m)	Workforce investment and				
3		assistance; federal moneys	PR-F	C	83,755,100	83,720,400
4	(n)	Employment assistance and				
5		unemployment ins. administration;				
6		federal moneys	PR-F	C	59,502,500	58,680,800
7	(na)	Employment security buildings and				
8		equipment	PR-F	C	-0-	-0-
9	(nb)	Unemployment administration;				
10		information technology systems	PR-F	C	-0-	-0-
11	(nd)	Unemployment administration;				
12		apprenticeship and other				
13		employment services	PR-F	C	2,784,300	3,134,300
14	(ne)	Unemployment insurance				
15		administration and bank service				
16		costs	PR-F	C	2,600,000	2,600,000
17	(nf)	Unemployment insurance				
18		administration	PR-F	C	1,000,000	1,000,000
19	(o)	Equal rights; federal moneys	PR-F	C	996,400	996,400
20	(pz)	Indirect cost reimbursements	PR-F	C	234,000	234,000
21	(ra)	Worker's compensation operations				
22		fund; administration	SEG	A	12,895,600	12,904,500
23	(rb)	Worker's compensation operations				
24		fund; contracts	SEG	C	99,000	99,000

ASSEMBLY BILL 75**SECTION 176**

1	(rp)	Worker's compensation operations				
2		fund; uninsured employers				
3		program; admin	SEG	A	1,148,800	1,149,600
4	(s)	Self-insured employers liability				
5		fund	SEG	C	-0-	-0-
6	(sm)	Uninsured employers fund;				
7		payments	SEG	S	5,500,000	5,500,000
8	(t)	Work injury supplemental benefit				
9		fund	SEG	C	4,454,900	4,454,900

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	9,175,000	9,066,500
PROGRAM REVENUE	223,504,100	223,106,200
FEDERAL	(150,872,300)	(150,365,900)
OTHER	(7,687,200)	(7,795,700)
SERVICE	(64,944,600)	(64,944,600)
SEGREGATED FUNDS	24,098,300	24,108,000
OTHER	(24,098,300)	(24,108,000)
TOTAL-ALL SOURCES	256,777,400	256,280,700

10	(2)	REVIEW COMMISSION				
11	(a)	General program operations, review				
12		commission	GPR	A	183,700	183,700
13	(ha)	Worker's compensation operations	PR	A	764,800	764,800
14	(m)	Federal moneys	PR-F	C	227,400	227,400
15	(n)	Unemployment administration;				
16		federal moneys	PR-F	C	2,227,100	2,227,100

(2) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	183,700	183,700
PROGRAM REVENUE	3,219,300	3,219,300
FEDERAL	(2,454,500)	(2,454,500)
OTHER	(764,800)	(764,800)
TOTAL-ALL SOURCES	3,403,000	3,403,000

ASSEMBLY BILL 75**SECTION 176**

1	(5)	VOCATIONAL REHABILITATION SERVICES				
2	(a)	General program operations;				
3		purchased services for clients	GPR	C	15,025,900	15,289,300
4	(gg)	Contractual services	PR	C	–0–	–0–
5	(gp)	Contractual services aids	PR	C	–0–	–0–
6	(h)	Enterprises and services for blind				
7		and visually impaired	PR	C	210,900	210,900
8	(he)	Supervised business enterprise	PR	C	117,900	117,900
9	(i)	Gifts and grants	PR	C	–0–	–0–
10	(kg)	Vocational rehabilitation services				
11		for tribes	PR-S	A	346,500	346,500
12	(kx)	Interagency and intra-agency				
13		programs	PR-S	C	–0–	–0–
14	(ky)	Interagency and intra-agency aids	PR-S	C	284,100	284,100
15	(kz)	Interagency and intra-agency local				
16		assistance	PR-S	C	–0–	–0–
17	(m)	Federal project operations	PR-F	C	104,000	104,000
18	(ma)	Federal project aids	PR-F	C	–0–	–0–
19	(n)	Federal program aids and				
20		operations	PR-F	C	63,109,300	65,055,500
21	(nL)	Federal program local assistance	PR-F	C	–0–	–0–
(5) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			15,025,900	15,289,300
		PROGRAM REVENUE			64,172,700	66,118,900
		FEDERAL			(63,213,300)	(65,159,500)
		OTHER			(328,800)	(328,800)

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SERVICE	(630,600)	(630,600)
TOTAL-ALL SOURCES	79,198,600	81,408,200

20.445 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	24,384,600	24,539,500
PROGRAM REVENUE	290,896,100	292,444,400
FEDERAL	(216,540,100)	(217,979,900)
OTHER	(8,780,800)	(8,889,300)
SERVICE	(65,575,200)	(65,575,200)
SEGREGATED FUNDS	24,098,300	24,108,000
OTHER	(24,098,300)	(24,108,000)
TOTAL-ALL SOURCES	339,379,000	341,091,900

1 20.455 Justice, department of**2 (1) LEGAL SERVICES**

(a) General program operations	GPR	A	13,850,200	13,850,200

(b) Special counsel	GPR	S	805,700	805,700

(d) Legal expenses	GPR	B	818,400	818,400

(gh) Investigation and prosecution	PR	C	–0–	–0–

(gs) Delinquent obligation collection	PR	A	–0–	–0–

(hm) Restitution	PR	C	–0–	–0–

(k) Environment litigation project	PR-S	C	599,600	599,600

(km) Interagency and intra-agency				

assistance	PR-S	A	1,009,500	1,009,500

(m) Federal aid	PR-F	C	1,120,900	1,120,900

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	15,474,300	15,474,300
PROGRAM REVENUE	2,730,000	2,730,000
FEDERAL	(1,120,900)	(1,120,900)
OTHER	(–0–)	(–0–)
SERVICE	(1,609,100)	(1,609,100)
TOTAL-ALL SOURCES	18,204,300	18,204,300

13 (2) LAW ENFORCEMENT SERVICES

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1	(a)	General program operations	GPR	A	17,100,200	17,122,300
2	(am)	Officer training reimbursement	GPR	S	83,800	83,800
3	(b)	Investigations and operations	GPR	A	–0–	–0–
4	(c)	Crime laboratory equipment	GPR	B	–0–	–0–
5	(cm)	Computers for transaction				
6		information for management of				
7		enforcement system	GPR	A	–0–	–0–
8	(dg)	Weed and seed and law				
9		enforcement technology	GPR	A	–0–	–0–
10	(dq)	Law enforcement community				
11		policing grants	GPR	B	247,500	247,500
12	(g)	Gaming law enforcement; racing				
13		revenues	PR	A	158,100	158,100
14	(gc)	Gaming law enforcement; Indian				
15		gaming	PR	A	144,500	144,500
16	(gj)	General operations; child				
17		pornography surcharge	PR	C	–0–	–0–
18	(gm)	Criminal history searches;				
19		fingerprint identification	PR	C	6,033,800	5,344,800
20	(h)	Terminal charges	PR	A	2,689,900	2,689,900
21	(i)	Criminal justice program support	PR	A	–0–	–0–
22	(j)	Law enforcement training fund,				
23		local assistance	PR	A	4,849,800	4,849,800
24	(ja)	Law enforcement training fund,				
25		state operations	PR	A	3,553,500	3,553,500

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1	(jb)	Crime laboratory equipment and				
2		supplies	PR	A	342,300	342,300
3	(k)	Interagency and intra-agency				
4		assistance	PR-S	C	1,267,500	1,230,100
5	(kc)	Transaction information				
6		management of enforcement system	PR-S	A	860,000	860,000
7	(kd)	Drug law enforcement, crime				
8		laboratories, and genetic evidence				
9		activities	PR-S	A	8,335,800	8,335,800
10	(ke)	Drug enforcement intelligence				
11		operations	PR-S	A	1,697,700	1,697,700
12	(kg)	Interagency and intra-agency				
13		assistance; fingerprint				
14		identification	PR-S	A	–0–	–0–
15	(km)	Lottery background investigations	PR-S	A	–0–	–0–
16	(kp)	Drug crimes enforcement; local				
17		grants	PR-S	A	797,700	797,700
18	(kq)	County law enforcement services	PR-S	A	544,500	544,500
19	(kt)	County-tribal programs, local				
20		assistance	PR-S	A	701,300	701,300
21	(ku)	County-tribal programs, state				
22		operations	PR-S	A	94,400	94,400
23	(kw)	Tribal law enforcement assistance	PR-S	A	772,200	772,200
24	(ky)	Handgun purchaser record check	PR-S	A	467,000	467,000

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1	(Lm)	Crime laboratories;				
2		deoxyribonucleic acid analysis	PR	C	745,200	745,200
3	(m)	Federal aid, state operations	PR-F	C	2,155,200	2,155,200
4	(n)	Federal aid, local assistance	PR-F	C	-0-	-0-
5	(r)	Gaming law enforcement; lottery				
6		revenues	SEG	A	376,500	376,500
(2) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			17,431,500	17,453,600
		PROGRAM REVENUE			36,210,400	35,484,000
		FEDERAL			(2,155,200)	(2,155,200)
		OTHER			(18,517,100)	(17,828,100)
		SERVICE			(15,538,100)	(15,500,700)
		SEGREGATED FUNDS			376,500	376,500
		OTHER			(376,500)	(376,500)
		TOTAL-ALL SOURCES			54,018,400	53,314,100
7	(3)	ADMINISTRATIVE SERVICES				
8	(a)	General program operations	GPR	A	5,237,600	5,237,600
9	(g)	Gifts, grants and proceeds	PR	C	-0-	-0-
10	(k)	Interagency and intra-agency				
11		assistance	PR-S	A	-0-	-0-
12	(kc)	Federal economic stimulus funds	PR-S	C	-0-	-0-
13	(m)	Federal aid, state operations	PR-F	C	-0-	-0-
14	(pz)	Indirect cost reimbursements	PR-F	C	226,800	226,800
(3) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			5,237,600	5,237,600
		PROGRAM REVENUE			226,800	226,800
		FEDERAL			(226,800)	(226,800)
		OTHER			(-0-)	(-0-)
		SERVICE			(-0-)	(-0-)
		TOTAL-ALL SOURCES			5,464,400	5,464,400
15	(5)	VICTIMS AND WITNESSES				

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1	(a)	General program operations	GPR	A	1,090,100	1,090,100
2	(b)	Awards for victims of crimes	GPR	A	1,245,400	1,245,400
3	(c)	Reimbursement for victim and				
4		witness services	GPR	A	1,408,000	1,408,000
5	(d)	Reimbursement for forensic				
6		examinations	GPR	S	50,000	50,000
7	(g)	Crime victim and witness				
8		assistance surcharge, general				
9		services	PR	A	3,919,400	4,512,500
10	(gc)	Crime victim and witness				
11		surcharge, sexual assault victim				
12		services	PR	C	1,980,000	1,980,000
13	(h)	Crime victim compensation services	PR	A	53,600	53,600
14	(hh)	Crime victim restitution	PR	C	297,000	297,000
15	(i)	Victim compensation, inmate				
16		payments	PR	C	10,800	10,800
17	(k)	Interagency and intra-agency				
18		assistance; reimbursement to				
19		counties	PR-S	A	509,800	509,800
20	(kj)	Victim payments, victim surcharge	PR-S	A	796,600	993,000
21	(kk)	Reimbursement to counties for				
22		providing victim and witness				
23		services	PR-S	C	-0-	-0-
24	(kp)	Reimbursement to counties for				
25		victim-witness services	PR-S	A	832,100	832,100

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1	(m)	Federal aid; victim compensation	PR-F	C	823,900	823,900
2	(ma)	Federal aid, state operations				
3		relating to crime victim services	PR-F	C	103,500	103,500
4	(mh)	Federal aid; victim assistance	PR-F	C	4,160,800	4,160,800
(5) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			3,793,500	3,793,500
		PROGRAM REVENUE			13,487,500	14,277,000
		FEDERAL			(5,088,200)	(5,088,200)
		OTHER			(6,260,800)	(6,853,900)
		SERVICE			(2,138,500)	(2,334,900)
		TOTAL-ALL SOURCES			17,281,000	18,070,500
2 0 . 4 5 5 D E P A R T M E N T T O T A L S						
		GENERAL PURPOSE REVENUES			41,936,900	41,959,000
		PROGRAM REVENUE			52,654,700	52,717,800
		FEDERAL			(8,591,100)	(8,591,100)
		OTHER			(24,777,900)	(24,682,000)
		SERVICE			(19,285,700)	(19,444,700)
		SEGREGATED FUNDS			376,500	376,500
		OTHER			(376,500)	(376,500)
		TOTAL-ALL SOURCES			94,968,100	95,053,300
5	20.465	Military affairs, department of				
6	(1)	NATIONAL GUARD OPERATIONS				
7	(a)	General program operations	GPR	A	5,895,800	5,895,800
8	(b)	Repair and maintenance	GPR	A	806,900	806,900
9	(c)	Public emergencies	GPR	S	40,000	40,000
10	(d)	Principal repayment and interest	GPR	S	4,437,700	4,464,800
11	(e)	Service flags	GPR	A	400	400
12	(f)	Energy costs	GPR	A	3,175,900	3,293,200
13	(g)	Military property	PR	A	781,600	781,600
14	(h)	Intergovernmental services	PR	A	295,600	295,600
15	(i)	Distance learning centers	PR	C	-0-	-0-

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1	(k)	Armory store operations	PR-S	A	242,200	242,200
2	(kc)	Federal economic stimulus funds	PR-S	C	–0–	–0–
3	(km)	Agency services	PR-S	A	67,600	67,600
4	(Li)	Gifts and grants	PR	C	–0–	–0–
5	(m)	Federal aid	PR-F	C	29,318,200	29,318,200
6	(pz)	Indirect cost reimbursements	PR-F	C	511,400	511,400
(1) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			14,356,700	14,501,100
		PROGRAM REVENUE			31,216,600	31,216,600
		FEDERAL			(29,829,600)	(29,829,600)
		OTHER			(1,077,200)	(1,077,200)
		SERVICE			(309,800)	(309,800)
		TOTAL-ALL SOURCES			45,573,300	45,717,700
7	(2)	GUARD MEMBERS' BENEFITS				
8	(a)	Tuition grants	GPR	S	3,719,300	3,719,300
(2) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			3,719,300	3,719,300
		TOTAL-ALL SOURCES			3,719,300	3,719,300
9	(3)	EMERGENCY MANAGEMENT SERVICES				
10	(a)	General program operations	GPR	A	862,500	862,500
11	(b)	Major disaster assistance	GPR	A	–0–	–0–
12	(dd)	Regional emergency response				
13		teams	GPR	A	1,386,000	1,386,000
14	(dp)	Emergency response equipment	GPR	A	463,300	463,300
15	(dr)	Emergency response supplement	GPR	C	–0–	–0–
16	(dt)	Emergency response training	GPR	B	64,300	64,300
17	(e)	Disaster recovery aid; public health				
18		emergency quarantine costs	GPR	S	1,347,000	1,347,000

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1	(f)	Civil air patrol aids	GPR	A	18,800	18,800
2	(g)	Program services	PR	A	3,260,500	2,463,200
3	(h)	Interstate emergency assistance	PR	A	–0–	–0–
4	(i)	Emergency planning and reporting;				
5		administration	PR	A	961,500	961,500
6	(j)	Division of emergency				
7		management; gifts and grants	PR	C	–0–	–0–
8	(jm)	Division of emergency				
9		management; emergency planning				
10		grants	PR	C	826,400	826,400
11	(jt)	Regional emergency response				
12		reimbursement	PR	C	–0–	–0–
13	(m)	Federal aid, state operations	PR-F	C	3,768,400	3,768,400
14	(n)	Federal aid, local assistance	PR-F	C	12,800,000	12,800,000
15	(o)	Federal aid, individuals and				
16		organizations	PR-F	C	1,926,400	1,926,400
17	(r)	Division of emergency				
18		management; petroleum inspection				
19		fund	SEG	A	462,100	462,100
20	(s)	Major disaster assistance;				
21		petroleum inspection fund	SEG	C	–0–	–0–
22	(t)	Emergency response training –				
23		environmental fund	SEG	B	7,600	7,600

ASSEMBLY BILL 75**SECTION 176**

1	(u)	Division of emergency management				
2		operations; petroleum inspection				
3		fund	SEG	A	114,900	114,900

(3) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	4,141,900	4,141,900
PROGRAM REVENUE	23,543,200	22,745,900
FEDERAL	(18,494,800)	(18,494,800)
OTHER	(5,048,400)	(4,251,100)
SEGREGATED FUNDS	584,600	584,600
OTHER	(584,600)	(584,600)
TOTAL-ALL SOURCES	28,269,700	27,472,400

4	(4)	NATIONAL GUARD YOUTH PROGRAMS				

5	(h)	Gifts and grants	PR	C	–0–	–0–

6	(ka)	Challenge academy program; public				

7		instruction funds	PR-S	C	1,657,600	1,657,600

8	(m)	Federal aid	PR-F	C	2,528,400	2,528,400

(4) PROGRAM TOTALS

PROGRAM REVENUE	4,186,000	4,186,000
FEDERAL	(2,528,400)	(2,528,400)
OTHER	(–0–)	(–0–)
SERVICE	(1,657,600)	(1,657,600)
TOTAL-ALL SOURCES	4,186,000	4,186,000

20.465 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	22,217,900	22,362,300
PROGRAM REVENUE	58,945,800	58,148,500
FEDERAL	(50,852,800)	(50,852,800)
OTHER	(6,125,600)	(5,328,300)
SERVICE	(1,967,400)	(1,967,400)
SEGREGATED FUNDS	584,600	584,600
OTHER	(584,600)	(584,600)
TOTAL-ALL SOURCES	81,748,300	81,095,400

9	20.475 District attorneys					

10	(1)	DISTRICT ATTORNEYS				

11	(d)	Salaries and fringe benefits	GPR	A	42,200,000	42,200,000

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1	(h)	Gifts and grants	PR	C	1,894,300	1,894,300
2	(i)	Other employees	PR	A	317,400	327,100
3	(k)	Interagency and intra-agency				
4		assistance	PR-S	C	-0-	-0-
5	(kc)	Federal economic stimulus funds	PR-S	C	-0-	-0-
6	(km)	Deoxyribonucleic acid evidence				
7		activities	PR-S	A	135,600	135,600
8	(m)	Federal aid	PR-F	C	-0-	-0-

20.475 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	42,200,000	42,200,000
PROGRAM REVENUE	2,347,300	2,357,000
FEDERAL	(-0-)	(-0-)
OTHER	(2,211,700)	(2,221,400)
SERVICE	(135,600)	(135,600)
TOTAL-ALL SOURCES	44,547,300	44,557,000

9	20.485 Veterans affairs, department of					
10	(1)	VETERANS HOMES				
11	(a)	Aids to indigent veterans	GPR	A	206,600	206,600
12	(b)	General fund supplement to				
13		institutional operations	GPR	B	-0-	-0-
14	(d)	Cemetery maintenance and				
15		beautification	GPR	A	24,600	24,600
16	(e)	Lease rental payments	GPR	S	-0-	-0-
17	(f)	Principal repayment and interest	GPR	S	1,616,100	1,598,200
18	(g)	Home exchange	PR	A	275,100	275,100
19	(gd)	Veterans home cemetery operations	PR	C	11,900	11,900
20	(gk)	Institutional operations	PR	A	87,410,500	88,548,300

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1	(go)	Self-amortizing facilities; principal				
2		repayment and interest	PR	S	1,456,500	1,891,300
3	(h)	Gifts and bequests	PR	C	212,500	212,500
4	(hm)	Gifts and grants	PR	C	–0–	–0–
5	(i)	State-owned housing maintenance	PR-S	C	65,000	65,000
6	(j)	Geriatric program receipts	PR	C	209,200	209,200
7	(jm)	Aid to indigent veterans	PR	A	208,700	208,700
8	(jn)	County grants	PR	A	76,500	76,200
9	(k)	Federal economic stimulus funds	PR-S	C	–0–	–0–
10	(m)	Federal aid; care at veterans homes	PR-F	C	–0–	–0–
11	(mj)	Federal aid; geriatric unit	PR-F	C	–0–	–0–
12	(mn)	Federal projects	PR-F	C	25,000	25,000
13	(t)	Veterans homes member accounts	SEG	C	–0–	–0–
14	(u)	Rentals; improvements; equipment;				
15		land acquisition	SEG	A	–0–	–0–
(1) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			1,847,300	1,829,400
		PROGRAM REVENUE			89,950,900	91,523,200
		FEDERAL			(25,000)	(25,000)
		OTHER			(89,860,900)	(91,433,200)
		SERVICE			(65,000)	(65,000)
		SEGREGATED FUNDS			–0–	–0–
		OTHER			(–0–)	(–0–)
		TOTAL-ALL SOURCES			91,798,200	93,352,600
16	(2)	LOANS AND AIDS TO VETERANS				
17	(ac)	Veterans assistance	GPR	A	–0–	–0–
18	(b)	Housing vouchers for homeless				
19		veterans	GPR	A	–0–	–0–

ASSEMBLY BILL 75**SECTION 176**

1	(c)	Operation of Wisconsin veterans				
2		museum	GPR	A	295,500	295,500
3	(d)	Veterans memorials at the				
4		Highground	GPR	C	–0–	–0–
5	(db)	General fund supplement to				
6		veterans trust fund	GPR	A	–0–	–0–
7	(dm)	Military funeral honors	GPR	B	249,400	255,100
8	(e)	Korean War memorial grant	GPR	A	–0–	–0–
9	(g)	Consumer reporting agency fees	PR	C	–0–	–0–
10	(kg)	American Indian services				
11		coordinator	PR-S	A	86,100	87,000
12	(km)	American Indian grants	PR-S	A	67,400	67,400
13	(kp)	Public and private receipts	PR-S	C	18,200	18,200
14	(m)	Federal payments; veterans				
15		assistance	PR-F	C	544,800	544,800
16	(mn)	Federal projects; museum				
17		acquisitions and operations	PR-F	C	–0–	–0–
18	(rm)	Veterans assistance program	SEG	B	635,400	651,300
19	(rp)	Veterans assistance program				
20		receipts	SEG	C	81,700	84,500
21	(s)	Transportation payment	SEG	A	198,000	198,000
22	(tf)	Veterans tuition reimbursement				
23		program	SEG	B	1,857,500	1,382,700
24	(tj)	Retraining assistance program	SEG	A	207,900	207,900
25	(tm)	Facilities	SEG	C	98,400	52,800

ASSEMBLY BILL 75**SECTION 176**

1	(u)	Administration of loans and aids to				
2		veterans	SEG	A	5,594,600	5,648,500
3	(v)	Wisconsin veterans museum sales				
4		receipts	SEG	C	132,000	132,000
5	(vm)	Assistance to needy veterans	SEG	A	1,084,500	1,232,600
6	(vo)	Veterans of World War I	SEG	A	2,400	2,400
7	(vw)	Payments to veterans organizations				
8		for claims service	SEG	A	175,500	175,500
9	(vx)	County grants	SEG	A	341,500	339,400
10	(w)	Home for needy veterans	SEG	C	9,900	9,900
11	(wd)	Operation of Wisconsin Veterans				
12		Museum	SEG	A	1,650,200	1,650,200
13	(x)	Federal per diem payments	SEG-F	C	1,323,000	1,460,000
14	(yg)	Acquisition of 1981 revenue bond				
15		mortgages	SEG	S	–0–	–0–
16	(yn)	Veterans trust fund loans and				
17		expenses	SEG	B	5,048,000	5,048,000
18	(yo)	Debt payment	SEG	S	–0–	–0–
19	(z)	Gifts	SEG	C	–0–	–0–
20	(zm)	Museum gifts and bequests	SEG	C	–0–	–0–

(2) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	544,900	550,600
PROGRAM REVENUE	716,500	717,400
FEDERAL	(544,800)	(544,800)
OTHER	(–0–)	(–0–)
SERVICE	(171,700)	(172,600)
SEGREGATED FUNDS	18,440,500	18,275,700
FEDERAL	(1,323,000)	(1,460,000)

ASSEMBLY BILL 75**SECTION 176**

		OTHER			(17,117,500)	(16,815,700)
		TOTAL-ALL SOURCES			19,701,900	19,543,700
1	(3)	SELF-AMORTIZING MORTGAGE LOANS FOR VETERANS				
2	(b)	Self insurance	GPR	S	-0-	-0-
3	(e)	General program deficiency	GPR	S	-0-	-0-
4	(q)	Foreclosure loss payments	SEG	C	793,000	793,000
5	(r)	Funded reserves	SEG	C	49,500	49,500
6	(rm)	Other reserves	SEG	C	-0-	-0-
7	(s)	General program operations	SEG	A	3,645,500	3,536,200
8	(sm)	County grants	SEG	A	339,900	337,800
9	(t)	Debt service	SEG	C	26,264,200	26,257,800
10	(u)	General obligation funding	SEG	C	-0-	-0-
11	(v)	Revenue obligation repayment	SEG	C	-0-	-0-
12	(w)	Revenue obligation funding	SEG	C	-0-	-0-
13	(wg)	Escrow payments, recoveries, and				
14		refunds	SEG	C	-0-	-0-
		(3) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			-0-	-0-
		SEGREGATED FUNDS			31,092,100	30,974,300
		OTHER			(31,092,100)	(30,974,300)
		TOTAL-ALL SOURCES			31,092,100	30,974,300
15	(4)	VETERANS MEMORIAL CEMETERIES				
16	(g)	Cemetery operations	PR	A	233,700	233,700
17	(h)	Gifts, grants and bequests	PR	C	-0-	-0-
18	(m)	Federal aid; cemetery operations				
19		and burials	PR-F	C	177,200	177,200

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1	(q)	Cemetery administration and				
2		maintenance	SEG	A	660,200	660,300
3	(qm)	Repayment of principal and				
4		interest	SEG	S	89,300	89,700
5	(r)	Cemetery energy costs	SEG	A	91,600	105,300

(4) PROGRAM TOTALS

PROGRAM REVENUE	410,900	410,900
FEDERAL	(177,200)	(177,200)
OTHER	(233,700)	(233,700)
SEGREGATED FUNDS	841,100	855,300
OTHER	(841,100)	(855,300)
TOTAL-ALL SOURCES	1,252,000	1,266,200

20.485 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	2,392,200	2,380,000
PROGRAM REVENUE	91,078,300	92,651,500
FEDERAL	(747,000)	(747,000)
OTHER	(90,094,600)	(91,666,900)
SERVICE	(236,700)	(237,600)
SEGREGATED FUNDS	50,373,700	50,105,300
FEDERAL	(1,323,000)	(1,460,000)
OTHER	(49,050,700)	(48,645,300)
TOTAL-ALL SOURCES	143,844,200	145,136,800

6 20.490 Wisconsin housing and economic development authority**7 (1) FACILITATION OF CONSTRUCTION**

8	(a)	Capital reserve fund deficiency	GPR	C	-0-	-0-

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	-0-	-0-
TOTAL-ALL SOURCES	-0-	-0-

9 (2) HOUSING REHABILITATION LOAN PROGRAM

10	(a)	General program operations	GPR	C	-0-	-0-

11	(q)	Loan loss reserve fund	SEG	C	-0-	-0-

(2) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	-0-	-0-
SEGREGATED FUNDS	-0-	-0-

ASSEMBLY BILL 75**SECTION 176**

		OTHER			(-0-)	(-0-)
		TOTAL-ALL SOURCES			-0-	-0-
1	(4)	DISADVANTAGED BUSINESS MOBILIZATION ASSISTANCE				
2	(g)	Disadvantaged business				
3		mobilization loan guarantee	PR	C	-0-	-0-
		(4) PROGRAM TOTALS				
		PROGRAM REVENUE			-0-	-0-
		OTHER			(-0-)	(-0-)
		TOTAL-ALL SOURCES			-0-	-0-
4	(5)	WISCONSIN DEVELOPMENT LOAN GUARANTEES				
5	(a)	Wisconsin development reserve				
6		fund	GPR	C	-0-	-0-
7	(q)	Recycling fund transfer to				
8		Wisconsin development reserve				
9		fund	SEG	C	-0-	-0-
10	(r)	Agrichemical management fund				
11		transfer to Wisconsin development				
12		reserve fund	SEG	C	-0-	-0-
13	(s)	Petroleum inspection fund transfer				
14		to Wisconsin development reserve				
15		fund	SEG	A	-0-	-0-
		(5) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			-0-	-0-
		SEGREGATED FUNDS			-0-	-0-
		OTHER			(-0-)	(-0-)
		TOTAL-ALL SOURCES			-0-	-0-
16	(6)	WISCONSIN JOB TRAINING LOAN GUARANTEES				
17	(a)	Wisconsin job training reserve fund	GPR	S	-0-	-0-

ASSEMBLY BILL 75**SECTION 176**

1 (k) Department of commerce
 2 appropriations transfer to
 3 Wisconsin job training PR-S C -0- -0-

(6) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	-0-	-0-
PROGRAM REVENUE	-0-	-0-
SERVICE	(-0-)	(-0-)
TOTAL-ALL SOURCES	-0-	-0-

20.490 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	-0-	-0-
PROGRAM REVENUE	-0-	-0-
OTHER	(-0-)	(-0-)
SERVICE	(-0-)	(-0-)
SEGREGATED FUNDS	-0-	-0-
OTHER	(-0-)	(-0-)
TOTAL-ALL SOURCES	-0-	-0-

4 **20.495 University of Wisconsin hospitals and clinics board**

5 (1) CONTRACTUAL SERVICES

6 (g) General program operations PR C 153,739,500 153,739,500

20.495 DEPARTMENT TOTALS

PROGRAM REVENUE	153,739,500	153,739,500
OTHER	(153,739,500)	(153,739,500)
TOTAL-ALL SOURCES	153,739,500	153,739,500

Human Relations and Resources**FUNCTIONAL AREA TOTALS**

GENERAL PURPOSE REVENUES	3,497,429,500	3,810,698,300
PROGRAM REVENUE	6,836,508,300	6,711,848,300
FEDERAL	(5,674,699,500)	(5,534,345,200)
OTHER	(801,491,200)	(823,040,800)
SERVICE	(360,317,600)	(354,462,300)
SEGREGATED FUNDS	648,884,000	661,959,900
FEDERAL	(1,323,000)	(1,460,000)
OTHER	(647,561,000)	(660,499,900)
SERVICE	(-0-)	(-0-)
LOCAL	(-0-)	(-0-)
TOTAL-ALL SOURCES	10,982,821,800	11,184,506,500

ASSEMBLY BILL 75**SECTION 176****General Executive Functions**

1	20.505 Administration, department of					
2	(1) SUPERVISION AND MANAGEMENT					
3	(a) General program operations	GPR	A	7,111,600	7,111,600	
4	(b) Midwest interstate low-level					
5	radioactive waste compact; loan					
6	from gen. fund	GPR	C	-0-	-0-	
7	(bq) Appropriation obligations					
8	repayment; tobacco settlement					
9	revenues	GPR	A	114,396,000	111,561,000	
10	(br) Appropriation obligations					
11	repayment; unfunded liabilities					
12	under the WRS	GPR	A	262,566,000	274,749,000	
13	(cm) Comprehensive planning grants;					
14	general purpose revenue	GPR	A	-0-	-0-	
15	(cn) Comprehensive planning;					
16	administrative support	GPR	A	-0-	-0-	
17	(fo) Federal resource acquisition					
18	support grants	GPR	A	102,900	102,900	
19	(g) Midwest interstate low-level					
20	radioactive waste compact;					
21	membership & costs	PR	A	4,900	4,900	
22	(ge) High-voltage transmission line					
23	annual impact fee distributions	PR	C	-0-	-0-	

ASSEMBLY BILL 75**SECTION 176**

1	(gs)	High-voltage transmission line				
2		environmental impact fee				
3		distributions	PR	C	–0–	–0–
4	(ie)	Land	PR	C	2,980,900	2,980,900
5	(if)	Comprehensive planning grants;				
6		program revenue	PR	A	–0–	–0–
7	(im)	Services to nonstate governmental				
8		units; entity contract	PR	A	1,781,700	1,749,000
9	(iq)	Appropriation obligation proceeds;				
10		unfunded liabilities under the WRS	PR	C	–0–	–0–
11	(ir)	Relay service	PR-S	A	4,694,600	4,694,600
12	(is)	Information technology and				
13		communications services; nonstate				
14		entities	PR	A	18,911,700	18,911,700
15	(it)	Appropriation obligations;				
16		agreements and ancillary				
17		arrangements	PR	C	–0–	–0–
18	(iu)	Plat and proposed incorporation				
19		and annexation review	PR	C	637,100	637,100
20	(iv)	Integrated business information				
21		system; nonstate entities	PR	C	–0–	–0–
22	(iw)	Appropriation obligation proceeds;				
23		tobacco settlement revenues	PR	C	–0–	–0–
24	(j)	Gifts, grants, and bequests	PR	C	–0–	–0–
25	(ja)	Justice information systems	PR	A	4,608,500	4,608,500

ASSEMBLY BILL 75**SECTION 176**

1	(jc)	Indigent civil legal services	PR	A	990,000	1,237,500
2	(ka)	Materials and services to state				
3		agencies and certain districts	PR-S	A	7,721,800	7,721,800
4	(kb)	Transportation, records, and				
5		document services	PR-S	A	20,070,700	20,103,400
6	(kc)	Capital planning and building				
7		construction services	PR-S	A	12,635,600	12,635,600
8	(kd)	Integrated business information				
9		system	PR-S	C	9,866,000	9,866,000
10	(ke)	Telecommunications services; state				
11		agencies; veterans services	PR-S	A	21,544,500	21,544,500
12	(kf)	Procurement services	PR-S	C	3,958,300	3,958,300
13	(kh)	Federal economic stimulus funds	PR-S	C	-0-	-0-
14	(kj)	Financial services	PR-S	A	9,893,800	9,893,800
15	(kL)	Printing, mail, communication and				
16		information technology services;				
17		agencies	PR-S	A	109,838,200	109,838,200
18	(km)	University of Wisconsin-Green Bay				
19		programming	PR-S	A	247,500	247,500
20	(kp)	Interagency assistance; justice				
21		information systems	PR-S	A	725,200	725,200
22	(kq)	Justice information systems				
23		development, operation and				
24		maintenance	PR-S	A	-0-	-0-
25	(kr)	Legal services	PR-S	C	1,426,400	1,426,400

ASSEMBLY BILL 75**SECTION 176**

1	(ku)	Management assistance grants to				
2		counties	PR-S	A	594,000	594,000
3	(mb)	Federal aid	PR-F	C	3,058,100	1,180,700
4	(md)	Oil overcharge restitution funds	PR-F	C	270,200	270,200
5	(n)	Federal aid; local assistance	PR-F	C	45,000,000	–0–
6	(ng)	Sale of forest products; funds for				
7		public schools and public roads	PR	C	–0–	–0–
8	(pz)	Indirect cost reimbursements	PR-F	C	241,300	222,900
9	(r)	VendorNet fund administration	SEG	A	89,300	89,300
10	(v)	General program operations —				
11		environmental improvement				
12		programs; state funds	SEG	A	996,600	996,600
13	(x)	General program operations —				
14		clean water fund program; federal				
15		funds	SEG-F	C	–0–	–0–
16	(y)	General program operations — safe				
17		drinking water loan program;				
18		federal funds	SEG-F	C	–0–	–0–
19	(z)	Transportation planning grants to				
20		local governmental units	SEG-S	B	–0–	–0–

(1) P R O G R A M T O T A L S

GENERAL PURPOSE REVENUES	384,176,500	393,524,500
PROGRAM REVENUE	281,701,000	235,052,700
FEDERAL	(48,569,600)	(1,673,800)
OTHER	(29,914,800)	(30,129,600)
SERVICE	(203,216,600)	(203,249,300)
SEGREGATED FUNDS	1,085,900	1,085,900
FEDERAL	(–0–)	(–0–)
OTHER	(1,085,900)	(1,085,900)

ASSEMBLY BILL 75**SECTION 176**

		SERVICE			(-0-)	(-0-)
		TOTAL-ALL SOURCES			666,963,400	629,663,100
1	(2)	RISK MANAGEMENT				
2	(a)	General fund supplement — risk				
3		management claims	GPR	S	-0-	-0-
4	(am)	Costs and judgments	GPR	S	-0-	-0-
5	(k)	Risk management costs	PR-S	C	28,211,200	29,253,900
6	(ki)	Risk management administration	PR-S	A	7,290,100	7,290,100
		(2) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			-0-	-0-
		PROGRAM REVENUE			35,501,300	36,544,000
		SERVICE			(35,501,300)	(36,544,000)
		TOTAL-ALL SOURCES			35,501,300	36,544,000
7	(3)	AIR QUALITY IMPROVEMENT				
8	(q)	General program operations; utility				
9		public benefits	SEG	A	6,406,800	-0-
10	(r)	Low-income assistance grants	SEG	S	10,250,000	-0-
11	(rr)	Air quality improvement grants	SEG	S	-0-	-0-
12	(s)	Transfer to air quality improvement				
13		fund	SEG	S	-0-	-0-
		(3) PROGRAM TOTALS				
		SEGREGATED FUNDS			16,656,800	-0-
		OTHER			(16,656,800)	(-0-)
		TOTAL-ALL SOURCES			16,656,800	-0-
14	(4)	ATTACHED DIVISIONS AND OTHER BODIES				
15	(a)	Adjudication of tax appeals	GPR	A	534,700	538,200
16	(b)	Adjudication of equalization				
17		appeals	GPR	S	-0-	-0-

ASSEMBLY BILL 75**SECTION 176**

1	(bm)	Aid to the Wisconsin covenant				
2		foundation, inc.	GPR	A	215,300	221,800
3	(d)	Claims awards	GPR	S	23,700	23,700
4	(ea)	Women's council operations	GPR	A	140,900	140,900
5	(ec)	Service award program; general				
6		program operations	GPR	A	19,100	19,100
7	(er)	Service award program; state				
8		matching awards	GPR	S	1,785,000	1,785,000
9	(es)	Principal, interest & rebates;				
10		general purpose revenue–schools	GPR	S	4,349,800	4,342,400
11	(et)	Principal, interest & rebates;				
12		general purpose rev.–public library				
13		boards	GPR	S	11,400	11,000
14	(f)	Hearings and appeals operations	GPR	A	2,460,800	2,460,800
15	(h)	Program services	PR	A	31,800	31,800
16	(ha)	Principal, interest & rebates;				
17		program revenue–schools	PR	C	1,056,000	1,032,400
18	(hb)	Principal, interest & rebates;				
19		program revenue–public library				
20		boards	PR	C	5,200	5,200
21	(hc)	Administration of Governor's				
22		Wisconsin Educational Technology				
23		Conference	PR	A	176,100	176,100
24	(j)	National and community service				
25		board; gifts and grants	PR	C	–0–	–0–

ASSEMBLY BILL 75**SECTION 176**

1	(js)	Educ. tech. block grants; Wisc.				
2		advncd. telecomm. foundation				
3		assessments	PR	C	–0–	–0–
4	(k)	Waste facility siting board; general				
5		program operations	PR-S	A	53,400	53,400
6	(ka)	State use board — general program				
7		operations	PR-S	A	125,900	125,900
8	(kb)	National and community service				
9		board; administrative support	PR-S	C	251,600	251,600
10	(kp)	Hearings and appeals fees	PR-S	A	3,707,800	3,702,800
11	(L)	Equipment purchases and leases	PR	C	–0–	–0–
12	(Lm)	Educational telecommunications;				
13		additional services	PR	C	–0–	–0–
14	(mp)	Federal e-rate aid	PR-F	C	5,426,200	5,367,900
15	(o)	National and community service				
16		board; federal aid for				
17		administration	PR-F	C	437,400	437,400
18	(p)	National and community service				
19		board; federal aid for grants	PR-F	C	3,354,300	3,354,300
20	(r)	State capitol and executive				
21		residence board; gifts and grants	SEG	C	–0–	–0–
22	(s)	Telecommunications access; school				
23		districts	SEG	B	11,190,700	11,190,700
24	(t)	Telecommunications access; private				
25		and technical colleges and libraries	SEG	B	5,015,300	5,015,300

ASSEMBLY BILL 75**SECTION 176**

1	(tm)	Telecommunications access; private				
2		schools	SEG	B	694,300	694,300
3	(tu)	Telecommunications access; state				
4		schools	SEG	B	82,500	82,500
5	(tw)	Telecommunications access;				
6		juvenile correctional facilities	SEG	B	86,300	86,300
(4) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			9,540,700	9,542,900
		PROGRAM REVENUE			14,625,700	14,538,800
		FEDERAL			(9,217,900)	(9,159,600)
		OTHER			(1,269,100)	(1,245,500)
		SERVICE			(4,138,700)	(4,133,700)
		SEGREGATED FUNDS			17,069,100	17,069,100
		OTHER			(17,069,100)	(17,069,100)
		TOTAL-ALL SOURCES			41,235,500	41,150,800
7	(5)	FACILITIES MANAGEMENT				
8	(c)	Principal repayment and interest;				
9		Black Point Estate	GPR	S	94,700	107,800
10	(g)	Principal repayment, interest and				
11		rebates; parking	PR-S	S	1,768,400	1,775,600
12	(ka)	Facility operations and				
13		maintenance; police and protection				
14		functions	PR-S	C	42,892,600	43,891,600
15	(kb)	Parking	PR	A	952,800	952,800
16	(kc)	Principal repayment, interest and				
17		rebates	PR-S	C	20,316,300	22,401,000
18	(kd)	Energy conservation construction				
19		projects; prin repaymt, interest &				
20		rebates	PR	S	891,400	2,118,400

ASSEMBLY BILL 75**SECTION 176**

1	(ke)	Additional energy conservation				
2		construction projects	PR-S	C	-0-	-0-
(5) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			94,700	107,800
		PROGRAM REVENUE			66,821,500	71,139,400
		OTHER			(1,844,200)	(3,071,200)
		SERVICE			(64,977,300)	(68,068,200)
		TOTAL-ALL SOURCES			66,916,200	71,247,200
3	(6)	OFFICE OF JUSTICE ASSISTANCE				
4	(a)	General program operations	GPR	A	272,400	272,400
5	(b)	Alts. to pros. & incar. for pers. who				
6		use alch. or oth. drgs.; pre. assess.	GPR	A	866,200	866,200
7	(c)	Law enforcement officer				
8		supplement grants	GPR	A	1,435,500	1,435,500
9	(d)	Youth diversion	GPR	A	357,200	357,200
10	(f)	Child advocacy centers	GPR	A	225,600	225,600
11	(gj)	Grants for victims of sexual				
12		assault; child pornography				
13		surcharge	PR	C	-0-	-0-
14	(i)	Gifts and grants	PR	C	-0-	-0-
15	(k)	Law enforcement programs and				
16		youth diversion – administration	PR-S	A	207,300	207,300
17	(ka)	Public safety interoperable				
18		communication system; state fees	PR-S	A	-0-	-0-
19	(kj)	Youth diversion program	PR-S	A	747,100	747,100
20	(km)	Interagency and intra-agency aids	PR-S	C	297,000	297,000
21	(kp)	Data gathering and analysis	PR	A	693,000	693,000

ASSEMBLY BILL 75**SECTION 176**

1	(ku)	Grants for substance abuse				
2		treatment programs for criminal				
3		offenders	PR	C	7,500	7,500
4	(kv)	Alts. to pros. & incar. for pers. who				
5		use alch. or oth. drgs; pen. srchrg	PR-S	A	705,000	705,000
6	(m)	Federal aid, justice assistance,				
7		state operations	PR-F	C	3,337,500	3,191,400
8	(mb)	Federal aid, homeland security	PR-F	C	36,556,000	36,478,400
9	(p)	Federal aid, local assistance and				
10		aids	PR-F	C	18,904,900	18,904,900
(6) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			3,156,900	3,156,900
		PROGRAM REVENUE			61,455,300	61,231,600
		FEDERAL			(58,798,400)	(58,574,700)
		OTHER			(700,500)	(700,500)
		SERVICE			(1,956,400)	(1,956,400)
		TOTAL-ALL SOURCES			64,612,200	64,388,500
11	(8)	DIVISION OF GAMING				
12	(am)	Interest on racing and bingo				
13		moneys	GPR	S	12,300	12,300
14	(g)	General program operations; racing	PR	A	1,615,200	1,615,200
15	(h)	General program operations; Indian				
16		gaming	PR	A	1,884,700	1,884,700
17	(hm)	Indian gaming receipts	PR	C	-0-	-0-
18	(j)	General program operations; raffles				
19		and crane games	PR	A	241,300	241,300
20	(jm)	General program operations; bingo	PR	A	301,200	301,200
(8) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			12,300	12,300

ASSEMBLY BILL 75**SECTION 176**

PROGRAM REVENUE	4,042,400	4,042,400
OTHER	(4,042,400)	(4,042,400)
TOTAL-ALL SOURCES	4,054,700	4,054,700

20.505 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	396,981,100	406,344,400
PROGRAM REVENUE	464,147,200	422,548,900
FEDERAL	(116,585,900)	(69,408,100)
OTHER	(37,771,000)	(39,189,200)
SERVICE	(309,790,300)	(313,951,600)
SEGREGATED FUNDS	34,811,800	18,155,000
FEDERAL	(-0-)	(-0-)
OTHER	(34,811,800)	(18,155,000)
SERVICE	(-0-)	(-0-)
TOTAL-ALL SOURCES	895,940,100	847,048,300

1 20.507 Board of commissioners of public lands**2 (1) TRUST LANDS AND INVESTMENTS****3 (h) Trust lands and investments –**

general program operations	PR-S	A	1,535,100	1,535,100

5 (j) Payments to American Indian

tribes or bands for raised sunken

logs	PR	C	-0-	-0-

8 (k) Trust lands and investments –

interagency and intra-agency

assistance	PR-S	A	-0-	-0-

(kc) Federal economic stimulus funds	PR-S	C	-0-	-0-

(mg) Federal aid — flood control	PR-F	C	52,700	52,700

20.507 DEPARTMENT TOTALS

PROGRAM REVENUE	1,587,800	1,587,800
FEDERAL	(52,700)	(52,700)
OTHER	(-0-)	(-0-)
SERVICE	(1,535,100)	(1,535,100)
TOTAL-ALL SOURCES	1,587,800	1,587,800

ASSEMBLY BILL 75**SECTION 176**

1	20.511 Government accountability board					
2	(1) ADMINISTRATION OF ELECTIONS, ETHICS, AND LOBBYING LAWS					
3	(a) General program operations;					
4	general purpose revenue	GPR	B	2,370,700	2,369,900	
5	(b) Election-related cost					
6	reimbursement; general program					
7	operations	GPR	B	160,000	160,000	
8	(be) Investigations	GPR	S	32,800	32,800	
9	(h) Materials and services	PR	A	113,800	113,800	
10	(i) Elections administration; program					
11	revenue	PR	A	37,100	37,100	
12	(im) Lobbying administration; program					
13	revenue	PR	A	400,300	400,300	
14	(k) Federal economic stimulus funds	PR-S	C	-0-	-0-	
15	(m) Federal aid	PR-F	C	-0-	-0-	
16	(q) Wisconsin election campaign fund	SEG	C	742,500	742,500	
17	(t) Election administration	SEG	A	100	100	
18	(x) Federal aid; election administration					
19	fund	SEG-F	C	1,501,400	1,501,400	
20.511 DEPARTMENT TOTALS						
	GENERAL PURPOSE REVENUES			2,563,500	2,562,700	
	PROGRAM REVENUE			551,200	551,200	
	FEDERAL			(-0-)	(-0-)	
	OTHER			(551,200)	(551,200)	
	SERVICE			(-0-)	(-0-)	
	SEGREGATED FUNDS			2,244,000	2,244,000	
	FEDERAL			(1,501,400)	(1,501,400)	
	OTHER			(742,600)	(742,600)	
	TOTAL-ALL SOURCES			5,358,700	5,357,900	

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1	20.515 Employee trust funds, department of				
2	(1) EMPLOYEE BENEFIT PLANS				
3	(a) Annuity supplements and				
4	payments	GPR	S	812,200	640,500
5	(c) Contingencies	GPR	S	30,000	30,000
6	(gm) Gifts and grants	PR	C	-0-	-0-
7	(m) Federal aid	PR-F	C	-0-	-0-
8	(sr) Gifts and grants; public employee				
9	trust fund	SEG	C	-0-	-0-
10	(t) Automated operating system	SEG	C	677,100	691,100
11	(u) Employee-funded reimbursement				
12	account plan	SEG	C	-0-	-0-
13	(um) Benefit administration	SEG	B	4,900	4,900
14	(ut) Health insurance data collection				
15	and analysis and other consulting				
16	services	SEG	A	948,500	968,100
17	(w) Administration	SEG	C	25,206,500	25,909,900
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			842,200	670,500
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			26,837,000	27,574,000
	OTHER			(26,837,000)	(27,574,000)
	TOTAL-ALL SOURCES			27,679,200	28,244,500
18	(2) PRIVATE EMPLOYER HEALTH CARE COVERAGE PROGRAM				
19	(a) Private employer health care				
20	coverage program; operating costs	GPR	B	-0-	-0-

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1	(b)	Grants for program administration	GPR	B	-0-	-0-
2	(g)	Private employer health care				
3		coverage plan	PR	C	-0-	-0-
(2) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			-0-	-0-
		PROGRAM REVENUE			-0-	-0-
		OTHER			(-0-)	(-0-)
		TOTAL-ALL SOURCES			-0-	-0-
2 0 . 5 1 5 D E P A R T M E N T T O T A L S						
		GENERAL PURPOSE REVENUES			842,200	670,500
		PROGRAM REVENUE			-0-	-0-
		FEDERAL			(-0-)	(-0-)
		OTHER			(-0-)	(-0-)
		SEGREGATED FUNDS			26,837,000	27,574,000
		OTHER			(26,837,000)	(27,574,000)
		TOTAL-ALL SOURCES			27,679,200	28,244,500
4	20.525 Office of the governor					
5	(1)	EXECUTIVE ADMINISTRATION				
6	(a)	General program operations	GPR	S	3,602,200	3,602,200
7	(b)	Contingent fund	GPR	S	20,400	20,400
8	(c)	Membership in national				
9		associations	GPR	S	118,300	118,300
10	(d)	Disability board	GPR	S	-0-	-0-
11	(f)	Literacy improvement aids	GPR	A	23,600	23,600
12	(i)	Gifts and grants	PR	C	-0-	-0-
13	(k)	Federal economic stimulus funds	PR-S	C	-0-	-0-
14	(m)	Federal aid	PR-F	C	-0-	-0-
(1) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			3,764,500	3,764,500
		PROGRAM REVENUE			-0-	-0-
		FEDERAL			(-0-)	(-0-)
		OTHER			(-0-)	(-0-)

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		SERVICE			(-0-)	(-0-)
		TOTAL-ALL SOURCES			3,764,500	3,764,500
1	(2)	EXECUTIVE RESIDENCE				
2	(a)	General program operations	GPR	S	262,500	262,500
		(2) PROGRAM TOTALS				
		GENERAL PURPOSE REVENUES			262,500	262,500
		TOTAL-ALL SOURCES			262,500	262,500
		20.525 DEPARTMENT TOTALS				
		GENERAL PURPOSE REVENUES			4,027,000	4,027,000
		PROGRAM REVENUE			-0-	-0-
		FEDERAL			(-0-)	(-0-)
		OTHER			(-0-)	(-0-)
		SERVICE			(-0-)	(-0-)
		TOTAL-ALL SOURCES			4,027,000	4,027,000
3		20.536 Investment board				
4	(1)	INVESTMENT OF FUNDS				
5	(k)	General program operations	PR	C	29,720,400	29,720,400
6	(ka)	General program operations;				
7		environmental improvement fund	PR-S	C	-0-	-0-
		20.536 DEPARTMENT TOTALS				
		PROGRAM REVENUE			29,720,400	29,720,400
		OTHER			(29,720,400)	(29,720,400)
		SERVICE			(-0-)	(-0-)
		TOTAL-ALL SOURCES			29,720,400	29,720,400
8		20.540 Office of the lieutenant governor				
9	(1)	EXECUTIVE COORDINATION				
10	(a)	General program operations	GPR	A	386,100	386,100
11	(g)	Gifts, grants and proceeds	PR	C	-0-	-0-
12	(k)	Grants from state agencies	PR-S	C	-0-	-0-
13	(kc)	Federal economic stimulus funds	PR-S	C	-0-	-0-

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1	(m)	Federal aid	PR-F	C	-0-	-0-
20.540 DEPARTMENT TOTALS						
		GENERAL PURPOSE REVENUES			386,100	386,100
		PROGRAM REVENUE			-0-	-0-
		FEDERAL			(-0-)	(-0-)
		OTHER			(-0-)	(-0-)
		SERVICE			(-0-)	(-0-)
		TOTAL-ALL SOURCES			386,100	386,100
2	20.545 State employment relations, office of					
3	(1)	STATE EMPLOYMENT RELATIONS				
4	(i)	Services to non-state governmental				
5		units	PR	A	180,100	180,100
6	(j)	Gifts and donations	PR	C	-0-	-0-
7	(jm)	Employee development and				
8		training services	PR	A	288,800	288,800
9	(k)	General program operations	PR-S	C	5,707,700	5,707,700
10	(ka)	Publications	PR	A	162,800	162,800
11	(km)	Collective bargaining grievance				
12		arbitrations	PR	A	164,100	164,100
13	(m)	Federal grants and contracts	PR-F	C	-0-	-0-
14	(pz)	Indirect cost reimbursements	PR-F	C	-0-	-0-
20.545 DEPARTMENT TOTALS						
		PROGRAM REVENUE			6,503,500	6,503,500
		FEDERAL			(-0-)	(-0-)
		OTHER			(795,800)	(795,800)
		SERVICE			(5,707,700)	(5,707,700)
		TOTAL-ALL SOURCES			6,503,500	6,503,500
15	20.550 Public defender board					
16	(1)	LEGAL ASSISTANCE				
17	(a)	Program administration	GPR	A	2,678,400	2,853,600

ASSEMBLY BILL 75**SECTION 176**

1	(b)	Appellate representation	GPR	A	5,159,600	5,160,300
2	(c)	Trial representation	GPR	A	48,387,200	48,396,300
3	(d)	Private bar and investigator				
4		reimbursement	GPR	B	21,137,100	20,224,000
5	(e)	Private bar and investigator				
6		payments; administration costs	GPR	A	730,900	730,900
7	(f)	Transcripts, discovery and				
8		interpreters	GPR	A	1,325,700	1,325,700
9	(fb)	Payments from clients;				
10		administrative costs	PR	A	274,800	275,200
11	(g)	Gifts, grants and proceeds	PR	C	–0–	–0–
12	(h)	Contractual agreements	PR-S	A	–0–	–0–
13	(i)	Tuition payments	PR	C	–0–	–0–
14	(kc)	Federal economic stimulus funds	PR-S	C	–0–	–0–
15	(kj)	Conferences and training	PR-S	A	145,800	145,800
16	(L)	Private bar and inv.				
17		reimbursement; payments for legal				
18		representation	PR	C	1,014,500	1,014,500
19	(m)	Federal aid	PR-F	C	–0–	–0–

20.550 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	79,418,900	78,690,800
PROGRAM REVENUE	1,435,100	1,435,500
FEDERAL	(–0–)	(–0–)
OTHER	(1,289,300)	(1,289,700)
SERVICE	(145,800)	(145,800)
TOTAL-ALL SOURCES	80,854,000	80,126,300

ASSEMBLY BILL 75**SECTION 176**

1	20.566 Revenue, department of					
2	(1) COLLECTION OF TAXES					
3	(a) General program operations	GPR	A	48,718,300	48,718,300	
4	(g) Administration of county sales and					
5	use taxes	PR	A	3,621,500	3,629,100	
6	(ga) Cigarette tax stamps	PR	A	260,800	260,800	
7	(gb) Business tax registration	PR	A	1,702,300	1,702,300	
8	(gc) Administration of transit authority					
9	taxes	PR-S	A	-0-	-0-	
10	(gd) Administration of special district					
11	taxes	PR	A	444,800	444,800	
12	(ge) Administration of local professional					
13	football stadium districts	PR	A	153,000	153,000	
14	(gf) Administration of resort tax	PR	A	77,800	80,500	
15	(gg) Administration of local taxes	PR	A	167,000	167,000	
16	(gh) Administration of regional transit					
17	authority fees	PR	A	11,500	11,500	
18	(gm) Administration of tax on controlled					
19	substances dealers	PR	A	-0-	-0-	
20	(h) Debt collection	PR	A	802,700	985,300	
21	(ha) Administration of liquor tax and					
22	alcohol beverages enforcement	PR	A	1,283,600	1,280,500	
23	(hb) Collections by the department	PR	A	640,100	640,100	
24	(hc) Collections from the financial					
25	record matching program	PR	A	208,900	402,900	

ASSEMBLY BILL 75**SECTION 176**

1	(hm)	Collections under contracts	PR	S	357,300	357,300
2	(hn)	Collections under the multi-state				
3		tax commission audit program	PR-S	S	58,300	58,300
4	(ho)	Collections under multistate				
5		streamlined sales tax	PR	S	40,000	40,000
6	(hp)	Administration of income tax				
7		checkoff voluntary payments	PR	A	29,800	29,800
8	(i)	Gifts and grants	PR	C	-0-	-0-
9	(m)	Federal funds; state operations	PR-F	C	-0-	-0-
10	(q)	Recycling surcharge administration	SEG	A	220,300	220,300
11	(qm)	Administration of rental vehicle fee	SEG	A	71,100	71,100
12	(r)	Administration of dry cleaner fees	SEG	A	66,100	66,100
13	(s)	Petroleum inspection fee collection	SEG	A	213,700	213,700
14	(t)	Farmland preservation credit, 2010				
15		and beyond	SEG	A	-0-	-0-
16	(u)	Motor fuel tax administration	SEG	A	1,699,100	1,549,100
(1) PROGRAM TOTALS						
		GENERAL PURPOSE REVENUES			48,718,300	48,718,300
		PROGRAM REVENUE			9,859,400	10,243,200
		FEDERAL			(-0-)	(-0-)
		OTHER			(9,801,100)	(10,184,900)
		SERVICE			(58,300)	(58,300)
		SEGREGATED FUNDS			2,270,300	2,120,300
		OTHER			(2,270,300)	(2,120,300)
		TOTAL-ALL SOURCES			60,848,000	61,081,800
17	(2)	STATE AND LOCAL FINANCE				
18	(a)	General program operations	GPR	A	8,535,800	8,535,800
19	(b)	Valuation error loans	GPR	A	-0-	-0-

ASSEMBLY BILL 75**SECTION 176**

1	(bm)	Integrated property assessment				
2		system technology	GPR	A	2,545,200	2,545,200
3	(g)	County assessment studies	PR	C	–0–	–0–
4	(gb)	Manufacturing property				
5		assessment	PR	A	1,285,400	1,285,400
6	(gi)	Municipal finance report				
7		compliance	PR	A	40,500	40,500
8	(h)	Reassessments	PR	A	627,300	627,300
9	(hm)	Admin of tax incremental, and env				
10		remed tax incremental, financing				
11		program	PR	C	158,600	158,600
12	(i)	Gifts and grants	PR	C	–0–	–0–
13	(m)	Federal funds; state operations	PR-F	C	–0–	–0–
14	(q)	Railroad and air carrier tax				
15		administration	SEG	A	218,900	218,900
16	(r)	Lottery credit administration	SEG	A	307,100	307,100
(2) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			11,081,000	11,081,000
		PROGRAM REVENUE			2,111,800	2,111,800
		FEDERAL			(–0–)	(–0–)
		OTHER			(2,111,800)	(2,111,800)
		SEGREGATED FUNDS			526,000	526,000
		OTHER			(526,000)	(526,000)
		TOTAL-ALL SOURCES			13,718,800	13,718,800
17	(3)	ADMINISTRATIVE SERVICES AND SPACE RENTAL				
18	(a)	General program operations	GPR	A	26,855,800	26,855,800
19	(b)	Integrated tax system technology	GPR	A	4,149,000	4,192,200
20	(c)	Expert professional services	GPR	B	72,100	72,100

ASSEMBLY BILL 75**SECTION 176**

1	(g)	Services	PR	A	97,800	97,800
2	(gm)	Reciprocity agreement and				
3		publications	PR	A	199,600	199,600
4	(go)	Reciprocity agreement; Illinois	PR	A	–0–	–0–
5	(i)	Gifts and grants	PR	C	–0–	–0–
6	(k)	Internal services	PR-S	A	3,218,400	3,218,400
7	(kc)	Federal economic stimulus funds	PR-S	C	–0–	–0–
8	(m)	Federal funds; state operations	PR-F	C	–0–	–0–

(3) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	31,076,900	31,120,100
PROGRAM REVENUE	3,515,800	3,515,800
FEDERAL	(–0–)	(–0–)
OTHER	(297,400)	(297,400)
SERVICE	(3,218,400)	(3,218,400)
TOTAL-ALL SOURCES	34,592,700	34,635,900

9	(7)	INVESTMENT AND LOCAL IMPACT FUND				
10	(e)	Investment and local impact fund				
11		supplement	GPR	A	–0–	–0–
12	(g)	Investment and local impact fund				
13		administrative expenses	PR	A	–0–	–0–
14	(n)	Federal mining revenue	PR-F	C	–0–	–0–
15	(v)	Investment and local impact fund	SEG	C	–0–	–0–

(7) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	–0–	–0–
PROGRAM REVENUE	–0–	–0–
FEDERAL	(–0–)	(–0–)
OTHER	(–0–)	(–0–)
SEGREGATED FUNDS	–0–	–0–
OTHER	(–0–)	(–0–)
TOTAL-ALL SOURCES	–0–	–0–

16	(8)	LOTTERY				

ASSEMBLY BILL 75**SECTION 176**

1	(q)	General program operations	SEG	A	17,499,500	17,499,500
2	(r)	Retailer compensation	SEG	S	34,159,800	33,607,800
3	(s)	Prizes	SEG	S	-0-	-0-
4	(v)	Vendor fees	SEG	S	16,974,200	16,542,800

(8) PROGRAM TOTALS

SEGREGATED FUNDS	68,633,500	67,650,100
OTHER	(68,633,500)	(67,650,100)
TOTAL-ALL SOURCES	68,633,500	67,650,100

20.566 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	90,876,200	90,919,400
PROGRAM REVENUE	15,487,000	15,870,800
FEDERAL	(-0-)	(-0-)
OTHER	(12,210,300)	(12,594,100)
SERVICE	(3,276,700)	(3,276,700)
SEGREGATED FUNDS	71,429,800	70,296,400
OTHER	(71,429,800)	(70,296,400)
TOTAL-ALL SOURCES	177,793,000	177,086,600

5 20.575 Secretary of state**6 (1) MANAGING AND OPERATING PROGRAM RESPONSIBILITIES**

7	(g)	Program fees	PR	A	778,200	778,200
8	(ka)	Agency collections	PR-S	A	4,000	4,000

20.575 DEPARTMENT TOTALS

PROGRAM REVENUE	782,200	782,200
OTHER	(778,200)	(778,200)
SERVICE	(4,000)	(4,000)
TOTAL-ALL SOURCES	782,200	782,200

9 20.585 Treasurer, state**10 (1) CUSTODIAN OF STATE FUNDS**

11	(b)	Insurance	GPR	A	-0-	-0-
12	(e)	Unclaimed property; contingency				
13		appropriation	GPR	S	-0-	-0-

ASSEMBLY BILL 75**SECTION 176**

1	(g)	Processing services	PR	A	372,900	272,900
2	(h)	Training conferences	PR	C	-0-	-0-
3	(i)	Gifts and grants	PR	C	-0-	-0-
4	(j)	Unclaimed property; claims	PR	C	-0-	-0-
5	(k)	Unclaimed property; administrative				
6		expenses	PR	A	4,862,800	4,862,800
7	(kb)	General program operations	PR-S	A	-0-	-0-
(1) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			-0-	-0-
		PROGRAM REVENUE			5,235,700	5,135,700
		OTHER			(5,235,700)	(5,135,700)
		SERVICE			(-0-)	(-0-)
		TOTAL-ALL SOURCES			5,235,700	5,135,700
8	(2)	COLLEGE TUITION PREPAYMENT PROGRAM				
9	(q)	Pymt of qualified higher ed				
10		expenses & refunds; college tuition				
11		& exp pgm	SEG	S	-0-	-0-
12	(s)	Administrative expenses; college				
13		tuition and expenses program	SEG	A	66,300	66,300
14	(t)	Pymt of qualified higher ed exp &				
15		refunds; college savings pgm trust				
16		fund	SEG	S	-0-	-0-
17	(tm)	Administrative expenses; college				
18		savings program trust fund	SEG	A	772,900	772,900
19	(u)	Pymt of qualified higher ed exp &				
20		ref; college svgs pgm bank dep trust				
21		fund	SEG	S	-0-	-0-

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1	(um) Administrative expenses; college				
2	savings program bank deposit trust				
3	fund	SEG	A	-0-	-0-
4	(v) Pymt of qualified higher ed exp &				
5	ref; college svgs pgm CU dep trust				
6	fund	SEG	S	-0-	-0-
7	(vm) Administrative expenses; college				
8	svgs pgm credit union deposit trust				
9	fund	SEG	A	-0-	-0-

(2) PROGRAM TOTALS

SEGREGATED FUNDS	839,200	839,200
OTHER	(839,200)	(839,200)
TOTAL-ALL SOURCES	839,200	839,200

20.585 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	-0-	-0-
PROGRAM REVENUE	5,235,700	5,135,700
OTHER	(5,235,700)	(5,135,700)
SERVICE	(-0-)	(-0-)
SEGREGATED FUNDS	839,200	839,200
OTHER	(839,200)	(839,200)
TOTAL-ALL SOURCES	6,074,900	5,974,900

General Executive Functions
FUNCTIONAL AREA TOTALS

GENERAL PURPOSE REVENUES	575,095,000	583,600,900
PROGRAM REVENUE	525,450,100	484,136,000
FEDERAL	(116,638,600)	(69,460,800)
OTHER	(88,351,900)	(90,054,300)
SERVICE	(320,459,600)	(324,620,900)
SEGREGATED FUNDS	136,161,800	119,108,600
FEDERAL	(1,501,400)	(1,501,400)
OTHER	(134,660,400)	(117,607,200)
SERVICE	(-0-)	(-0-)
LOCAL	(-0-)	(-0-)
TOTAL-ALL SOURCES	1,236,706,900	1,186,845,500

ASSEMBLY BILL 75**SECTION 176****Judicial**

1	20.625 Circuit courts					
2	(1) COURT OPERATIONS					
3	(a) Circuit courts	GPR	S	70,626,000	70,882,100	
4	(as) Violent crime court costs	GPR	A	-0-	-0-	
5	(b) Permanent reserve judges	GPR	A	-0-	-0-	
6	(c) Court interpreter fees	GPR	A	1,284,900	1,433,500	
7	(d) Circuit court support payments	GPR	B	18,552,200	18,552,200	
8	(e) Guardian ad litem costs	GPR	A	4,691,100	4,691,100	
9	(k) Federal economic stimulus funds	PR-S	C	-0-	-0-	
10	(m) Federal aid	PR-F	C	-0-	-0-	
	20.625 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			95,154,200	95,558,900	
	PROGRAM REVENUE			-0-	-0-	
	FEDERAL			(-0-)	(-0-)	
	SERVICE			(-0-)	(-0-)	
	TOTAL-ALL SOURCES			95,154,200	95,558,900	
11	20.660 Court of appeals					
12	(1) APPELLATE PROCEEDINGS					
13	(a) General program operations	GPR	S	10,162,000	10,162,000	
14	(k) Federal economic stimulus funds	PR-S	C	-0-	-0-	
15	(m) Federal aid	PR-F	C	-0-	-0-	
	20.660 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			10,162,000	10,162,000	
	PROGRAM REVENUE			-0-	-0-	
	FEDERAL			(-0-)	(-0-)	
	SERVICE			(-0-)	(-0-)	
	TOTAL-ALL SOURCES			10,162,000	10,162,000	

ASSEMBLY BILL 75**SECTION 176****1 20.665 Judicial commission****2 (1) JUDICIAL CONDUCT**

3	(a)	General program operations	GPR	A	219,500	219,500
4	(cm)	Contractual agreements	GPR	B	17,100	17,100
5	(k)	Federal economic stimulus funds	PR-S	C	-0-	-0-
6	(mm)	Federal aid	PR-F	C	-0-	-0-

20.665 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	236,600	236,600
PROGRAM REVENUE	-0-	-0-
FEDERAL	(-0-)	(-0-)
SERVICE	(-0-)	(-0-)
TOTAL-ALL SOURCES	236,600	236,600

7 20.670 Judicial council**8 (1) ADVISORY SERVICES TO THE COURTS AND THE LEGISLATURE**

9	(a)	General program operations	GPR	A	123,400	123,400
10	(k)	Federal economic stimulus funds	PR-S	C	-0-	-0-
11	(m)	Federal aid	PR-F	C	-0-	-0-

20.670 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	123,400	123,400
PROGRAM REVENUE	-0-	-0-
FEDERAL	(-0-)	(-0-)
SERVICE	(-0-)	(-0-)
TOTAL-ALL SOURCES	123,400	123,400

12 20.680 Supreme court**13 (1) SUPREME COURT PROCEEDINGS**

14	(a)	General program operations	GPR	S	5,033,500	5,033,500
15	(m)	Federal aid	PR-F	C	-0-	-0-

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	5,033,500	5,033,500
PROGRAM REVENUE	-0-	-0-

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					FEDERAL TOTAL-ALL SOURCES	(-0-) 5,033,500	(-0-) 5,033,500
1	(2)	DIRECTOR OF STATE COURTS					
2	(a)	General program operations	GPR	A	7,621,800	7,621,800	
3	(b)	Judicial planning and research	GPR	A	-0-	-0-	
4	(g)	Gifts and grants	PR	C	56,500	42,300	
5	(ga)	Court commissioner training	PR	C	62,800	62,800	
6	(gc)	Court interpreter training and					
7		certification	PR	C	45,100	45,100	
8	(h)	Materials and services	PR	C	60,300	60,300	
9	(i)	Municipal judge training	PR	C	153,100	153,100	
10	(j)	Court information systems	PR	C	9,850,700	9,850,700	
11	(kb)	Federal economic stimulus funds	PR-S	C	-0-	-0-	
12	(kc)	Central services	PR-S	A	228,600	228,600	
13	(ke)	Interagency and intra-agency					
14		automation assistance	PR-S	C	-0-	-0-	
15	(m)	Federal aid	PR-F	C	929,600	924,000	
16	(qm)	Mediation fund	SEG	C	768,100	768,100	
		(2) PROGRAM TOTALS					
		GENERAL PURPOSE REVENUES			7,621,800	7,621,800	
		PROGRAM REVENUE			11,386,700	11,366,900	
		FEDERAL			(929,600)	(924,000)	
		OTHER			(10,228,500)	(10,214,300)	
		SERVICE			(228,600)	(228,600)	
		SEGREGATED FUNDS			768,100	768,100	
		OTHER			(768,100)	(768,100)	
		TOTAL-ALL SOURCES			19,776,600	19,756,800	
17	(3)	BAR EXAMINERS AND RESPONSIBILITY					

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1	(g)	Board of bar examiners	PR	C	748,900	748,900

2	(h)	Office of lawyer regulation	PR	C	2,776,400	2,776,400

(3) PROGRAM TOTALS

PROGRAM REVENUE	3,525,300	3,525,300
OTHER	(3,525,300)	(3,525,300)
TOTAL-ALL SOURCES	3,525,300	3,525,300

3	(4)	LAW LIBRARY

4	(a)	General program operations	GPR	A	2,186,800	2,186,800

5	(g)	Library collections and services	PR	C	135,900	135,900

6	(h)	Gifts and grants	PR	C	616,500	616,500

(4) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	2,186,800	2,186,800
PROGRAM REVENUE	752,400	752,400
OTHER	(752,400)	(752,400)
TOTAL-ALL SOURCES	2,939,200	2,939,200

20.680 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	14,842,100	14,842,100
PROGRAM REVENUE	15,664,400	15,644,600
FEDERAL	(929,600)	(924,000)
OTHER	(14,506,200)	(14,492,000)
SERVICE	(228,600)	(228,600)
SEGREGATED FUNDS	768,100	768,100
OTHER	(768,100)	(768,100)
TOTAL-ALL SOURCES	31,274,600	31,254,800

Judicial**FUNCTIONAL AREA TOTALS**

GENERAL PURPOSE REVENUES	120,518,300	120,923,000
PROGRAM REVENUE	15,664,400	15,644,600
FEDERAL	(929,600)	(924,000)
OTHER	(14,506,200)	(14,492,000)
SERVICE	(228,600)	(228,600)
SEGREGATED FUNDS	768,100	768,100
FEDERAL	(-0-)	(-0-)
OTHER	(768,100)	(768,100)
SERVICE	(-0-)	(-0-)
LOCAL	(-0-)	(-0-)
TOTAL-ALL SOURCES	136,950,800	137,335,700

ASSEMBLY BILL 75**SECTION 176****Legislative**

1	20.765 Legislature				
2	(1) ENACTMENT OF STATE LAWS				
3	(a) General program operations —				
4	assembly	GPR	S	25,674,000	25,674,000
5	(b) General program operations —				
6	senate	GPR	S	18,449,500	18,449,500
7	(d) Legislative documents	GPR	S	4,067,700	4,067,700
8	(e) Gifts, grants and bequests	PR	C	–0–	–0–
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			48,191,200	48,191,200
	PROGRAM REVENUE			–0–	–0–
	OTHER			(–0–)	(–0–)
	TOTAL-ALL SOURCES			48,191,200	48,191,200
9	(3) LEGISLATURE/SERVICE AGENCIES AND NATIONAL ASSOCIATIONS				
10	(a) Revisor of statutes bureau	GPR	B	–0–	–0–
11	(b) Legislative reference bureau	GPR	B	6,164,300	6,164,300
12	(c) Legislative audit bureau	GPR	B	6,155,900	6,155,900
13	(d) Legislative fiscal bureau	GPR	B	3,855,700	3,855,700
14	(e) Joint leg council, exec of functions,				
15	research, dev studies, comm assist	GPR	B	3,907,200	3,907,200
16	(ec) Joint legislative council;				
17	contractual studies	GPR	B	15,000	–0–
18	(em) Legislative technology services				
19	bureau	GPR	B	4,051,000	4,051,000

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1	(f)	Joint committee on legislative				
2		organization	GPR	B	-0-	-0-
3	(fa)	Membership in national				
4		associations	GPR	S	235,600	244,600
5	(g)	Gifts and grants to service agencies	PR	C	-0-	-0-
6	(ka)	Audit bureau reimbursable audits	PR-S	A	1,912,300	1,958,000
7	(kc)	Federal economic stimulus funds	PR-S	C	-0-	-0-
8	(m)	Federal aid	PR-F	C	-0-	-0-

(3) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	24,384,700	24,378,700
PROGRAM REVENUE	1,912,300	1,958,000
FEDERAL	(-0-)	(-0-)
OTHER	(-0-)	(-0-)
SERVICE	(1,912,300)	(1,958,000)
TOTAL-ALL SOURCES	26,297,000	26,336,700

9	(4)	CAPITOL OFFICES RELOCATION				
10	(a)	Capitol offices relocation costs	GPR	B	-0-	-0-

(4) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	-0-	-0-
TOTAL-ALL SOURCES	-0-	-0-

20.765 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	72,575,900	72,569,900
PROGRAM REVENUE	1,912,300	1,958,000
FEDERAL	(-0-)	(-0-)
OTHER	(-0-)	(-0-)
SERVICE	(1,912,300)	(1,958,000)
TOTAL-ALL SOURCES	74,488,200	74,527,900

Legislative**FUNCTIONAL AREA TOTALS**

GENERAL PURPOSE REVENUES	72,575,900	72,569,900
PROGRAM REVENUE	1,912,300	1,958,000
FEDERAL	(-0-)	(-0-)
OTHER	(-0-)	(-0-)
SERVICE	(1,912,300)	(1,958,000)
SEGREGATED FUNDS	-0-	-0-
FEDERAL	(-0-)	(-0-)

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OTHER	(-0-)	(-0-)
SERVICE	(-0-)	(-0-)
LOCAL	(-0-)	(-0-)
TOTAL-ALL SOURCES	74,488,200	74,527,900

General Appropriations**1 20.835 Shared revenue and tax relief****2 (1) SHARED REVENUE PAYMENTS****3 (b) Small municipalities shared**

4	revenue	GPR	S	-0-	-0-

5 (c) Expenditure restraint program

6	account	GPR	S	58,145,700	58,145,700

7	(d) Shared revenue account	GPR	S	44,051,400	45,800,000

8	(db) County and municipal aid account	GPR	S	829,703,200	796,156,200

9	(dm) Public utility distribution account	GPR	S	12,134,400	14,840,000

10	(e) State aid; tax exempt property	GPR	S	73,200,000	76,800,000

11	(f) County mandate relief account	GPR	S	-0-	-0-

12	(k) Federal economic stimulus funds	PR-S	C	-0-	50,000,000

13 (q) County and municipal aid account;

14	wireless 911 fund	SEG	A	25,000,000	-0-

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	1,017,234,700	991,741,900
PROGRAM REVENUE	-0-	50,000,000
SERVICE	(-0-)	(50,000,000)
SEGREGATED FUNDS	25,000,000	-0-
OTHER	(25,000,000)	(-0-)
TOTAL-ALL SOURCES	1,042,234,700	1,041,741,900

15 (2) TAX RELIEF

16	(b) Claim of right credit	GPR	S	118,800	118,800

ASSEMBLY BILL 75**SECTION 176**

1	(bb)	Jobs tax credit	GPR	A	–0–	–0–
2	(bd)	Meat processing facility investment				
3		credit	GPR	S	300,000	700,000
4	(bm)	Film production services credit	GPR	S	–0–	–0–
5	(bn)	Dairy manufacturing facility				
6		investment credit	GPR	A	693,000	693,000
7	(bp)	Dairy manufacturing facility				
8		investment credit; dairy				
9		cooperatives	GPR	S	600,000	700,000
10	(br)	Interest payments on				
11		overassessments of manufacturing				
12		property	GPR	S	10,000	10,000
13	(c)	Homestead tax credit	GPR	S	125,323,000	126,368,900
14	(ci)	Development zones investment				
15		credit	GPR	S	–0–	–0–
16	(cL)	Development zones location credit	GPR	S	–0–	–0–
17	(cm)	Development zones jobs credit	GPR	S	–0–	–0–
18	(cn)	Development zones sales tax credit	GPR	S	–0–	–0–
19	(co)	Enterprise zone jobs credit	GPR	S	1,625,000	1,865,000
20	(dm)	Farmland preservation credit	GPR	S	12,600,000	400,000
21	(dn)	Farmland tax relief credit	GPR	S	–0–	–0–
22	(do)	Farmland preservation credit; 2010				
23		and beyond	GPR	A	–0–	12,157,200
24	(em)	Veterans and surviving spouses				
25		property tax credit	GPR	S	1,492,000	1,564,000

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1	(en)	Beginning farmer and farm asset				
2		owner tax credit	GPR	S	-0-	-0-
3	(ep)	Cigarette and tobacco product tax				
4		refunds	GPR	S	42,570,000	43,400,000
5	(f)	Earned income tax credit	GPR	S	114,653,000	116,300,900
6	(ka)	Farmland tax relief credit; Indian				
7		gaming receipts	PR-S	C	-0-	-0-
8	(kf)	Earned income tax credit;				
9		temporary assistance for needy				
10		families	PR-S	A	6,664,200	6,664,200
11	(q)	Farmland tax relief credit	SEG	S	15,000,000	-0-
12	(qb)	Farmland preservation credit, 2010				
13		and beyond; lottery fund	SEG	A	-0-	14,850,000

(2) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	299,984,800	304,277,800
PROGRAM REVENUE	6,664,200	6,664,200
SERVICE	(6,664,200)	(6,664,200)
SEGREGATED FUNDS	15,000,000	14,850,000
OTHER	(15,000,000)	(14,850,000)
TOTAL-ALL SOURCES	321,649,000	325,792,000

14	(3)	STATE PROPERTY TAX CREDITS				
15	(b)	School levy tax credit and first				
16		dollar credit	GPR	S	822,400,000	822,400,000
17	(q)	Lottery and gaming credit	SEG	S	119,448,400	117,728,800
18	(s)	Lottery and gaming credit; late				
19		applications	SEG	S	360,000	360,000

(3) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	822,400,000	822,400,000
SEGREGATED FUNDS	119,808,400	118,088,800

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OTHER	(119,808,400)	(118,088,800)
TOTAL-ALL SOURCES	942,208,400	940,488,800

1 (4) COUNTY AND LOCAL TAXES

2 (g) County taxes	PR	C	-0-	-0-

3 (gb) Special district taxes	PR	C	-0-	-0-

4 (gc) Transit authority taxes	PR	C	-0-	-0-

5 (gd) Premier resort area tax	PR	C	-0-	-0-

6 (ge) Local professional football stadium				

7 district taxes	PR	C	-0-	-0-

8 (gg) Local taxes	PR	C	-0-	-0-

9 (gh) Regional transit authority fees	PR	C	-0-	-0-

(4) PROGRAM TOTALS

PROGRAM REVENUE	-0-	-0-
OTHER	(-0-)	(-0-)
TOTAL-ALL SOURCES	-0-	-0-

10 (5) PAYMENTS IN LIEU OF TAXES

11 (a) Payments for municipal services	GPR	A	21,778,800	21,778,800

(5) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	21,778,800	21,778,800
TOTAL-ALL SOURCES	21,778,800	21,778,800

20.835 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	2,161,398,300	2,140,198,500

PROGRAM REVENUE	6,664,200	56,664,200

OTHER	(-0-)	(-0-)

SERVICE	(6,664,200)	(56,664,200)

SEGREGATED FUNDS	159,808,400	132,938,800

OTHER	(159,808,400)	(132,938,800)

TOTAL-ALL SOURCES	2,327,870,900	2,329,801,500

12 **20.855 Miscellaneous appropriations**

13 (1) CASH MANAGEMENT EXPENSES; INTEREST AND PRINCIPAL REPAYMENT

ASSEMBLY BILL 75**SECTION 176**

1	(a)	Obligation on operating notes	GPR	S	13,000,000	13,000,000
2	(b)	Operating note expenses	GPR	S	150,000	150,000
3	(bm)	Payment of cancelled drafts	GPR	S	2,025,000	2,025,000
4	(c)	Interest payments to program				
5		revenue accounts	GPR	S	-0-	-0-
6	(d)	Interest payments to segregated				
7		funds	GPR	S	-0-	-0-
8	(dm)	Interest reimbursements to federal				
9		government	GPR	S	-0-	-0-
10	(e)	Interest on prorated local				
11		government payments	GPR	S	-0-	-0-
12	(gm)	Payment of cancelled drafts;				
13		program revenues	PR	S	-0-	-0-
14	(q)	Redemption of operating notes	SEG	S	-0-	-0-
15	(rm)	Payment of cancelled drafts;				
16		segregated revenues	SEG	S	-0-	-0-

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	15,175,000	15,175,000
PROGRAM REVENUE	-0-	-0-
OTHER	(-0-)	(-0-)
SEGREGATED FUNDS	-0-	-0-
OTHER	(-0-)	(-0-)
TOTAL-ALL SOURCES	15,175,000	15,175,000

17	(3)	CAPITOL RENOVATION EXPENSES				
18	(b)	Capitol restoration and relocation				
19		planning	GPR	B	-0-	-0-
20	(c)	Historically significant furnishings	GPR	B	-0-	-0-

ASSEMBLY BILL 75**SECTION 176****(3) P R O G R A M T O T A L S**

GENERAL PURPOSE REVENUES
TOTAL-ALL SOURCES

-0-

-0-

-0-

-0-

1	(4)	TAX, ASSISTANCE AND TRANSFER PAYMENTS				
2	(a)	Interest on overpayment of taxes	GPR	S	2,500,000	2,500,000
3	(am)	Great Lakes protection fund				
4		contribution	GPR	C	-0-	-0-
5	(b)	Election campaign payments	GPR	S	242,900	242,900
6	(bm)	Oil pipeline terminal tax				
7		distribution	GPR	S	825,000	900,000
8	(c)	Minnesota income tax reciprocity	GPR	S	81,950,000	88,506,000
9	(ca)	Minnesota income tax reciprocity				
10		bench mark	GPR	A	-0-	-0-
11	(cm)	Illinois income tax reciprocity	GPR	S	45,229,000	48,395,000
12	(cn)	Illinois income tax reciprocity				
13		bench mark	GPR	A	-0-	-0-
14	(co)	Illinois income tax reciprocity, 1998				
15		and 1999	GPR	A	-0-	-0-
16	(e)	Transfer to conservation fund; land				
17		acquisition reimbursement	GPR	S	89,800	1,000
18	(f)	Transfer to environmental fund;				
19		nonpoint sources	GPR	A	12,863,700	12,863,700
20	(fm)	Transfer to the transportation fund;				
21		hub facility exemptions	GPR	S	1,953,300	1,953,300
22	(q)	Terminal tax distribution	SEG	S	1,703,000	1,873,000
23	(r)	Petroleum allowance	SEG	S	600,000	600,000

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1	(s)	Transfer to conservation fund;				
2		motorboat formula	SEG	S	13,506,000	13,573,700
3	(t)	Transfer to conservation fund;				
4		snowmobile formula	SEG	S	4,654,700	4,678,000
5	(u)	Transfer to conservation fund;				
6		all-terrain vehicle formula	SEG	S	1,864,400	1,920,300
7	(w)	Transfer to transportation fund;				
8		petroleum inspection fund	SEG	A	6,258,500	6,258,500
(4) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			145,653,700	155,361,900
		SEGREGATED FUNDS			28,586,600	28,903,500
		OTHER			(28,586,600)	(28,903,500)
		TOTAL-ALL SOURCES			174,240,300	184,265,400
9	(5)	STATE HOUSING AUTHORITY RESERVE FUND				
10	(a)	Enhancement of credit of authority				
11		debt	GPR	A	-0-	-0-
(5) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			-0-	-0-
		TOTAL-ALL SOURCES			-0-	-0-
12	(6)	MISCELLANEOUS RECEIPTS				
13	(g)	Gifts and grants	PR	C	-0-	-0-
14	(h)	Vehicle and aircraft receipts	PR	A	-0-	-0-
15	(i)	Miscellaneous program revenue	PR	A	-0-	-0-
16	(j)	Custody accounts	PR	C	-0-	-0-
17	(k)	Aids to individuals and				
18		organizations	PR-S	C	-0-	-0-
19	(ka)	Local assistance	PR-S	C	-0-	-0-

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1	(m)	Federal aid	PR-F	C	-0-	-0-

2	(pz)	Indirect cost reimbursements	PR-F	C	-0-	-0-

(6) PROGRAM TOTALS

PROGRAM REVENUE	-0-	-0-
FEDERAL	(-0-)	(-0-)
OTHER	(-0-)	(-0-)
SERVICE	(-0-)	(-0-)
TOTAL-ALL SOURCES	-0-	-0-

3	(8)	MARQUETTE UNIVERSITY

4	(a)	Dental clinic and educ facility;

5		principal repayment, interest &

6	rebates	GPR	S	996,000	991,000

(8) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	996,000	991,000
TOTAL-ALL SOURCES	996,000	991,000

7	(9)	STATE CAPITOL RENOVATION AND RESTORATION

8	(a)	South wing renovation and

9	restoration	GPR	C	-0-	-0-

(9) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	-0-	-0-
TOTAL-ALL SOURCES	-0-	-0-

20.855 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	161,824,700	171,527,900
PROGRAM REVENUE	-0-	-0-
FEDERAL	(-0-)	(-0-)
OTHER	(-0-)	(-0-)
SERVICE	(-0-)	(-0-)
SEGREGATED FUNDS	28,586,600	28,903,500
OTHER	(28,586,600)	(28,903,500)
TOTAL-ALL SOURCES	190,411,300	200,431,400

10 20.865 Program supplements

11	(1)	EMPLOYEE COMPENSATION AND SUPPORT

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1	(a)	Judgments, legal expenses and				
2		worker's compensation benefits	GPR	S	46,700	46,700
3	(c)	Compensation and related				
4		adjustments	GPR	S	-0-	-0-
5	(ci)	Nonrepresented university system				
6		faculty and academic pay				
7		adjustments	GPR	S	-0-	-0-
8	(cj)	Pay adjustments for certain				
9		university employees	GPR	A	-0-	-0-
10	(cm)	Represented university system				
11		faculty and academic staff pay				
12		adjustments	GPR	S	-0-	-0-
13	(d)	Employer fringe benefit costs	GPR	S	-0-	-0-
14	(e)	Additional biweekly payroll	GPR	A	-0-	-0-
15	(em)	Financial and procurement services	GPR	A	-0-	-0-
16	(fm)	Risk management	GPR	A	-0-	-0-
17	(fn)	Physically handicapped				
18		supplements	GPR	A	6,400	6,400
19	(g)	Judgments and legal expenses;				
20		program revenues	PR	S	-0-	-0-
21	(i)	Compensation and related				
22		adjustments; program revenues	PR	S	-0-	-0-
23	(ic)	Nonrepresented university system				
24		faculty and academic pay				
25		adjustments	PR	S	-0-	-0-

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1	(im)	Represented university system				
2		faculty and academic staff pay				
3		adjustments	PR	S	–0–	–0–
4	(j)	Employer fringe benefit costs;				
5		program revenues	PR	S	–0–	–0–
6	(jm)	Additional biweekly payroll;				
7		nonfederal program revenue	PR	S	–0–	–0–
8	(js)	Financial and procurement				
9		services; program revenues	PR	S	–0–	–0–
10	(kr)	Risk management; program				
11		revenues	PR-S	S	–0–	–0–
12	(Ln)	Physically handicapped				
13		supplements; program revenues	PR	S	–0–	–0–
14	(m)	Additional biweekly payroll; federal				
15		program revenues	PR-F	S	–0–	–0–
16	(q)	Judgments and legal expenses;				
17		segregated revenues	SEG	S	–0–	–0–
18	(s)	Compensation and related				
19		adjustments; segregated revenues	SEG	S	–0–	–0–
20	(si)	Nonrepresented university system				
21		faculty and academic pay				
22		adjustments	SEG	S	–0–	–0–
23	(sm)	Represented university system				
24		faculty and academic staff pay				
25		adjustments	SEG	S	–0–	–0–

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1	(t)	Employer fringe benefit costs;				
2		segregated revenues	SEG	S	-0-	-0-
3	(tm)	Additional biweekly payroll;				
4		nonfederal segregated revenues	SEG	S	-0-	-0-
5	(ts)	Financial and procurement				
6		services; segregated revenues	SEG	S	-0-	-0-
7	(ur)	Risk management; segregated				
8		revenues	SEG	S	-0-	-0-
9	(vn)	Physically handicapped				
10		supplements; segregated revenues	SEG	S	-0-	-0-
11	(x)	Additional biweekly payroll; federal				
12		segregated revenues	SEG-F	S	-0-	-0-

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	53,100	53,100
PROGRAM REVENUE	-0-	-0-
FEDERAL	(-0-)	(-0-)
OTHER	(-0-)	(-0-)
SERVICE	(-0-)	(-0-)
SEGREGATED FUNDS	-0-	-0-
FEDERAL	(-0-)	(-0-)
OTHER	(-0-)	(-0-)
TOTAL-ALL SOURCES	53,100	53,100

13	(2)	STATE PROGRAMS AND FACILITIES				
14	(a)	Private facility rental increases	GPR	A	845,500	1,330,400
15	(ag)	State-owned office rent supplement	GPR	A	435,000	463,300
16	(am)	Space management and child care	GPR	A	-0-	-0-
17	(d)	State deposit fund	GPR	S	-0-	-0-
18	(e)	Maintenance of capitol and				
19		executive residence	GPR	A	5,017,100	5,017,100

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1	(eb)	Executive residence furnishings				
2		replacement	GPR	C	11,300	11,300
3	(em)	Groundwater survey and analysis	GPR	A	203,100	203,100
4	(g)	Private facility rental increases;				
5		program revenues	PR	S	–0–	–0–
6	(gg)	State-owned office rent				
7		supplements; program revenues	PR	S	–0–	–0–
8	(gm)	Space management and child care;				
9		program revenues	PR	S	–0–	–0–
10	(i)	Integrated business information				
11		system; program revenues	PR-S	S	–0–	–0–
12	(j)	State deposit fund; program				
13		revenues	PR	S	–0–	–0–
14	(L)	Data processing and				
15		telecommunications study; program				
16		revenues	PR-S	S	–0–	–0–
17	(m)	Federal economic stimulus funds	PR-F	C	650,000,000	–0–
18	(q)	Private facility rental increases;				
19		segregated revenues	SEG	S	–0–	–0–
20	(qg)	State-owned office rent				
21		supplements; segregated revenues	SEG	S	–0–	–0–
22	(qm)	Space management and child care;				
23		segregated revenues	SEG	S	–0–	–0–
24	(r)	Integrated business information				
25		system; segregated revenues	SEG-S	S	–0–	–0–

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1	(t)	State deposit fund; segregated				
2		revenues	SEG	S	-0-	-0-
(2) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			6,512,000	7,025,200
		PROGRAM REVENUE			650,000,000	-0-
		FEDERAL			(650,000,000)	(-0-)
		OTHER			(-0-)	(-0-)
		SERVICE			(-0-)	(-0-)
		SEGREGATED FUNDS			-0-	-0-
		OTHER			(-0-)	(-0-)
		SERVICE			(-0-)	(-0-)
		TOTAL-ALL SOURCES			656,512,000	7,025,200
3	(3)	TAXES AND SPECIAL CHARGES				
4	(a)	Property taxes	GPR	S	-0-	-0-
5	(g)	Property taxes; program revenues	PR	S	-0-	-0-
6	(i)	Payments for municipal services;				
7		program revenues	PR	S	-0-	-0-
8	(q)	Property taxes; segregated				
9		revenues	SEG	S	-0-	-0-
10	(s)	Payments for municipal services;				
11		segregated revenues	SEG	S	-0-	-0-
(3) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			-0-	-0-
		PROGRAM REVENUE			-0-	-0-
		OTHER			(-0-)	(-0-)
		SEGREGATED FUNDS			-0-	-0-
		OTHER			(-0-)	(-0-)
		TOTAL-ALL SOURCES			-0-	-0-
12	(4)	JOINT COMMITTEE ON FINANCE SUPPLEMENTAL APPROPRIATIONS				
13	(a)	General purpose revenue funds				
14		general program supplementation	GPR	B	141,000	141,000

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1	(g)	Program revenue funds general				
2		program supplementation	PR	S	-0-	-0-
3	(k)	Public assistance programs				
4		supplementation	PR-S	C	-0-	-0-
5	(m)	Federal funds general program				
6		supplementation	PR-F	C	-0-	-0-
7	(u)	Segregated funds general program				
8		supplementation	SEG	S	-0-	-0-

(4) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	141,000	141,000
PROGRAM REVENUE	-0-	-0-
FEDERAL	(-0-)	(-0-)
OTHER	(-0-)	(-0-)
SERVICE	(-0-)	(-0-)
SEGREGATED FUNDS	-0-	-0-
OTHER	(-0-)	(-0-)
TOTAL-ALL SOURCES	141,000	141,000

9 (8) SUPPLEMENTATION OF PGM REV & PGM REV-SVC APPNS FROM PUBLIC EMP TRUST FUND

10	(g)	Supplementation of program				
11		revenue and program rev.-service				
12		appropriations	PR	S	-0-	-0-

(8) PROGRAM TOTALS

PROGRAM REVENUE	-0-	-0-
OTHER	(-0-)	(-0-)
TOTAL-ALL SOURCES	-0-	-0-

20.865 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	6,706,100	7,219,300
PROGRAM REVENUE	650,000,000	-0-
FEDERAL	(650,000,000)	(-0-)
OTHER	(-0-)	(-0-)
SERVICE	(-0-)	(-0-)
SEGREGATED FUNDS	-0-	-0-
FEDERAL	(-0-)	(-0-)
OTHER	(-0-)	(-0-)

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SERVICE
TOTAL-ALL SOURCES

(-0-)
656,706,100

(-0-)
7,219,300

1 20.866 Public debt

2 (1) BOND SECURITY AND REDEMPTION FUND

3 (u) Principal repayment and interest SEG S -0- -0-

20.866 DEPARTMENT TOTALS
SEGREGATED FUNDS -0- -0-
OTHER (-0-) (-0-)
TOTAL-ALL SOURCES -0- -0-

4 20.867 Building commission

5 (1) STATE OFFICE BUILDINGS

6 (a) Principal repayment and interest;

7 housing of state agencies GPR S -0- -0-

8 (b) Principal repayment and interest;

9 capitol and executive residence GPR S 13,217,800 12,990,800

(1) PROGRAM TOTALS
GENERAL PURPOSE REVENUES 13,217,800 12,990,800
TOTAL-ALL SOURCES 13,217,800 12,990,800

10 (2) ALL STATE-OWNED FACILITIES

11 (b) Asbestos removal GPR A -0- -0-

12 (c) Hazardous materials removal GPR A -0- -0-

13 (f) Facilities preventive maintenance GPR A -0- -0-

14 (q) Building trust fund SEG C -0- -0-

15 (r) Planning and design SEG C -0- -0-

16 (u) Aids for buildings SEG C -0- -0-

17 (v) Building program funding

18 contingency SEG C -0- -0-

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1	(w)	Building program funding	SEG	C	-0-	-0-
(2) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			-0-	-0-
		SEGREGATED FUNDS			-0-	-0-
		OTHER			(-0-)	(-0-)
		TOTAL-ALL SOURCES			-0-	-0-
2	(3)	STATE BUILDING PROGRAM				
3	(a)	Principal repayment and interest	GPR	S	14,004,600	33,966,500
4	(b)	Principal repayment and interest	GPR	S	1,418,200	2,080,000
5	(bm)	Principal repayment, interest, and				
6		rebates; HR academy, inc.	GPR	S	116,900	117,100
7	(bn)	Principal repayment, interest,				
8		rebates; Hmong Cultural Center	GPR	S	44,500	137,100
9	(bp)	Principal repayment, interest and				
10		rebates	GPR	S	-0-	-0-
11	(bq)	Principal repayment, interest and				
12		rebates; children's research				
13		institute	GPR	S	646,700	801,000
14	(br)	Principal repayment, interest and				
15		rebates	GPR	S	84,700	85,500
16	(bu)	Principal repayment, interest,				
17		rebates; Kenosha Civil War Exhibit	GPR	S	26,900	26,900
18	(bv)	Principal repayment, interest,				
19		rebates; Bond Health Center	GPR	S	15,000	58,600
20	(c)	Lease rental payments	GPR	S	-0-	-0-
21	(d)	Interest rebates on obligation				
22		proceeds; general fund	GPR	S	-0-	-0-

ASSEMBLY BILL 75**SECTION 176**

1	(e)	Principal repayment, interest and				
2		rebates; parking ramp	GPR	S	-0-	-0-
3	(g)	Principal repayment, interest and				
4		rebates; program revenues	PR	S	-0-	-0-
5	(h)	Principal repayment, interest and				
6		rebates	PR	S	-0-	-0-
7	(i)	Principal repayment, interest and				
8		rebates; capital equipment	PR	S	-0-	-0-
9	(k)	Interest rebates on obligation				
10		proceeds; program revenues	PR-S	C	-0-	-0-
11	(q)	Principal repayment and interest;				
12		segregated revenues	SEG	S	-0-	-0-
13	(r)	Interest rebates on obligation				
14		proceeds; conservation fund	SEG	S	-0-	-0-
15	(s)	Interest rebates on obligation				
16		proceeds; transportation fund	SEG	S	-0-	-0-
17	(t)	Interest rebates on obligation				
18		proceeds; veterans trust fund	SEG	S	-0-	-0-
19	(w)	Bonding services	SEG	S	1,024,200	1,024,200
(3) P R O G R A M T O T A L S						
		GENERAL PURPOSE REVENUES			16,357,500	37,272,700
		PROGRAM REVENUE			-0-	-0-
		OTHER			(-0-)	(-0-)
		SERVICE			(-0-)	(-0-)
		SEGREGATED FUNDS			1,024,200	1,024,200
		OTHER			(1,024,200)	(1,024,200)
		TOTAL-ALL SOURCES			17,381,700	38,296,900

20 (4) CAPITAL IMPROVEMENT FUND INTEREST EARNINGS

ASSEMBLY BILL 75**SECTION 176**

1	(q)	Funding in lieu of borrowing	SEG	C	-0-	-0-

2	(r)	Interest on veterans obligations	SEG	C	-0-	-0-

(4) PROGRAM TOTALS

SEGREGATED FUNDS			-0-	-0-
OTHER			(-0-)	(-0-)
TOTAL-ALL SOURCES			-0-	-0-

3	(5)	SERVICES TO NONSTATE GOVERNMENTAL UNITS

4	(g)	Financial consulting services	PR	C	-0-	-0-

(5) PROGRAM TOTALS

PROGRAM REVENUE			-0-	-0-
OTHER			(-0-)	(-0-)
TOTAL-ALL SOURCES			-0-	-0-

20.867 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES			29,575,300	50,263,500
PROGRAM REVENUE			-0-	-0-
OTHER			(-0-)	(-0-)
SERVICE			(-0-)	(-0-)
SEGREGATED FUNDS			1,024,200	1,024,200
OTHER			(1,024,200)	(1,024,200)
TOTAL-ALL SOURCES			30,599,500	51,287,700

5 20.875 Budget stabilization fund

6	(1)	TRANSFERS TO FUND

7	(a)	General fund transfer	GPR	S	-0-	-0-

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES			-0-	-0-
TOTAL-ALL SOURCES			-0-	-0-

8	(2)	TRANSFERS FROM FUND

9	(q)	Budget stabilization fund transfer	SEG	A	-0-	-0-

(2) PROGRAM TOTALS

SEGREGATED FUNDS			-0-	-0-
OTHER			(-0-)	(-0-)
TOTAL-ALL SOURCES			-0-	-0-

20.875 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES			-0-	-0-

ASSEMBLY BILL 75**SECTION 176**

SEGREGATED FUNDS	-0-	-0-
OTHER	(-0-)	(-0-)
TOTAL-ALL SOURCES	-0-	-0-

General Appropriations
FUNCTIONAL AREA TOTALS

GENERAL PURPOSE REVENUES	2,359,504,400	2,369,209,200
PROGRAM REVENUE	656,664,200	56,664,200
FEDERAL	(650,000,000)	(-0-)
OTHER	(-0-)	(-0-)
SERVICE	(6,664,200)	(56,664,200)
SEGREGATED FUNDS	189,419,200	162,866,500
FEDERAL	(-0-)	(-0-)
OTHER	(189,419,200)	(162,866,500)
SERVICE	(-0-)	(-0-)
LOCAL	(-0-)	(-0-)
TOTAL-ALL SOURCES	3,205,587,800	2,588,739,900
S T A T E T O T A L	31,579,459,000	31,144,543,400
GENERAL PURPOSE REVENUES	13,701,959,000	14,230,257,200
PROGRAM REVENUE	13,286,659,500	12,557,197,600
FEDERAL	(8,933,517,900)	(8,102,286,900)
OTHER	(3,489,570,800)	(3,560,698,100)
SERVICE	(863,570,800)	(894,212,600)
SEGREGATED FUNDS	4,590,840,500	4,357,088,600
FEDERAL	(1,116,211,100)	(834,042,300)
OTHER	(3,193,435,600)	(3,211,852,500)
SERVICE	(173,665,000)	(203,665,000)
LOCAL	(107,528,800)	(107,528,800)

SECTION 177. 20.115 (1) (gg) of the statutes is created to read:

20.115 **(1)** (gg) *Meat and poultry inspection.* From the moneys received under s. 95.85 (3), the amounts in the schedule to be used for meat and poultry inspection under s. 97.42.

SECTION 178. 20.115 (1) (j) of the statutes is amended to read:

20.115 **(1)** (j) *Weights and measures inspection.* The amounts in the schedule for weights and measures inspection, testing and enforcement under ch. 98. All moneys received under ss. 93.06 (1p), 94.64 (4) (a) 6., 94.72 (6) (a) 3., 97.30 (3) (am), 98.04 (2), 98.05 (5), 98.16, 98.18 and 98.245 (7) 98.245 (7m) shall be credited to this appropriation.

ASSEMBLY BILL 75**SECTION 179**

SECTION 179. 20.115 (1) (jm) of the statutes is created to read:

20.115 **(1)** (jm) *Telecommunications utility trade practices.* The amounts in the schedule for the administration of s. 100.207. All moneys received under s. 196.859 shall be credited to this appropriation account.

SECTION 180. 20.115 (2) (ha) of the statutes is amended to read:

20.115 **(2)** (ha) *Inspection, testing and enforcement.* All moneys received under ss. 93.06 (1f) and (1g), 95.55, 95.57, 95.60 (5), 95.68, 95.69, 95.71 and 95.715 and all moneys received under s. 95.85 (3) that are not appropriated under sub (1) (gg), to be used for animal health inspection and testing and for enforcement of animal health laws.

SECTION 181. 20.115 (7) (br) of the statutes is created to read:

20.115 **(7)** (br) *Principal repayment and interest; agricultural conservation easements.* A sum sufficient to reimburse s. 20.866 (1) (u) for the principal and interest costs incurred in purchasing agricultural conservation easements under s. 93.73, to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred to purchase those easements, and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

SECTION 182. 20.115 (7) (dm) of the statutes is created to read:

20.115 **(7)** (dm) *Farmland preservation planning grants.* The amounts in the schedule for farmland preservation planning grants under s. 91.10 (6). No moneys may be encumbered under this paragraph after June 30, 2016.

SECTION 183. 20.115 (7) (f) of the statutes is repealed.

SECTION 184. 20.115 (7) (gm) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 184**

1 20.115 (7) (gm) *Seed testing and labeling*. All moneys received from fees under
2 ss. 94.43 (3) and (4) and 94.45 (3) (1) (c) for seed testing and labeling activities.

3 **SECTION 185.** 20.115 (7) (i) of the statutes is created to read:

4 20.115 (7) (i) *Agricultural conservation easements; gifts, grants, and*
5 *repayments*. All moneys received from gifts and grants for the purchase of
6 agricultural conservation easements under s. 93.73 and all moneys received under
7 s. 93.73 (7) (dm) 2., to be used for the program under s. 93.73.

8 **SECTION 186.** 20.115 (7) (s) of the statutes is amended to read:

9 20.115 (7) (s) *Principal repayment and interest; soil and water, environmental*
10 *fund*. From the environmental fund, ~~the amounts in the schedule~~ a sum sufficient
11 for the payment of principal and interest costs incurred in providing funds for soil
12 and water resource management projects under s. 92.14, to make the payments
13 determined by the building commission under s. 13.488 (1) (m) that are attributable
14 to the proceeds of obligations incurred in financing those projects, and to make
15 payments under an agreement or ancillary arrangement entered into under s. 18.06
16 (8) (a).

17 **SECTION 187.** 20.115 (7) (tb) of the statutes is created to read:

18 20.115 (7) (tb) *Principal and interest; agricultural conservation easements,*
19 *working lands fund*. From the working lands fund, the amounts in the schedule to
20 reimburse s. 20.866 (1) (u) for the principal and interest costs incurred in purchasing
21 agricultural conservation easements under s. 93.73, to make the payments
22 determined by the building commission under s. 13.488 (1) (m) that are attributable
23 to the proceeds of obligations incurred to purchase those easements, and to make
24 payments under an agreement or ancillary arrangement entered into under s. 18.06
25 (8) (a).

ASSEMBLY BILL 75**SECTION 188**

SECTION 188. 20.115 (7) (tg) of the statutes is created to read:

20.115 **(7)** (tg) *Agricultural conservation easements.* From the working lands fund, the amounts in the schedule for the purchase of agricultural conservation easements under s. 93.73.

SECTION 189. 20.115 (7) (tm) of the statutes is created to read:

20.115 **(7)** (tm) *Farmland preservation planning grants, working lands fund.* From the working lands fund, the amounts in the schedule for farmland preservation planning grants under s. 91.10 (6).

SECTION 190. 20.115 (7) (ts) of the statutes is created to read:

20.115 **(7)** (ts) *Working lands programs.* From the working lands fund, the amounts in the schedule for administration of the farmland preservation program under ch. 91 and the program to purchase conservation easements under s. 93.73.

SECTION 191. 20.115 (7) (va) of the statutes is repealed.

SECTION 192. 20.115 (8) (g) of the statutes is amended to read:

20.115 **(8)** (g) *Gifts and grants.* Except as provided in par. subs. (3) (ge) and (7) (i), all moneys received from gifts and grants to carry out the purposes for which made.

SECTION 193. 20.115 (8) (ge) of the statutes is renumbered 20.115 (3) (ge).

SECTION 194. 20.115 (8) (gm) of the statutes is amended to read:

20.115 **(8)** (gm) *Enforcement cost recovery.* The amounts in the schedule for the purpose of enforcement. ~~Except as provided in s. 93.20 (4), all~~ All moneys received by the department pursuant to a court order under s. 93.20 (2) as reimbursement of enforcement costs, or as part of a settlement agreement or deferred prosecution agreement that includes amounts for enforcement costs ~~described in s. 93.20 (3),~~ shall be credited to this appropriation.

ASSEMBLY BILL 75**SECTION 195**

1 **SECTION 195.** 20.115 (8) (ke) of the statutes is created to read:

2 20.115 **(8)** (ke) *Federal economic stimulus funds.* All moneys transferred from
3 the appropriation account under s. 20.865 (2) (m), for the purposes for which
4 received.

5 **SECTION 196.** 20.143 (1) (bk) of the statutes is created to read:

6 20.143 **(1)** (bk) *Wisconsin venture fund.* The amounts in the schedule for grants
7 under s. 560.277.

8 **SECTION 197.** 20.143 (1) (bm) of the statutes is repealed.

9 **SECTION 198.** 20.143 (1) (bp) of the statutes is created to read:

10 20.143 **(1)** (bp) *Film project grants.* The amounts in the schedule for film project
11 grants under s. 560.122.

12 **SECTION 199.** 20.143 (1) (c) of the statutes is amended to read:

13 20.143 **(1)** (c) *Wisconsin development fund; grants, loans, reimbursements, and*
14 *assistance.* Biennially, the amounts in the schedule for grants and loans under s.
15 560.275 (2) and subch. V of ch. 560; for reimbursements under s. 560.167; for
16 ~~providing assistance under s. 560.06~~; for the costs specified in s. 560.607; for the loan
17 under 1999 Wisconsin Act 9, section 9110 (4); for the grants under 1995 Wisconsin
18 Act 27, section 9116 (7gg), 1995 Wisconsin Act 119, section 2 (1), 1997 Wisconsin Act
19 27, section 9110 (6g), ~~1999 Wisconsin Act 9, section 9110 (5)~~, 2003 Wisconsin Act 33,
20 section 9109 (1d) and (2q), and 2007 Wisconsin Act 20, section 9108 (4u), (6c), (7c),
21 (7f), (8c), (8i), (9i), and (10q); and ~~for providing up to \$100,000 annually for the~~
22 ~~continued development of a manufacturing and advanced technology training center~~
23 ~~in Racine. Of the amounts in the schedule, \$50,000 shall be allocated in each of fiscal~~
24 ~~years 1997–98 and 1998–99 for providing the assistance under s. 560.06 (1).~~

25 **SECTION 200.** 20.143 (1) (er) of the statutes is repealed.

ASSEMBLY BILL 75**SECTION 201**

SECTION 201. 20.143 (1) (fg) of the statutes is repealed.

SECTION 202. 20.143 (1) (fi) of the statutes is created to read:

20.143 **(1)** (fi) *Forward innovation fund; grants and loans.* Biennially, the amounts in the schedule for grants and loans under subch. II of ch. 560.

SECTION 203. 20.143 (1) (fm) of the statutes is repealed.

SECTION 204. 20.143 (1) (fw) of the statutes is created to read:

20.143 **(1)** (fw) *Women's business initiative corporation.* The amounts in the schedule for grants to the women's business initiative corporation under s. 560.037.

SECTION 205. 20.143 (1) (gh) of the statutes is created to read:

20.143 **(1)** (gh) *Recycling and renewable energy fund; repayments.* All moneys received in repayment of loans under s. 560.126, to be used for grants and loans under ss. 560.126 and 560.61.

SECTION 206. 20.143 (1) (gm) of the statutes is amended to read:

20.143 **(1)** (gm) ~~*Wisconsin development fund, administration*~~ *Administration of grants and loans.* All moneys received from origination fees under s. ~~ss. 560.138 (7), 560.139 (4), 560.305 (2), and 560.68 (3)~~ and from transfer fees under s. 560.205 (3) (e) for administering the programs under ss. 560.138, 560.139, and 560.304 and under subch. V of ch. 560 and for the costs of underwriting grants and loans awarded under ss. 560.138, 560.139, and 560.304 and under subch. V of ch. 560.

SECTION 207. 20.143 (1) (ie) of the statutes is amended to read:

20.143 **(1)** (ie) *Wisconsin development fund, repayments.* All moneys received in repayment of grants or loans under s. 560.085 (4) (b), 1985 stats., s. 560.10, 2005 stats., s. 560.147, 2005 stats., s. 560.16, 1995 stats., s. 560.165, 1993 stats., s. 560.275 (2), s. 560.62, 2005 stats., s. 560.63, 2005 stats., and s. 560.66, 2005 stats., subch. V of ch. 560, 1989 Wisconsin Act 336, section 3015 (1m), 1989 Wisconsin Act 336,

ASSEMBLY BILL 75**SECTION 207**

1 section 3015 (2m), 1989 Wisconsin Act 336, section 3015 (3gx), 1997 Wisconsin Act
2 27, section 9110 (7f), 1997 Wisconsin Act 310, section 2 (2d), 1999 Wisconsin Act 9,
3 section 9110 (4), and 2007 Wisconsin Act 20, section 9108 (5x), to be used for grants
4 and loans under s. 560.275 (2) and subch. V of ch. 560, ~~for assistance under s. 560.06~~
5 ~~(2)~~, for the loan under 1999 Wisconsin Act 9, section 9110 (4), for the grant under 2001
6 Wisconsin Act 16, section 9110 (7g), for the grants under 2003 Wisconsin Act 33,
7 section 9109 (1d) and (2q), and for reimbursements under s. 560.167.

8 **SECTION 208.** 20.143 (1) (im) of the statutes is amended to read:

9 20.143 **(1)** (im) *Minority business projects; repayments.* All moneys received on
10 or before June 30, 2009, in repayment of grants or loans under s. 560.82 (1m) (b), 2007
11 stats., and s. 560.82 (1m) (c), 2007 stats., and loans under 1997 Wisconsin Act 9,
12 section 3, to be used for grants and loans under ~~s. 560.82, the grant under 2001~~
13 ~~Wisconsin Act 16, section 9110 (7g), and the loans under 1997 Wisconsin Act 9,~~
14 ~~section 3 subch. II of ch. 560.~~

15 **SECTION 209.** 20.143 (1) (io) of the statutes is created to read:

16 20.143 **(1)** (io) *Grant and loan repayments; forward innovation fund.* All
17 moneys received in repayment of grants or loans under subch. II of ch. 560, loans
18 under s. 560.17, 2007 stats., grants or loans under s. 560.82 (1m) (b) and (c), 2007
19 stats., and loans under 1997 Wisconsin Act 9, section 3, to be used for grants and
20 loans under subch. II of ch. 560.

21 **SECTION 210.** 20.143 (1) (ir) of the statutes is amended to read:

22 20.143 **(1)** (ir) *Rural economic development loan repayments.* All moneys
23 received on or before June 30, 2009, in repayment of loans under s. 560.17, 2007
24 stats., to be used for grants and loans under ~~s. 560.17~~ subch. II of ch. 560.

ASSEMBLY BILL 75**SECTION 211**

1 **SECTION 211.** 20.143 (1) (jc) of the statutes is renumbered 20.285 (1) (jc) and
2 amended to read:

3 20.285 **(1)** (jc) *Physician and dentist and health care provider loan assistance*
4 *programs; penalties.* All moneys received in ~~penalties~~ under ss. ~~560.183 (6m)~~ 36.60
5 and ~~560.184 (6m)~~ 36.61 and all moneys transferred under 2009 Wisconsin Act
6 (this act), section 9210 (1), to be used for loan repayments under ss. ~~560.183~~ 36.60
7 and ~~560.184~~ 36.61.

8 **SECTION 212.** 20.143 (1) (jL) of the statutes is repealed.

9 **SECTION 213.** 20.143 (1) (jm) of the statutes is repealed.

10 **SECTION 214.** 20.143 (1) (kj) of the statutes is amended to read:

11 20.143 **(1)** (kj) *Gaming economic development and diversification; grants and*
12 *loans.* Biennially, the amounts in the schedule for grants and loans under s. 560.138,
13 for the grants under s. 560.139 (1) (a), ~~(2), and (3),~~ and for the grants under 2001
14 Wisconsin Act 16, section 9110 (2k), (11pk), and (11zx). ~~Of the amounts in the~~
15 ~~schedule, \$500,000 shall be allocated in each fiscal year for the grants under s.~~
16 ~~560.139 (3).~~ All moneys transferred from the appropriation account under s. 20.505
17 (8) (hm) 6j. shall be credited to this appropriation account. Notwithstanding s.
18 20.001 (3) (b), the unencumbered balance on June 30 of each odd-numbered year
19 shall revert to the appropriation account under s. 20.505 (8) (hm).

20 **SECTION 215.** 20.143 (1) (kr) of the statutes is renumbered 20.285 (1) (ks) and
21 amended to read:

22 20.285 **(1)** (ks) *Physician and dentist and health care provider loan assistance*
23 *programs; repayments, and contract.* Biennially, the amounts in the schedule for
24 loan repayments under ss. ~~560.183 and 560.184 and for contracting under ss.~~
25 ~~560.183 (8) and 560.184 (7)~~ 36.60 and 36.61. All moneys transferred from the

ASSEMBLY BILL 75**SECTION 215**

1 appropriation account under s. 20.505 (8) (hm) 6r. ~~and all moneys transferred under~~
2 ~~1999 Wisconsin Act 9, section 9210 (1),~~ shall be credited to this appropriation
3 account. Notwithstanding s. 20.001 (3) (b), the unencumbered balance on June 30
4 of each odd-numbered year shall revert to the appropriation account under s. 20.505
5 (8) (hm).

6 **SECTION 216.** 20.143 (2) (fm) of the statutes is amended to read:

7 20.143 **(2)** (fm) *Shelter for homeless and transitional housing grants.* The
8 Biennially, the amounts in the schedule for transitional housing grants under s.
9 560.9806 and for grants to agencies and shelter facilities for homeless individuals
10 and families as provided under s. 560.9808. Notwithstanding ss. 20.001 (3) (a) and
11 20.002 (1), the department may transfer funds between fiscal years under this
12 paragraph. ~~All funds allocated but not encumbered by December 31 of each year~~
13 ~~lapse to the general fund on the next January 1 unless transferred to the next~~
14 ~~calendar year by the joint committee on finance.~~

15 **SECTION 217.** 20.143 (3) (sm) of the statutes is repealed.

16 **SECTION 218.** 20.143 (3) (sn) of the statutes is repealed.

17 **SECTION 219.** 20.143 (3) (vm) of the statutes is created to read:

18 20.143 **(3)** (vm) *Removal of underground petroleum storage tanks.* From the
19 petroleum inspection fund, the amounts in the schedule for the removal of
20 abandoned underground petroleum storage tanks under s. 101.1435.

21 **SECTION 220.** 20.143 (4) (km) of the statutes is created to read:

22 20.143 **(4)** (km) *Federal economic stimulus funds.* All moneys transferred from
23 the appropriation account under s. 20.865 (2) (m), for the purposes for which
24 received.

25 **SECTION 221.** 20.145 (1) (g) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 221**

1 20.145 **(1)** (g) *General program operations.* (intro.) The amounts in the
2 schedule for general program operations, including organizational support services
3 and oversight of care management organizations, and for transferring to the
4 appropriation account under s. 20.435 (4) (kv) the amount allocated by the
5 commissioner of insurance. All of the following shall be credited to this appropriation
6 account:

7 **SECTION 222.** 20.145 (1) (g) 3. of the statutes is created to read:

8 20.145 **(1)** (g) 3. All moneys received under ss. 648.15 and 648.27.

9 **SECTION 223.** 20.155 (3) (title) of the statutes is amended to read:

10 20.155 **(3)** (title) ~~AFFILIATED GRANT~~ OTHER PROGRAMS.

11 **SECTION 224.** 20.155 (3) (m) of the statutes is created to read:

12 20.155 **(3)** (m) *Federal aid.* All moneys received from the federal government
13 not otherwise appropriated under this section, as authorized by the governor under
14 s. 16.54, to carry out the purposes for which received.

15 **SECTION 225.** 20.155 (3) (q) (title) of the statutes is amended to read:

16 20.155 **(3)** (q) (title) *General Wireless 911 program operations and grants.*

17 **SECTION 226.** 20.165 (1) (g) of the statutes is amended to read:

18 20.165 **(1)** (g) *General program operations.* The amounts in the schedule for
19 the licensing, rule making, and regulatory functions of the department, other than
20 the licensing, rule-making, and credentialing functions of the medical examining
21 board and the affiliated credentialing boards attached to the medical examining
22 board and except for preparing, administering, and grading examinations. Ninety
23 percent of all moneys received under chs. 440 to 480, except ch. 448 and ss. 440.03
24 (13) and 440.05 (1) (b), less \$10 of each renewal fee received under s. 452.12 (5), and

ASSEMBLY BILL 75**SECTION 226**

1 all moneys transferred from the appropriation under par. (i) and all moneys received
2 under s. 440.055 (2), shall be credited to this appropriation.

3 **SECTION 227.** 20.165 (1) (hg) of the statutes is created to read:

4 20.165 **(1)** (hg) *General program operations; medical examining board.*
5 Biennially, the amounts in the schedule for the licensing, rule-making, and
6 regulatory functions of the medical examining board and the affiliated credentialing
7 boards attached to the medical examining board, except for preparing,
8 administering, and grading examinations. Ninety percent of all moneys received for
9 issuing and renewing credentials under ch. 448 shall be credited to this
10 appropriation.

11 **SECTION 228.** 20.165 (1) (j) of the statutes is created to read:

12 20.165 **(1)** (j) *Gifts and grants.* All moneys received as gifts and grants to carry
13 out the purposes for which made.

14 **SECTION 229.** 20.215 (1) (kc) of the statutes is created to read:

15 20.215 **(1)** (kc) *Federal economic stimulus funds.* All moneys transferred from
16 the appropriation account under s. 20.865 (2) (m), for the purposes for which
17 received.

18 **SECTION 230.** 20.225 (1) (kd) of the statutes is created to read:

19 20.225 **(1)** (kd) *Federal economic stimulus funds.* All moneys transferred from
20 the appropriation account under s. 20.865 (2) (m), for the purposes for which
21 received.

22 **SECTION 231.** 20.235 (1) (fz) of the statutes is amended to read:

23 20.235 **(1)** (fz) *Remission of fees and reimbursement for veterans and*
24 *dependents.* Biennially, the amounts in the schedule to reimburse the Board of
25 Regents of the University of Wisconsin System and technical college district boards

ASSEMBLY BILL 75**SECTION 231**

1 under s. 39.50 for fee remissions made under ss. 36.27 (3n) (b) or (3p) (b) and 38.24
2 (7) (b) or (8) (b) and to reimburse veterans and dependents as provided in ss. 36.27
3 (3n) (bm) or (3p) (bm) and 38.24 (7) (bm) or (8) (bm).

4 **SECTION 232.** 20.235 (1) (ke) of the statutes is created to read:

5 20.235 **(1)** (ke) *Wisconsin higher education grants for University of Wisconsin*
6 *System students; auxiliary enterprises.* The amounts in the schedule for the
7 Wisconsin higher education grant program under s. 39.435 for University of
8 Wisconsin System students, except for grants awarded under s. 39.435 (2) or (5). All
9 moneys transferred to this appropriation account from the appropriation account
10 under s. 20.285 (1) (h) shall be credited to this appropriation account. No moneys
11 may be expended or encumbered from this appropriation after June 30, 2010.

12 **SECTION 233.** 20.235 (1) (ke) of the statutes, as created by 2009 Wisconsin Act
13 (this act), is repealed.

14 **SECTION 234.** 20.235 (2) (k) of the statutes is created to read:

15 20.235 **(2)** (k) *Federal economic stimulus funds.* All moneys transferred from
16 the appropriation account under s. 20.865 (2) (m), for the purposes for which
17 received.

18 **SECTION 235.** 20.245 (1) (k) of the statutes is amended to read:

19 20.245 **(1)** (k) *Storage facility.* ~~The~~ Biennially, the amounts in the schedule to
20 support the operation of a storage facility for the collections of the historical society.
21 All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 4d.
22 shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) ~~(a)~~ (b),
23 the unencumbered balance on June 30 of each odd-numbered year shall revert to the
24 appropriation account under s. 20.505 (8) (hm).

25 **SECTION 236.** 20.245 (1) (kc) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 236**

1 20.245 **(1)** (kc) *Federal economic stimulus funds*. All moneys transferred from
2 the appropriation account under s. 20.865 (2) (m), for the purposes for which
3 received.

4 **SECTION 237.** 20.250 (1) (kc) of the statutes is created to read:

5 20.250 **(1) (kc)** *Federal economic stimulus funds*. All moneys transferred from
6 the appropriation account under s. 20.865 (2) (m), for the purposes for which
7 received.

8 **SECTION 238.** 20.255 (1) (hm) of the statutes is amended to read:

9 20.255 **(1)** (hm) *Services for drivers*. The amounts in the schedule for services
10 for drivers. All moneys transferred from the appropriation account under s. 20.435
11 ~~(6)~~ (5) (hx) shall be credited to this appropriation account, except that the
12 unencumbered balance on June 30 of each year shall revert to the appropriation
13 account under s. 20.435 ~~(6)~~ (5) (hx).

14 **SECTION 239.** 20.255 (1) (j) of the statutes is created to read:

15 20.255 **(1)** (j) *Milwaukee Parental Choice Program; financial audits*. All
16 moneys received under s. 119.23 (2) (a) 3. to be used to evaluate the financial
17 information submitted under s. 119.23 (7) (am) and (d) 2. and 3. by private schools
18 participating in the Milwaukee Parental Choice Program.

19 **SECTION 240.** 20.255 (1) (kc) of the statutes is created to read:

20 20.255 **(1)** (kc) *Federal economic stimulus funds*. All moneys transferred from
21 the appropriation account under s. 20.865 (2) (m), for the purposes for which
22 received.

23 **SECTION 241.** 20.255 (1) (kd) of the statutes is amended to read:

24 20.255 **(1)** (kd) *Alcohol and other drug abuse program*. The amounts in the
25 schedule for the purpose of s. 115.36 (2) and the administration of s. 115.36 (3). All

ASSEMBLY BILL 75**SECTION 241**

1 moneys transferred from the appropriation account under s. 20.455 (2) (i) 4. shall be
2 credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
3 unencumbered balance on June 30 of each year shall revert to the appropriation
4 account under s. 20.455 (2) (i).

5 **SECTION 242.** 20.255 (2) (cr) of the statutes is renumbered 20.255 (2) (vr) and
6 amended to read:

7 20.255 **(2)** (vr) *Aid for pupil transportation.* ~~The~~ Notwithstanding s. 25.40 (3)
8 (b), from the transportation fund, the amounts in the schedule for the payment of
9 state aid for transportation of public and private school pupils under subch. IV of ch.
10 121 and for assistance under s. 121.575 (3).

11 **SECTION 243.** 20.255 (2) (cw) of the statutes is renumbered 20.255 (2) (vw) and
12 amended to read:

13 20.255 **(2)** (vw) *Aid for transportation; youth options program.* ~~The~~
14 Notwithstanding s. 25.40 (3) (b), from the transportation fund, the amounts in the
15 schedule for the payment of state aid for the transportation of pupils attending an
16 institution of higher education or technical college under s. 118.55 (7g).

17 **SECTION 244.** 20.255 (2) (cy) of the statutes is renumbered 20.255 (2) (vy) and
18 amended to read:

19 20.255 **(2)** (vy) *Aid for transportation; open enrollment.* ~~The~~ Notwithstanding
20 s. 25.40 (3) (b), from the transportation fund, the amounts in the schedule to
21 reimburse parents for the costs of transportation of open enrollment pupils under ss.
22 118.51 (14) (b) and 118.52 (11) (b).

23 **SECTION 245.** 20.255 (2) (kd) of the statutes is amended to read:

24 20.255 **(2)** (kd) *Aid for alcohol and other drug abuse programs.* The amounts
25 in the schedule for the purpose of s. 115.36 (3). All moneys transferred from the

ASSEMBLY BILL 75**SECTION 245**

1 appropriation account under s. 20.455 (2) (i) 5. shall be credited to this appropriation
2 account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30
3 of each year shall revert to the appropriation account under s. 20.455 (2) (i).

4 **SECTION 246.** 20.255 (2) (km) of the statutes is created to read:

5 20.255 **(2)** (km) *Tribal language revitalization grants.* The amounts in the
6 schedule for grants to school districts and cooperative educational service agencies
7 under s. 115.745. All moneys transferred from the appropriation account under s.
8 20.505 (8) (hm) 5. shall be credited to this appropriation account. Notwithstanding
9 s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to
10 the appropriation account under s. 20.505 (8) (hm).

11 **SECTION 247.** 20.255 (2) (m) of the statutes is amended to read:

12 20.255 **(2)** (m) *Federal aids; local aid.* All federal moneys received as
13 authorized under s. 16.54, except as otherwise appropriated under this subsection,
14 to aid local governmental units or agencies.

15 **SECTION 248.** 20.255 (2) (n) of the statutes is created to read:

16 20.255 **(2)** (n) *Federal aid; economic stimulus funds.* All federal moneys
17 received, as authorized by the governor under s. 16.54, as economic stimulus funds
18 pursuant to federal legislation enacted during the 111th Congress other than
19 allocations from the state fiscal stabilization fund that are distributed to school
20 districts either as general equalization aid or as subgrants based on the school
21 districts' relative shares of funding under 20 USC 6311 to 6339, to be expended for
22 the purposes for which received.

23 **SECTION 249.** 20.255 (2) (p) of the statutes is created to read:

24 20.255 **(2)** (p) *Federal aids; state allocations.* All federal moneys received, as
25 authorized by the governor, from allocations from the state fiscal stabilization fund

ASSEMBLY BILL 75**SECTION 249**

1 that are distributed to school districts either as general equalization aid or as
2 subgrants based on the school districts' relative shares of funding under 20 USC 6311
3 to 6339, for primary and secondary education aid.

4 **SECTION 250.** 20.255 (3) (dn) of the statutes is amended to read:

5 20.255 **(3)** (dn) *Project Lead the Way grants.* The amounts in the schedule for
6 annual grants to Project Lead the Way to provide discounted professional
7 development services and software for participating high schools in this state. No
8 moneys may be encumbered under this paragraph after June 30, 2009 2011.

9 **SECTION 251.** 20.255 (3) (e) of the statutes is repealed.

10 **SECTION 252.** 20.255 (3) (ea) of the statutes is renumbered 20.255 (3) (r) and
11 amended to read:

12 20.255 **(3)** (r) *Library service contracts.* ~~The~~ From the universal service fund,
13 the amounts in the schedule for library service contracts under s. 43.03 (6) and (7).

14 **SECTION 253.** 20.255 (3) (qm) (title) of the statutes is amended to read:

15 20.255 **(3)** (qm) (title) ~~Supplemental aid~~ Aid to public library systems.

16 **SECTION 254.** 20.285 (1) (h) of the statutes is amended to read:

17 20.285 **(1)** (h) *Auxiliary enterprises.* Except as provided under subs. (5) (i) and
18 (6) (g), all moneys received by the University of Wisconsin System for or on account
19 of any housing facility, commons, dining halls, cafeteria, student union, athletic
20 activities, stationery stand or bookstore, parking facilities or car fleet, or such other
21 auxiliary enterprise activities as the board designates and including such fee
22 revenues as allocated by the board and including such moneys received under leases
23 entered into previously with nonprofit building corporations as the board designates
24 to be receipts under this paragraph, but not including any moneys received from the
25 sale of real property during ~~the period before July 1, 2007, and the period beginning~~

ASSEMBLY BILL 75**SECTION 254**

1 on October 27, 2007, and ending on June 30, 2009, and the period beginning on the
2 effective date of this paragraph [LRB inserts date], to be used for the operation,
3 maintenance, and capital expenditures of activities specified in this paragraph,
4 including the transfer of funds to pars. (kd) and (ke) and to s. 20.235 (1) (ke), and to
5 nonprofit building corporations to be used by the corporations for the retirement of
6 existing indebtedness and such other payments as may be required under existing
7 loan agreements, for optional rental payments in addition to the mandatory rental
8 payments under the leases and subleases in connection with the providing of
9 facilities for such activities, and for grants under ss. 36.25 (14) and 36.34. A separate
10 account shall be maintained for each campus and extension. Upon the request of the
11 extension or any campus within the system, the board of regents may transfer
12 surplus moneys appropriated under this paragraph to the appropriation account
13 under par. (kp). In fiscal year 2009–10, the amount in the schedule under s. 20.235
14 (1) (ke) shall be transferred from this appropriation account to the appropriation
15 account under s. 20.235 (1) (ke).

16 **SECTION 255.** 20.285 (1) (h) of the statutes, as affected by 2009 Wisconsin Act
17 (this act), is amended to read:

18 20.285 **(1)** (h) *Auxiliary enterprises.* Except as provided under subs. (5) (i) and
19 (6) (g), all moneys received by the University of Wisconsin System for or on account
20 of any housing facility, commons, dining halls, cafeteria, student union, athletic
21 activities, stationery stand or bookstore, parking facilities or car fleet, or such other
22 auxiliary enterprise activities as the board designates and including such fee
23 revenues as allocated by the board and including such moneys received under leases
24 entered into previously with nonprofit building corporations as the board designates
25 to be receipts under this paragraph, but not including any moneys received from the

ASSEMBLY BILL 75**SECTION 255**

1 sale of real property during the period beginning on October 27, 2007, and ending on
2 June 30, 2009, and the period beginning on the effective date of this paragraph
3 [LRB inserts date], to be used for the operation, maintenance, and capital
4 expenditures of activities specified in this paragraph, including the transfer of funds
5 to pars. (kd) and (ke) ~~and to s. 20.235 (1) (ke)~~, and to nonprofit building corporations
6 to be used by the corporations for the retirement of existing indebtedness and such
7 other payments as may be required under existing loan agreements, for optional
8 rental payments in addition to the mandatory rental payments under the leases and
9 subleases in connection with the providing of facilities for such activities, and for
10 grants under ss. 36.25 (14) and 36.34. A separate account shall be maintained for
11 each campus and extension. Upon the request of the extension or any campus within
12 the system, the board of regents may transfer surplus moneys appropriated under
13 this paragraph to the appropriation account under par. (kp). ~~In fiscal year 2009=10,~~
14 ~~the amount in the schedule under s. 20.235 (1) (ke) shall be transferred from this~~
15 ~~appropriation account to the appropriation account under s. 20.235 (1) (ke).~~

16 **SECTION 256.** 20.285 (1) (ia) of the statutes is amended to read:

17 20.285 **(1)** (ia) *State laboratory of hygiene, drivers.* All moneys transferred from
18 the appropriation account under s. 20.435 (6) (5) (hx) for the state laboratory of
19 hygiene for costs associated with services for drivers.

20 **SECTION 257.** 20.285 (1) (iz) of the statutes is amended to read:

21 20.285 **(1)** (iz) *General operations receipts.* All moneys received for or on
22 account of the University of Wisconsin System, unless otherwise specifically
23 appropriated, including all moneys received from the sale of real property during the
24 ~~period prior to July 1, 2007, and the period beginning on October 27, 2007, and~~
25 ~~ending on June 30, 2009, to be used for general operations. In fiscal years 2007=08,~~

ASSEMBLY BILL 75**SECTION 257**

1 2008–09, 2009–10, and 2010–11, 2011–12, and 2012–13, the board shall annually
2 transfer \$15,000,000 \$27,500,000 from this appropriation account to the medical
3 assistance trust fund.

4 **SECTION 258.** 20.285 (1) (iz) of the statutes, as affected by 2009 Wisconsin Act
5 (this act), is amended to read:

6 20.285 **(1)** (iz) *General operations receipts.* All moneys received for or on
7 account of the University of Wisconsin System, unless otherwise specifically
8 appropriated, including all moneys received from the sale of real property during and
9 the period beginning on October 27, 2007, and ending on June 30, 2009, and the
10 period beginning on the effective date of this paragraph ... [LRB inserts date], the
11 period prior to July 1, 2007, to be used for general operations. In fiscal years 2008–09,
12 2009–10, 2010–11, 2011–12, and 2012–13, the board shall annually transfer
13 \$27,500,000 from this appropriation account to the medical assistance trust fund.

14 **SECTION 259.** 20.285 (1) (j) of the statutes is amended to read:

15 20.285 **(1)** (j) *Gifts and donations.* All moneys received from gifts, grants,
16 bequests and devises, except moneys received from the sale of real property during
17 ~~the period before July 1, 2007, and~~ the period beginning on October 27, 2007, and
18 ending on June 30, 2009, and the period beginning on the effective date of this
19 paragraph ... [LRB inserts date], to be administered and expended in accordance
20 with the terms of the gift, grant, bequest or devise to carry out the purposes for which
21 made and received.

22 **SECTION 260.** 20.285 (1) (ka) of the statutes is amended to read:

23 20.285 **(1)** (ka) *Sale of real property.* All net proceeds from the sale of real
24 property by the board under s. 36.34, 1969 stats., and s. 36.33, except net proceeds
25 received during ~~the period before July 1, 2007, and~~ the period beginning on October

ASSEMBLY BILL 75**SECTION 260**

1 27, 2007, and ending on June 30, 2009, and the period beginning on the effective date
2 of this paragraph [LRB inserts date], to be used for the purposes of s. 36.34, 1969
3 stats., and s. 36.33, including the expenses enumerated in s. 13.48 (2) (d) incurred
4 in selling the real property under those sections.

5 **SECTION 261.** 20.285 (1) (kh) of the statutes is created to read:

6 20.285 **(1)** (kh) *Federal economic stimulus funds.* All moneys transferred from
7 the appropriation account under s. 20.865 (2) (m), for the purposes for which
8 received.

9 **SECTION 262.** 20.285 (1) (s) of the statutes is created to read:

10 20.285 **(1)** (s) *Wisconsin Bioenergy Initiative.* From the recycling and
11 renewable energy fund, the amounts in the schedule to support research under the
12 Wisconsin Bioenergy Initiative into improved plant biomass, improved biomass
13 processing, conversion of biomass into energy products, development of a
14 sustainable energy economy, and development of enabling technologies for bioenergy
15 research.

16 **SECTION 263.** 20.292 (1) (kc) of the statutes is created to read:

17 20.292 **(1)** (kc) *Federal economic stimulus funds.* All moneys transferred from
18 the appropriation account under s. 20.865 (2) (m), for the purposes for which
19 received.

20 **SECTION 264.** 20.320 (1) (sm) of the statutes is amended to read:

21 20.320 **(1)** (sm) *Land recycling loan program financial assistance.* From the
22 clean water fund program federal revolving loan fund account in the environmental
23 improvement fund, a sum sufficient, not to exceed a total of \$20,000,000 less the
24 maximum transfer amount specified in any agreement under s. 25.43 (2s), to provide
25 land recycling loan program financial assistance under s. 281.60.

ASSEMBLY BILL 75**SECTION 265**

1 **SECTION 265.** 20.370 (1) (title) of the statutes is amended to read:

2 20.370 **(1)** (title) LAND AND FORESTRY.

3 **SECTION 266.** 20.370 (1) (fs) of the statutes is amended to read:

4 20.370 **(1)** (fs) *Endangered resources — voluntary payments; sales, leases, and*
5 *fees.* As a continuing appropriation, from moneys received as amounts designated
6 under ss. 71.10 (5) (b) and 71.30 (10) (b), the net amounts certified under ss. 71.10
7 (5) (h) 4. and 71.30 (10) (h) 3., all moneys received from the sale or lease of resources
8 derived from the land in the state natural areas system, and all moneys received from
9 fees collected under ss. 23.27 (3) (b), 29.319 (2), 29.563 (10), and 341.14 (6r) (b) 5. and
10 12., for the purposes of the endangered resources program, as defined under ss. 71.10
11 (5) (a) 2. and 71.30 (10) (a) 2. Three percent of the moneys certified under ss. 71.10
12 (5) (h) 4. and 71.30 (10) (h) 3. in each fiscal year and 3% of the fees received under
13 s. 341.14 (6r) (b) 5. and 12. in each fiscal year shall be allocated for wildlife damage
14 control and payment of claims for damage associated with endangered or threatened
15 species, except that this combined allocation may not exceed \$100,000 per fiscal year.

16 **SECTION 267.** 20.370 (1) (my) of the statutes is amended to read:

17 20.370 **(1)** (my) *General program operations — federal funds.* All moneys
18 received as federal aid for land, forestry, and wildlife management, as authorized by
19 the governor under s. 16.54 for the purposes for which received.

20 **SECTION 268.** 20.370 (2) (bg) of the statutes is amended to read:

21 20.370 **(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
25 ~~imposed on owners and operators of stationary sources for which operation permits~~

ASSEMBLY BILL 75**SECTION 268**

1 ~~are required under the federal clean air act~~ under s. 285.69 (2) (a) and (e), except
2 moneys appropriated under subs. (3) (bg), (8) (mg) and (9) (mh), and all moneys
3 received from fees imposed under s. 285.69 (7) shall be credited to this appropriation.

4 **SECTION 269.** 20.370 (2) (bh) of the statutes is amended to read:

5 20.370 **(2)** (bh) *Air management — state permit sources.* The amounts in the
6 schedule for purposes related to stationary sources of air contaminants for which an
7 operation permit is required under s. 285.60 but not under the federal clean air act
8 as specified in s. 285.69 (2) (i) (2m) (b). All moneys received from fees imposed under
9 s. 285.69 (1g) and imposed under s. 285.69 (2) ~~on owners and operators of stationary~~
10 ~~sources for which operation permits are required under s. 285.60 but not under the~~
11 ~~federal clean air act~~ (2m) shall be credited to this appropriation account.

12 **SECTION 270.** 20.370 (2) (hq) of the statutes is amended to read:

13 20.370 **(2)** (hq) *Recycling; administration.* From the recycling and renewable
14 energy fund, the amounts in the schedule for the administration of subch. II of ch.
15 287, other than ss. 287.21, and 287.23 and 287.25.

16 **SECTION 271.** 20.370 (3) (ad) of the statutes is renumbered 20.370 (3) (ay) and
17 amended to read:

18 20.370 **(3)** (ay) *Law enforcement — car kill deer; general transportation fund.*
19 ~~From the general Notwithstanding s. 25.40 (3) (b), from the transportation fund, the~~
20 amounts in the schedule to pay 50% of the costs of the removal and disposal of car
21 kill deer from highways.

22 **SECTION 272.** 20.370 (3) (bg) of the statutes is amended to read:

23 20.370 **(3)** (bg) *Enforcement — stationary sources.* From the general fund, from
24 the moneys received from fees imposed ~~on owners and operators of stationary sources~~
25 ~~for which operation permits are required under the federal clean air act~~ under s.

ASSEMBLY BILL 75**SECTION 272**

1 285.69 (2) (a) and (e), the amounts in the schedule for enforcement operations related
2 to stationary sources of air contaminants.

3 **SECTION 273.** 20.370 (3) (mr) of the statutes is amended to read:

4 20.370 **(3)** (mr) *Recycling; enforcement and research.* From the recycling and
5 renewable energy fund, the amounts in the schedule for research and enforcement
6 under subch. II of ch. 287, other than under ss. 287.21, and 287.23 ~~and 287.25~~.

7 **SECTION 274.** 20.370 (4) (ai) of the statutes is created to read:

8 20.370 **(4)** (ai) *Water resources — water use fees.* From the general fund, all
9 moneys received under s. 281.346 (12) for activities related to water use and the
10 administration of s. 281.346.

11 **SECTION 275.** 20.370 (4) (aj) of the statutes is created to read:

12 20.370 **(4)** (aj) *Water resources—ballast water discharge permits.* From the
13 general fund, all moneys received from fees collected under s. 283.35 (1m) to
14 administer and enforce the ballast water discharge permit program under s. 283.35
15 (1m).

16 **SECTION 276.** 20.370 (5) (bw) of the statutes is amended to read:

17 20.370 **(5)** (bw) *Resource aids — urban forestry, county sustainable forestry, and*
18 *county forest administration grants.* ~~The~~ As a continuing appropriation, the
19 amounts in the schedule for urban forestry grants under s. 23.097, county
20 sustainable forestry grants under s. 28.11 (5r), and county forest administration
21 grants under s. 28.11 (5m).

22 **SECTION 277.** 20.370 (6) (as) of the statutes is amended to read:

23 20.370 **(6)** (as) *Environmental aids—invasive aquatic species and lake*
24 *monitoring.* Biennially, from the conservation fund, the amounts in the schedule for

ASSEMBLY BILL 75**SECTION 277**

1 grants under s. 23.22 (2) (c) to control invasive species that are aquatic species and
2 for lake monitoring contracts under s. 281.68 (1t).

3 **SECTION 278.** 20.370 (6) (br) of the statutes is repealed.

4 **SECTION 279.** 20.370 (6) (bv) of the statutes is repealed.

5 **SECTION 280.** 20.370 (7) (ca) of the statutes is renumbered 20.370 (7) (cq) and
6 amended to read:

7 20.370 **(7)** (cq) *Principal repayment and interest — nonpoint source grants.* A
8 From the environmental fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the
9 payment of principal and interest costs incurred in providing funds under s. 20.866
10 (2) (te) for nonpoint source water pollution abatement projects under s. 281.65, to
11 make the payments determined by the building commission under s. 13.488 (1) (m)
12 that are attributable to the proceeds of obligations incurred in financing those
13 projects, to the extent that these payments are not made under par. (cg), and to make
14 payments under an agreement or ancillary arrangement entered into under s. 18.06
15 (8) (a).

16 **SECTION 281.** 20.370 (7) (cb) of the statutes is amended to read:

17 20.370 **(7)** (cb) *Principal repayment and interest — pollution abatement bonds.*
18 A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and
19 interest costs incurred in financing the acquisition, construction, development,
20 enlargement or improvement of point source water pollution abatement facilities
21 and sewage collection facilities under ss. 281.55, 281.56 and 281.57 and to make
22 payments under an agreement or ancillary arrangement entered into under s. 18.06
23 (8) (a), to the extent that these payments are not made under par. (ct).

24 **SECTION 282.** 20.370 (7) (ce) of the statutes is renumbered 20.370 (7) (cr) and
25 amended to read:

ASSEMBLY BILL 75**SECTION 282**

1 20.370 (7) (cr) *Principal repayment and interest — nonpoint source.* ~~A~~ From
2 the environmental fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the
3 payment of principal and interest costs incurred in financing nonpoint source
4 projects under s. 20.866 (2) (tf), to make the payments determined by the building
5 commission under s. 13.488 (1) (m) that are attributable to the proceeds of
6 obligations incurred in financing those projects, and to make payments under an
7 agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

8 **SECTION 283.** 20.370 (7) (cf) of the statutes is renumbered 20.370 (7) (cs) and
9 amended to read:

10 20.370 (7) (cs) *Principal repayment and interest — urban nonpoint source*
11 *cost-sharing.* ~~A~~ From the environmental fund, a sum sufficient to reimburse s.
12 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
13 cost-sharing grants for projects under s. 20.866 (2) (th), to make the payments
14 determined by the building commission under s. 13.488 (1) (m) that are attributable
15 to the proceeds of obligations incurred in financing those grants, and to make
16 payments under an agreement or ancillary arrangement entered into under s. 18.06
17 (8) (a).

18 **SECTION 284.** 20.370 (7) (ct) of the statutes is created to read:

19 20.370 (7) (ct) *Principal and interest — pollution abatement, environmental*
20 *fund.* From the environmental fund, the amounts in the schedule to reimburse s.
21 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
22 the acquisition, construction, development, enlargement or improvement of point
23 source water pollution abatement facilities and sewage collection facilities under ss.
24 281.55, 281.56 and 281.57, to make the payments determined by the building
25 commission under s. 13.488 (1) (m) that are attributable to the proceeds of

ASSEMBLY BILL 75**SECTION 284**

1 obligations incurred in financing those facilities, and to make payments under an
2 agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

3 **SECTION 285.** 20.370 (7) (mc) of the statutes is renumbered 20.370 (7) (mr) and
4 amended to read:

5 20.370 **(7)** (mr) *Resource maintenance and development — state park, forest*
6 *and riverway roads.* As Notwithstanding s. 25.40 (3) (b), as a continuing
7 appropriation from the transportation fund, the amounts in the schedule for state
8 park and forest roads and roads in the lower Lower Wisconsin state riverway State
9 Riverway as defined in s. 30.40 (15) under s. 84.28 and for the maintenance of roads
10 in state parks under ch. 27 and recreation areas in state forests under ch. 28 which
11 are not eligible for funding under s. 84.28. The department may expend up to
12 \$400,000 from this appropriation in each fiscal year for state park and forest roads
13 and roads in the lower Lower Wisconsin state riverway State Riverway as defined
14 in s. 30.40 (15) under s. 84.28 and shall expend the balance from the appropriation
15 for the maintenance of roads which are not eligible for funding under s. 84.28.

16 **SECTION 286.** 20.370 (8) (mg) of the statutes is amended to read:

17 20.370 **(8)** (mg) *General program operations — stationary sources.* From the
18 general fund, from the moneys received from fees imposed on owners and operators
19 of stationary sources for which operation permits are required under the federal
20 clean air act under s. 285.69 (2) (a) and (e), the amounts in the schedule for the
21 administration of the operation permit program under ch. 285 and s. 299.15.

22 **SECTION 287.** 20.370 (8) (ok) of the statutes is created to read:

23 20.370 **(8)** (ok) *Federal economic stimulus funds.* All moneys transferred from
24 the appropriation account under s. 20.865 (2) (m), for the purposes for which
25 received.

ASSEMBLY BILL 75**SECTION 288**

1 **SECTION 288.** 20.370 (9) (hk) of the statutes is amended to read:

2 20.370 **(9)** (hk) *Approval fees to Lac du Flambeau band-service funds.* From
3 the general fund, the amounts in the schedule for the purpose of making payments
4 to the Lac du Flambeau band of the Lake Superior Chippewa under s. 29.2295 (4) (a)
5 and ~~(4m)~~. All moneys transferred from the appropriation account under s. 20.505 (8)
6 (hm) 8r. shall be credited to this appropriation account. ~~Notwithstanding s. 20.001~~
7 ~~(3) (a), the unencumbered balance on June 30 of each year shall revert to the~~
8 ~~appropriation account under s. 20.505 (8) (hm).~~

9 **SECTION 289.** 20.370 (9) (mh) of the statutes is amended to read:

10 20.370 **(9)** (mh) *General program operations — stationary sources.* From the
11 general fund, from the moneys received from fees ~~imposed on owners and operators~~
12 ~~of stationary sources for which operation permits are required under the federal~~
13 ~~clean air act~~ under s. 285.69 (2) (a) and (e), the amounts in the schedule for customer
14 service, communications and aids administration for the operation permit program
15 under ch. 285 and s. 299.15.

16 **SECTION 290.** 20.380 (1) (kf) of the statutes is created to read:

17 20.380 **(1)** (kf) *Federal economic stimulus funds.* All moneys transferred from
18 the appropriation account under s. 20.865 (2) (m), for the purposes for which
19 received.

20 **SECTION 291.** 20.395 (1) (bq) of the statutes is created to read:

21 20.395 **(1)** (bq) *Intercity bus assistance program, state funds.* As a continuing
22 appropriation, the amounts in the schedule for the intercity bus assistance program
23 under s. 85.26.

24 **SECTION 292.** 20.395 (1) (bv) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 292**

1 20.395 (1) (bv) *Transit and transportation employment and mobility other*
2 *transportation-related aids, local funds.* All moneys received from any local unit of
3 government or other source for urban mass transit purposes under s. 85.20, for rural
4 public transportation purposes under s. 85.23, ~~or~~ for transportation employment and
5 mobility purposes under s. 85.24 that are not funded from other appropriations
6 under this subsection, or for intercity bus assistance purposes under s. 85.26, for
7 such purposes.

8 **SECTION 293.** 20.395 (1) (bx) of the statutes is amended to read:

9 20.395 (1) (bx) *Transit and transportation employment and mobility other*
10 *transportation-related aids, federal funds.* All moneys received from the federal
11 government for urban mass transit purposes under s. 85.20, for rural public
12 transportation purposes under s. 85.23, ~~or~~ for transportation employment and
13 mobility purposes under s. 85.24 that are not funded from other appropriations
14 under this subsection, or for intercity bus assistance purposes under s. 85.26, for
15 such purposes.

16 **SECTION 294.** 20.395 (1) (ck) of the statutes is created to read:

17 20.395 (1) (ck) *Tribal elderly transportation grants.* From the general fund, the
18 amounts in the schedule for grants under s. 85.215 to American Indian tribes and
19 bands for transportation assistance for the elderly. All moneys transferred from the
20 appropriation account under s. 20.505 (8) (hm) 22. shall be credited to this
21 appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered
22 balance on June 30 of each year shall revert to the appropriation account under s.
23 20.505 (8) (hm).

24 **SECTION 295.** 20.395 (2) (js) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 295**

1 20.395 **(2)** (js) *Driver education grants, state funds.* The amounts in the
2 schedule for administering the program and awarding grants under s. 85.56.

3 **SECTION 296.** 20.395 (5) (cg) of the statutes is amended to read:

4 20.395 **(5)** (cg) ~~*Internet and telephone transactions*~~ *Convenience fees, state*
5 *funds.* From the general fund, all moneys received from ~~Internet and telephone~~
6 ~~credit card transaction fees that are~~ convenience fees authorized under s. 85.14 (1)
7 (a) and ~~all moneys received from convenience fees for the purpose of paying vendor~~
8 ~~and Internet charges~~ assessed against the department under s. 85.14 (1) (b) and
9 charges associated with the acceptance of payment by credit card, debit card, and
10 other electronic payment mechanism.

11 **SECTION 297.** 20.395 (5) (ci) of the statutes is amended to read:

12 20.395 **(5)** (ci) *Breath screening instruments, state funds.* From the general
13 fund, all moneys transferred from the appropriation account under s. 20.435 ~~(6)~~ (5)
14 (hx) for the purchase and maintenance of breath screening instruments.
15 Notwithstanding s. 20.001 (3) (a), the unencumbered balance in this appropriation
16 account on June 30 of each year shall be transferred to the appropriation account
17 under s. 20.435 ~~(6)~~ (5) (hx).

18 **SECTION 298.** 20.395 (5) (cL) (title) of the statutes is amended to read:

19 20.395 **(5)** (cL) (title) ~~*Licensing*~~ *Football plate licensing fees, state funds.*

20 **SECTION 299.** 20.395 (5) (di) of the statutes is amended to read:

21 20.395 **(5)** (di) *Chemical testing training and services, state funds.* From the
22 general fund, the amounts in the schedule for the chemical testing training and
23 services provided by the state traffic patrol. All moneys transferred from the
24 appropriation account under s. 20.435 ~~(6)~~ (5) (hx) shall be credited to this
25 appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered

ASSEMBLY BILL 75**SECTION 299**

1 balance in this appropriation account on June 30 of each year shall be transferred
2 to the appropriation account under s. 20.435 ~~(6)~~ (5) (hx).

3 **SECTION 300.** 20.395 (5) (dq) of the statutes is amended to read:

4 20.395 **(5)** (dq) *Vehicle inspection, traffic enforcement and radio management,*
5 *state funds.* The amounts in the schedule for administering the ~~ambulance~~
6 ~~inspection program under s. 341.085, the statewide public safety radio management~~
7 ~~program under s. 85.12, the vehicle inspection and traffic enforcement programs,~~
8 and transfers under s. 85.32.

9 **SECTION 301.** 20.395 (5) (ds) of the statutes is created to read:

10 20.395 **(5)** (ds) *School bus inspection, state funds.* All moneys received as school
11 bus inspection fees as provided under s. 110.06 (6) for purposes related to conducting
12 inspections of school buses under s. 110.06 (2).

13 **SECTION 302.** 20.395 (5) (dt) of the statutes is created to read:

14 20.395 **(5)** (dt) *Ambulance inspection, state funds.* All moneys received as
15 ambulance inspection fees as provided under s. 341.085 (3) for administering the
16 ambulance inspection program under s. 341.085.

17 **SECTION 303.** 20.395 (5) (du) of the statutes is created to read:

18 20.395 **(5)** (du) *State traffic patrol investigation assistance, state funds.* All
19 moneys received under s. 110.07 (7), for purposes related to assisting other law
20 enforcement agencies in conducting traffic accident investigations and
21 reconstructions.

22 **SECTION 304.** 20.395 (5) (ej) of the statutes is created to read:

23 20.395 **(5)** (ej) *Baseball plate licensing fees, state funds.* From the general fund,
24 all moneys received under s. 341.14 (6r) (b) 13. a. for the purpose of making payments
25 of licensing fees under s. 341.14 (6r) (i).

ASSEMBLY BILL 75**SECTION 305**

1 **SECTION 305.** 20.395 (5) (ek) of the statutes is amended to read:

2 20.395 **(5)** (ek) *Safe-ride grant program; state funds.* From the general fund,
3 all moneys transferred from the appropriation account under s. 20.435 ~~(6)~~ **(5)** (hx) for
4 the purpose of awarding grants under s. 85.55.

5 **SECTION 306.** 20.395 (6) (av) of the statutes is created to read:

6 20.395 **(6)** (av) *Principal repayment and interest, southeast Wisconsin transit*
7 *improvements, state funds.* A sum sufficient to reimburse s. 20.866 (1) (u) for the
8 payment of principal and interest costs incurred in financing transit capital
9 improvements under s. 85.11, as provided under s. 20.866 (2) (uq), and to make
10 payments under an agreement or ancillary arrangement entered into under s. 18.06
11 (8) (a).

12 **SECTION 307.** 20.395 (9) (gg) of the statutes is repealed.

13 **SECTION 308.** 20.410 (1) (kd) of the statutes is created to read:

14 20.410 **(1)** (kd) *Federal economic stimulus funds.* All moneys transferred from
15 the appropriation account under s. 20.865 (2) (m), for the purposes for which
16 received.

17 **SECTION 309.** 20.410 (1) (kh) of the statutes is amended to read:

18 20.410 **(1)** (kh) *Victim services and programs.* The amounts in the schedule for
19 the administration of victim services and programs. All moneys transferred from the
20 appropriation account under s. 20.455 (2) (i) 5m. shall be credited to this
21 appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered
22 balance on June 30 of each year shall revert to the appropriation account under s.
23 20.455 (2) (i).

24 **SECTION 310.** 20.410 (1) (kp) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 310**

1 20.410 **(1)** (kp) *Correctional officer training*. The amounts in the schedule to
2 finance correctional officers training under s. 301.28. All moneys transferred from
3 the appropriation account under s. 20.455 (2) (i) 6. shall be credited to this
4 appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered
5 balance on June 30 of each year shall revert to the appropriation account under s.
6 20.455 (2) (i).

7 **SECTION 311.** 20.410 (2) (title) of the statutes is amended to read:

8 20.410 **(2)** (title) ~~PAROLE~~ EARNED RELEASE REVIEW COMMISSION.

9 **SECTION 312.** 20.410 (2) (a) of the statutes is amended to read:

10 20.410 **(2)** (a) *General program operations*. The amounts in the schedule for
11 the general program operations of the ~~parole~~ earned release review commission.

12 **SECTION 313.** 20.410 (3) (hm) of the statutes is amended to read:

13 20.410 **(3)** (hm) *Juvenile correctional services*. Except as provided in pars. (ho)
14 and (hr), the amounts in the schedule for juvenile correctional services specified in
15 s. 301.26 (4) (c) and (d). All moneys received from the sale of surplus property,
16 including vehicles, from juvenile correctional institutions operated by the
17 department, all moneys received as payments in restitution of property damaged at
18 juvenile correctional institutions operated by the department, all moneys received
19 from miscellaneous services provided at a juvenile correctional institution operated
20 by the department, all moneys transferred from the appropriation ~~account~~ accounts
21 under pars. (ho) and (hr) as provided in ~~2007 Wisconsin Act 20, section 9209 (1f)~~ 2009
22 Wisconsin Act (this act), section 9211 (1), all moneys transferred under s. 301.26
23 (4) (cm), and, except as provided in par. (hr), all moneys received in payment for
24 juvenile correctional services specified in s. 301.26 (4) (d), (dt), and (g) shall be
25 credited to this appropriation account. If moneys generated by the daily rate under

ASSEMBLY BILL 75**SECTION 313**

1 s. 301.26 (4) (d) exceed actual fiscal year institutional costs by 2% or more, all moneys
2 in excess of that 2% shall be remitted to the counties during the subsequent calendar
3 year or transferred to the appropriation account under par. (kx) during the
4 subsequent fiscal year. Each county and the department shall receive a
5 proportionate share of the remittance and transfer depending on the total number
6 of days of placement at juvenile correctional institutions including the Mendota
7 Juvenile Treatment Center. Counties shall use the funds for purposes specified in
8 s. 301.26. The department shall deposit in the general fund the amounts transferred
9 under this paragraph to the appropriation account under par. (kx).

10 **SECTION 314.** 20.410 (3) (hm) of the statutes, as affected by 2009 Wisconsin Act
11 (this act), is amended to read:

12 20.410 **(3)** (hm) *Juvenile correctional services.* Except as provided in pars. (ho)
13 and (hr), the amounts in the schedule for juvenile correctional services specified in
14 s. 301.26 (4) (c) and (d). All moneys received from the sale of surplus property,
15 including vehicles, from juvenile correctional institutions operated by the
16 department, all moneys received as payments in restitution of property damaged at
17 juvenile correctional institutions operated by the department, all moneys received
18 from miscellaneous services provided at a juvenile correctional institution operated
19 by the department, ~~all moneys transferred from the appropriation accounts under~~
20 ~~pars. (ho) and (hr) as provided in 2009 Wisconsin Act (this act), section 9211 (1),~~
21 all moneys transferred under s. 301.26 (4) (cm), and, except as provided in par. (hr),
22 all moneys received in payment for juvenile correctional services specified in s.
23 301.26 (4) (d), (dt), and (g) shall be credited to this appropriation account. If moneys
24 generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year
25 institutional costs by 2% or more, all moneys in excess of that 2% shall be remitted

ASSEMBLY BILL 75**SECTION 314**

1 to the counties during the subsequent calendar year or transferred to the
2 appropriation account under par. (kx) during the subsequent fiscal year. Each
3 county and the department shall receive a proportionate share of the remittance and
4 transfer depending on the total number of days of placement at juvenile correctional
5 institutions including the Mendota Juvenile Treatment Center. Counties shall use
6 the funds for purposes specified in s. 301.26. The department shall deposit in the
7 general fund the amounts transferred under this paragraph to the appropriation
8 account under par. (kx).

9 **SECTION 315.** 20.410 (3) (ho) of the statutes is amended to read:

10 20.410 **(3)** (ho) *Juvenile residential aftercare.* The amounts in the schedule for
11 providing foster care, treatment foster care, group home care, and institutional child
12 care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52.
13 All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment
14 for providing foster care, treatment foster care, group home care, and institutional
15 child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and
16 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation
17 account. If moneys generated by the daily rate exceed actual fiscal year foster care,
18 treatment foster care, group home care, and institutional child care costs, that excess
19 shall be transferred to the appropriation account under par. (hm) as provided in 2009
20 Wisconsin Act (this act), section 9211 (1), except that, if those moneys generated
21 exceed those costs by 2% or more, all moneys in excess of 2% shall be remitted to the
22 counties during the subsequent calendar year or transferred to the appropriation
23 account under par. (kx) during the subsequent fiscal year. Each county and the
24 department shall receive a proportionate share of the remittance and transfer
25 depending on the total number of days of placement in foster care, treatment foster

ASSEMBLY BILL 75**SECTION 315**

1 care, group home care, or institutional child care. Counties shall use the funds for
2 purposes specified in s. 301.26. The department shall deposit in the general fund the
3 amounts transferred under this paragraph to the appropriation account under par.
4 (kx).

5 **SECTION 316.** 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act
6 (this act), section 315, is amended to read:

7 20.410 **(3)** (ho) *Juvenile residential aftercare*. The amounts in the schedule for
8 providing foster care, ~~treatment foster care~~, group home care, and institutional child
9 care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52.
10 All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment
11 for providing foster care, ~~treatment foster care~~, group home care, and institutional
12 child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and
13 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation
14 account. If moneys generated by the daily rate exceed actual fiscal year foster care,
15 ~~treatment foster care~~, group home care, and institutional child care costs, that excess
16 shall be transferred to the appropriation account under par. (hm) as provided in 2009
17 Wisconsin Act (this act), SECTION 9211 (1), except that if those moneys generated
18 exceed those costs by 2% or more, all moneys in excess of 2% shall be remitted to the
19 counties during the subsequent calendar year or transferred to the appropriation
20 account under par. (kx) during the subsequent fiscal year. Each county and the
21 department shall receive a proportionate share of the remittance and transfer
22 depending on the total number of days of placement in foster care, ~~treatment foster~~
23 ~~care~~, group home care, or institutional child care. Counties shall use the funds for
24 purposes specified in s. 301.26. The department shall deposit in the general fund the

ASSEMBLY BILL 75**SECTION 316**

1 amounts transferred under this paragraph to the appropriation account under par.
2 (kx).

3 **SECTION 317.** 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act
4 (this act), sections 315 and 316, is amended to read:

5 20.410 **(3)** (ho) *Juvenile residential aftercare.* The amounts in the schedule for
6 providing foster care, group home care, and institutional child care to delinquent
7 juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys
8 transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing
9 foster care, group home care, and institutional child care to delinquent juveniles
10 under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4)
11 (e) and (ed) shall be credited to this appropriation account. If moneys generated by
12 the daily rate exceed actual fiscal year foster care, group home care, and institutional
13 child care costs, ~~that excess shall be transferred to the appropriation account under~~
14 ~~par. (hm) as provided in 2009 Wisconsin Act (this act), section 9211 (1), except that,~~
15 ~~if those moneys generated exceed those costs by 2% or more, all moneys in excess of~~
16 2% shall be remitted to the counties during the subsequent calendar year or
17 transferred to the appropriation account under par. (kx) during the subsequent fiscal
18 year. Each county and the department shall receive a proportionate share of the
19 remittance and transfer depending on the total number of days of placement in foster
20 care, group home care, or institutional child care. Counties shall use the funds for
21 purposes specified in s. 301.26. The department shall deposit in the general fund the
22 amounts transferred under this paragraph to the appropriation account under par.
23 (kx).

24 **SECTION 318.** 20.410 (3) (hr) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 318**

1 20.410 **(3)** (hr) *Juvenile corrective sanctions program*. The amounts in the
2 schedule for the corrective sanctions services specified in s. 301.26 (4) (eg). All
3 moneys received in payment for the corrective sanctions services specified in s.
4 301.26 (4) (eg) shall be credited to this appropriation account. If moneys generated
5 by the daily rate exceed actual fiscal year corrective sanctions services costs, that
6 excess shall be transferred to the appropriation account under par. (hm) as provided
7 in 2009 Wisconsin Act (this act), section 9211 (1).

8 **SECTION 319.** 20.410 (3) (hr) of the statutes, as affected by 2009 Wisconsin Act
9 (this act), is amended to read:

10 20.410 **(3)** (hr) *Juvenile corrective sanctions program*. The amounts in the
11 schedule for the corrective sanctions services specified in s. 301.26 (4) (eg). All
12 moneys received in payment for the corrective sanctions services specified in s.
13 301.26 (4) (eg) shall be credited to this appropriation account. ~~If moneys generated~~
14 ~~by the daily rate exceed actual fiscal year corrective sanctions services costs, that~~
15 ~~excess shall be transferred to the appropriation account under par. (hm) as provided~~
16 ~~in 2009 Wisconsin Act (this act), section 9211 (1).~~

17 **SECTION 320.** 20.425 (1) (a) of the statutes is amended to read:

18 20.425 **(1)** (a) *General program operations*. The amounts in the schedule for
19 the purposes provided in subchs. I, IV ~~and~~ V, and VI of ch. 111 and s. 230.45 (1).

20 **SECTION 321.** 20.425 (1) (i) of the statutes is amended to read:

21 20.425 **(1)** (i) *Fees, collective bargaining training, publications, and appeals*.
22 The amounts in the schedule for the performance of fact-finding, mediation, and
23 arbitration functions, for the provision of copies of transcripts, for the cost of
24 operating training programs under ss. 111.09 (3), 111.71 (5), and 111.94 (3), for the
25 preparation of publications, transcripts, reports, and other copied material, and for

ASSEMBLY BILL 75**SECTION 321**

1 costs related to conducting appeals under s. 230.45. All moneys received under ss.
2 111.09 (1) and (2), 111.71 (1) and (2), 111.94 (1) and (2), 111.9993, and 230.45 (3), all
3 moneys received from arbitrators and arbitration panel members, and individuals
4 who are interested in serving in such positions, and from individuals and
5 organizations who participate in other collective bargaining training programs
6 conducted by the commission, and all moneys received from the sale of publications,
7 transcripts, reports, and other copied material shall be credited to this appropriation
8 account.

9 **SECTION 322.** 20.425 (1) (k) of the statutes is created to read:

10 20.425 **(1)** (k) *Federal economic stimulus funds.* All moneys transferred from
11 the appropriation account under s. 20.865 (2) (m), for the purposes for which
12 received.

13 **SECTION 323.** 20.432 (1) (kc) of the statutes is created to read:

14 20.432 **(1)** (kc) *Federal economic stimulus funds.* All moneys transferred from
15 the appropriation account under s. 20.865 (2) (m), for the purposes for which
16 received.

17 **SECTION 324.** 20.433 (1) (kc) of the statutes is created to read:

18 20.433 **(1)** (kc) *Federal economic stimulus funds.* All moneys transferred from
19 the appropriation account under s. 20.865 (2) (m), for the purposes for which
20 received.

21 **SECTION 325.** 20.435 (1) (title) of the statutes is amended to read:

22 20.435 **(1)** (title) PUBLIC HEALTH SERVICES PLANNING, REGULATION, AND DELIVERY;
23 STATE OPERATIONS.

24 **SECTION 326.** 20.435 (1) (b) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 326**

1 20.435 **(1)** (b) *General aids and local assistance*. The amounts in the schedule
2 for aids and local assistance relating to public health services.

3 **SECTION 327.** 20.435 (1) (gm) of the statutes is amended to read:

4 20.435 **(1)** (gm) *Licensing, review and certifying activities; fees; supplies and*
5 *services*. The amounts in the schedule for the purposes specified in ss. 252.23, 252.24,
6 252.245, 254.176, 254.178, 254.179, 254.20 (5) and (8), 254.31 to 254.39, 254.41,
7 254.47, 254.61 to 254.88, 255.08 (2), and 256.15 (8) and ch. 69, for the purchase and
8 distribution of medical supplies and to analyze and provide data under s. 250.04. In
9 each fiscal year, \$155,600 of the moneys credited to this appropriation account is
10 transferred to the appropriation account under s. 20.437 (1) (kx) for the foster care
11 public information campaign under s. 48.47 (40) and \$150,400 of the moneys credited
12 to this appropriation account is transferred to the appropriation account under par.
13 (kx) for activities under s. 253.02 (2) (e). All moneys received under ss. 250.04 (3m),
14 252.23 (4) (a), 252.24 (4) (a), 252.245 (9), 254.176, 254.178, 254.181, 254.20 (5) and
15 (8), 254.31 to 254.39, 254.41, 254.47, 254.61 to 254.88, 255.08 (2) (b), and 256.15 (5)
16 (f) and (8) (d) and ch. 69, other than s. 69.22 (1m), and as reimbursement for medical
17 supplies shall be credited to this appropriation account.

18 **SECTION 328.** 20.435 (1) (gp) of the statutes is created to read:

19 20.435 **(1)** (gp) *Cancer information*. All moneys received from fees collected for
20 access to cancer registry information under s. 255.04 for collecting, compiling, and
21 disseminating cancer information under s. 255.04.

22 **SECTION 329.** 20.435 (1) (i) of the statutes is repealed and recreated to read:

23 20.435 **(1)** (i) *Gifts and grants*. All moneys received from gifts, grants, bequests,
24 and trust funds relating to public health services, to be expended for the purposes
25 for which received.

ASSEMBLY BILL 75**SECTION 330**

SECTION 330. 20.435 (1) (jd) of the statutes is created to read:

20.435 **(1)** (jd) *Fees for administrative services.* All moneys received from fees charged for providing state mailings, special computer services, training programs, printed materials, and publications relating to public health services, for the purpose of providing those state mailings, special computer services, training programs, printed materials, and publications.

SECTION 331. 20.435 (1) (kx) of the statutes is amended to read:

20.435 **(1)** (kx) *Interagency and intra-agency programs.* All moneys received from other state agencies and all moneys received by the department from the department ~~not directed to be deposited under sub. (6) (k)~~ for the administration of programs or projects relating to public health services, for the purposes for which received.

SECTION 332. 20.435 (1) (ky) of the statutes is created to read:

20.435 **(1)** (ky) *Interagency and intra-agency aids.* Except as provided in pars. (kb) and (ke), all moneys received from other state agencies and all moneys received by the department from the department for aids to individuals and organizations relating to public health services, for the purposes for which received.

SECTION 333. 20.435 (1) (kz) of the statutes is created to read:

20.435 **(1)** (kz) *Interagency and intra-agency local assistance.* All moneys received from other state agencies and all moneys received by the department from the department for local assistance relating to public health services, for the purposes for which received.

SECTION 334. 20.435 (1) (m) of the statutes is repealed and recreated to read:

ASSEMBLY BILL 75**SECTION 334**

1 20.435 **(1)** (m) *Federal project operations*. All moneys received from the federal
2 government or any of its agencies for the state administration of specific limited term
3 projects relating to public health services, for the purposes for which received.

4 **SECTION 335.** 20.435 (1) (ma) of the statutes is created to read:

5 20.435 **(1)** (ma) *Federal project aids*. All moneys received from the federal
6 government or any of its agencies for aids to individuals and organizations for
7 specific limited term projects relating to public health services, for the purposes for
8 which received.

9 **SECTION 336.** 20.435 (1) (mc) of the statutes is repealed and recreated to read:

10 20.435 **(1)** (mc) *Federal block grant operations*. All block grant moneys received
11 from the federal government or any of its agencies for the state administration of
12 federal block grants relating to public health services, for the purposes for which
13 received.

14 **SECTION 337.** 20.435 (1) (md) of the statutes is created to read:

15 20.435 **(1)** (md) *Federal block grant aids*. All block grant moneys received from
16 the federal government or any of its agencies for aids to individuals and
17 organizations relating to public health services, for the purposes for which received.

18 **SECTION 338.** 20.435 (1) (n) of the statutes is amended to read:

19 20.435 **(1)** (n) *Federal program operations*. All moneys received from the
20 federal government or any of its agencies for the state administration of continuing
21 programs ~~to be expended~~ relating to public health services, for the purposes specified
22 for which received.

23 **SECTION 339.** 20.435 (1) (na) of the statutes is created to read:

24 20.435 **(1)** (na) *Federal program aids*. All moneys received from the federal
25 government or any of its agencies for aids to individuals and organizations for

ASSEMBLY BILL 75**SECTION 339**

1 continuing programs relating to public health services, for the purposes for which
2 received.

3 **SECTION 340.** 20.435 (2) (title) of the statutes is repealed and recreated to read:
4 20.435 **(2)** (title) MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES SERVICES;
5 FACILITIES.

6 **SECTION 341.** 20.435 (2) (i) of the statutes is repealed and recreated to read:
7 20.435 **(2)** (i) *Gifts and grants.* All moneys received from gifts, grants, bequests,
8 and trust funds relating to operating institutions and evaluating, treating, and
9 caring for persons under ch. 980, to be expended for the purposes for which received.

10 **SECTION 342.** 20.435 (2) (m) of the statutes is repealed and recreated to read:
11 20.435 **(2)** (m) *Federal project operations.* All moneys received from the federal
12 government or any of its agencies for the state administration of specific limited term
13 projects relating to operating institutions and to evaluating, treating, and caring for
14 persons under ch. 980, for the purposes for which received.

15 **SECTION 343.** 20.435 (4) (title) of the statutes is amended to read:
16 20.435 **(4)** (title) ~~HEALTH SERVICES PLANNING, REGULATION AND DELIVERY; HEALTH~~
17 ~~CARE FINANCING; OTHER SUPPORT PROGRAMS~~ CARE ACCESS AND ACCOUNTABILITY.

18 **SECTION 344.** 20.435 (4) (a) of the statutes is amended to read:
19 20.435 **(4)** (a) *General program operations.* The amounts in the schedule for
20 general program operations, including health care financing regulation,
21 administration, and field services and medical assistance eligibility determinations
22 under s. 49.45 (2) (a) 3, and administration of the pharmacy benefits purchasing pool
23 under s. 146.45.

24 **SECTION 345.** 20.435 (4) (b) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 345**

1 20.435 **(4)** (b) *Medical Assistance program benefits.* Biennially, the amounts
2 in the schedule to provide a portion of the state share of Medical Assistance program
3 benefits administered under subch. IV of ch. 49, for a portion of the Badger Care
4 health care program under s. 49.665, to provide a portion of the Medical Assistance
5 program benefits administered under subch. IV of ch. 49 that are not also provided
6 under par. (o), to fund the pilot project under s. 46.27 (9) and (10), to provide a portion
7 of the facility payments under 1999 Wisconsin Act 9, section 9123 (9m), to fund
8 services provided by resource centers under s. 46.283, for services under the family
9 care benefit under s. 46.284 (5), for assisting victims of diseases, as provided in ss.
10 49.68, 49.683, and 49.685, and for reduction of any operating deficits as specified in
11 2005 Wisconsin Act 15, section 3. Notwithstanding s. 20.002 (1), the department may
12 transfer from this appropriation account to the appropriation account under sub. (7)
13 ~~(kb)~~ ~~(5)~~ ~~(kc)~~ funds in the amount of and for the purposes specified in s. 46.485.
14 Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the department may credit or
15 deposit into this appropriation account and may transfer between fiscal years funds
16 that it transfers from the appropriation account under sub. ~~(7)~~ ~~(kb)~~ ~~(5)~~ ~~(kc)~~ for the
17 purposes specified in s. 46.485 (3r). Notwithstanding s. 20.002 (1), the department
18 may transfer from this appropriation account to the appropriation account under
19 sub. (7) (bd) funds in the amount and for the purposes specified in s. 49.45 (6v).

20 **SECTION 346.** 20.435 (4) (bm) of the statutes is amended to read:

21 20.435 **(4)** (bm) *Medical Assistance, food stamps, and Badger Care*
22 *administration; contract costs, insurer reports, and resource centers.* Biennially, the
23 amounts in the schedule to provide a portion of the state share of administrative
24 contract costs for the Medical Assistance program under subch. IV of ch. 49 and the
25 Badger Care health care program under s. 49.665 and to provide the state share of

ASSEMBLY BILL 75**SECTION 346**

1 administrative costs for the food stamp program under s. 49.79, other than payments
2 to counties and tribal governing bodies under s. 49.78 (8), to develop and implement
3 a registry of recipient immunizations, to reimburse 3rd parties for their costs under
4 s. 49.475, for costs associated with outreach activities, for state administration of
5 state supplemental grants to supplemental security income recipients under s.
6 49.77, to provide incentive payments to the department of children and families for
7 identifying children with medical assistance coverage who have access to health
8 insurance coverage, and for services of resource centers under s. 46.283. No state
9 positions may be funded in the department of health services from this
10 appropriation, except positions for the performance of duties under a contract in
11 effect before January 1, 1987, related to the administration of the Medical Assistance
12 program between the subunit of the department primarily responsible for
13 administering the Medical Assistance program and another subunit of the
14 department. Total administrative funding authorized for the program under s.
15 49.665 may not exceed 10% of the amounts budgeted under pars. (bc), (p), and (x)
16 pars. (p) and (x).

17 **SECTION 347.** 20.435 (4) (bm) of the statutes, as affected by 2009 Wisconsin Act
18 (this act), is amended to read:

19 20.435 **(4)** (bm) *Medical Assistance, food stamps, and Badger Care*
20 *administration; contract costs, insurer reports, and resource centers.* Biennially, the
21 amounts in the schedule to provide a portion of the state share of administrative
22 contract costs for the Medical Assistance program under subch. IV of ch. 49 and the
23 Badger Care health care program under s. 49.665 and to provide the state share of
24 administrative costs for the food stamp program under s. 49.79, other than payments
25 to counties and tribal governing bodies under s. 49.78 (8), to develop and implement

ASSEMBLY BILL 75**SECTION 347**

1 a registry of recipient immunizations, to reimburse 3rd parties for their costs under
2 s. 49.475, for costs associated with outreach activities, for state administration of
3 state supplemental grants to supplemental security income recipients under s.
4 49.77, to provide incentive payments to the department of children and families for
5 identifying children with medical assistance coverage who have access to health
6 insurance coverage, to administer the pharmacy benefits purchasing pool under s.
7 146.45, and for services of resource centers under s. 46.283. No state positions may
8 be funded in the department of health services from this appropriation, except
9 positions for the performance of duties under a contract in effect before January 1,
10 1987, related to the administration of the Medical Assistance program between the
11 subunit of the department primarily responsible for administering the Medical
12 Assistance program and another subunit of the department. Total administrative
13 funding authorized for the program under s. 49.665 may not exceed 10% of the
14 amounts budgeted under pars. (p) and (x).

15 **SECTION 348.** 20.435 (4) (bt) of the statutes is amended to read:

16 20.435 **(4)** (bt) *Relief block grants to counties.* The amounts in the schedule for
17 relief block grants to counties under ss. 49.025 and 49.027 for relief or health care
18 services provided before July 1, 2009.

19 **SECTION 349.** 20.435 (4) (bt) of the statutes, as affected by 2009 Wisconsin Act
20 (this act), is repealed.

21 **SECTION 350.** 20.435 (4) (d) of the statutes is repealed.

22 **SECTION 351.** 20.435 (4) (gm) of the statutes is renumbered 20.435 (7) (gm).

23 **SECTION 352.** 20.435 (4) (gp) of the statutes is amended to read:

24 20.435 **(4)** (gp) *Medical assistance; hospital assessments.* All moneys received
25 under s. 146.99, to provide a portion of the state share of Medical Assistance program

ASSEMBLY BILL 75**SECTION 352**

benefits administered under s. 49.45, to provide a portion of Medical Assistance program benefits administered under s. 49.45 that are not also provided under par. (o), to fund the pilot project under s. 46.27 (9) and (10), to provide a portion of the facility payments under 1999 Wisconsin Act 9, section 9123 (9m), to fund services provided by resource centers under s. 46.283, and for services under the family care benefit under s. 46.284 (5). Notwithstanding s. 20.002 (1), the department may transfer from this appropriation account to the appropriation account under sub. (7) (kb) (5) (kc) funds in the amount of and for the purposes specified in s. 46.485. Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the department may credit or deposit into this appropriation account and may transfer between fiscal years funds that it transfers from the appropriation account under sub. (7) (kb) (5) (kc) for the purposes specified in s. 46.485 (3r). Notwithstanding s. 20.002 (1), the department may transfer from this appropriation account to the appropriation account under sub. (7) (bd) funds in the amount and for the purposes specified in s. 49.45 (6v).

SECTION 353. 20.435 (4) (h) of the statutes is amended to read:

20.435 **(4)** (h) ~~General or medical assistance medical program~~ BadgerCare Plus Childless Adults Program; intergovernmental transfer. ~~As a continuing appropriation, the amounts in the schedule~~ All moneys received from any county either to provide supplemental payments to eligible health care providers that contract with Milwaukee County to provide the county for the provision of health care services before July 1, 2009, funded by a relief block grant under s. 49.025 subch. II of ch. 49 or to provide benefits under the demonstration project under s. 49.45 (23). ~~All moneys received from Milwaukee County for either purpose shall be credited to this appropriation account for the purpose of providing either the supplemental payments or the benefits.~~

ASSEMBLY BILL 75**SECTION 354**

1 **SECTION 354.** 20.435 (4) (h) of the statutes, as affected by 2009 Wisconsin Act
2 (this act), is amended to read:

3 20.435 **(4)** (h) *BadgerCare Plus Childless Adults Program; intergovernmental*
4 *transfer.* All moneys received from any county ~~either to provide supplemental~~
5 ~~payments to eligible health care providers that contract with the county for the~~
6 ~~provision of health care services before July 1, 2009, funded by a relief block grant~~
7 ~~under subch. II of ch. 49 or to provide benefits under the demonstration project under~~
8 ~~s. 49.45 (23) for the purpose of providing either the supplemental payments or the~~
9 ~~benefits.~~

10 **SECTION 355.** 20.435 (4) (jt) of the statutes is created to read:

11 20.435 **(4)** (jt) *Care management organization; insolvency assistance.* All
12 moneys received as assessments under s. 648.75 (3) for the purpose of funding
13 arrangements for, or to pay expenses related to, services for enrollees of an insolvent
14 or financially hazardous care management organization.

15 **SECTION 356.** 20.435 (4) (jw) of the statutes is amended to read:

16 20.435 **(4)** (jw) *BadgerCare Plus administrative costs.* ~~Biennially, the amounts~~
17 ~~in the schedule~~ All moneys received from payment of enrollment fees under the
18 program under s. 49.45 (23), all moneys transferred from the appropriation account
19 under par. (jz), and 10 percent of all moneys received from penalty assessments
20 under s. 49.471 (9) (c), for administration of the program under s. 49.45 (23) and to
21 provide a portion of the state share of administrative costs for the BadgerCare Plus
22 Medical Assistance program under s. 49.471. ~~Ten percent of all moneys received from~~
23 ~~penalty assessments under s. 49.471 (9) (c) shall be credited to this appropriation~~
24 ~~account.~~

ASSEMBLY BILL 75**SECTION 357**

1 **SECTION 357.** 20.435 (4) (jw) of the statutes, as affected by 2009 Wisconsin Act
2 (this act), is amended to read:

3 20.435 **(4)** (jw) *BadgerCare Plus and pharmacy benefits purchasing pool*
4 *administrative costs.* All moneys received from payment of enrollment fees under the
5 program under s. 49.45 (23), all moneys transferred from the appropriation account
6 under par. (jz), and 10 percent of all moneys received from penalty assessments
7 under s. 49.471 (9) (c), for administration of the program under s. 49.45 (23) ~~and~~, to
8 provide a portion of the state share of administrative costs for the BadgerCare Plus
9 Medical Assistance program under s. 49.471, and to administer a contract with an
10 entity to operate the pharmacy benefits purchasing pool under s. 146.65.

11 **SECTION 358.** 20.435 (4) (jz) of the statutes is amended to read:

12 20.435 **(4)** (jz) *Medical Assistance and Badger Care cost sharing and employer*
13 *penalty assessments.* All moneys received in cost sharing from medical assistance
14 recipients, including payments under s. 49.665 (5), all moneys received from penalty
15 assessments under s. 49.665 (7) (b) 2., and 90 percent of all moneys received from
16 penalty assessments under s. 49.471 (9) (c) to be used for the Badger Care health care
17 program under s. 49.665 and ~~for~~ the Medical Assistance program under subch. IV of
18 ch. 49, and to transfer any amount credited to this appropriation account in excess
19 of \$27,785,500 in a fiscal year to the appropriation account under par. (jw).

20 **SECTION 359.** 20.435 (4) (jz) of the statutes, as affected by 2009 Wisconsin Act
21 (this act), is amended to read:

22 20.435 **(4)** (jz) *Medical Assistance and Badger Care cost sharing ~~and~~, employer*
23 *penalty assessments, and pharmacy benefits purchasing pool operations.* All moneys
24 received in cost sharing from medical assistance recipients, including payments
25 under s. 49.665 (5), all moneys received from penalty assessments under s. 49.665

ASSEMBLY BILL 75**SECTION 359**

(7) (b) 2., and 90 percent of all moneys received from penalty assessments under s. 49.471 (9) (c), all moneys received from persons who join the pharmacy benefits purchasing pool under s. 146.45, and all moneys received as rebates from drug manufacturers for prescription drugs purchased under the pharmacy benefits purchasing pool under s. 146.45, to be used for the Badger Care health care program under s. 49.665 and, for the Medical Assistance program under subch. IV of ch. 49, to pay an entity to operate the pharmacy benefits purchasing pool under s. 146.45, to transfer the amount determined under s. 146.45 (4) to the appropriation account under par. (jw), and to transfer any amount credited to this appropriation account in excess of \$27,785,500 in a fiscal year to the appropriation account under par. (jw).

SECTION 360. 20.435 (4) (kb) of the statutes is amended to read:

20.435 **(4)** (kb) *Relief block grants to tribal governing bodies.* The amounts in the schedule for relief block grants under s. 49.029 to tribal governing bodies for relief or health care services provided before July 1, 2009. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 18. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 361. 20.435 (4) (kb) of the statutes, as affected by 2009 Wisconsin Act (this act), is repealed.

SECTION 362. 20.435 (4) (kv) of the statutes is created to read:

20.435 **(4)** (kv) *Care management organization; oversight.* All moneys transferred from the appropriation account under s. 20.145 (1) (g), for expenses related to financial certification, monitoring, and assessment of care management organizations that are subject to ch. 648.

ASSEMBLY BILL 75**SECTION 363**

SECTION 363. 20.435 (4) (o) of the statutes is amended to read:

20.435 **(4)** (o) *Federal aid; medical assistance.* All federal moneys received for meeting costs of Medical Assistance administered under ss. 46.284 (5) and 49.665 and subch. IV of ch. 49, to be used for those purposes ~~and, for transfer to the Medical Assistance trust fund, for those purposes, for transfer to the appropriation account under sub. (5) (kx) for the purposes specified under sub. (5) (kx), and to transfer to the appropriation account under s. 20.435 (7) (im) \$19,100 in fiscal year 2009–10 and \$20,900 in fiscal year 2010–11.~~

SECTION 364. 20.435 (5) (title) of the statutes is repealed and recreated to read:

20.435 **(5)** (title) MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES.

SECTION 365. 20.435 (5) (a) of the statutes is created to read:

20.435 **(5)** (a) *General program operations.* The amounts in the schedule for general program operations relating to mental health and alcoholism or other drug abuse services, including field services and administrative services.

SECTION 366. 20.435 (5) (am) of the statutes is renumbered 20.435 (1) (am) and amended to read:

20.435 **(1)** (am) *Services, reimbursement, and payment related to human immunodeficiency virus.* The amounts in the schedule for the purchase of services under s. 252.12 (2) (a) for individuals with respect to human immunodeficiency virus and related infections, including hepatitis C virus infection, to subsidize premium ~~330~~ payments under ss. 252.16 and 252.17, for grants for the prevention of human immunodeficiency virus infection and related infections, including hepatitis C virus infection, under s. 252.12 (2) (c) 2. and 3., to reimburse or supplement the reimbursement of the cost of AZT, pentamidine and certain other drugs under s.

ASSEMBLY BILL 75**SECTION 366**

1 49.686, and to pay for premiums and drug copayments under the pilot program
2 under s. 49.686 (6), and for care management services under s. 49.45 (25) (be).

3 **SECTION 367.** 20.435 (5) (bc) of the statutes is created to read:

4 20.435 **(5)** (bc) *Grants for community programs.* The amounts in the schedule
5 for grants for community programs under s. 46.48. Notwithstanding ss. 20.001 (3)
6 (a) and 20.002 (1), the department may transfer funds between fiscal years under
7 this paragraph. Except for amounts authorized to be carried forward under s. 46.48
8 and as otherwise provided in this paragraph, all funds allocated but not encumbered
9 by December 31 of each year lapse to the general fund on the next January 1 unless
10 carried forward to the next calendar year by the joint committee on finance.
11 Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department shall transfer from
12 this appropriation account to the appropriation account for the department of
13 children and families under s. 20.437 (2) (dz) funds allocated by the department
14 under s. 46.48 (30) but unexpended on June 30 of each year.

15 **SECTION 368.** 20.435 (5) (cb) of the statutes is renumbered 20.435 (1) (cb).

16 **SECTION 369.** 20.435 (5) (cc) of the statutes is renumbered 20.435 (1) (cc).

17 **SECTION 370.** 20.435 (5) (ce) of the statutes is renumbered 20.435 (1) (ce).

18 **SECTION 371.** 20.435 (5) (ch) of the statutes is renumbered 20.435 (1) (ch).

19 **SECTION 372.** 20.435 (5) (cm) of the statutes is renumbered 20.435 (1) (cm).

20 **SECTION 373.** 20.435 (5) (da) of the statutes is created to read:

21 20.435 **(5)** (da) *Reimbursements to local units of government.* A sum sufficient
22 for the cost of care as provided in s. 51.22 (3) for persons who require mental health
23 or alcoholism or other drug abuse treatment.

24 **SECTION 374.** 20.435 (5) (de) of the statutes is renumbered 20.435 (1) (de).

25 **SECTION 375.** 20.435 (5) (dg) of the statutes is renumbered 20.435 (1) (dg).

ASSEMBLY BILL 75**SECTION 376**

1 **SECTION 376.** 20.435 (5) (dm) of the statutes is renumbered 20.435 (1) (dm) and
2 amended to read:

3 20.435 **(1)** (dm) *Rural health dental clinics.* The amounts in the schedule for
4 the rural health dental clinics under s. 146.65 and grants under 2007 Wisconsin Act
5 20, section 9121 (8x).

6 **SECTION 377.** 20.435 (5) (ds) of the statutes is renumbered 20.435 (1) (ds).

7 **SECTION 378.** 20.435 (5) (e) of the statutes is renumbered 20.435 (1) (e).

8 **SECTION 379.** 20.435 (5) (ed) of the statutes is renumbered 20.435 (1) (ed).

9 **SECTION 380.** 20.435 (5) (ef) of the statutes is renumbered 20.435 (1) (ef).

10 **SECTION 381.** 20.435 (5) (eg) of the statutes is renumbered 20.435 (1) (eg).

11 **SECTION 382.** 20.435 (5) (eu) of the statutes is renumbered 20.435 (1) (eu) and
12 amended to read:

13 20.435 **(1)** (eu) *Reducing fetal and infant mortality and morbidity.* Biennially,
14 the amounts in the schedule to provide services under 2007 Wisconsin Act 20, section
15 9121 (6d) s. 253.16.

16 **SECTION 383.** 20.435 (5) (ev) of the statutes is renumbered 20.435 (1) (ev).

17 **SECTION 384.** 20.435 (5) (f) of the statutes is renumbered 20.435 (1) (f) and
18 amended to read:

19 20.435 **(1)** (f) *Family planning.* The amounts in the schedule to provide family
20 planning services under s. 253.07 and under 1991 Wisconsin Act 39, section 9125
21 (21q). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer
22 funds between fiscal years under this paragraph. All funds distributed by the
23 department under s. 253.07 (2) (b) and (4) but not encumbered by December 31 of
24 each year lapse to the general fund on the next January 1 unless transferred to the
25 next calendar year by the joint committee on finance.

ASSEMBLY BILL 75**SECTION 385**

1 **SECTION 385.** 20.435 (5) (fh) of the statutes is renumbered 20.435 (1) (fh).

2 **SECTION 386.** 20.435 (5) (fi) of the statutes is renumbered 20.435 (1) (gi).

3 **SECTION 387.** 20.435 (5) (fm) of the statutes is renumbered 20.435 (1) (fm) and
4 amended to read:

5 20.435 **(1)** (fm) *Tobacco use control grants.* As a continuing appropriation, the
6 amounts in the schedule for grants and programs under s. 255.15 (3).

7 **SECTION 388.** 20.435 (5) (g) of the statutes is renumbered 20.435 (1) (g).

8 **SECTION 389.** 20.435 (5) (i) of the statutes is amended to read:

9 20.435 **(5)** (i) *Gifts and grants; ~~aids.~~* All moneys received from gifts, grants and,
10 bequests to ~~provide aids to individuals for, and trust funds relating to mental health~~
11 and alcoholism or other drug abuse services consistent with the purpose of the gift,
12 grant or bequest, to be expended for the purposes for which received.

13 **SECTION 390.** 20.435 (5) (ja) of the statutes is renumbered 20.435 (1) (ja) and
14 amended to read:

15 20.435 **(1)** (ja) *Congenital disorders; diagnosis, special dietary treatment and*
16 *counseling.* The amounts in the schedule to provide diagnostic services, special
17 dietary treatment and follow-up counseling for congenital disorders and periodic
18 evaluation of infant screening programs as specified under s. 253.13. All moneys
19 received by the department under s. 253.13 (2), less the amounts appropriated under
20 ~~sub. (1) par. (jb),~~ shall be credited to this appropriation account.

21 **SECTION 391.** 20.435 (5) (jb) of the statutes is created to read:

22 20.435 **(5)** (jb) *Fees for administrative services.* All moneys received from fees
23 charged for providing state mailings, special computer services, training programs,
24 printed materials, and publications relating to mental health and alcoholism or

ASSEMBLY BILL 75**SECTION 391**

1 other drug abuse services, for the purpose of providing those state mailings, special
2 computer services, training programs, printed materials, and publications.

3 **SECTION 392.** 20.435 (5) (kb) of the statutes is renumbered 20.435 (1) (kb).

4 **SECTION 393.** 20.435 (5) (ke) of the statutes is renumbered 20.435 (1) (ke).

5 **SECTION 394.** 20.435 (5) (kx) of the statutes is created to read:

6 20.435 **(5)** (kx) *Interagency and intra-agency programs.* All moneys received
7 from other state agencies and all moneys received by the department from the
8 department for the administration of programs or projects relating to mental health
9 and alcoholism or other drug abuse services, for the purposes for which received, and
10 all moneys transferred under s. 49.45 (30g) (b) for administrative costs incurred for
11 reimbursing and monitoring community recovery services.

12 **SECTION 395.** 20.435 (5) (ky) of the statutes is amended to read:

13 20.435 **(5)** (ky) *Interagency and intra-agency aids.* ~~All~~ Except as provided in
14 pars. (kc), (kg), (kL), and (km), all moneys received from other state agencies and all
15 moneys received by the department from the department ~~not directed to be deposited~~
16 ~~under sub. (6) (k) for aids to individuals and organizations~~ relating to mental health
17 and alcoholism or other drug abuse services, for the purposes for which received.

18 **SECTION 396.** 20.435 (5) (kz) of the statutes is amended to read:

19 20.435 **(5)** (kz) *Interagency and intra-agency local assistance.* ~~All~~ Except as
20 provided in par. (kc), all moneys received from other state agencies and all moneys
21 received by the department from the department ~~not directed to be deposited under~~
22 ~~sub. (6) (k) for local assistance~~ relating to mental health and alcoholism or other drug
23 abuse services, for the purposes for which received.

24 **SECTION 397.** 20.435 (5) (m) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 397**

1 20.435 (5) (m) *Federal project operations*. All moneys received from the federal
2 government or any of its agencies for the state administration of specific limited term
3 projects relating to mental health and alcoholism or other drug abuse services, for
4 the purposes for which received.

5 **SECTION 398.** 20.435 (5) (ma) of the statutes is repealed and recreated to read:

6 20.435 (5) (ma) *Federal project aids*. All moneys received from the federal
7 government or any of its agencies for aids to individuals and organizations for
8 specific limited term projects relating to mental health and alcoholism or other drugs
9 abuse services, for the purposes for which received.

10 **SECTION 399.** 20.435 (5) (mc) of the statutes is created to read:

11 20.435 (5) (mc) *Federal block grant operations*. All block grant moneys received
12 from the federal government or any of its agencies for the state administration of
13 federal block grants relating to mental health and alcoholism or other drug abuse
14 services, for the purposes for which received.

15 **SECTION 400.** 20.435 (5) (md) of the statutes is repealed and recreated to read:

16 20.435 (5) (md) *Federal block grant aids*. All block grant moneys received from
17 the federal government or any of its agencies for aids to individuals and
18 organizations relating to mental health and alcoholism or other drug abuse services,
19 for the purposes for which received.

20 **SECTION 401.** 20.435 (5) (me) of the statutes is created to read:

21 20.435 (5) (me) *Federal block grant local assistance*. Except as provided in par.
22 (o), all block grant moneys received from the federal government or any of its
23 agencies for local assistance relating to mental health and alcoholism or other drug
24 abuse services, for the purposes for which received.

25 **SECTION 402.** 20.435 (5) (n) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 402**

1 20.435 (5) (n) *Federal program operations.* All moneys received from the
2 federal government or any of its agencies for the state administration of continuing
3 programs relating to mental health and alcoholism or other drug abuse services, for
4 the purposes for which received.

5 **SECTION 403.** 20.435 (5) (na) of the statutes is repealed and recreated to read:

6 20.435 (5) (na) *Federal program aids.* All moneys received from the federal
7 government or any of its agencies for aids to individuals and organizations for
8 continuing programs relating to mental health and alcoholism or other drug abuse
9 services, for the purposes for which received.

10 **SECTION 404.** 20.435 (5) (nL) of the statutes is created to read:

11 20.435 (5) (nL) *Federal program local assistance.* All moneys received from the
12 federal government or any of its agencies for local assistance for continuing programs
13 relating to mental health and alcoholism or other drug abuse services, for the
14 purposes for which received.

15 **SECTION 405.** 20.435 (5) (o) of the statutes is created to read:

16 20.435 (5) (o) *Federal aid; community aids.* All federal moneys received for
17 substance abuse prevention and treatment under 42 USC 300x-21 to 300x-35 and
18 for community mental health services under 42 USC 300x to 300x-9 in amounts
19 pursuant to allocation plans developed by the department for the provision or
20 purchase of services authorized under sub. (7) (b) for distribution under s. 46.40.
21 Disbursement from this appropriation account may be made directly to counties for
22 social and mental hygiene services under s. 46.03 (20) (b) or 46.031 or directly to
23 counties in accordance with federal requirements for the dispersal of federal funds.

24 **SECTION 406.** 20.435 (6) (title) of the statutes is repealed and recreated to read:

ASSEMBLY BILL 75**SECTION 406**

1 20.435 **(6)** (title) QUALITY ASSURANCE SERVICES PLANNING, REGULATION, AND
2 DELIVERY.

3 **SECTION 407.** 20.435 (6) (a) of the statutes is amended to read:

4 20.435 **(6)** (a) *General program operations; ~~physical disabilities~~*. The amounts
5 in the schedule for general program operations relating to quality assurance
6 services, including field services and administrative services, ~~for operation of the~~
7 ~~council on physical disabilities under s. 46.29.~~

8 **SECTION 408.** 20.435 (6) (e) of the statutes is repealed.

9 **SECTION 409.** 20.435 (6) (ee) of the statutes is repealed.

10 **SECTION 410.** 20.435 (6) (gb) of the statutes is renumbered 20.435 (5) (gb).

11 **SECTION 411.** 20.435 (6) (gc) of the statutes is renumbered 20.435 (7) (gc).

12 **SECTION 412.** 20.435 (6) (hs) of the statutes is renumbered 20.435 (7) (hs).

13 **SECTION 413.** 20.435 (6) (hx) of the statutes is renumbered 20.435 (5) (hx) and
14 amended to read:

15 20.435 **(5)** (hx) *Services related to drivers, receipts*. The amounts in the
16 schedule for services related to drivers. All moneys received by the secretary of
17 administration from the driver improvement surcharge on court fines and
18 forfeitures authorized under s. 346.655 and all moneys transferred from the
19 appropriation account under s. 20.395 (5) (di) shall be credited to this appropriation
20 account. The secretary of administration shall annually transfer to the
21 appropriation account under s. 20.395 (5) (ek) 9.75 percent of all moneys credited to
22 this appropriation account from the driver improvement surcharge. Any
23 unencumbered moneys in this appropriation account may be transferred to sub-~~(7)~~
24 par. (hy) and ss. 20.255 (1) (hm), 20.285 (1) (ia), 20.395 (5) (ci) and (di), and 20.455
25 (5) (h) by the secretary of administration, after consultation with the secretaries of

ASSEMBLY BILL 75**SECTION 413**

1 health services and transportation, the superintendent of public instruction, the
2 attorney general, and the president of the University of Wisconsin System.

3 **SECTION 414.** 20.435 (6) (i) of the statutes is repealed and recreated to read:

4 20.435 **(6)** (i) *Gifts and grants.* All moneys received from gifts, grants, bequests,
5 or trust funds relating to quality assurance services, for the purposes for which
6 received.

7 **SECTION 415.** 20.435 (6) (jb) of the statutes is amended to read:

8 20.435 **(6)** (jb) *Fees for administrative services.* All moneys received from fees
9 charged for providing state mailings, special computer services, training programs,
10 printed materials and publications relating to quality assurance services, for the
11 purpose of providing those state mailings, special computer services, training
12 programs, printed materials and publications.

13 **SECTION 416.** 20.435 (6) (jm) of the statutes is amended to read:

14 20.435 **(6)** (jm) *Licensing and support services.* The amounts in the schedule
15 for the purposes specified in ss. 48.685 (2) (am) and (b) 1., (3) (a) and (b), and (5) (a),
16 49.45 (47), 50.02 (2), 50.025, 50.031, 50.065 (2) (am) and (b) 1., (3) (a) and (b), and (5),
17 50.13, 50.135, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.981, and 146.40
18 (4r) (b) and (er), and subch. IV of ch. 50 and to conduct health facilities plan and rule
19 development activities, for accrediting nursing homes, convalescent homes, and
20 homes for the aged, to conduct capital construction and remodeling plan reviews
21 under ss. 50.02 (2) (b) and 50.36 (2), and for the costs of inspecting, licensing or
22 certifying, and approving facilities, issuing permits, and providing technical
23 assistance, that are not specified under any other paragraph in this subsection. All
24 moneys received under ss. 48.685 (8), 49.45 (42) (c), 49.45 (47) (c), 50.02 (2), 50.025,
25 50.031 (6), 50.065 (8), 50.13, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.93

ASSEMBLY BILL 75**SECTION 416**

(1) (c), and 50.981, all moneys received from fees for the costs of inspecting, licensing or certifying, and approving facilities, issuing permits, and providing technical assistance, that are not specified under any other paragraph in this subsection, and all moneys received under s. 50.135 (2) shall be credited to this appropriation account.

SECTION 417. 20.435 (6) (kx) of the statutes is amended to read:

20.435 **(6)** (kx) *Interagency and intra-agency programs.* ~~All~~ Except as provided in par. (k), all moneys received from other state agencies and all moneys received by the department from the department for the administration of programs or projects relating to quality assurance services, for the purposes for which received.

SECTION 418. 20.435 (6) (ky) of the statutes is created to read:

20.435 **(6)** (ky) *Interagency and intra-agency aids.* All moneys received from other state agencies and all moneys received by the department from the department for aids to individuals and organizations relating to quality assurance services, for the purposes for which received.

SECTION 419. 20.435 (6) (kz) of the statutes is created to read:

20.435 **(6)** (kz) *Interagency and intra-agency local assistance.* All moneys received from other state agencies and all moneys received by the department from the department for local assistance relating to quality assurance services, for the purposes for which received.

SECTION 420. 20.435 (6) (m) of the statutes is repealed and recreated to read:

20.435 **(6)** (m) *Federal project operations.* All moneys received from the federal government or any of its agencies for the state administration of specific limited term projects relating to quality assurance services, for the purposes for which received.

SECTION 421. 20.435 (6) (mc) of the statutes is repealed and recreated to read:

ASSEMBLY BILL 75**SECTION 421**

1 20.435 **(6)** (mc) *Federal block grant operations*. All block grant moneys received
2 from the federal government or any of its agencies for the state administration of
3 federal block grants relating to quality assurance services, for the purposes for which
4 received.

5 **SECTION 422.** 20.435 (6) (n) of the statutes is repealed and recreated to read:

6 20.435 **(6)** (n) *Federal program operations*. All moneys received from the
7 federal government or any of its agencies for the state administration of continuing
8 programs relating to quality assurance services, for the purposes for which received.

9 **SECTION 423.** 20.435 (6) (na) of the statutes is created to read:

10 20.435 **(6)** (na) *Federal program aids*. All moneys received from the federal
11 government or any of its agencies for aids to individuals and organizations for
12 continuing programs relating to quality assurance services, for the purposes for
13 which received.

14 **SECTION 424.** 20.435 (6) (nL) of the statutes is created to read:

15 20.435 **(6)** (nL) *Federal program local assistance*. All moneys received from the
16 federal government or any of its agencies for local assistance for continuing programs
17 relating to quality assurance services, for the purposes for which received.

18 **SECTION 425.** 20.435 (7) (title) of the statutes is repealed and recreated to read:

19 20.435 **(7)** (title) LONG-TERM CARE SERVICES ADMINISTRATION AND DELIVERY.

20 **SECTION 426.** 20.435 (7) (a) of the statutes is created to read:

21 20.435 **(7)** (a) *General program operations*. The amounts in the schedule for
22 general program operations relating to long-term care services, including field
23 services and administrative services, and for operation of the council on physical
24 disabilities under s. 46.29.

25 **SECTION 427.** 20.435 (7) (bc) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 427**

1 20.435 **(7)** (bc) *Grants for community programs.* The amounts in the schedule
2 for grants for community programs under s. 46.48. Notwithstanding ss. 20.001 (3)
3 (a) and 20.002 (1), the department may transfer funds between fiscal years under
4 this paragraph. Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the department
5 of health services may credit or deposit into this appropriation account funds for the
6 purpose specified in s. 46.48 (13) that the department transfers from the
7 appropriation account under ~~par.~~ sub. (5) (bL) that are allocated by the department
8 under that appropriation account but unexpended or unencumbered on June 30 of
9 each year. Except for amounts authorized to be carried forward under s. 46.48 and
10 as otherwise provided in this paragraph, all funds allocated but not encumbered by
11 December 31 of each year lapse to the general fund on the next January 1 unless
12 carried forward to the next calendar year by the joint committee on finance.
13 ~~Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department shall transfer from~~
14 ~~this appropriation account to the appropriation account for the department of~~
15 ~~children and families under s. 20.437 (2) (dz) funds allocated by the department~~
16 ~~under s. 46.48 (30) but unexpended on June 30 of each year.~~

17 **SECTION 428.** 20.435 (7) (be) of the statutes is renumbered 20.435 (5) (be).

18 **SECTION 429.** 20.435 (7) (bL) of the statutes is renumbered 20.435 (5) (bL) and
19 amended to read:

20 20.435 **(5)** (bL) *Community support programs and psychosocial services.* The
21 amounts in the schedule for one-time grants under s. 51.423 (3) to counties that
22 currently do not operate certified community support programs, for community
23 support program services under s. 51.421 (3) (e), ~~and~~ for community-based
24 psychosocial services under the requirements of s. 49.45 (30e), and for mental health
25 crisis intervention under the requirements of s. 49.45 (41). Notwithstanding s.

ASSEMBLY BILL 75**SECTION 429**

20.002 (1), the department of health services may transfer from this appropriation account to the appropriation account under ~~par. sub. (7)~~ (bc) funds as specified in ~~par. sub. (7)~~ (bc).

SECTION 430. 20.435 (7) (br) of the statutes is repealed.

SECTION 431. 20.435 (7) (co) of the statutes is renumbered 20.435 (5) (co) and amended to read:

20.435 **(5)** (co) *Integrated service programs for children with severe disabilities.*

The amounts in the schedule to fund, under s. 46.56 (15), county integrated service programs for children with severe disabilities.

SECTION 432. 20.435 (7) (da) of the statutes is amended to read:

20.435 **(7)** (da) *Reimbursements to local units of government.* A sum sufficient for the cost of care as provided in s. 51.22 (3) for persons who have a developmental disability.

SECTION 433. 20.435 (7) (ed) of the statutes is renumbered 20.435 (4) (ed).

SECTION 434. 20.435 (7) (gg) of the statutes is renumbered 20.435 (5) (gg) and amended to read:

20.435 **(5)** (gg) *Collection remittances to local units of government.* All moneys received under ss. 46.03 (18) and 46.10, less moneys credited to ~~par. (h)~~ and sub. (6) ~~(7) (gc) and (h),~~ for the purposes of remitting departmental collections under s. 46.03 (18) (g) or 46.10 (8m) (a) 3. and 4.

SECTION 435. 20.435 (7) (h) of the statutes is amended to read:

20.435 **(7)** (h) *Disabled children's long-term support waivers.* All moneys received under ss. 46.03 (18) and 46.10 for services for children reimbursed under a waiver under s. 46.27 (11), 46.275, or 46.278 or provided under the disabled children's long-term support program, as defined in s. 46.011 (1g), less the amounts

ASSEMBLY BILL 75**SECTION 435**

1 appropriated under sub. ~~(6)~~ par. (gc), for distribution to counties according to a
2 formula developed by the department as a portion of the state share of payments for
3 services for children under the waiver under s. 46.278 or for services provided under
4 the disabled children's long-term support program.

5 **SECTION 436.** 20.435 (7) (hy) of the statutes is renumbered 20.435 (5) (hy) and
6 amended to read:

7 20.435 **(5)** (hy) *Services for drivers, local assistance.* As a continuing
8 appropriation, the amounts in the schedule for the purpose of s. 51.42 for drivers
9 referred through assessment, to be allocated according to a plan developed by the
10 department of health services. All moneys transferred from sub. ~~(6)~~ par. (hx) shall
11 be credited to this appropriation.

12 **SECTION 437.** 20.435 (7) (i) of the statutes is amended to read:

13 20.435 **(7)** (i) *Gifts and grants; ~~local assistance.~~* All moneys received from gifts,
14 grants, bequests, and trust funds ~~to provide local assistance for community services~~
15 ~~consistent with the purpose of the gift, grant, bequest or trust fund relating to~~
16 long-term care services, for the purposes for which received.

17 **SECTION 438.** 20.435 (7) (im) of the statutes is amended to read:

18 20.435 **(7)** (im) *Community options program; family care benefit; recovery of*
19 *costs; birth to 3 waiver administration.* From the moneys received from the recovery
20 of costs of care under ss. 46.27 (7g) and 867.035 and under rules promulgated under
21 s. 46.286 (7) for enrollees who are ineligible for medical assistance, all moneys not
22 appropriated under sub. (4) (in), and all moneys transferred to this appropriation
23 account from the appropriation account under sub. (4) (o), for payments to county
24 departments and aging units under s. 46.27 (7g) (d), payments to care management
25 organizations for provision of the family care benefit under s. 46.284 (5), payment of

ASSEMBLY BILL 75**SECTION 438**

1 claims under s. 867.035 (3) ~~and~~, payments for long-term community support services
2 funded under s. 46.27 (7) as provided in ss. 46.27 (7g) (e) and 867.035 (4m), and for
3 administration of the waiver program under s. 46.99.

4 **SECTION 439.** 20.435 (7) (jb) of the statutes is created to read:

5 20.435 **(7)** (jb) *Fees for administrative services.* All moneys received from fees
6 charged for providing state mailings, special computer services, training programs,
7 printed materials, and publications relating to long-term care services, for the
8 purpose of providing those state mailings, special computer services, training
9 programs, printed materials, and publications.

10 **SECTION 440.** 20.435 (7) (kb) of the statutes is renumbered 20.435 (5) (kc).

11 **SECTION 441.** 20.435 (7) (kg) of the statutes is renumbered 20.435 (5) (kg).

12 **SECTION 442.** 20.435 (7) (kL) of the statutes is renumbered 20.435 (5) (kL).

13 **SECTION 443.** 20.435 (7) (km) of the statutes is renumbered 20.435 (5) (km).

14 **SECTION 444.** 20.435 (7) (kx) of the statutes is created to read:

15 20.435 **(7)** (kx) *Interagency and intra-agency programs.* All moneys received
16 from other state agencies and all moneys received by the department from the
17 department for the administration of programs or projects relating to long-term care
18 services, for the purposes for which received.

19 **SECTION 445.** 20.435 (7) (ky) of the statutes is amended to read:

20 20.435 **(7)** (ky) *Interagency and intra-agency aids.* ~~All~~ Except as provided in
21 par. (kc), all moneys received from other state agencies and all moneys received by
22 the department from the department ~~not directed to be deposited under par. (kc) for~~
23 aids to individuals and organizations relating to long-term care services, for the
24 purposes for which received.

25 **SECTION 446.** 20.435 (7) (kz) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 446**

1 20.435 (7) (kz) *Interagency and intra-agency local assistance.* ~~All Except as~~
2 provided in par. (kn), all moneys received from other state agencies and all moneys
3 received by the department from the department ~~not directed to be deposited under~~
4 ~~par. (ke) for local assistance relating to long-term care services,~~ for local assistance
5 the purposes for which received.

6 **SECTION 447.** 20.435 (7) (m) of the statutes is created to read:

7 20.435 (7) (m) *Federal project operations.* All moneys received from the federal
8 government or any of its agencies for the state administration of specific limited term
9 projects relating to long-term care services, for the purposes for which received.

10 **SECTION 448.** 20.435 (7) (ma) of the statutes is repealed and recreated to read:

11 20.435 (7) (ma) *Federal project aids.* All moneys received from the federal
12 government or any of its agencies for aids to individuals and organizations for
13 specific limited term projects relating to long-term care services, for the purposes for
14 which received.

15 **SECTION 449.** 20.435 (7) (mb) of the statutes is repealed and recreated to read:

16 20.435 (7) (mb) *Federal project local assistance.* All federal moneys received
17 from the federal government or any of its agencies for local assistance for specific
18 limited term projects relating to long-term care services, for the purposes for which
19 received.

20 **SECTION 450.** 20.435 (7) (mc) of the statutes is created to read:

21 20.435 (7) (mc) *Federal block grant operations.* All block grant moneys received
22 from the federal government or any of its agencies for the state administration of
23 federal block grants relating to long-term care services, for the purposes for which
24 received.

25 **SECTION 451.** 20.435 (7) (md) of the statutes is repealed and recreated to read:

ASSEMBLY BILL 75**SECTION 451**

1 20.435 (7) (md) *Federal block grant aids*. All block grant moneys received from
2 the federal government or any of its agencies for aids to individuals and
3 organizations relating to long-term care services, for the purposes for which
4 received.

5 **SECTION 452.** 20.435 (7) (me) of the statutes is amended to read:

6 20.435 (7) (me) *Federal block grant local assistance*. ~~All~~ Except as provided in
7 par. (o), all block grant moneys received from the federal government or any of its
8 agencies for ~~community services~~ local assistance relating to long-term care services,
9 for the purposes for which received.

10 **SECTION 453.** 20.435 (7) (n) of the statutes is created to read:

11 20.435 (7) (n) *Federal program operations*. All moneys received from the
12 federal government or any of its agencies for the state administration of continuing
13 programs relating to long-term care services, for the purposes for which received.

14 **SECTION 454.** 20.435 (7) (na) of the statutes is repealed and recreated to read:

15 20.435 (7) (na) *Federal program aids*. All moneys received from the federal
16 government or any of its agencies for aids to individuals and organizations for
17 continuing programs relating to long-term care services programs, for the purposes
18 for which received.

19 **SECTION 455.** 20.435 (7) (nL) of the statutes is repealed and recreated to read:

20 20.435 (7) (nL) *Federal program local assistance*. Except as provided in par.
21 (o), all moneys received from the federal government or any of its agencies for local
22 assistance for continuing programs relating to long-term care services, for the
23 purposes for which received.

24 **SECTION 456.** 20.435 (8) (i) of the statutes is repealed and recreated to read:

ASSEMBLY BILL 75**SECTION 456**

1 20.435 **(8)** (i) *Gifts and grants*. All moneys received for gifts, grants, bequests,
2 and trust funds that are not appropriated under sub. (1), (2), (4), (5), (6), or (7), to be
3 expended for the purposes for which received.

4 **SECTION 457.** 20.435 (8) (kc) of the statutes is created to read:

5 20.435 **(8)** (kc) *Federal economic stimulus funds*. All moneys transferred from
6 the appropriation account under s. 20.865 (2) (m), for the purposes for which
7 received.

8 **SECTION 458.** 20.435 (8) (m) of the statutes is repealed and recreated to read:

9 20.435 **(8)** (m) *Federal project operations*. All moneys received from the federal
10 government or any of its agencies for the state administration of department
11 functions and not appropriated under sub. (1), (2), (4), (5), (6), or (7), for the purposes
12 for which received.

13 **SECTION 459.** 20.435 (8) (ma) of the statutes is repealed and recreated to read:

14 20.435 **(8)** (ma) *Federal project aids*. All moneys received from the federal
15 government or any of its agencies for aids to individuals and organizations for
16 specific limited term projects and not appropriated under sub. (1), (2), (4), (5), (6), or
17 (7), for the purposes for which received.

18 **SECTION 460.** 20.435 (8) (n) of the statutes is repealed and recreated to read:

19 20.435 **(8)** (n) *Federal program operations*. All moneys received from the
20 federal government or any of its agencies for the state administration of continuing
21 programs and not appropriated under sub. (1), (2), (4), (5), (6), or (7), for the purposes
22 for which received.

23 **SECTION 461.** 20.435 (9) (i) of the statutes is repealed.

24 **SECTION 462.** 20.435 (9) (m) of the statutes is repealed.

25 **SECTION 463.** 20.435 (9) (ma) of the statutes is repealed.

ASSEMBLY BILL 75**SECTION 464**

SECTION 464. 20.435 (9) (mb) of the statutes is repealed.

SECTION 465. 20.435 (9) (mc) of the statutes is repealed.

SECTION 466. 20.435 (9) (md) of the statutes is repealed.

SECTION 467. 20.435 (9) (me) of the statutes is repealed.

SECTION 468. 20.435 (9) (n) of the statutes is repealed.

SECTION 469. 20.435 (9) (na) of the statutes is repealed.

SECTION 470. 20.435 (9) (nL) of the statutes is repealed.

SECTION 471. 20.437 (1) (b) of the statutes is amended to read:

20.437 **(1)** (b) *Children and family aids payments.* The amounts in the schedule for services for children and families under s. 48.563, for reimbursement to counties having a population of less than 500,000 for the cost of court attached intake services under s. 48.06 (4), for shelter care under ss. 48.58 and 938.22, and for foster care, ~~treatment foster care~~, and subsidized guardianship care under ss. 48.645 and 49.19 (10). Social services disbursements under s. 49.32 (2) (b) may be made from this appropriation. Refunds received relating to payments made under s. ~~48.47 (20)~~ 49.32 (2) (b) for the provision of services for which moneys are appropriated under this paragraph shall be returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of children and families may transfer funds between fiscal years under this paragraph. The department shall deposit into this appropriation funds it recovers under s. 48.569 (2) (b), from prior fiscal year audit adjustments. Except for amounts authorized to be carried forward under s. 48.565, all funds recovered under s. 48.569 (2) (b) and all funds allocated under s. 48.563 and not spent or encumbered by December 31 of each year shall lapse to the general fund on the succeeding January 1 unless carried forward to the next calendar year by the joint committee on finance.

ASSEMBLY BILL 75**SECTION 472**

1 **SECTION 472.** 20.437 (1) (cf) of the statutes is amended to read:

2 20.437 **(1)** (cf) *Foster, ~~treatment foster~~ and family-operated group home parent*
3 *insurance and liability.* The amounts in the schedule to purchase insurance or pay
4 claims as provided under s. 48.627.

5 **SECTION 473.** 20.437 (1) (dd) of the statutes is amended to read:

6 20.437 **(1)** (dd) *State foster care, guardianship, and adoption services.* The
7 amounts in the schedule for foster care, treatment foster care, institutional child
8 care, and subsidized adoptions under ss. 48.48 (12) and 48.52, for the cost of care for
9 children under s. 49.19 (10) (d), for the cost of subsidized guardianship payments
10 under s. 48.62 (5), for the cost of the foster care monitoring system, for the cost of
11 providing, or contracting with private adoption agencies to assist the department in
12 providing, services to children with special needs who are under the guardianship
13 of the department to prepare those children for adoption, and for the cost of providing
14 postadoption services to children with special needs who have been adopted.

15 **SECTION 474.** 20.437 (1) (dd) of the statutes, as affected by 2009 Wisconsin Act
16 (this act), is amended to read:

17 20.437 **(1)** (dd) *State foster care, guardianship, and adoption services.* The
18 amounts in the schedule for foster care, ~~treatment foster care~~, institutional child
19 care, and subsidized adoptions under ss. 48.48 (12) and 48.52, for the cost of care for
20 children under s. 49.19 (10) (d), for the cost of subsidized guardianship payments
21 under s. 48.62 (5), for the cost of the foster care monitoring system, for the cost of
22 providing, or contracting with private adoption agencies to assist the department in
23 providing, services to children with special needs who are under the guardianship
24 of the department to prepare those children for adoption, and for the cost of providing
25 postadoption services to children with special needs who have been adopted.

ASSEMBLY BILL 75**SECTION 475**

SECTION 475. 20.437 (1) (i) of the statutes is amended to read:

20.437 **(1)** (i) *Gifts and grants.* All moneys received from gifts, grants, donations, and burial trusts for the execution of the department's functions relating to children and family services ~~consistent with the purpose of the gifts, grants, donations or trusts, to carry out the purposes for which made and received.~~

SECTION 476. 20.437 (1) (jb) of the statutes is amended to read:

20.437 **(1)** (jb) *Fees for administrative services.* All moneys received from fees charged for providing state mailings, special computer services, training programs, printed materials, and publications relating to children and family services, for the purpose of providing state mailings, special computer services, training programs, printed materials, and publications relating to children and family services.

SECTION 477. 20.437 (1) (kc) of the statutes is repealed.

SECTION 478. 20.437 (1) (kd) of the statutes is repealed.

SECTION 479. 20.437 (1) (pd) of the statutes is amended to read:

20.437 **(1)** (pd) *Federal aid; state foster care, guardianship, and adoption services.* All federal moneys received for meeting the costs of providing foster care, treatment foster care, institutional child care, and subsidized adoptions under ss. 48.48 (12) and 48.52, the cost of care for children under s. 49.19 (10) (d), the cost of subsidized guardianship payments under s. 48.62 (5), the cost of providing, or contracting with private adoption agencies to assist the department in providing, services to children with special needs who are under the guardianship of the department to prepare those children for adoption, and the cost of providing postadoption services to children with special needs who have been adopted. Disbursements for foster care under s. 49.32 (2) and for the purposes described under s. 48.627 may be made from this appropriation.

ASSEMBLY BILL 75**SECTION 480**

1 **SECTION 480.** 20.437 (1) (pd) of the statutes, as affected by 2009 Wisconsin Act
2 (this act), is amended to read:

3 20.437 **(1)** (pd) *Federal aid; state foster care, guardianship, and adoption*
4 *services.* All federal moneys received for meeting the costs of providing foster care,
5 ~~treatment foster care~~, institutional child care, and subsidized adoptions under ss.
6 48.48 (12) and 48.52, the cost of care for children under s. 49.19 (10) (d), the cost of
7 subsidized guardianship payments under s. 48.62 (5), the cost of providing, or
8 contracting with private adoption agencies to assist the department in providing,
9 services to children with special needs who are under the guardianship of the
10 department to prepare those children for adoption, and the cost of providing
11 postadoption services to children with special needs who have been adopted.
12 Disbursements for foster care under s. 49.32 (2) and for the purposes described under
13 s. 48.627 may be made from this appropriation.

14 **SECTION 481.** 20.437 (2) (ab) of the statutes is renumbered 20.437 (1) (ab).

15 **SECTION 482.** 20.437 (2) (ac) of the statutes is renumbered 20.437 (1) (ac).

16 **SECTION 483.** 20.437 (2) (cr) of the statutes is created to read:

17 20.437 **(2)** (cr) *Liability for overpayments collected under the Aid to Families*
18 *with Dependent Children Program.* A sum sufficient to pay any remaining liability
19 to the federal government related to overpayments made under the program under
20 s. 49.19 that were collected by the department of workforce development after the
21 commencement of the federal Temporary Assistance for Needy Families Program
22 under 42 USC 601 to 619. The amount of any remaining liability shall be determined
23 by the secretary of children and families in consultation with the federal secretary
24 of health and human services.

ASSEMBLY BILL 75**SECTION 484**

1 **SECTION 484.** 20.437 (2) (cr) of the statutes, as created by 2009 Wisconsin Act
2 (this act), is repealed.

3 **SECTION 485.** 20.437 (2) (dn) of the statutes is renumbered 20.435 (5) (dn) and
4 amended to read:

5 20.435 **(5)** (dn) *Food distribution grants.* The amounts in the schedule for
6 grants for food distribution programs under ss. ~~49.171~~ 46.75 and ~~49.1715~~ 46.77.

7 **SECTION 486.** 20.437 (2) (dz) of the statutes is amended to read:

8 20.437 **(2)** (dz) *Temporary Assistance for Needy Families programs;*
9 *maintenance of effort.* The amounts in the schedule, less the amounts withheld
10 under s. 49.143 (3), for administration and benefit payments under Wisconsin Works
11 under ss. 49.141 to 49.161, the learnfare program under s. 49.26, and the work
12 experience program for noncustodial parents under s. 49.36; for payments to local
13 governments, organizations, tribal governing bodies, and Wisconsin Works agencies;
14 and for emergency assistance for families with needy children under s. 49.138.
15 Payments may be made from this appropriation account for any contracts under s.
16 49.845 (4) and for any fraud investigation and error reduction activities under s.
17 49.197 (1m). Moneys appropriated under this paragraph may be used to match
18 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002
19 (1), the department may transfer funds between fiscal years under this paragraph.
20 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services
21 shall credit ~~or deposit into~~ to this appropriation account funds for the purposes of this
22 appropriation that the department transfers from the appropriation account under
23 s. 20.435 ~~(7)~~ (5) (bc). All funds allocated by the department but not encumbered by
24 December 31 of each year lapse to the general fund on the next January 1 unless
25 transferred to the next calendar year by the joint committee on finance.

ASSEMBLY BILL 75**SECTION 487**

1 **SECTION 487.** 20.437 (2) (dz) of the statutes, as affected by 2009 Wisconsin Act
2 (this act), is amended to read:

3 20.437 **(2)** (dz) *Temporary Assistance for Needy Families programs;*
4 *maintenance of effort.* The amounts in the schedule, less the amounts withheld
5 under s. 49.143 (3), for administration and benefit payments under Wisconsin Works
6 under ss. 49.141 to 49.161, ~~the learnfare program under s. 49.26,~~ and the work
7 experience program for noncustodial parents under s. 49.36; for payments to local
8 governments, organizations, tribal governing bodies, and Wisconsin Works agencies;
9 and for emergency assistance for families with needy children under s. 49.138.
10 Payments may be made from this appropriation account for any contracts under s.
11 49.845 (4) and for any fraud investigation and error reduction activities under s.
12 49.197 (1m). Moneys appropriated under this paragraph may be used to match
13 federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002
14 (1), the department may transfer funds between fiscal years under this paragraph.
15 Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services
16 shall credit to this appropriation account funds for the purposes of this appropriation
17 that the department transfers from the appropriation account under s. 20.435 (5)
18 (bc). All funds allocated by the department but not encumbered by December 31 of
19 each year lapse to the general fund on the next January 1 unless transferred to the
20 next calendar year by the joint committee on finance.

21 **SECTION 488.** 20.437 (2) (em) of the statutes is renumbered 20.435 (5) (em) and
22 amended to read:

23 20.435 **(5)** (em) *Supplemental food program for women, infants and children*
24 *benefits.* As a continuing appropriation, the amounts in the schedule to provide a

ASSEMBLY BILL 75**SECTION 488**

1 state supplement under s. 49.17 253.06 to the federal special supplemental food
2 program for women, infants, and children authorized under 42 USC 1786.

3 **SECTION 489.** 20.437 (2) (g) of the statutes is repealed.

4 **SECTION 490.** 20.437 (2) (gr) of the statutes is renumbered 20.435 (1) (gr) and
5 amended to read:

6 20.435 **(1)** (gr) *Supplemental food program for women, infants, and children*
7 *administration.* All moneys received from the supplemental food enforcement
8 surcharges on fines, forfeitures, and recoupments that are levied by a court under
9 s. 49.17 253.06 (4) (c) and on forfeitures and recoupments that are levied by the
10 department under s. 49.17 253.06 (5) (c) to finance fraud reduction in the
11 supplemental food program for women, infants, and children under s. 49.17 253.06.

12 **SECTION 491.** 20.437 (2) (i) of the statutes is amended to read:

13 20.437 **(2)** (i) *Gifts and grants.* All moneys received from gifts, grants,
14 donations, and burial trusts for the execution of the department's functions
15 ~~consistent with the purpose of the gift, grant, donation or trust~~ relating to economic
16 support, to carry out the purposes for which made and received.

17 **SECTION 492.** 20.437 (2) (jb) of the statutes is amended to read:

18 20.437 **(2)** (jb) *Fees for administrative services.* All moneys received from fees
19 charged for filing statements of economic interest under s. 49.143 (1) (ac), for
20 providing worker's compensation coverage for persons participating in employment
21 and training programs under ch. 49, and for providing state mailings, special
22 computer services, training programs, ~~worker's compensation coverage for persons~~
23 ~~participating in employment and training programs under ch. 49,~~ printed materials,
24 and publications relating to economic support, for the purposes of filing statements
25 of economic interest under s. 49.143 (1) (ac), providing worker's compensation

ASSEMBLY BILL 75**SECTION 492**

1 coverage for persons participating in employment and training programs under ch.
2 49, and providing state mailings, special computer services, training programs,
3 ~~worker's compensation coverage for persons participating in employment and~~
4 ~~training programs under ch. 49,~~ printed materials, and publications relating to
5 economic support.

6 **SECTION 493.** 20.437 (2) (jm) of the statutes is amended to read:

7 20.437 **(2)** (jm) *Licensing activities.* The amounts in the schedule for the costs
8 of licensing child welfare agencies under s. 48.60, foster homes ~~and treatment foster~~
9 ~~homes~~ under s. 48.62, group homes under s. 48.625, day care centers under s. 48.65,
10 and shelter care facilities under s. 938.22 (7). All moneys received for these licensing
11 activities and from fees under ss. 48.615, 48.625, 48.65 (3), and 938.22 (7) (b) and (c)
12 shall be credited to this appropriation account.

13 **SECTION 494.** 20.437 (2) (L) of the statutes is amended to read:

14 20.437 **(2)** (L) *Public assistance overpayment recovery ~~and,~~ fraud investigation,*
15 *and error reduction.* All moneys received as the state's share of the recovery of
16 overpayments and incorrect payments under s. 49.191 (3) (c), 1997 stats., and s.
17 49.195, 1997 stats., for any contracts under s. 49.845 (4) ~~and,~~ for any activities ~~to~~
18 ~~reduce error and fraud~~ under s. 49.197 (1m) to investigate fraud relating to the Aid
19 to Families with Dependent Children program and the Wisconsin Works program,
20 for any activities under s. 49.197 (3) to reduce payment errors in the Wisconsin Works
21 program, and for costs associated with collection of public assistance overpayments.

22 **SECTION 495.** 20.437 (2) (m) of the statutes is repealed.

23 **SECTION 496.** 20.437 (2) (ma) of the statutes is amended to read:

24 20.437 **(2)** (ma) *Federal project activities and administration.* All moneys
25 received from the federal government ~~or any of its agencies~~ for specific ~~limited term~~

ASSEMBLY BILL 75**SECTION 496**

1 projects, to be expended as ~~aids to individuals or organizations or as local assistance~~
2 ~~for the purposes specified, and all moneys received from the federal government or~~
3 ~~any of its agencies for the state~~ those projects and their administration of specific
4 limited term projects, to be expended for the purposes specified.

5 **SECTION 497.** 20.437 (2) (md) of the statutes is amended to read:

6 20.437 **(2)** (md) *Federal block grant aids.* The amounts in the schedule, less
7 ~~the amounts withheld under s. 49.143 (3),~~ for aids to individuals or organizations and
8 to be transferred to the appropriation accounts under sub. (1) (kc), (kd), and (kx) and
9 ss. 20.435 (4) (kz), (6) (kx), (7) (ky), and (8) (kx) and 20.835 (2) (kf). All block grant
10 moneys received for these purposes from the federal government or any of its
11 agencies ~~and all moneys recovered under s. 49.143 (3)~~ shall be credited to this
12 appropriation account. The department may credit to this appropriation account the
13 amount of any returned check, or payment in other form, that is subject to
14 expenditure in the same contract period in which the original payment attempt was
15 made, regardless of the fiscal year in which the original payment attempt was made.

16 **SECTION 498.** 20.437 (2) (mf) of the statutes is created to read:

17 20.437 **(2)** (mf) *Federal economic stimulus funds.* All federal economic stimulus
18 funds received by the state related to the Child Care and Development Block Grant,
19 for the purposes for which made and received. In this paragraph, “federal economic
20 stimulus funds” means federal moneys received by the state, pursuant to federal
21 legislation enacted during the 111th Congress for the purpose of reviving the
22 economy of the United States.

23 **SECTION 499.** 20.437 (2) (nL) of the statutes is amended to read:

24 20.437 **(2)** (nL) *Child support local assistance; federal funds.* All moneys
25 received from the federal government or any of its agencies for continuing programs,

ASSEMBLY BILL 75**SECTION 499**

1 except for federal child support incentive payments retained by the department
2 under s. 49.24 (2) (c), to be expended as local assistance for the purposes specified,
3 except that the following amounts shall lapse from this appropriation to the general
4 fund: in each calendar year, 55% of the federal moneys made available to support
5 prosecution of welfare fraud in this state, as determined by the secretary of
6 administration.

7 **SECTION 500.** 20.437 (2) (r) of the statutes is amended to read:

8 20.437 **(2)** (r) *Support receipt and disbursement program; payments.* From the
9 support collections trust fund, except as provided in par. (qm), all moneys received
10 under s. 49.854, except for moneys received under s. 49.854 (11) (b), all moneys
11 received under ss. 767.57 and 767.75 for child or family support, maintenance,
12 spousal support, health care expenses, or birth expenses, all other moneys received
13 under judgments or orders in actions affecting the family, as defined in s. 767.001 (1),
14 and all moneys received under s. 49.855 (4) from the department of revenue or the
15 department of administration that were withheld by the department of revenue or
16 the internal revenue service for delinquent child support, family support, or
17 maintenance or outstanding court-ordered amounts for past support, medical
18 expenses, or birth expenses, for disbursement to the persons for whom the payments
19 are awarded, for returning seized funds under s. 49.854 (5) (f), and, if assigned under
20 s. ~~48.57 (3m) (b) 2. or (3n) (b) 2.~~, 48.645 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.775
21 (2) (bm), for transfer to the appropriation account under par. (k). Estimated
22 disbursements under this paragraph shall not be included in the schedule under s.
23 20.005.

24 **SECTION 501.** 20.437 (3) (i) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 501**

1 20.437 **(3)** (i) *Gifts and grants.* All moneys received from gifts, grants,
2 donations, and burial trusts for the execution of the department's functions
3 ~~consistent with the purpose of the gift, grant, donation, or trust~~ that are not
4 immediately identifiable with a specific program, to carry out the purposes for which
5 made and received.

6 **SECTION 502.** 20.437 (3) (jb) of the statutes is amended to read:

7 20.437 **(3)** (jb) *Fees for administrative services.* All moneys received from fees
8 charged for providing state mailings, special computer services, training programs,
9 printed materials, and publications that are not immediately identifiable with a
10 specific program, for the purpose of providing state mailings, special computer
11 services, training programs, printed materials, and publications that are not
12 immediately identifiable with a specific program.

13 **SECTION 503.** 20.437 (3) (kc) of the statutes is created to read:

14 20.437 **(3)** (kc) *Federal economic stimulus funds.* All moneys transferred from
15 the appropriation account under s. 20.865 (2) (m), for the purposes for which
16 received.

17 **SECTION 504.** 20.437 (3) (m) of the statutes is repealed.

18 **SECTION 505.** 20.437 (3) (ma) of the statutes is repealed.

19 **SECTION 506.** 20.437 (3) (mb) of the statutes is repealed.

20 **SECTION 507.** 20.437 (3) (mc) of the statutes is amended to read:

21 20.437 **(3)** (mc) *Federal block grant operations.* All block grant moneys received
22 from the federal government for the state administration of federal block grants,
23 except as otherwise appropriated under this section, to be expended for the purposes
24 specified for which received.

25 **SECTION 508.** 20.437 (3) (md) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 508**

1 20.437 **(3)** (md) *Federal block grant aids*. All block grant moneys received from
2 the federal government ~~or any of its agencies, except as otherwise appropriated~~
3 under this section, to be expended as aids to individuals or organizations or for local
4 assistance.

5 **SECTION 509.** 20.437 (3) (me) of the statutes is repealed.

6 **SECTION 510.** 20.437 (3) (mf) of the statutes is created to read:

7 20.437 **(3)** (mf) *Federal economic stimulus funds*. All federal economic stimulus
8 funds received by the state for programs administered by the department, for the
9 purposes for which made and received. In this paragraph, “federal economic
10 stimulus funds” means federal moneys received by the state, pursuant to federal
11 legislation enacted during the 111th Congress for the purpose of reviving the
12 economy of the United States.

13 **SECTION 511.** 20.437 (3) (n) of the statutes is amended to read:

14 20.437 **(3)** (n) *Federal ~~program operations~~ project activities*. All moneys
15 received from the federal government ~~or any of its agencies for the state~~
16 ~~administration of continuing programs~~ for specific projects, except as otherwise
17 appropriated under this section, to be expended for the purposes specified for which
18 received.

19 **SECTION 512.** 20.437 (3) (na) of the statutes is repealed.

20 **SECTION 513.** 20.437 (3) (nL) of the statutes is repealed.

21 **SECTION 514.** 20.438 (1) (h) of the statutes is created to read:

22 20.438 **(1)** (h) *Program services*. As a continuing appropriation, the amounts
23 in the schedule to carry out the responsibilities of the board for people with
24 developmental disabilities. All moneys received by the board for people with
25 developmental disabilities from invoicing entities for using state-owned space, as

ASSEMBLY BILL 75**SECTION 514**

1 conference fees and other related expenditures, and from printing and publishing
2 forms, documents, pamphlets, and other publications shall be credited to this
3 appropriation account.

4 **SECTION 515.** 20.438 (1) (i) of the statutes is created to read:

5 20.438 **(1)** (i) *Gifts and grants.* All moneys received from gifts, grants, and
6 bequests for the activities of the board for people with developmental disabilities, to
7 carry out the purposes for which made and received.

8 **SECTION 516.** 20.438 (1) (k) of the statutes is created to read:

9 20.438 **(1)** (k) *Federal economic stimulus funds.* All moneys transferred from
10 the appropriation account under s. 20.865 (2) (m), for the purposes for which
11 received.

12 **SECTION 517.** 20.445 (1) (gk) of the statutes is created to read:

13 20.445 **(1)** (gk) *Child labor permit system; fees.* All moneys received from fees
14 collected under s. 103.805 (1), to fund the cost of the department's information
15 technology systems, including the department's child labor permit system, and to
16 fund other operational expenses of the division of equal rights in the department.

17 **SECTION 518.** 20.445 (1) (ke) of the statutes is created to read:

18 20.445 **(1)** (ke) *Federal economic stimulus funds.* All moneys transferred from
19 the appropriation account under s. 20.865 (2) (m), for the purposes for which
20 received.

21 **SECTION 519.** 20.445 (1) (n) of the statutes is amended to read:

22 20.445 **(1)** (n) *Employment assistance and unemployment insurance*
23 *administration; federal moneys.* All federal moneys received, as authorized by the
24 governor under s. 16.54, for the administration of employment assistance and
25 unemployment insurance programs of the department, for the performance of the

ASSEMBLY BILL 75**SECTION 519**

1 department's other functions under subch. I of ch. 106 and ch. 108, except moneys
2 appropriated under par. (nf), and to pay the compensation and expenses of appeal
3 tribunals and of employment councils appointed under s. 108.14, to be used for such
4 purposes, except as provided in s. 108.161 (3e), and, from the moneys received by this
5 state under section 903 (d) of the federal Social Security Act, as amended, to transfer
6 to the appropriation account under par. (nb) an amount determined by the treasurer
7 of the unemployment reserve fund not exceeding the lesser of the amount specified
8 in s. 108.161 (4) (d) or the amounts in the schedule under par. (nb), to transfer to the
9 appropriation account under par. (nd) an amount determined by the treasurer of the
10 unemployment reserve fund not exceeding the lesser of the amount specified in s.
11 108.161 (4) (d) or the amounts in the schedule under par. (nd), and to transfer to the
12 appropriation account under par. (ne) an amount ~~determined by the treasurer of the~~
13 ~~unemployment reserve fund~~ not exceeding the lesser of the amount specified in s.
14 108.161 (4) (d) or the sum of the amounts in the schedule under par. (ne) and the
15 amount determined by the treasurer of the unemployment reserve fund that is
16 required to pay for the cost of banking services incurred by the unemployment
17 reserve fund.

18 **SECTION 520.** 20.445 (1) (nd) of the statutes is amended to read:

19 20.445 **(1)** (nd) *Unemployment administration; apprenticeship and other*
20 *employment services.* From the moneys received from the federal government under
21 section 903 (d) of the federal Social Security Act, as amended, the amounts in the
22 schedule, as authorized by the governor under s. 16.54, to be used for administration
23 by the department of apprenticeship programs under subch. I of ch. 106 and for
24 administration and service delivery of employment and workforce information
25 services, including the delivery of reemployment assistance services to

ASSEMBLY BILL 75**SECTION 520**

1 unemployment insurance claimants. All moneys transferred from par. (n) for this
2 purpose shall be credited to this appropriation account. No moneys may be expended
3 from this appropriation unless the treasurer of the unemployment reserve fund
4 determines that such expenditure is currently needed for the purpose purposes
5 specified in this paragraph.

6 **SECTION 521.** 20.445 (1) (ne) of the statutes is amended to read:

7 20.445 **(1)** (ne) *Unemployment insurance administration; and bank service*
8 *costs.* From the moneys received by this state under section 903 ~~(d)~~ of the federal
9 Social Security Act, as amended, all moneys transferred from the appropriation
10 account under par. (n) to be used for the administration of unemployment insurance
11 and for the payment of the cost of banking services incurred by the unemployment
12 reserve fund. No moneys may be expended from this appropriation unless the
13 treasurer of the unemployment reserve fund determines that such expenditure is
14 currently needed for the purpose specified in this paragraph.

15 **SECTION 522.** 20.445 (1) (om) of the statutes is renumbered 20.437 (2) (om).

16 **SECTION 523.** 20.445 (1) (ra) of the statutes is amended to read:

17 20.445 **(1)** (ra) *Worker's compensation operations fund; administration.* From
18 the worker's compensation operations fund, the amounts in the schedule for the
19 administration of the worker's compensation program by the department and for
20 transfer to the appropriation account under par. (rp). All moneys received under ss.
21 102.28 (2) (b) and 102.75 for the department's activities ~~and not appropriated under~~
22 ~~par. (rp)~~ shall be credited to this appropriation. From this appropriation, an amount
23 not to exceed \$5,000 may be expended each fiscal year for payment of expenses for
24 travel and research by the council on worker's compensation and the amount in the

ASSEMBLY BILL 75**SECTION 523**

1 schedule under par. (rp) shall be transferred to the appropriation account under par.
2 (rp).

3 **SECTION 524.** 20.445 (1) (rp) of the statutes is amended to read:

4 20.445 **(1)** (rp) *Worker's compensation operations fund; uninsured employers*
5 *program; administration.* From the worker's compensation operations fund, the
6 amounts in the schedule for the administration of ss. 102.28 (4) and 102.80 to 102.89.
7 All moneys transferred from the appropriation account under par. (ra) to this
8 appropriation account shall be credited to this appropriation account.

9 **SECTION 525.** 20.445 (5) (n) of the statutes is amended to read:

10 20.445 **(5)** (n) *Federal program aids and operations.* All moneys received from
11 the federal government, as authorized by the governor under s. 16.54, for the state
12 administration of continuing programs and all federal moneys received for the
13 purchase of goods and services under ch. 47 and for the purchase of vocational
14 rehabilitation programs for individuals and organizations, to be expended for the
15 purposes specified. The department shall, in each fiscal year, transfer to the
16 appropriation account under s. 20.435 (7) (kc) \$600,000 of moneys received from the
17 federal social security administration for reimbursement of grants to independent
18 living centers.

19 **SECTION 526.** 20.455 (2) (gr) of the statutes is renumbered 20.455 (2) (ky) and
20 amended to read:

21 20.455 **(2)** (ky) *Handgun purchaser record check.* ~~All moneys received as fee~~
22 ~~payments under s. 175.35 (2i)~~ The amounts in the schedule to provide services under
23 s. 175.35. All moneys transferred from the appropriation account under par. (i) 17.
24 shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the

ASSEMBLY BILL 75**SECTION 526**

1 unencumbered balance on June 30 of each year shall revert to the appropriation
2 account under par. (i).

3 **SECTION 527.** 20.455 (2) (i) (intro.) of the statutes is amended to read:

4 20.455 **(2)** (i) ~~Penalty surcharge, receipts~~ Criminal justice program support.
5 (intro.) The amounts in the schedule for the purposes of s. 165.85 (5) (b) and for crime
6 laboratory equipment. All moneys received from the penalty surcharge on court
7 fines and forfeitures under s. 757.05 (2), all moneys received as fee payments under
8 s. 175.35 (2i), and all moneys that revert to this appropriation account from the
9 appropriations under pars. (j), (ja), and (jb) and the appropriations specified in
10 subds. 1. to 17. shall be credited to this appropriation account. Moneys may be
11 transferred from this paragraph to pars. (j), (ja), and (jb) by the secretary of
12 administration for expenditures based upon determinations by the department of
13 justice. The following amounts shall be transferred to the following appropriation
14 accounts:

15 **SECTION 528.** 20.455 (2) (i) 16. of the statutes is amended to read:

16 20.455 **(2)** (i) 16. The amount transferred to s. 20.505 (6) ~~(ke)~~ (kv) shall be the
17 amount in the schedule under s. 20.505 (6) ~~(ke)~~ (kv).

18 **SECTION 529.** 20.455 (2) (i) 17. of the statutes is created to read:

19 20.455 **(2)** (i) 17. The amount transferred to par. (ky) shall be the amount in the
20 schedule under par. (ky).

21 **SECTION 530.** 20.455 (2) (j) of the statutes is amended to read:

22 20.455 **(2)** (j) *Law enforcement training fund, local assistance.* The amounts
23 in the schedule to finance local law enforcement training as provided in s. 165.85 (5)
24 (b). All moneys transferred from par. (i) for the purpose of this appropriation shall
25 be credited to this appropriation. Notwithstanding s. 20.001 (3) (a), the

ASSEMBLY BILL 75**SECTION 530**

1 unencumbered balance on June 30 of each year shall revert to the appropriation
2 account under par. (i).

3 **SECTION 531.** 20.455 (2) (ja) of the statutes is amended to read:

4 20.455 **(2)** (ja) *Law enforcement training fund, state operations.* The amounts
5 in the schedule to finance state operations associated with the administration of the
6 law enforcement training fund and to finance training for state law enforcement
7 personnel, as provided in s. 165.85 (5) (b). All moneys transferred from par. (i) for
8 the purpose of this appropriation shall be credited to this appropriation.
9 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year
10 shall revert to the appropriation account under par. (i).

11 **SECTION 532.** 20.455 (2) (jb) of the statutes is amended to read:

12 20.455 **(2)** (jb) *Crime laboratory equipment and supplies.* The amounts in the
13 schedule for the maintenance, repair, upgrading, and replacement costs of the
14 laboratory equipment, and for supplies used to maintain, repair, upgrade, and
15 replace that equipment, in the state and regional crime laboratories. All moneys
16 transferred from par. (i) for the purpose of this appropriation shall be credited to this
17 appropriation. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on
18 June 30 of each year shall revert to the appropriation account under par. (i).

19 **SECTION 533.** 20.455 (2) (kc) of the statutes is amended to read:

20 20.455 **(2)** (kc) *Transaction information management of enforcement system.*
21 The amounts in the schedule for payments for a lease with option to purchase
22 regarding computers for the transaction information for the management of
23 enforcement system. All moneys transferred from the appropriation account under
24 par. (i) 1. shall be credited to this appropriation account. Notwithstanding s. 20.001

ASSEMBLY BILL 75**SECTION 533**

1 (3) (a), the unencumbered balance on June 30 of each year shall revert to the
2 appropriation account under par. (i).

3 **SECTION 534.** 20.455 (2) (ke) of the statutes is amended to read:

4 20.455 **(2)** (ke) *Drug enforcement intelligence operations.* The amounts in the
5 schedule for drug enforcement tactical and strategic intelligence units. All moneys
6 transferred from the appropriation account under s. 20.455 (2) (i) 9. shall be credited
7 to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered
8 balance on June 30 of each year shall revert to the appropriation account under par.
9 (i).

10 **SECTION 535.** 20.455 (2) (kp) of the statutes is amended to read:

11 20.455 **(2)** (kp) *Drug crimes enforcement; local grants.* The amounts in the
12 schedule for grants to local multijurisdictional groups to enforce prohibitions related
13 to controlled substances. All moneys transferred from the appropriation account
14 under s. 20.455 (2) (i) 3. shall be credited to this appropriation account.
15 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year
16 shall revert to the appropriation account under par. (i).

17 **SECTION 536.** 20.455 (3) (kc) of the statutes is created to read:

18 20.455 **(3)** (kc) *Federal economic stimulus funds.* All moneys transferred from
19 the appropriation account under s. 20.865 (2) (m), for the purposes for which
20 received.

21 **SECTION 537.** 20.455 (5) (g) of the statutes is amended to read:

22 20.455 **(5)** (g) *Crime victim and witness assistance surcharge, general services.*
23 The amounts in the schedule for purposes of ch. 950. All moneys received from any
24 crime victim and witness assistance surcharge authorized under s. 973.045 (1) that
25 are allocated as part A of the surcharge under s. 973.045 (1r) (a) 1., 20 percent of all

ASSEMBLY BILL 75**SECTION 537**

1 moneys received from any crime victim and witness assistance surcharge authorized
2 under s. 973.045 (1) that are allocated as part B of the surcharge under s. 973.045
3 (1r) (a) 2., all moneys received from any crime victim and witness assistance
4 surcharge authorized under s. 973.045 (1m), and all moneys received from any
5 delinquency victim and witness assistance surcharge authorized under s. 938.34 (8d)
6 (a) shall be credited to this appropriation account. The department of justice shall
7 transfer from this appropriation account to the appropriation account under par. (kj)
8 the amounts in the schedule under par. (kj).

9 **SECTION 538.** 20.455 (5) (gc) of the statutes is amended to read:

10 20.455 **(5)** (gc) *Crime victim and witness surcharge, sexual assault victim*
11 *services.* All Eighty percent of all moneys received from any crime victim and witness
12 assistance surcharge authorized under s. 973.045 (1) that are allocated as part B of
13 the surcharge under s. 973.045 (1r) (a) 2., to provide grants for sexual assault victim
14 services under s. 165.93.

15 **SECTION 539.** 20.455 (5) (h) of the statutes is amended to read:

16 20.455 **(5)** (h) *Crime victim compensation services.* The amounts in the
17 schedule to provide crime victim compensation services. All moneys transferred from
18 the appropriation account under s. 20.435 (6) ~~(5)~~ (hx) shall be credited to this
19 appropriation account, except that the unencumbered balance on June 30 of each
20 year shall revert to the appropriation account under s. 20.435 (6) ~~(5)~~ (hx).

21 **SECTION 540.** 20.455 (5) (kp) of the statutes is amended to read:

22 20.455 **(5)** (kp) *Reimbursement to counties for victim-witness services.* The
23 amounts in the schedule for the purpose of reimbursing counties under s. 950.06 (2)
24 for costs incurred in providing services to victims and witnesses of crime. All moneys
25 transferred from the appropriation account under s. sub. (2) (i) 11. shall be credited

ASSEMBLY BILL 75**SECTION 540**

1 to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered
2 balance on June 30 of each year shall revert to the appropriation account under sub.
3 (2) (i).

4 **SECTION 541.** 20.465 (1) (kc) of the statutes is created to read:

5 20.465 **(1)** (kc) *Federal economic stimulus funds.* All moneys transferred from
6 the appropriation account under s. 20.865 (2) (m), for the purposes for which
7 received.

8 **SECTION 542.** 20.465 (3) (u) of the statutes is created to read:

9 20.465 **(3)** (u) *Division of emergency management operations; petroleum*
10 *inspection fund.* From the petroleum inspection fund, the amounts in the schedule
11 for the general program operations of the division of emergency management.

12 **SECTION 543.** 20.475 (1) (kc) of the statutes is created to read:

13 20.475 **(1)** (kc) *Federal economic stimulus funds.* All moneys transferred from
14 the appropriation account under s. 20.865 (2) (m), for the purposes for which
15 received.

16 **SECTION 544.** 20.485 (1) (gk) of the statutes is amended to read:

17 20.485 **(1)** (gk) *Institutional operations.* The amounts in the schedule for the
18 care of the members of the Wisconsin veterans homes under s. 45.50, for the payment
19 of stipends under s. 45.50 (9), for the transfer of moneys to the appropriation account
20 under s. 20.435 (4) (ky) for payment of the state share of the medical assistance costs
21 related to the provision of stipends under s. 45.50 (9), for the payment of assistance
22 to indigent veterans under s. 45.43 to allow them to reside at the Wisconsin Veterans
23 Home at Union Grove, for the payment of grants under s. 45.82, and for the transfer
24 of moneys under s. 45.03 (20). Not more than 1 percent of the moneys credited to this
25 appropriation may be used for the payment of assistance to indigent veterans under

ASSEMBLY BILL 75**SECTION 544**

1 s. 45.43. Not more than \$100,000 of the amount credited to this appropriation may
2 be used each fiscal year for the payment of grants under s. 45.82. All moneys received
3 under par. (m) and s. 45.51 (7) (b) and (8) and all moneys received for the care of
4 members under medical assistance, as defined in s. 49.43 (8), shall be credited to this
5 appropriation.

6 **SECTION 545.** 20.485 (1) (i) of the statutes is amended to read:

7 20.485 **(1)** (i) *State-owned housing maintenance.* ~~The amounts in the schedule~~
8 All moneys received by the department from rentals of state-owned housing at
9 Wisconsin veterans homes for maintenance of state-owned housing at Wisconsin
10 veterans homes under s. 45.50. ~~All moneys received by the department from rentals~~
11 ~~of state-owned housing shall be credited to this appropriation account.~~

12 **SECTION 546.** 20.485 (1) (k) of the statutes is created to read:

13 20.485 **(1)** (k) *Federal economic stimulus funds.* All moneys transferred from
14 the appropriation account under s. 20.865 (2) (m), for the purposes for which
15 received.

16 **SECTION 547.** 20.485 (1) (q) of the statutes is repealed.

17 **SECTION 548.** 20.485 (2) (f) of the statutes is repealed.

18 **SECTION 549.** 20.485 (2) (h) of the statutes is created to read:

19 20.485 **(2)** (h) *County, municipal and private receipts.* All moneys received from
20 counties, municipalities, and private agencies for facilities, materials, or services
21 provided by the department to pay for expenses associated with those facilities,
22 materials, or services.

23 **SECTION 550.** 20.485 (2) (rm) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 550**

1 20.485 (2) (rm) *Veterans assistance program*. Biennially, the amounts in the
2 schedule for general program operations of the veterans assistance program under
3 s. 45.43 and for grants under s. 45.03 (13) (j).

4 **SECTION 551.** 20.485 (2) (rp) of the statutes is amended to read:

5 20.485 (2) (rp) *Veterans assistance program receipts*. ~~The amounts in the~~
6 ~~schedule~~ All moneys received from fees under s. 45.43 (2) for the provision of
7 assistance to veterans under s. 45.43 (1). ~~All moneys received from fees under s.~~
8 ~~45.43 (2) shall be credited to this appropriation account.~~

9 **SECTION 552.** 20.485 (2) (x) of the statutes is amended to read:

10 20.485 (2) (x) *Federal per diem payments*. ~~The amounts in the schedule~~ All
11 moneys received from the federal government as per diem payments for veterans
12 participating in the veterans assistance program under s. 45.43 for the provision of
13 assistance to veterans under s. 45.43. ~~All moneys received from the federal~~
14 ~~government as per diem payments for veterans participating in the veterans~~
15 ~~assistance program under s. 45.43 shall be credited to this appropriation account.~~

16 **SECTION 553.** 20.505 (1) (e) of the statutes is repealed.

17 **SECTION 554.** 20.505 (1) (is) of the statutes is amended to read:

18 20.505 (1) (is) *Information technology and communications services; nonstate*
19 *entities*. From the sources specified in ss. 16.972 (2) (b) and (c), 16.974 (2) and (3),
20 and 16.997 (2) (d) and (2g) (a) 3., to provide computer, telecommunications, electronic
21 communications, and supercomputer services, but not integrated business
22 information system services under s. 16.971 (2) (cf), to state authorities, units of the
23 federal government, local governmental units, and entities in the private sector, the
24 amounts in the schedule.

25 **SECTION 555.** 20.505 (1) (ja) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 555**

1 20.505 **(1)** (ja) *Justice information systems*. The amounts in the schedule for
2 the development and operation of automated justice information systems under s.
3 16.971 (9). ~~Five-twelfths of the moneys~~ Of each \$18 received under s. 814.86 (1),
4 \$7.50 shall be credited to this appropriation account.

5 **SECTION 556.** 20.505 (1) (jc) of the statutes is created to read:

6 20.505 **(1)** (jc) *Indigent civil legal services*. The amounts in the schedule to
7 provide grants for the provision of civil legal services to indigent persons under s.
8 16.19. Of each \$18 received under s. 814.86 (1), \$2 shall be credited to this account.

9 **SECTION 557.** 20.505 (1) (kh) of the statutes is created to read:

10 20.505 **(1)** (kh) *Federal economic stimulus funds*. All moneys transferred from
11 the appropriation account under s. 20.865 (2) (m), for the purposes for which
12 received.

13 **SECTION 558.** 20.505 (1) (kn) of the statutes is repealed.

14 **SECTION 559.** 20.505 (1) (kq) of the statutes is amended to read:

15 20.505 **(1)** (kq) *Justice information systems development, operation and*
16 *maintenance*. The amounts in the schedule for the purpose of developing, operating
17 and maintaining automated justice information systems under s. 16.971 (9). All
18 moneys transferred from the appropriation account under s. 20.455 (2) (i) 12. shall
19 be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
20 unencumbered balance on June 30 of each year shall revert to the appropriation
21 account under s. 20.455 (2) (i).

22 **SECTION 560.** 20.505 (1) (kr) of the statutes is created to read:

23 20.505 **(1)** (kr) *Legal services*. All moneys received from assessments levied
24 against state agencies under s. 16.004 (15) (b) for legal services provided by the

ASSEMBLY BILL 75**SECTION 560**

1 division of legal services in the department of administration to be used for providing
2 those legal services.

3 **SECTION 561.** 20.505 (1) (n) of the statutes is renumbered 20.155 (3) (n) and
4 amended to read:

5 20.155 **(3)** (n) *Federal aid; local assistance.* All moneys received from the
6 federal government for local assistance related to s. 16.27 196.3744, as authorized
7 by the governor under s. 16.54, for the purposes of providing local assistance.

8 **SECTION 562.** 20.505 (3) (title) of the statutes is amended to read:

9 20.505 **(3)** (title) ~~UTILITY PUBLIC BENEFITS AND AIR~~ AIR QUALITY IMPROVEMENT.

10 **SECTION 563.** 20.505 (3) (q) of the statutes is renumbered 20.155 (3) (qm) and
11 amended to read:

12 20.155 **(3)** (qm) *General program operations; ~~utility public benefits~~ low-income*
13 *assistance.* From the utility public benefits fund, the amounts in the schedule for
14 general program operations under s. 16.957 196.3746.

15 **SECTION 564.** 20.505 (3) (r) of the statutes is renumbered 20.155 (3) (r) and
16 amended to read:

17 20.155 **(3)** (r) *Low-income assistance grants.* From the utility public benefits
18 fund, a sum sufficient for low-income assistance grants under s. 16.957 196.3746 (2)
19 (a).

20 **SECTION 565.** 20.505 (4) (kb) of the statutes is amended to read:

21 20.505 **(4)** (kb) *National and community service board; administrative support.*
22 ~~The amounts in the schedule~~ All moneys received by the department from other state
23 agencies for the administration of the national and community service program
24 under s. 16.22. ~~All moneys received by the department from other state agencies for~~

ASSEMBLY BILL 75**SECTION 565**

1 ~~that purpose shall be credited to this appropriation account, to be used for that~~
2 ~~purpose.~~

3 **SECTION 566.** 20.505 (4) (s) of the statutes is amended to read:

4 20.505 **(4)** (s) *Telecommunications access; school districts.* Biennially, from the
5 universal service fund, the amounts in the schedule to make payments to
6 telecommunications providers under contracts under s. 16.971 (13) to the extent that
7 the amounts due are not paid from the appropriation under sub. (1) (is) and to make
8 grants to school district consortia under s. 16.997 (7). Notwithstanding s. 20.002 (1),
9 the department may transfer from this appropriation account to the appropriation
10 accounts under pars. (t), (tm), (tu), and (tw) moneys for the purposes specified in
11 those paragraphs. Notwithstanding s. 20.001 (3) (b) and 20.002 (1), all moneys
12 transferred from the appropriation account under par. (t), (tm), (tu), or (tw) to this
13 appropriation account shall be credited to this appropriation account and the
14 amount in the schedule for the fiscal year in which the transfer is made is increased
15 by the amount of the transfer.

16 **SECTION 567.** 20.505 (4) (t) of the statutes is amended to read:

17 20.505 **(4)** (t) *Telecommunications access; private and technical colleges and*
18 *libraries.* Biennially, from the universal service fund, the amounts in the schedule
19 to make payments to telecommunications providers under contracts under s. 16.971
20 (14) to the extent that the amounts due are not paid from the appropriation under
21 sub. (1) (is). Notwithstanding s. 20.002 (1), the department may transfer from this
22 appropriation account to the appropriation accounts under pars. (s), (tm), (tu), and
23 (tw) moneys for the purposes specified in those paragraphs. Notwithstanding s.
24 20.001 (3) (b) and 20.002 (1), all moneys transferred from the appropriation account
25 under par. (s), (tm), (tu), or (tw) to this appropriation account shall be credited to this

ASSEMBLY BILL 75**SECTION 567**

1 appropriation account and the amount in the schedule for the fiscal year in which the
2 transfer is made is increased by the amount of the transfer.

3 **SECTION 568.** 20.505 (4) (tm) of the statutes is amended to read:

4 20.505 **(4)** (tm) *Telecommunications access; private schools.* Biennially, from
5 the universal service fund, the amounts in the schedule to make payments to
6 telecommunications providers under contracts under s. 16.971 (15) to the extent that
7 the amounts due are not paid from the appropriation under sub. (1) (is).
8 Notwithstanding s. 20.002 (1), the department may transfer from this appropriation
9 account to the appropriation accounts under pars. (s), (t), (tu), and (tw) moneys for
10 the purposes specified in those paragraphs. Notwithstanding s. 20.001 (3) (b) and
11 20.002 (1), all moneys transferred from from the appropriation account under par.
12 (s), (t), (tu), or (tw) to this appropriation account shall be credited to this
13 appropriation account and the amount in the schedule for the fiscal year in which the
14 transfer is made is increased by the amount of the transfer.

15 **SECTION 569.** 20.505 (4) (tu) of the statutes is amended to read:

16 20.505 **(4)** (tu) *Telecommunications access; state schools.* Biennially, from the
17 universal service fund, the amounts in the schedule to make payments to
18 telecommunications providers under contracts under s. 16.971 (16) to the extent that
19 the amounts due are not paid from the appropriation under sub. (1) (kL).
20 Notwithstanding s. 20.002 (1), the department may transfer from this appropriation
21 account to the appropriation accounts under pars. (s), (t), (tm), and (tw) moneys for
22 the purposes specified in those paragraphs. Notwithstanding s. 20.001 (3) (b) and
23 20.002 (1), all moneys transferred from the appropriation account under from par.
24 (s), (t), (tm), or (tw) to this appropriation account shall be credited to this

ASSEMBLY BILL 75**SECTION 569**

1 appropriation account and the amount in the schedule for the fiscal year in which the
2 transfer is made is increased by the amount of the transfer.

3 **SECTION 570.** 20.505 (4) (tw) of the statutes is amended to read:

4 20.505 **(4)** (tw) *Telecommunications access; juvenile correctional facilities.*
5 Biennially, from the universal service fund, the amounts in the schedule to make
6 payments to telecommunications providers under contracts under s. 16.971 (13) to
7 the extent that the amounts due are not paid from the appropriation under sub. (1)
8 (ke). Notwithstanding s. 20.002 (1), the department may transfer from this
9 appropriation account to the appropriation accounts under pars. (s), (t), (tm), and (tu)
10 moneys for the purposes specified in those paragraphs. Notwithstanding s. 20.001
11 (3) (b) and 20.002 (1), all moneys transferred from the appropriation account under
12 par. (s), (t), (tm), or (tu) to this appropriation account shall be credited to this
13 appropriation account and the amount in the schedule for the fiscal year in which the
14 transfer is made is increased by the amount of the transfer.

15 **SECTION 571.** 20.505 (5) (ka) of the statutes is amended to read:

16 20.505 **(5)** (ka) *Facility operations and maintenance; police and protection*
17 *functions.* ~~The amounts in the schedule~~ All moneys credited to this appropriation
18 account for the purpose of financing the costs of operation of state-owned or operated
19 facilities that are not funded from other appropriations, including custodial and
20 maintenance services; minor projects; utilities, fuel, heat and air conditioning;
21 assessments levied by the department under s. 16.847 (3) for debt service costs and
22 energy cost savings generated at departmental facilities; costs incurred under ss.
23 16.858 and 16.895 by or on behalf of the department; and supplementing the costs
24 of operation of child care facilities for children of state employees under s. 16.841; and
25 for police and protection functions under s. 16.84 (2) and (3). All moneys received

ASSEMBLY BILL 75**SECTION 571**

1 from state agencies for the operation of such facilities, parking rental fees
2 established under s. 16.843 (2) (bm) and miscellaneous other sources, all moneys
3 received from assessments under s. 16.895, all moneys received for the performance
4 of gaming protection functions under s. 16.84 (3), and all moneys transferred from
5 the appropriation account under s. 20.865 (2) (e) for this purpose shall be credited
6 to this appropriation account.

7 **SECTION 572.** 20.505 (6) (b) of the statutes is amended to read:

8 20.505 **(6)** (b) *Alternatives to prosecution and incarceration for persons who use*
9 *alcohol or other drugs; presentencing assessments.* The amounts in the schedule for
10 making grants to counties under s. 16.964 (12) (b) and 2009 Wisconsin Act ... (this
11 act), section 9101 (4), and entering into contracts under s. 16.964 (12) (j) ~~and for~~
12 ~~making grants under 2007 Wisconsin Act 20, section 9101 (4).~~

13 **SECTION 573.** 20.505 (6) (k) of the statutes is amended to read:

14 20.505 **(6)** (k) *Law enforcement programs and youth diversion —*
15 *administration.* The amounts in the schedule for administering grants for law
16 enforcement assistance and for administering the youth diversion program under s.
17 16.964 (8). All moneys transferred from the appropriation account under s. 20.455
18 (2) (i) 13. shall be credited to this appropriation account. Notwithstanding s. 20.001
19 (3) (a), the unencumbered balance on June 30 of each year shall revert to the
20 appropriation account under s. 20.455 (2) (i).

21 **SECTION 574.** 20.505 (6) (ka) of the statutes is created to read:

22 20.505 **(6)** (ka) *Public safety interoperable communication system; state fees.*
23 The amounts in the schedule to operate a statewide public safety interoperable
24 communication system. All moneys received from public safety agencies that are

ASSEMBLY BILL 75**SECTION 574**

1 state agencies as fees under s. 16.964 (15) (b) shall be credited to this appropriation
2 account.

3 **SECTION 575.** 20.505 (6) (kc) of the statutes is repealed.

4 **SECTION 576.** 20.505 (6) (kj) of the statutes is amended to read:

5 20.505 **(6)** (kj) *Youth diversion program.* The amounts in the schedule for youth
6 diversion services under s. 16.964 (8) (a) and (c). All moneys transferred from the
7 appropriation account under s. 20.455 (2) (i) 8. shall be credited to this appropriation
8 account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30
9 of each year shall revert to the appropriation account under s. 20.455 (2) (i).

10 **SECTION 577.** 20.505 (6) (kp) of the statutes is created to read:

11 20.505 **(6)** (kp) *Data gathering and analysis.* The amounts in the schedule for
12 gathering and analyzing statistics on the justice system, including racial disparity,
13 uniform crime reporting, and incident-based reporting. Of each \$18 received under
14 s. 814.86 (1), \$1.50 shall be credited to this appropriation account.

15 **SECTION 578.** 20.505 (6) (kv) of the statutes is created to read:

16 20.505 **(6)** (kv) *Alternatives to prosecution and incarceration for persons who*
17 *use alcohol or other drugs; penalty surcharge.* The amounts in the schedule for
18 making grants to counties under s. 16.964 (12) (b). All moneys transferred from the
19 appropriation account under s. 20.455 (2) (i) 16. shall be credited to this
20 appropriation account.

21 **SECTION 579.** 20.505 (8) (hm) (intro.) of the statutes is amended to read:

22 20.505 **(8)** (hm) *Indian gaming receipts.* (intro.) All moneys required to be
23 credited to this appropriation under s. 569.06, all moneys transferred under 2001
24 Wisconsin Act 16, sections 9201 (5mk), 9205 (1mk), 9210 (3mk), 9223 (5mk), 9224
25 (1mk), 9225 (1mk), 9231 (1mk), 9237 (4mk), 9240 (1mk), 9251 (1mk), 9256 (1mk),

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1 9257 (2mk), and 9258 (2mk), and all moneys that revert to this appropriation account
2 from the appropriation accounts specified in subds. 1c. to 19. and 22., less the
3 amounts appropriated under par. (h) and s. 20.455 (2) (gc), for the purpose of
4 annually transferring the following amounts:

5 **SECTION 580.** 20.505 (8) (hm) 5. of the statutes is created to read:

6 20.505 **(8)** (hm) 5. The amount transferred to s. 20.255 (2) (km) shall be the
7 amount in the schedule under s. 20.255 (1) (km).

8 **SECTION 581.** 20.505 (8) (hm) 6e. of the statutes is amended to read:

9 20.505 **(8)** (hm) 6e. The amount transferred to s. 20.435 ~~(5)~~ (1) (kb) shall be the
10 amount in the schedule under s. 20.435 ~~(5)~~ (1) (kb).

11 **SECTION 582.** 20.505 (8) (hm) 6r. of the statutes is amended to read:

12 20.505 **(8)** (hm) 6r. The amount transferred to s. ~~20.143 (1) (kr)~~ 20.285 (1) (ks)
13 shall be the amount in the schedule under s. ~~20.143 (1) (kr)~~ 20.285 (1) (ks).

14 **SECTION 583.** 20.505 (8) (hm) 18. of the statutes is repealed.

15 **SECTION 584.** 20.505 (8) (hm) 18b. of the statutes is amended to read:

16 20.505 **(8)** (hm) 18b. The amount transferred to s. 20.435 ~~(5)~~ (1) (ke) shall be
17 the amount in the schedule under s. 20.435 ~~(5)~~ (1) (ke).

18 **SECTION 585.** 20.505 (8) (hm) 18c. of the statutes is amended to read:

19 20.505 **(8)** (hm) 18c. The amount transferred to s. 20.435 ~~(7)~~ (5) (kL) shall be
20 the amount in the schedule under s. 20.435 ~~(7)~~ (5) (kL).

21 **SECTION 586.** 20.505 (8) (hm) 18d. of the statutes is amended to read:

22 20.505 **(8)** (hm) 18d. The amount transferred to s. 20.435 ~~(7)~~ (5) (km) shall be
23 the amount in the schedule under s. 20.435 ~~(7)~~ (5) (km).

24 **SECTION 587.** 20.505 (8) (hm) 22. of the statutes is created to read:

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1 20.505 **(8)** (hm) 22. The amount transferred to s. 20.395 (1) (ck) shall be the
2 amount in the schedule under s. 20.395 (1) (ck).

3 **SECTION 588.** 20.507 (1) (kc) of the statutes is created to read:

4 20.507 **(1)** (kc) *Federal economic stimulus funds.* All moneys transferred from
5 the appropriation account under s. 20.865 (2) (m), for the purposes for which
6 received.

7 **SECTION 589.** 20.511 (1) (b) of the statutes is amended to read:

8 20.511 **(1)** (b) *Election-related cost reimbursement; general program*
9 *operations.* ~~A sum sufficient to reimburse~~ Biennially, the amounts in the schedule
10 for reimbursement of municipalities for claims allowed under s. 5.68 (7) and for the
11 general program operations of the board.

12 **SECTION 590.** 20.511 (1) (k) of the statutes is created to read:

13 20.511 **(1)** (k) *Federal economic stimulus funds.* All moneys transferred from
14 the appropriation account under s. 20.865 (2) (m), for the purposes for which
15 received.

16 **SECTION 591.** 20.511 (1) (m) of the statutes is created to read:

17 20.511 **(1)** (m) *Federal aid.* All moneys received from the federal government,
18 as authorized by the governor under s. 16.54, that are not appropriated under par.
19 (x), to be used for the administration of chs. 5 to 12, subch. III of ch. 13, or subch. III
20 of ch. 19.

21 **SECTION 592.** 20.511 (1) (x) (title) of the statutes is amended to read:

22 20.511 **(1)** (x) (title) *Federal aid; election administration fund.*

23 **SECTION 593.** 20.515 (1) (ut) of the statutes is amended to read:

24 20.515 **(1)** (ut) *Health insurance data collection and analysis and other*
25 consulting services contracts. From the public employee trust fund, the amounts in

ASSEMBLY BILL 75**SECTION 593**

1 the schedule for the costs of contracting for insurance data collection and analysis
2 services under ss. 40.03 (6) (j) and 153.05 (2r) and other consulting services contracts
3 under s. 40.03 (6) (j).

4 **SECTION 594.** 20.525 (1) (k) of the statutes is created to read:

5 20.525 **(1)** (k) *Federal economic stimulus funds.* All moneys transferred from
6 the appropriation account under s. 20.865 (2) (m), for the purposes for which
7 received.

8 **SECTION 595.** 20.540 (1) (kc) of the statutes is created to read:

9 20.540 **(1)** (kc) *Federal economic stimulus funds.* All moneys transferred from
10 the appropriation account under s. 20.865 (2) (m), for the purposes for which
11 received.

12 **SECTION 596.** 20.545 (1) (a) of the statutes is repealed.

13 **SECTION 597.** 20.545 (1) (k) of the statutes is repealed and recreated to read:

14 20.545 **(1)** (k) *General program operations.* All moneys received from state
15 agencies for services and materials, to be used to administer state employment
16 relations functions and the civil service system under subchs. V and VI of ch. 111 and
17 ch. 230, to pay awards under s. 230.48, and to defray the expenses of the state
18 employees suggestion board.

19 **SECTION 598.** 20.545 (1) (km) of the statutes is amended to read:

20 20.545 **(1)** (km) *Collective bargaining grievance arbitrations.* The amounts in
21 the schedule for the payment of the state's share of costs related to collective
22 bargaining grievance arbitrations under s. 111.86 and related to collective
23 bargaining grievance arbitrations under s. 111.993. All moneys received from state
24 agencies for the purpose of reimbursing the state's share of the costs related to
25 grievance arbitrations under s. 111.86 and to reimburse the state's share of costs for

ASSEMBLY BILL 75**SECTION 598**

1 training related to grievance arbitrations, and all moneys received from institutions,
2 as defined in s. 36.05 (9), for the purpose of reimbursing the state's share of the costs
3 related to grievance arbitrations under s. 111.993 and to reimburse the state's share
4 of costs for training related to grievance arbitrations shall be credited to this
5 appropriation account.

6 **SECTION 599.** 20.550 (1) (kc) of the statutes is created to read:

7 20.550 **(1)** (kc) *Federal economic stimulus funds.* All moneys transferred from
8 the appropriation account under s. 20.865 (2) (m), for the purposes for which
9 received.

10 **SECTION 600.** 20.550 (1) (kj) of the statutes is amended to read:

11 20.550 **(1)** (kj) *Conferences and training.* The amounts in the schedule to
12 sponsor conferences and training under ch. 977. All moneys transferred from the
13 appropriation account under s. 20.455 (2) (i) 15. shall be credited to this
14 appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered
15 balance on June 30 of each year shall revert to the appropriation account under s.
16 20.455 (2) (i).

17 **SECTION 601.** 20.566 (1) (gc) of the statutes is created to read:

18 20.566 **(1)** (gc) *Administration of transit authority taxes.* From the moneys
19 received from the appropriation account under s. 20.835 (4) (gc), the amounts in the
20 schedule for the purpose of administering the transit authority taxes imposed under
21 s. 77.708. Notwithstanding s. 20.001 (3) (a), at the end of the fiscal year the
22 unencumbered balance in this appropriation account shall be transferred to the
23 appropriation account under s. 20.835 (4) (gc).

24 **SECTION 602.** 20.566 (1) (hc) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 602**

1 20.566 **(1)** (hc) *Collections from the financial record matching program.* From
2 moneys received from the collection of delinquent Wisconsin taxes and other debts
3 under s. 71.91, that are collected as a result of the program under s. 71.91 (8), the
4 amounts in the schedule to pay the costs incurred by the department of revenue and
5 financial institutions to match account holders at financial institutions to the
6 department's delinquent account database, as provided under s. 71.91 (8).
7 Notwithstanding s. 20.001 (3) (a), at the end of the fiscal year the unencumbered
8 balance of this appropriation account lapses to the general fund.

9 **SECTION 603.** 20.566 (1) (t) of the statutes is created to read:

10 20.566 **(1)** (t) *Farmland preservation credit, 2010 and beyond.* From the
11 working lands fund, the amounts in the schedule for administration of the farmland
12 preservation tax credit under s. 71.613.

13 **SECTION 604.** 20.566 (1) (u) of the statutes is amended to read:

14 20.566 **(1)** (u) *Motor fuel tax administration.* From the transportation fund, the
15 amounts in the schedule to cover the costs, including data processing costs, incurred
16 in administering the motor fuel tax law, except s. 341.45, and the oil company profits
17 tax under subch. XIV of ch. 77.

18 **SECTION 605.** 20.566 (2) (a) of the statutes is amended to read:

19 20.566 **(2)** (a) *General program operations.* The amounts in the schedule for
20 administration of property tax laws, and public utility tax laws ~~and~~, distribution of
21 state taxes, and administration of general program operations under s. 73.10 ~~and~~
22 ~~administration of the assessor educational program under s. 73.08.~~

23 **SECTION 606.** 20.566 (2) (hm) of the statutes is amended to read:

24 20.566 **(2)** (hm) *Administration of tax incremental, and environmental*
25 *remediation tax incremental, financing program programs.* All moneys received

ASSEMBLY BILL 75**SECTION 606**

1 from the fees imposed under ss. 60.85 (5) (a) and ~~(6) (am)~~, 66.1105 (5) (a) ~~and (6) (ae)~~,
2 ~~and 66.1106 (7) (am) and (13) (b)~~ to pay the costs of the department of revenue in
3 providing staff and administrative services associated with tax incremental districts
4 under ss. 60.85 ~~and~~, 66.1105, ~~and 66.1106~~.

5 **SECTION 607.** 20.566 (3) (kc) of the statutes is created to read:

6 20.566 **(3)** (kc) *Federal economic stimulus funds*. All moneys transferred from
7 the appropriation account under s. 20.865 (2) (m), for the purposes for which
8 received.

9 **SECTION 608.** 20.566 (8) (q) of the statutes is amended to read:

10 20.566 **(8)** (q) *General program operations*. From the lottery fund, the amounts
11 in the schedule for general program operations under ch. 565. Annually, of the
12 moneys appropriated under this paragraph, an amount equal to the amounts in the
13 schedule for the appropriation account under s. 20.435 ~~(7) (5)~~ (kg) shall be
14 transferred to the appropriation account under s. 20.435 ~~(7) (5)~~ (kg).

15 **SECTION 609.** 20.625 (1) (c) of the statutes is amended to read:

16 20.625 **(1)** (c) *Court interpreter fees*. The amounts in the schedule to pay
17 interpreter fees reimbursed under s. 758.19 (8) and 2009 Wisconsin Act (this act),
18 section 9109 (1).

19 **SECTION 610.** 20.625 (1) (k) of the statutes is created to read:

20 20.625 **(1)** (k) *Federal economic stimulus funds*. All moneys transferred from
21 the appropriation account under s. 20.865 (2) (m), for the purposes for which
22 received.

23 **SECTION 611.** 20.660 (1) (k) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 611**

1 20.660 **(1)** (k) *Federal economic stimulus funds*. All moneys transferred from
2 the appropriation account under s. 20.865 (2) (m), for the purposes for which
3 received.

4 **SECTION 612.** 20.665 (1) (k) of the statutes is created to read:

5 20.665 **(1)** (k) *Federal economic stimulus funds*. All moneys transferred from
6 the appropriation account under s. 20.865 (2) (m), for the purposes for which
7 received.

8 **SECTION 613.** 20.670 (1) (k) of the statutes is created to read:

9 20.670 **(1)** (k) *Federal economic stimulus funds*. All moneys transferred from
10 the appropriation account under s. 20.865 (2) (m), for the purposes for which
11 received.

12 **SECTION 614.** 20.680 (2) (j) of the statutes is amended to read:

13 20.680 **(2)** (j) *Court information systems*. All moneys received under s. 758.19
14 (4m), all moneys received under ss. 814.61, 814.62, and 814.63 that are required to
15 be credited to this appropriation account under those sections, and ~~one-half of the~~
16 ~~moneys \$6 of each \$18~~ received under s. 814.86 (1) for the operation of circuit court
17 automated information systems under s. 758.19 (4).

18 **SECTION 615.** 20.680 (2) (kb) of the statutes is created to read:

19 20.680 **(2)** (kb) *Federal economic stimulus funds*. All moneys transferred from
20 the appropriation account under s. 20.865 (2) (m), for the purposes for which
21 received.

22 **SECTION 616.** 20.765 (3) (kc) of the statutes is created to read:

23 20.765 **(3)** (kc) *Federal economic stimulus funds*. All moneys transferred from
24 the appropriation account under s. 20.865 (2) (m), for the purposes for which
25 received.

ASSEMBLY BILL 75**SECTION 617**

1 **SECTION 617.** 20.835 (1) (db) of the statutes is amended to read:

2 20.835 **(1)** (db) *County and municipal aid account.* ~~Beginning in 2004, a~~ A sum
3 sufficient to make payments to counties, towns, villages, and cities under s. 79.035,
4 less the amount paid from the appropriation under par. (q).

5 **SECTION 618.** 20.835 (1) (k) of the statutes is created to read:

6 20.835 **(1)** (k) *Federal economic stimulus funds.* All moneys transferred from
7 the appropriation account under s. 20.865 (2) (m), for the purposes for which
8 received.

9 **SECTION 619.** 20.835 (1) (q) of the statutes is created to read:

10 20.835 **(1)** (q) *County and municipal aid account; wireless 911 fund.* From the
11 wireless 911 fund, the amounts in the schedule to make payments under s. 79.035.
12 No moneys may be encumbered or expended from this appropriation after December
13 31, 2012.

14 **SECTION 620.** 20.835 (2) (bb) of the statutes is created to read:

15 20.835 **(2)** (bb) *Jobs tax credit.* The amounts in the schedule to make the
16 payments under ss. 71.07 (3q) (d) 2., 71.28 (3q) (d) 2., and 71.47 (3q) (d) 2.

17 **SECTION 621.** 20.835 (2) (bd) of the statutes is created to read:

18 20.835 **(2)** (bd) *Meat processing facility investment credit.* A sum sufficient to
19 make the payments under ss. 71.07 (3r), 71.28 (3r), and 71.47 (3r).

20 **SECTION 622.** 20.835 (2) (bn) of the statutes is amended to read:

21 20.835 **(2)** (bn) *Dairy manufacturing facility investment credit.* The amounts
22 in the schedule to make the payments under ss. 71.07 (3p) (d) 2., 71.28 (3p) (d) 2., and
23 71.47 (3p) (d) 2.

24 **SECTION 623.** 20.835 (2) (bp) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 623**

1 20.835 (2) (bp) *Dairy manufacturing facility investment credit; dairy*
2 *cooperatives. A sum sufficient to make the payments under ss. 71.07 (3p) (d) 3., 71.28*
3 *(3p) (d) 3., and 71.47 (3p) (d) 3.*

4 **SECTION 624.** 20.835 (2) (d) of the statutes is repealed.

5 **SECTION 625.** 20.835 (2) (dm) of the statutes is amended to read:

6 20.835 (2) (dm) *Farmland preservation credit. A sum sufficient to pay the*
7 *aggregate claims approved under subch. IX of ch. 71 ss. 71.57 to 71.61.*

8 **SECTION 626.** 20.835 (2) (do) of the statutes is created to read:

9 20.835 (2) (do) *Farmland preservation credit, 2010 and beyond. The amounts*
10 *in the schedule to pay the aggregate claims approved under s. 71.613 (2), to the extent*
11 *that these claims are not paid under par. (qb).*

12 **SECTION 627.** 20.835 (2) (en) of the statutes is created to read:

13 20.835 (2) (en) *Beginning farmer and farm asset owner tax credit. A sum*
14 *sufficient to pay the claims approved under ss. 71.07 (8r), 71.28 (8r), and 71.47 (8r).*

15 **SECTION 628.** 20.835 (2) (q) of the statutes is amended to read:

16 20.835 (2) (q) *Farmland tax relief credit. From the lottery fund, a sum*
17 *sufficient to pay the aggregate claims approved under ss. 71.07 (3m) (c), 71.28 (2m)*
18 *(c), and 71.47 (2m) (c), to the extent that these claims are not paid under par. (ka).*
19 *No moneys may be encumbered or expended from this appropriation account during*
20 *1999–00, or for a taxable year that begins after December 31, 2009.*

21 **SECTION 629.** 20.835 (2) (qb) of the statutes is created to read:

22 20.835 (2) (qb) *Farmland preservation credit, 2010 and beyond; lottery fund.*
23 *From the lottery fund, the amounts in the schedule to pay the aggregate claims*
24 *approved under s. 71.613 (2).*

25 **SECTION 630.** 20.835 (4) (gb) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 630**

1 20.835 **(4)** (gb) *Special district taxes.* All moneys received from the taxes
2 imposed under s. 77.705, and from the appropriation account under s. 20.566 (1) (gd),
3 and all moneys received under s. 341.14 (6r) (b) 13. b., for the purpose of distribution
4 to the special districts that adopt a resolution imposing taxes under subch. V of ch.
5 77, and for the purpose of financing a local professional baseball park district, except
6 that of those tax revenues collected under subch. V of ch. 77 3% for the first 2 years
7 of collection and 1.5% thereafter shall be credited to the appropriation account under
8 s. 20.566 (1) (gd).

9 **SECTION 631.** 20.835 (4) (gc) of the statutes is created to read:

10 20.835 **(4)** (gc) *Transit authority taxes.* All moneys received from the taxes
11 imposed under s. 77.708, and from the appropriation account under s. 20.566 (1) (gc),
12 for the purpose of distribution to the transit authorities that adopt a resolution
13 imposing taxes under subch. V of ch. 77, except that 1.5 percent of those tax revenues
14 collected under subch. V of ch. 77 shall be credited to the appropriation account under
15 s. 20.566 (1) (gc).

16 **SECTION 632.** 20.835 (4) (gh) of the statutes is amended to read:

17 20.835 **(4)** (gh) *Regional transit authority fees.* All moneys received from the
18 fees imposed under subch. XIII of ch. 77, and from the appropriation account under
19 s. 20.566 (1) (gh), for distribution to the regional transit authority created under s.
20 ~~59.58 (6)~~ 66.1039 (2) (a), except that 2.55% of the moneys received from the fees
21 imposed under subch. XIII of ch. 77 shall be credited to the appropriation account
22 under s. 20.566 (1) (gh).

23 **SECTION 633.** 20.865 (1) (ci) of the statutes is amended to read:

24 20.865 **(1)** (ci) *Nonrepresented university system senior executive, faculty and*
25 *academic pay adjustments.* A sum sufficient to pay the cost of pay and related

ASSEMBLY BILL 75**SECTION 633**

1 adjustments approved by the joint committee on employment relations under s.
2 230.12 (3) (e) for University of Wisconsin System employees under ss. 20.923 (4g), (5)
3 and (6) (m) and 230.08 (2) (d) who are not included within a collective bargaining unit
4 for which a representative is certified under subch. V or VI of ch. 111, as determined
5 under s. 20.928, other than adjustments funded under par. (cj).

6 **SECTION 634.** 20.865 (1) (cm) of the statutes is created to read:

7 20.865 **(1)** (cm) *Represented university faculty and academic staff pay*
8 *adjustments.* A sum sufficient to supplement the appropriations to the Board of
9 Regents of the University of Wisconsin System for the cost of compensation and
10 related adjustments approved by the legislature under s. 111.9991 for University of
11 Wisconsin System employees under s. 230.08 (2) (d) who are included within a
12 collective bargaining unit for which a representative is certified under subch. VI of
13 ch. 111, as determined under s. 20.928.

14 **SECTION 635.** 20.865 (1) (ic) of the statutes is amended to read:

15 20.865 **(1)** (ic) *Nonrepresented university system senior executive, faculty and*
16 *academic pay adjustments.* From the appropriate program revenue and program
17 revenue–service accounts, a sum sufficient to supplement the appropriations to the
18 University of Wisconsin System to pay the cost of pay and related adjustments
19 approved by the joint committee on employment relations under s. 230.12 (3) (e) for
20 University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and
21 230.08 (2) (d) who are not included within a collective bargaining unit for which a
22 representative is certified under subch. V or VI of ch. 111, as determined under s.
23 20.928, other than adjustments funded under par. (cj).

24 **SECTION 636.** 20.865 (1) (im) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 636**

1 20.865 (1) (im) *Represented university system faculty and academic staff pay*
2 *adjustments; program revenue.* From the appropriate program revenue and program
3 revenue–service accounts, a sum sufficient to supplement the appropriations to the
4 Board of Regents of the University of Wisconsin System for the cost of compensation
5 and related adjustments approved by the joint committee on employment relations
6 under s. 230.12 (3) (e) for University of Wisconsin System employees under s. 230.08
7 (2) (d) who are included within a collective bargaining unit for which a representative
8 is certified under subch. VI of ch. 111, as determined under s. 20.928.

9 **SECTION 637.** 20.865 (1) (si) of the statutes is amended to read:

10 20.865 (1) (si) *Nonrepresented university system senior executive, faculty and*
11 *academic pay adjustments.* From the appropriate segregated funds, a sum sufficient
12 to supplement the appropriations to the University of Wisconsin System to pay the
13 cost of pay and related adjustments approved by the joint committee on employment
14 relations under s. 230.12 (3) (e) for University of Wisconsin System employees under
15 ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included within a
16 collective bargaining unit for which a representative is certified under subch. V or
17 VI of ch. 111, as determined under s. 20.928.

18 **SECTION 638.** 20.865 (1) (sm) of the statutes is created to read:

19 20.865 (1) (sm) *Represented university faculty and academic staff pay*
20 *adjustments; segregated revenues.* From the appropriate segregated funds, a sum
21 sufficient to supplement the appropriations to the Board of Regents of the University
22 of Wisconsin System for the cost of compensation and related adjustments approved
23 by the joint committee on employment relations under s. 230.12 (3) (e) for University
24 of Wisconsin System employees under s. 230.08 (2) (d) who are included within a

ASSEMBLY BILL 75**SECTION 638**

collective bargaining unit for which a representative is certified under subch. VI of ch. 111, as determined under s. 20.928.

SECTION 639. 20.865 (2) (m) of the statutes is created to read:

20.865 **(2)** (m) *Federal economic stimulus funds.* All federal moneys received as authorized under s. 16.54 that are designated by the governor as federal economic stimulus funds, and that are not otherwise appropriated, to be used for the purpose of supplementing appropriations as provided under s. 20.9285. In this paragraph, “federal economic stimulus funds” means federal moneys received by the state, pursuant to federal legislation enacted during the 111th Congress for the purpose of reviving the economy of the United States.

SECTION 640. 20.866 (1) (u) of the statutes is amended to read:

20.866 **(1)** (u) *Principal repayment and interest.* A sum sufficient from moneys appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b), ~~(f)~~, and ~~(br)~~, (s), ~~and (tb)~~, 20.190 (1) (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e), 20.255 (1) (d), 20.285 (1) (d), (db), (im), (in), (je), (jq), (kd), (km), and (ko) and (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag), (aq), (ar), (at), (au), (bq), (br), ~~(ea)~~, (cb), (cc), (cd), ~~(ee)~~, (cf), (cg), ~~(cq)~~, ~~(cr)~~, ~~(ct)~~, (ea), (eq), and (er), 20.395 (6) (af), (aq), (ar), ~~and (au)~~, and (av), 20.410 (1) (e), (ec), and (ko) and (3) (e), 20.435 (2) (ee) ~~and (6) (e)~~, 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (4) (es), (et), (ha), and (hb) and (5) (c), (g), (kc), and (kd), 20.855 (8) (a), and 20.867 (1) (a) and (b) and (3) (a), (b), (bm), (bn), (bp), (bq), (br), (bu), (bv), (g), (h), (i), and (q) for the payment of principal, interest, premium due, if any, and payment due, if any, under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a) relating to any public debt contracted under subchs. I and IV of ch. 18.

ASSEMBLY BILL 75**SECTION 641**

1 **SECTION 641.** 20.866 (1) (u) of the statutes, as affected by 2009 Wisconsin Act
2 (this act), is amended to read:

3 20.866 **(1)** (u) *Principal repayment and interest.* A sum sufficient from moneys
4 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b), (br), (s), and (tb),
5 20.190 (1) (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c)
6 and (e), 20.255 (1) (d), 20.285 (1) (d), (db), (im), (in), (je), (jq), (kd), (km), and (ko) and
7 (5) (i), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag), (aq), (ar), (at), (au),
8 (bq), (br), (cb), (cc), (cd), ~~(cf)~~, (cg), (cq), (cr), (cs), (ct), (ea), (eq), and (er), 20.395 (6) (af),
9 (aq), (ar), (au), and (av), 20.410 (1) (e), (ec), and (ko) and (3) (e), 20.435 (2) (ee), 20.465
10 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (4) (es), (et), (ha), and (hb)
11 and (5) (c), (g), (kc), and (kd), 20.855 (8) (a), and 20.867 (1) (a) and (b) and (3) (a), (b),
12 (bm), (bn), (bp), (bq), (br), (bu), (bv), (g), (h), (i), and (q) for the payment of principal,
13 interest, premium due, if any, and payment due, if any, under an agreement or
14 ancillary arrangement entered into under s. 18.06 (8) (a) relating to any public debt
15 contracted under subchs. I and IV of ch. 18.

16 **SECTION 642.** 20.866 (2) (tc) of the statutes is amended to read:

17 20.866 **(2)** (tc) *Clean water fund program.* From the capital improvement fund,
18 a sum sufficient for the purposes of s. 281.57 (10m) and (10r) and to be transferred
19 to the environmental improvement fund for the purposes of the clean water fund
20 program under ss. 281.58 and 281.59. The state may contract public debt in an
21 amount not to exceed ~~\$697,643,200~~ \$774,143,200 for this purpose. Of this amount,
22 the amount needed to meet the requirements for state deposits under 33 USC 1382
23 is allocated for those deposits. Of this amount, \$8,250,000 is allocated to fund the
24 minority business development and training program under s. 200.49 (2) (b).
25 Moneys from this appropriation account may be expended for the purposes of s.

ASSEMBLY BILL 75**SECTION 642**

1 281.57 (10m) and (10r) only in the amount by which the department of natural
2 resources and the department of administration determine that moneys available
3 under par. (tn) are insufficient for the purposes of s. 281.57 (10m) and (10r).

4 **SECTION 643.** 20.866 (2) (td) of the statutes is amended to read:

5 20.866 **(2)** (td) *Safe drinking water loan program.* From the capital
6 improvement fund, a sum sufficient to be transferred to the environmental
7 improvement fund for the safe drinking water loan program under s. 281.61. The
8 state may contract public debt in an amount not to exceed ~~\$38,400,000~~ \$47,800,000
9 for this purpose.

10 **SECTION 644.** 20.866 (2) (tf) of the statutes is amended to read:

11 20.866 **(2)** (tf) *Natural resources; nonpoint source.* From the capital
12 improvement fund, a sum sufficient for the department of natural resources to fund
13 nonpoint source water pollution abatement projects under s. 281.65 (4c) and (4e).
14 The state may contract public debt in an amount not to exceed ~~\$11,000,000~~
15 \$18,000,000 for this purpose.

16 **SECTION 645.** 20.866 (2) (th) of the statutes is amended to read:

17 20.866 **(2)** (th) *Natural resources; urban nonpoint source cost-sharing.* From
18 the capital improvement fund, a sum sufficient for the department of natural
19 resources to provide cost-sharing grants for urban nonpoint source water pollution
20 abatement and storm water management projects under s. 281.66, to provide
21 municipal flood control and riparian restoration cost-sharing grants under s.
22 281.665, and to make the grant under 2007 Wisconsin Act 20, section 9135 (1i). The
23 state may contract public debt in an amount not to exceed ~~\$29,900,000~~ \$35,900,000
24 for this purpose. Of this amount, \$500,000 is allocated in fiscal biennium 2001–03
25 for dam rehabilitation grants under s. 31.387.

ASSEMBLY BILL 75**SECTION 646**

1 **SECTION 646.** 20.866 (2) (ti) of the statutes is amended to read:

2 20.866 **(2)** (ti) *Natural resources; contaminated sediment removal.* From the
3 capital improvement fund, a sum sufficient for the department of natural resources
4 to fund removal of contaminated sediment under s. 281.87. The state may contract
5 public debt in an amount not to exceed ~~\$17,000,000~~ \$22,000,000 for this purpose.

6 **SECTION 647.** 20.866 (2) (tx) of the statutes is amended to read:

7 20.866 **(2)** (tx) *Natural resources; dam safety projects.* From the capital
8 improvement fund, a sum sufficient for the department of natural resources to
9 provide financial assistance to counties, cities, villages, towns and public inland lake
10 protection and rehabilitation districts for dam safety projects under s. 31.385. The
11 state may contract public debt in an amount not to exceed ~~\$5,500,000~~ \$8,500,000 for
12 this purpose.

13 **SECTION 648.** 20.866 (2) (up) of the statutes is amended to read:

14 20.866 **(2)** (up) *Transportation; rail passenger route development.* From the
15 capital improvement fund, a sum sufficient for the department of transportation to
16 fund rail passenger route development under s. 85.061 (3). The state may contract
17 public debt in an amount not to exceed ~~\$82,000,000~~ \$122,000,000 for this purpose.
18 Of this amount, not more than \$10,000,000 may be used to fund the purposes
19 specified in s. 85.061 (3) (a) 2. and 3.

20 **SECTION 649.** 20.866 (2) (uq) of the statutes is created to read:

21 20.866 **(2)** (uq) *Transportation; southeast Wisconsin transit improvements.*
22 From the capital improvement fund, a sum sufficient for the department of
23 transportation to provide grants for transit capital improvements under s. 85.11.
24 The state may contract public debt in an amount not to exceed \$100,000,000 for this

ASSEMBLY BILL 75**SECTION 649**

1 purpose. Debt incurred under this paragraph shall be incurred prior to January 1,
2 2021.

3 **SECTION 650.** 20.866 (2) (uup) of the statutes is amended to read:

4 20.866 **(2)** (uup) *Transportation; Marquette interchange and I 94 north-south*
5 *corridor reconstruction projects.* From the capital improvement fund, a sum
6 sufficient for the department of transportation to fund the Marquette interchange
7 reconstruction project under s. 84.014, as provided under s. 84.555, and the
8 reconstruction of the I 94 north-south corridor, as provided under s. 84.555 (1m) (a).
9 The state may contract public debt in an amount not to exceed ~~\$303,300,000~~
10 \$553,550,000 for these purposes.

11 **SECTION 651.** 20.866 (2) (uv) of the statutes is amended to read:

12 20.866 **(2)** (uv) *Transportation, harbor improvements.* From the capital
13 improvement fund, a sum sufficient for the department of transportation to provide
14 grants for harbor improvements. The state may contract public debt in an amount
15 not to exceed ~~\$53,400,000~~ \$72,450,000 for this purpose.

16 **SECTION 652.** 20.866 (2) (uw) of the statutes is amended to read:

17 20.866 **(2)** (uw) *Transportation; rail acquisitions and improvements.* From the
18 capital improvement fund, a sum sufficient for the department of transportation to
19 acquire railroad property under ss. 85.08 (2) (L) and 85.09; and to provide grants and
20 loans for rail property acquisitions and improvements under s. 85.08 (4m) (c) and (d).
21 The state may contract public debt in an amount not to exceed ~~\$66,500,000~~
22 \$126,500,000 for these purposes.

23 **SECTION 653.** 20.866 (2) (we) of the statutes is amended to read:

24 20.866 **(2)** (we) *Agriculture; soil and water.* From the capital improvement
25 fund, a sum sufficient for the department of agriculture, trade and consumer

ASSEMBLY BILL 75**SECTION 653**

1 protection to provide for soil and water resource management under s. 92.14. The
2 state may contract public debt in an amount not to exceed ~~\$33,075,000~~ \$40,075,000
3 for this purpose.

4 **SECTION 654.** 20.866 (2) (wf) of the statutes is amended to read:

5 20.866 **(2)** (wf) *Agriculture; conservation reserve enhancement.* From the
6 capital improvement fund, a sum sufficient for the department of agriculture, trade
7 and consumer protection to fund the conservation reserve enhancement program
8 under s. 93.70. The state may contract public debt in an amount not to exceed
9 ~~\$40,000,000~~ \$28,000,000 for this purpose.

10 **SECTION 655.** 20.866 (2) (wg) of the statutes is created to read:

11 20.866 **(2)** (wg) *Agricultural conservation easements.* From the capital
12 improvement fund, a sum sufficient for the department of agriculture, trade and
13 consumer protection to purchase agricultural conservation easements under s.
14 93.73. The state may contract public debt in an amount not to exceed \$12,000,000
15 for this purpose.

16 **SECTION 656.** 20.866 (2) (zn) of the statutes is amended to read:

17 20.866 **(2)** (zn) *Veterans affairs; self-amortizing mortgage loans.* From the
18 capital improvement fund, a sum sufficient for the department of veterans affairs for
19 loans to veterans under s. 45.37 (6) (a). The state may contract public debt in an
20 amount not to exceed ~~\$2,205,840,000~~ \$2,400,840,000 for this purpose.

21 **SECTION 657.** 20.867 (2) (r) of the statutes is amended to read:

22 20.867 **(2)** (r) *Planning and design.* As a continuing appropriation from the
23 building trust fund, any moneys allocated by the building commission for advance
24 planning and all moneys received as reimbursement for building trust fund advances
25 made for planning and design under this paragraph. The ~~governor, upon the~~

ASSEMBLY BILL 75**SECTION 657**

1 ~~approval of the building commission,~~ shall authorize the release of funds from this
2 appropriation for advance planning, preliminary studies and design ~~and.~~ The
3 building commission may transfer funds from this appropriation to other accounts
4 within the building trust fund.

5 **SECTION 658.** 20.916 (5) (a) of the statutes is amended to read:

6 20.916 **(5)** (a) ~~If Subject to par. (c). if~~ the use of a privately owned or chartered
7 aircraft is more efficient and economical for the conduct of state business than
8 commercial transportation, the head of a state agency may authorize an employee
9 to charter an aircraft with or without a pilot; and may authorize any member or
10 employee to use a privately owned aircraft and reimburse the member or employee
11 for such use of a privately owned aircraft at a rate set at least biennially by the office
12 of state employment relations under sub. (8), subject to the approval of the joint
13 committee on employment relations.

14 **SECTION 659.** 20.916 (5) (c) of the statutes is created to read:

15 20.916 **(5)** (c) An employee may not use a privately owned aircraft to travel
16 outside of this state for the conduct of state business.

17 **SECTION 660.** 20.917 (3) (b) of the statutes is amended to read:

18 20.917 **(3)** (b) This subsection applies to employees in all positions in the civil
19 service, including those employees in positions included in collective bargaining
20 units under subch. V or VI of ch. 111, whether or not the employees are covered by
21 a collective bargaining agreement.

22 **SECTION 661.** 20.923 (4) (b) 6. of the statutes is amended to read:

23 20.923 **(4)** (b) 6. ~~Parole~~ Earned release review commission: chairperson.

24 **SECTION 662.** 20.923 (6) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 662**

1 20.923 **(6)** SALARIES SET BY APPOINTING AUTHORITIES. (intro.) Salaries for the
2 following positions may be set by the appointing authority, subject to restrictions
3 otherwise set forth in the statutes and the compensation plan under s. 230.12, except
4 where the salaries are a subject of bargaining with a certified representative of a
5 collective bargaining unit under s. 111.91 or 111.998:

6 **SECTION 663.** 20.928 (1) of the statutes is amended to read:

7 20.928 **(1)** Each state agency head shall certify to the department of
8 administration, at such time and in such manner as the secretary of administration
9 prescribes, the sum of money needed by the state agency from the appropriations
10 under s. 20.865 (1) (c), (ci), (cm), (cj), (d), (i), (ic), (im), (j), (s), (si), (sm), and (t). Upon
11 receipt of the certifications together with such additional information as the
12 secretary of administration prescribes, the secretary shall determine the amounts
13 required from the respective appropriations to supplement state agency budgets.

14 **SECTION 664.** 20.9285 of the statutes is created to read:

15 **20.9285 Federal economic stimulus funds supplementation. (1)** In this
16 section, “federal economic stimulus funds” means federal moneys received by the
17 state, pursuant to federal legislation enacted during the 111th Congress for the
18 purpose of reviving the economy of the United States.

19 **(2)** The secretary of administration may supplement any program
20 revenue–service account that is used for state agency programs and operations from
21 federal economic stimulus funds credited to the appropriation under s. 20.865 (2)
22 (m).

23 **SECTION 665.** 23.094 (2) (c) 3. of the statutes is repealed.

24 **SECTION 666.** 25.17 (1) (yx) of the statutes is created to read:

25 25.17 **(1)** (yx) Working lands fund (s. 25.466);

ASSEMBLY BILL 75**SECTION 667**

SECTION 667. 25.17 (59) of the statutes is repealed.

SECTION 668. 25.29 (1) (f) of the statutes is created to read:

25.29 **(1)** (f) Moneys received under s. 341.14 (6r) (b) 5., 7., and 12.

SECTION 669. 25.40 (1) (a) 3. of the statutes is amended to read:

25.40 **(1)** (a) 3. Revenues collected under ss. 341.09 (2) (d), (2m) (a) 1., (4), and (7), 341.14 (2), (2m), (6) (d), (6m) (a), (6r) (b) 2., (6w), and (8), 341.145 (3), 341.16 (1) (a) and (b), (2), and (2m), 341.17 (8), 341.19 (1) (a), 341.25, 341.255 (1), (2) (a), (b), and (c), ~~(4),~~ and (5), 341.26 (1), (2), (2m) (am) and (b), (3), (3m), (4), (5), and (7), 341.264 (1), 341.265 (1), 341.266 (2) (b) and (3), 341.268 (2) (b) and (3), 341.30 (3), 341.305 (3), 341.308 (3), 341.36 (1) and (1m), 341.51 (2), and 342.14, except s. 342.14 (1r), that are pledged to any fund created under s. 84.59 (2).

SECTION 670. 25.40 (1) (a) 6. of the statutes is repealed.

SECTION 671. 25.40 (1) (a) 7. of the statutes is amended to read:

25.40 **(1)** (a) 7. Fees collected under s. ~~341.255 (3)~~ 85.14 (1) (a) that are deposited in the general fund and credited to the appropriation under s. 20.395 (5) (cg).

SECTION 672. 25.40 (1) (a) 22. of the statutes is amended to read:

25.40 **(1)** (a) 22. Moneys received under s. 341.14 (6r) (b) 10. that are deposited into the general fund and credited to the appropriation account under s. 20.435 ~~(5)~~ (fi) (1) (gi).

SECTION 673. 25.40 (1) (a) 24. of the statutes is amended to read:

25.40 **(1)** (a) 24. Moneys received under s. 341.14 (6r) (b) 11. that are deposited into the general fund and credited to the appropriation account under s. 20.435 ~~(5)~~ (1) (g).

SECTION 674. 25.40 (1) (a) 25. of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 674**

1 25.40 **(1)** (a) 25. Moneys received under s. 341.14 (6r) (b) 12. that are deposited
2 in the conservation fund and credited to the appropriation under s. 20.370 (1) (fs).

3 **SECTION 675.** 25.40 (1) (a) 26. of the statutes is created to read:

4 25.40 **(1)** (a) 26. Moneys received under s. 341.14 (6r) (b) 13. that are deposited
5 into the general fund and credited to the appropriation accounts under ss. 20.395 (5)
6 (ej) and 20.835 (4) (gb).

7 **SECTION 676.** 25.40 (1) (bd) of the statutes is created to read:

8 25.40 **(1)** (bd) Oil company profits taxes under subch. XIV of ch. 77.

9 **SECTION 677.** 25.43 (2s) of the statutes is created to read:

10 25.43 **(2s)** (a) If the secretary of administration determines that the moneys
11 available in the dry cleaner environmental response fund are insufficient to pay
12 awards under s. 292.65, the secretary of administration and the secretary of natural
13 resources may enter into an agreement establishing terms and conditions for the
14 transfer of moneys from the environmental improvement fund to the dry cleaner
15 environmental response fund, including a maximum transfer amount, and the
16 repayment to the environmental improvement fund of the amount transferred plus
17 interest when sufficient funds are available in the dry cleaner environmental
18 response fund. The maximum transfer amount specified in an agreement under this
19 paragraph may not exceed the lesser of the following:

20 1. Six million two hundred thousand dollars.

21 2. The difference between \$20,000,000 and the amount that has been expended
22 under s. 20.320 (1) (sm) when the agreement is entered into.

23 (b) If the secretaries enter into an agreement under this subsection, the
24 secretary of administration may transfer from the environmental improvement fund
25 to the dry cleaner environmental response fund an amount that does not exceed the

ASSEMBLY BILL 75**SECTION 677**

1 lesser of the amount of the shortfall in the dry cleaner environmental response fund
2 or the maximum amount specified in the agreement under par. (a).

3 **SECTION 678.** 25.46 (7) of the statutes is amended to read:

4 25.46 (7) The fees imposed under s. 289.67 (1) for environmental management,
5 except that for each ton of waste ~~for which the fee is \$1.60 per ton, 75 cents, \$1.05~~
6 is for nonpoint source water pollution abatement.

7 **SECTION 679.** 25.466 of the statutes is created to read:

8 **25.466 Working lands fund.** There is created a separate trust fund
9 designated as the working lands fund, consisting of all moneys received under ss.
10 91.48 (2) (c) and 91.66 (1) (c).

11 **SECTION 680.** 25.47 (4m) of the statutes is created to read:

12 25.47 (4m) The payments under s. 101.1435 (3).

13 **SECTION 681.** 25.75 (2) of the statutes is amended to read:

14 25.75 (2) CREATION. There is created a separate nonlapsible trust fund known
15 as the lottery fund, to consist of gross lottery revenues received by the department
16 of revenue and moneys transferred to the lottery fund under ss. 20.435 (7) (5) (kg),
17 20.455 (2) (g), and 20.505 (8) (am), (g), and (jm).

18 **SECTION 682.** 25.96 of the statutes is amended to read:

19 **25.96 Utility public benefits fund.** There is established a separate
20 nonlapsible trust fund designated as the utility public benefits fund, consisting of
21 low-income assistance fees received under s. ~~16.957~~ 196.3746 (4) (a) and (5) (b) 2. and
22 all moneys received under s. 196.374 (3) (b) 4.

23 **SECTION 683.** 27.01 (7) (f) 1. to 4. of the statutes are amended to read:

ASSEMBLY BILL 75**SECTION 683**

1 27.01 (7) (f) 1. Except as provided in par. (gm), the fee for an annual vehicle
2 admission receipt is \$24.50 for each vehicle that has a Wisconsin registration plates
3 plate, except that no fee is charged for a receipt issued under s. 29.235 (6).

4 2. Except as provided in subds. 3. and 4. and par. (gm) 4., the fee for a daily
5 vehicle admission receipt is \$6.85 for any vehicle which has a Wisconsin registration
6 plates plate.

7 3. The fee for a daily vehicle admission receipt for a motor bus that has a
8 Wisconsin registration plates plate is \$9.85.

9 4. Notwithstanding subd. 3., the fee for a daily vehicle admission receipt for a
10 motor bus which primarily transports residents from nursing homes located in this
11 state is \$3.35, for any motor bus which has a Wisconsin registration plates plate.

12 **SECTION 684.** 27.01 (7) (gm) 3. of the statutes is amended to read:

13 27.01 (7) (gm) 3. Notwithstanding par. (f) 1., the fee for an annual vehicle
14 admission receipt for a vehicle that has a Wisconsin registration plates plate and that
15 is owned by a resident senior citizen, as defined in s. 29.001 (72), is \$9.50.

16 **SECTION 685.** 27.01 (7) (gm) 4. of the statutes is amended to read:

17 27.01 (7) (gm) 4. Notwithstanding par. (f) 2., the fee for a daily vehicle
18 admission receipt for a vehicle that has a Wisconsin registration plates plate and that
19 is owned by a resident senior citizen, as defined in s. 29.001 (72), is \$2.85.

20 **SECTION 686.** 29.2295 (4) (a) of the statutes is amended to read:

21 29.2295 (4) (a) ~~Annually~~ For each fiscal year, the department ~~may~~ shall pay to
22 the band an amount for the issuance of the approvals specified in sub. (2) (a) to (L)
23 within the reservation.

24 **SECTION 687.** 29.2295 (4) (am) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 687**

1 29.2295 **(4)** (am) The payment under par. (a) shall be equal to the amount
2 appropriated for that fiscal year under s. 20.370 (9) (hk) or the amount calculated
3 under par. (b), whichever is greater.

4 **SECTION 688.** 29.2295 (4) (b) (intro.) of the statutes is repealed and recreated
5 to read:

6 29.2295 **(4)** (b) (intro.) For purposes of par. (am), the calculated amount shall
7 be the sum of the following:

8 **SECTION 689.** 29.2295 (4) (b) 1. of the statutes is amended to read:

9 29.2295 **(4)** (b) 1. The amount in fees received by the department from the
10 issuance of the approvals specified in sub. (2) (a) to (j) during the preceding fiscal year
11 by issuing agents other than the band at locations within the reservation.

12 **SECTION 690.** 29.2295 (4) (b) 2. of the statutes is amended to read:

13 29.2295 **(4)** (b) 2. An amount calculated by multiplying the number of resident
14 and nonresident sports licenses issued during the preceding fiscal year by issuing
15 agents other than the band at locations within the reservation by the amount of the
16 fee for an annual fishing license, including the portion of the issuing fee for an annual
17 fishing license that the department receives.

18 **SECTION 691.** 29.2295 (4) (c) 1. of the statutes is amended to read:

19 29.2295 **(4)** (c) 1. The Subject to subd. 2., the department shall make the
20 ~~payments~~ payment ~~under this subsection~~ par. (a) from the appropriation under s.
21 20.370 (9) (hk).

22 **SECTION 692.** 29.2295 (4) (c) 2. of the statutes is repealed and recreated to read:

23 29.2295 **(4)** (c) 2. If the amount calculated under par. (b) for a fiscal year exceeds
24 the amount appropriated under s. 20.370 (9) (hk) for that fiscal year, the department

ASSEMBLY BILL 75**SECTION 692**

1 shall make a payment from the appropriation under s. 20.370 (9) (ht) to the band that
2 equals the difference between the 2 amounts.

3 **SECTION 693.** 29.2295 (4m) of the statutes is repealed.

4 **SECTION 694.** 29.2295 (5) (b) of the statutes is amended to read:

5 29.2295 **(5)** (b) A requirement that the fees collected and retained by the band
6 under sub. (3) and the payments received under sub. (4) be used only for fishery
7 management within the reservation.

8 **SECTION 695.** 29.563 (14) (a) 1. of the statutes is amended to read:

9 29.563 **(14)** (a) 1. The processing fee for applications for approvals under the
10 cumulative preference systems for the hunter's choice deer hunting permit, bonus
11 deer hunting permit, wild turkey hunting license, Class A bear license, Canada goose
12 hunting permit, sharp-tailed grouse hunting permit, ~~bobcat hunting and trapping~~
13 ~~permit~~, otter trapping permit, fisher trapping permit or sturgeon fishing permit:
14 \$2.75.

15 **SECTION 696.** 29.563 (14) (a) 1m. of the statutes is created to read:

16 29.563 **(14)** (a) 1m. The processing fee for applications for bobcat hunting and
17 trapping permits: \$5.75.

18 **SECTION 697.** 29.563 (14) (a) 3. of the statutes is amended to read:

19 29.563 **(14)** (a) 3. The processing fee for applications for elk hunting licenses:
20 ~~\$2.75~~ \$9.75.

21 **SECTION 698.** 29.889 (7) (b) 1. of the statutes is amended to read:

22 29.889 **(7)** (b) 1. If the amount of the claim is ~~\$250~~ \$500 or less, the claimant
23 will receive no payment.

24 **SECTION 699.** 29.889 (7) (b) 2. of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 699**

1 29.889 (7) (b) 2. If the amount of claim is more than ~~\$250~~ \$500 but not more
2 than \$5,250, the claimant will be paid 100% of the amount of the claim that exceeds
3 ~~\$250~~ \$500.

4 **SECTION 700.** 29.889 (7) (b) 4. of the statutes is amended to read:

5 29.889 (7) (b) 4. The total amount paid to a claimant under this paragraph may
6 not exceed ~~\$15,000~~ \$10,000 for each claim.

7 **SECTION 701.** 29.99 (1) of the statutes is amended to read:

8 29.99 (1) If a court imposes a fine or forfeiture for a violation of a provision of
9 this chapter or an order issued under this chapter, the court shall impose a wildlife
10 violation compact surcharge under ch. 814 equal to ~~\$5~~ \$20 for the violation.

11 **SECTION 702.** 30.29 (3) (b) of the statutes is amended to read:

12 30.29 (3) (b) *Agriculture activities.* A person operating a motor vehicle while
13 the person is engaged in agricultural use, as defined under s. 91.01 (1) (2).

14 **SECTION 703.** 30.52 (3) (b) of the statutes is amended to read:

15 30.52 (3) (b) *Fee for boats under 16 feet.* The fee for the issuance or renewal of
16 a certificate of number for a boat less than 16 feet in length is ~~\$19~~ \$25.

17 **SECTION 704.** 30.52 (3) (c) of the statutes is amended to read:

18 30.52 (3) (c) *Fee for boats 16 feet or more but less than 26 feet.* The fee for the
19 issuance or renewal of a certificate of number for a boat 16 feet or more but less than
20 26 feet in length is ~~\$28~~ \$35.

21 **SECTION 705.** 30.52 (3) (d) of the statutes is amended to read:

22 30.52 (3) (d) *Fee for boats 26 feet or more but less than 40 feet.* The fee for the
23 issuance or renewal of a certificate of number for a boat 26 feet or more but less than
24 40 feet in length is ~~\$52~~ \$62.

25 **SECTION 706.** 30.52 (3) (e) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 706**

1 30.52 **(3)** (e) *Fee for boats 40 feet or longer.* The fee for the issuance or renewal
2 of a certificate of number for a boat 40 feet or more in length is ~~\$86~~ \$99.

3 **SECTION 707.** 31.19 (1) of the statutes is renumbered 31.19 (1m) and amended
4 to read:

5 31.19 **(1m)** DETERMINATION OF DAM SIZE. For the purposes of this section, a dam
6 is considered to be a large dam if either of the following applies:

7 (a) It has a structural height of 25 feet or more and impounds more than 15
8 acre-feet of water; ~~or,~~

9 (b) It has a structural height of more than 6 feet and impounds ~~more than~~ 50
10 acre-feet or more of water.

11 **SECTION 708.** 31.19 (1g) of the statutes is created to read:

12 31.19 **(1g)** DEFINITIONS. In this section:

13 (a) “High hazard dam” means a large dam the failure of which would probably
14 cause loss of human life.

15 (b) “Low hazard dam” means a large dam the failure of which would probably
16 not cause significant property damage or loss of human life.

17 (c) “Significant hazard dam” means a large dam the failure of which would
18 probably cause significant property damage but would probably not cause loss of
19 human life.

20 **SECTION 709.** 31.19 (2) (title) of the statutes is amended to read:

21 31.19 **(2)** (title) ~~DECENNIAL~~ LARGE DAM INSPECTION.

22 **SECTION 710.** 31.19 (2) (a) of the statutes is amended to read:

23 31.19 **(2)** (a) ~~Requirement~~ Inspection by the department. Except as provided
24 under par. (b), at least once every 10 years the department shall conduct a detailed

ASSEMBLY BILL 75**SECTION 710**

1 inspection of each high hazard dam ~~which is maintained or operated in or across~~
2 ~~navigable waters~~ and each significant hazard dam.

3 **SECTION 711.** 31.19 (2) (ag) of the statutes is created to read:

4 31.19 **(2)** (ag) *Owner responsibility.* 1. Owners of each high hazard dam, each
5 significant hazard dam, and each low hazard dam shall engage a professional
6 engineer registered under s. 443.04 to inspect the dam as specified in this paragraph.

7 2. An owner of a high hazard dam shall cause the dam to be inspected at least
8 4 times between each inspection conducted by the department under par. (a). An
9 owner of a significant hazard dam shall cause the dam to be inspected at least 2 times
10 between each inspection conducted by the department under par. (a). An owner of
11 a low hazard dam shall cause the dam to be inspected at least once every 10 years.

12 3. The owner of a dam required to be inspected under this paragraph shall
13 submit to the department, no later than 90 days after the date of the inspection, a
14 report of the results of the inspection. The report shall include information on any
15 deficiencies in the dam, recommendations for addressing those deficiencies, and
16 recommendations on improving the safety and structural integrity of the dam.

17 **SECTION 712.** 31.19 (2) (ar) of the statutes is created to read:

18 31.19 **(2)** (ar) *Dam classification.* The department shall classify each dam in
19 this state as a high hazard, significant hazard, or low hazard dam for the purpose of
20 this section.

21 **SECTION 713.** 31.385 (1b) (intro.) and (a) of the statutes are consolidated,
22 renumbered 31.385 (1b) and amended to read:

23 31.385 **(1b)** In this section: (a) ~~“Dam~~ “dam safety project” means the
24 maintenance, repair, modification, abandonment or removal of a dam to increase its
25 safety or any other activity that will increase the safety of a dam.

ASSEMBLY BILL 75**SECTION 714**

1 **SECTION 714.** 31.385 (1b) (b) of the statutes is repealed.

2 **SECTION 715.** 31.385 (1m) (b) of the statutes is amended to read:

3 31.385 **(1m)** (b) To private owners for the removal of ~~small~~ dams.

4 **SECTION 716.** 31.385 (2) (a) 2. of the statutes is amended to read:

5 31.385 **(2)** (a) 2. A project to remove ~~an abandoned~~ a dam shall not be subject
6 to the 50% cost limit under subd. 1.

7 **SECTION 717.** 31.385 (2) (a) 3. of the statutes is amended to read:

8 31.385 **(2)** (a) 3. Financial assistance is limited to no more than \$200,000
9 \$400,000 for each dam safety project.

10 **SECTION 718.** 31.385 (2) (ag) of the statutes is amended to read:

11 31.385 **(2)** (ag) Of the amounts appropriated under s. 20.866 (2) (tL) and (tx),
12 at least \$250,000 shall be used for projects to remove ~~small~~ dams. A project to remove
13 a ~~small~~ dam may include restoring the stream or river that was dammed.

14 **SECTION 719.** 31.385 (2) (ar) of the statutes is amended to read:

15 31.385 **(2)** (ar) Of the amounts appropriated under s. 20.866 (2) (tL) and (tx),
16 at least \$100,000 shall be used for the removal of abandoned dams. The amounts
17 required to be used under this paragraph are in addition to the amounts required to
18 be used for the removal of dams under par. (ag).

19 **SECTION 720.** 31.385 (4) of the statutes is repealed.

20 **SECTION 721.** 31.385 (5) of the statutes is amended to read:

21 31.385 **(5)** Notwithstanding the limitations under sub. (2) (a) and the funding
22 allocation requirements under sub. (2) (ag) and (ar), the department shall provide
23 financial assistance to the village of Cazenovia in the amount necessary for a dam
24 safety project to repair a dam that is located in the portion of the village that is in
25 Richland County. The amount of the financial assistance may not exceed \$250,000.

ASSEMBLY BILL 75**SECTION 721**

1 The village need not contribute to the repair costs, and sub. (2) (c) does not apply to
2 this dam safety project. ~~The repair of this dam need not be included as a dam safety~~
3 ~~project under the inventory maintained by the department under sub. (4) for the~~
4 ~~village to receive financial assistance under this section.~~

5 **SECTION 722.** 32.02 (11) of the statutes is amended to read:

6 32.02 **(11)** Any housing authority created under ss. 66.1201 to 66.1211;
7 redevelopment authority created under s. 66.1333; community development
8 authority created under s. 66.1335; local cultural arts district created under subch.
9 V of ch. 229, subject to s. 229.844 (4) (c); ~~or~~ local exposition district created under
10 subch. II of ch. 229; or transit authority created under s. 66.1039.

11 **SECTION 723.** 32.035 (1) (b) of the statutes is amended to read:

12 32.035 **(1)** (b) “Farm operation” means any activity conducted solely or
13 primarily for the production of one or more agricultural commodities resulting from
14 an agricultural use, as defined in s. 91.01 ~~(1)~~ (2), for sale and home use, and
15 customarily producing the commodities in sufficient quantity to be capable of
16 contributing materially to the operator’s support.

17 **SECTION 724.** 32.05 (1) (a) of the statutes is amended to read:

18 32.05 **(1)** (a) Except as provided under par. (b), a county board of supervisors
19 or a county highway committee when so authorized by the county board of
20 supervisors, a city council, a village board, a town board, a sewerage commission
21 governing a metropolitan sewerage district created by ss. 200.05 or 200.21 to 200.65,
22 the secretary of transportation, a commission created by contract under s. 66.0301,
23 a joint local water authority created by contract under s. 66.0823, a transit authority
24 created under s. 66.1039, a housing authority under ss. 66.1201 to 66.1211, a local
25 exposition district created under subch. II of ch. 229, a local cultural arts district

ASSEMBLY BILL 75**SECTION 724**

1 created under subch. V of ch. 229, a redevelopment authority under s. 66.1333 or a
2 community development authority under s. 66.1335 shall make an order providing
3 for the laying out, relocation and improvement of the public highway, street, alley,
4 storm and sanitary sewers, watercourses, water transmission and distribution
5 facilities, mass transit facilities, airport, or other transportation facilities, gas or
6 leachate extraction systems to remedy environmental pollution from a solid waste
7 disposal facility, housing project, redevelopment project, cultural arts facilities,
8 exposition center or exposition center facilities which shall be known as the
9 relocation order. This order shall include a map or plat showing the old and new
10 locations and the lands and interests required. A copy of the order shall, within 20
11 days after its issue, be filed with the county clerk of the county wherein the lands are
12 located or, in lieu of filing a copy of the order, a plat may be filed or recorded in
13 accordance with s. 84.095.

14 **SECTION 725.** 32.05 (2) (b) of the statutes is amended to read:

15 32.05 **(2)** (b) The condemnor shall provide the owner with a full narrative
16 appraisal upon which the jurisdictional offer is based and a copy of any other
17 appraisal made under par. (a) and at the same time shall inform the owner of his or
18 her right to obtain an appraisal under this paragraph. The owner may obtain an
19 appraisal by a qualified appraiser of all property proposed to be acquired, and may
20 submit the reasonable costs of the appraisal to the condemnor for payment. The
21 owner shall submit a full narrative appraisal to the condemnor within 60 days after
22 the owner receives the condemnor's appraisal. If the owner does not accept a
23 negotiated offer under sub. (2a) or the jurisdictional offer under sub. (3), the owner
24 may use only an appraisal prepared received from the condemnor under this
25 paragraph, or an appraisal submitted by the owner to the condemnor within 60 days

ASSEMBLY BILL 75**SECTION 725**

1 after the owner received the condemnor's appraisal under this paragraph, in any
2 subsequent appeal.

3 **SECTION 726.** 32.05 (2a) of the statutes is amended to read:

4 32.05 **(2a)** NEGOTIATION. Before making the jurisdictional offer provided in sub.
5 (3), the condemnor shall attempt to negotiate personally with the owner or one of the
6 owners or his or her representative of the property sought to be taken for the
7 purchase of the same. In such negotiation the condemnor shall consider the owner's
8 appraisal under sub. (2) (b) and may contract to pay the items of compensation
9 enumerated in ss. 32.09 and 32.19 as may be applicable to the property in one or more
10 installments on such conditions as the condemnor and property owners may agree.
11 Before attempting to negotiate under this paragraph, the condemnor shall provide
12 the owner or his or her representative with copies of applicable pamphlets prepared
13 under s. 32.26 (6). When negotiating under this subsection, the condemnor shall
14 provide the owner or his or her representative with the names of at least 10
15 neighboring landowners to whom offers are being made, or a list of all offerees if less
16 than 10 owners are affected, together with a map showing all property affected by
17 the project. Upon request by an owner or his or her representative, the condemnor
18 shall provide the name of the owner of any other property which may be taken for
19 the project. The owner or his or her representative shall also have the right, upon
20 request, to examine any maps in the possession of the condemnor showing property
21 affected by the project. The owner or his or her representative may obtain copies of
22 such maps by tendering the reasonable and necessary costs of preparing copies. The
23 condemnor shall record any conveyance by or on behalf of the owner of the property
24 to the condemnor executed as a result of negotiations under this subsection with the
25 register of deeds of the county in which the property is located. The conveyance shall

ASSEMBLY BILL 75**SECTION 726**

1 state the identity of all persons having an interest of record in the property
2 immediately prior to its conveyance, the legal description of the property, the nature
3 of the interest acquired and the compensation for such acquisition. The condemnor
4 shall serve upon or mail by certified mail to all persons named therein a copy of the
5 conveyance and a notice of the right to appeal the amount of compensation under this
6 subsection. Any person named in the conveyance may, within 6 months after the date
7 of its recording, appeal from the amount of compensation therein stated in the
8 manner set forth in subs. (9) to (12) and chs. 808 and 809 for appeals from an award
9 under sub. (7). For purposes of any such appeal, the amount of compensation stated
10 in the conveyance shall be treated as the award and the date the conveyance is
11 recorded shall be treated as the date of taking and the date of evaluation.

12 **SECTION 727.** 32.07 (2) of the statutes is amended to read:

13 32.07 (2) The petitioner shall determine necessity if application is by the state
14 or any commission, department, board or other branch of state government or by a
15 city, village, town, county, school district, board, commission, public officer,
16 commission created by contract under s. 66.0301, joint local water authority under
17 s. 66.0823, transit authority created under s. 66.1039, redevelopment authority
18 created under s. 66.1333, local exposition district created under subch. II of ch. 229,
19 local cultural arts district created under subch. V of ch. 229, housing authority
20 created under ss. 66.1201 to 66.1211 or for the right-of-way of a railroad up to 100
21 feet in width, for a telegraph, telephone or other electric line, for the right-of-way
22 for a gas pipeline, main or service or for easements for the construction of any
23 elevated structure or subway for railroad purposes.

24 **SECTION 728.** 32.20 of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 728****32.20 Procedure for collection of itemized items of compensation.**

Claims for damages itemized in ss. 32.19 and 32.195 shall be filed with the condemnor carrying on the project through which condemnee's or claimant's claims arise. All such claims must be filed after the damages upon which they are based have fully materialized but not later than 2 years after the condemnor takes physical possession of the entire property acquired or such other event as determined by the department of commerce by rule. If such claim is not allowed within 90 days after the filing thereof, the claimant has a right of action against the condemnor carrying on the project through which the claim arises. Such action shall be commenced in a court of record in the county wherein the damages occurred not later than 2 years after the condemnor disallows the claim or not later than 2 years after the expiration of the 90-day period if the condemnor fails to disallow the claim within that period, whichever occurs later. In causes of action, involving any state commission, board or other agency, excluding counties, the sum recovered by the claimant shall be paid out of any funds appropriated to such condemning agency. Any judgment shall be appealable by either party and any amount recovered by the body against which the claim was filed, arising from costs, counterclaims, punitive damages or otherwise may be used as an offset to any amount owed by it to the claimant, or may be collected in the same manner and form as any other judgment.

SECTION 729. 32.26 (3) of the statutes is repealed.

SECTION 730. 32.26 (4) of the statutes is repealed.

SECTION 731. 32.26 (5) of the statutes is repealed.

SECTION 732. 32.26 (7) of the statutes is repealed.

SECTION 733. 32.28 (3) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 733**

1 32.28 **(3)** (intro.) In lieu of costs under ch. 814 and subject to sub. (4), litigation
2 expenses shall be awarded to the condemnee if:

3 **SECTION 734.** 32.28 (4) of the statutes is created to read:

4 32.28 **(4)** If a condemnee is awarded litigation expenses under sub. (3) (d), (e),
5 (g), or (h), the amount of attorney fees included in litigation expenses may not exceed
6 an amount equal to one-third of the difference between the award of the
7 condemnation commission or jury verdict and the jurisdictional offer or highest
8 written offer prior to the jurisdictional offer, except that if one-third of that
9 difference is less than \$5,000 and the condemnee shows good cause, the amount of
10 attorney fees included in litigation expenses may not exceed \$5,000.

11 (b) If a condemnee is awarded litigation expenses under sub. (3) (f), the amount
12 of attorney fees included in litigation expenses may not exceed an amount equal to
13 one-third of the difference between the jury verdict and the award of the
14 condemnation commission, except that if one-third of that difference is less than
15 \$5,000 and the condemnee shows good cause, the amount of attorney fees included
16 in litigation expenses may not exceed \$5,000.

17 **SECTION 735.** 34.045 (1m) of the statutes is repealed.

18 **SECTION 736.** 34.05 (1) of the statutes is amended to read:

19 34.05 **(1)** ~~Except as provided in sub. (4), the~~ The governing board of each public
20 depositor shall, by resolution, designate one or more public depositories, organized
21 and doing business under the laws of this state or federal law and located in this
22 state, in which the treasurer of the governing board shall deposit all public moneys
23 received by him or her and specify whether the moneys shall be maintained in time
24 deposits subject to the limitations of s. 66.0603 (1m), demand deposits, or savings
25 deposits and whether a surety bond or other security shall be required to be

ASSEMBLY BILL 75**SECTION 736**

1 furnished under s. 34.07 by the public depository to secure the repayment of such
2 deposits. A designation of a public depository by the governing board shall be a
3 designation of the public depository for all treasurers of the governing board and for
4 all public depositors for which each treasurer shall act.

5 **SECTION 737.** 34.05 (4) of the statutes is repealed.

6 **SECTION 738.** 36.09 (1) (j) of the statutes is amended to read:

7 36.09 **(1)** (j) Except where such matters are a subject of bargaining with a
8 certified representative of a collective bargaining unit under s. 111.91 or 111.998, the
9 board shall establish salaries for persons not in the classified staff prior to July 1 of
10 each year for the next fiscal year, and shall designate the effective dates for payment
11 of the new salaries. In the first year of the biennium, payments of the salaries
12 established for the preceding year shall be continued until the biennial budget bill
13 is enacted. If the budget is enacted after July 1, payments shall be made following
14 enactment of the budget to satisfy the obligations incurred on the effective dates, as
15 designated by the board, for the new salaries, subject only to the appropriation of
16 funds by the legislature and s. 20.928 (3). This paragraph does not limit the
17 authority of the board to establish salaries for new appointments. The board may
18 not increase the salaries of employees specified in ss. 20.923 (5) and (6) (m) and
19 230.08 (2) (d) under this paragraph unless the salary increase conforms to the
20 proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary
21 increase to correct salary inequities under par. (h), to fund job reclassifications or
22 promotions, or to recognize competitive factors. The board may not increase the
23 salary of any position identified in s. 20.923 (4g) under this paragraph unless the
24 salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the
25 board authorizes the salary increase to correct a salary inequity or to recognize

ASSEMBLY BILL 75**SECTION 738**

1 competitive factors. The board may not increase the salary of any position identified
2 in s. 20.923 (4g) (ae) and (am) to correct a salary inequity that results from the
3 appointment of a person to a position identified in s. 20.923 (4g) (ae) and (am) unless
4 the increase is approved by the office of state employment relations. The granting
5 of salary increases to recognize competitive factors does not obligate inclusion of the
6 annualized amount of the increases in the appropriations under s. 20.285 (1) for
7 subsequent fiscal bienniums. No later than October 1 of each year, the board shall
8 report to the joint committee on finance and the secretary of administration and
9 director of the office of state employment relations concerning the amounts of any
10 salary increases granted to recognize competitive factors, and the institutions at
11 which they are granted, for the 12-month period ending on the preceding June 30.

12 **SECTION 739.** 36.25 (7) of the statutes is amended to read:

13 36.25 **(7)** SOIL AND WATER CONSERVATION. The board is responsible for research
14 and educational programs regarding soil and water conservation. The board shall
15 cooperate with the ~~land and water conservation board~~, the department of
16 agriculture, trade and consumer protection and the counties in carrying out its soil
17 and water conservation programs. The board shall prepare annually a written
18 program of planned educational activities in soil and water conservation.

19 **SECTION 740.** 36.25 (49) of the statutes is created to read:

20 36.25 **(49)** ACADEMIC FEE INCREASE GRANTS. The board may make grants from
21 the appropriation under s. 20.285 (1) (a) to resident undergraduate students who do
22 not receive grants under s. 39.435 that are payable from the appropriation under s.
23 20.235 (1) (fe). A grant to a student under this subsection shall be in an amount
24 determined by the board that corresponds to any increase, or any portion of an
25 increase, in academic fees charged to the student. The board may not make a grant

ASSEMBLY BILL 75**SECTION 740**

1 under this subsection to a student whose name appears on the statewide support lien
2 docket under s. 49.854 (2) (b), unless the student provides to the board a payment
3 agreement that has been approved by the county child support agency under s. 59.53
4 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

5 **SECTION 741.** 36.25 (50) of the statutes is created to read:

6 36.25 **(50)** SCHOOL OF PUBLIC HEALTH. The board may create a school of public
7 health at the University of Wisconsin–Milwaukee.

8 **SECTION 742.** 36.25 (51) of the statutes is created to read:

9 36.25 **(51)** SCHOOL OF FRESHWATER SCIENCES. The board may create a school of
10 freshwater sciences at the University of Wisconsin–Milwaukee.

11 **SECTION 743.** 36.27 (2) (cr) of the statutes is created to read:

12 36.27 **(2)** (cr) A person who is a citizen of a country other than the United States
13 is entitled to the exemption under par. (a) if that person meets all of the following
14 requirements:

15 1. The person graduated from a high school in this state or received a
16 declaration of equivalency of high school graduation from this state.

17 2. The person was continuously present in this state for at least 3 years
18 following the first day of attending a high school in this state or immediately
19 preceding receipt of a declaration of equivalency of high school graduation.

20 3. The person enrolls in an institution and provides that institution with an
21 affidavit stating that the person has filed or will file an application for a permanent
22 resident visa with U.S. Citizenship and Immigration Services as soon as the person
23 is eligible to do so.

24 **SECTION 744.** 36.27 (3n) (b) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 744**

1 36.27 **(3n)** (b) (intro.) Except as provided in subds. 1. to 3. and par. (bm), the
2 board shall grant full remission of academic fees and segregated fees for 128 credits
3 or 8 semesters, whichever is longer, less the amount of any academic fees or
4 segregated fees paid under 38 USC 3319, to any resident student who is also any of
5 the following:

6 **SECTION 745.** 36.27 (3n) (bm) of the statutes is created to read:

7 36.27 **(3n)** (bm) Before the Board of Regents may grant a remission of academic
8 fees and segregated fees under par. (b), the Board of Regents shall require the
9 resident student to apply to the payment of those fees all educational assistance to
10 which the resident student is entitled under 38 USC 3319. This requirement applies
11 notwithstanding the fact that the resident student may be entitled to educational
12 assistance under 38 USC 3500 to 3566 as well as under 38 USC 3319. For a resident
13 student who is entitled to educational assistance under both 38 USC 3500 to 3566
14 and 38 USC 3319, if the amount of educational assistance, not including educational
15 assistance for tuition, to which the resident student is entitled under 38 USC 3500
16 to 3566 is greater than the amount of educational assistance, not including
17 educational assistance for tuition, to which the resident student is entitled under 38
18 USC 3319, as determined by the higher educational aids board, the higher
19 educational aids board shall reimburse the resident student for the difference in
20 those amounts of educational assistance, as calculated by the higher educational
21 aids board. The higher educational aids board shall make that determination and
22 calculation in consultation with the Board of Regents.

23 **SECTION 746.** 36.27 (3p) (b) of the statutes is amended to read:

24 36.27 **(3p)** (b) The Except as provided in par. (bm), the board shall grant full
25 remission of nonresident tuition, academic fees, and segregated fees charged for 128

ASSEMBLY BILL 75**SECTION 746**

1 credits or 8 semesters, whichever is longer, less the amount of any academic fees or
2 segregated fees paid under 10 USC 2107 (c) ~~or~~, 38 USC 3104 (a) (7) (A), or 38 USC
3 3313, to any student who is a veteran.

4 **SECTION 747.** 36.27 (3p) (bm) of the statutes is created to read:

5 36.27 **(3p)** (bm) Before the Board of Regents may grant a remission of
6 nonresident tuition, academic fees, and segregated fees under par. (b), the board
7 shall require the student to apply to the payment of that tuition and those fees all
8 educational assistance to which the student is entitled under 38 USC 3313. This
9 requirement applies notwithstanding the fact that the student may be entitled to
10 educational assistance under 38 USC 3001 to 3036 as well as under 38 USC 3313.
11 For a student who is entitled to educational assistance under both 38 USC 3001 to
12 3036 and 38 USC 3313, if the amount of educational assistance, not including
13 educational assistance for tuition, to which the student is entitled under 38 USC
14 3001 to 3036 is greater than the amount of educational assistance, not including
15 educational assistance for tuition, to which the student is entitled under 38 USC
16 3313, as determined by the higher educational aids board, the higher educational
17 aids board shall reimburse the student for the difference in those amounts of
18 educational assistance, as calculated by the higher educational aids board. The
19 higher educational aids board shall make that determination and calculation in
20 consultation with the Board of Regents.

21 **SECTION 748.** 38.04 (4) (ag) of the statutes is amended to read:

22 38.04 **(4)** (ag) A program approved by the ~~development finance~~ economic policy
23 board under subch. ~~IV~~ V of ch. 560 is exempt from board approval under par. (a).

24 **SECTION 749.** 38.15 (1) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 749**

1 38.15 **(1)** Subject to sub. (3), if the district board intends to make a capital
2 expenditure in excess of \$1,000,000 \$1,500,000, excluding moneys received from
3 gifts, grants or federal funds, for the acquisition of sites, purchase or construction of
4 buildings, the lease/purchase of buildings if costs exceed \$1,000,000 \$1,500,000 for
5 the lifetime of the lease, building additions or enlargements or the purchase of fixed
6 equipment relating to any such activity, it shall adopt a resolution stating its
7 intention to do so and identifying the anticipated source of revenue for each project
8 and shall submit the resolution to the electors of the district for approval. The
9 referendum shall be noticed, called and conducted as provided in s. 67.05 (3) insofar
10 as applicable. For the purposes of this section, all projects located on a single campus
11 site within one district which are bid concurrently or which are approved by the
12 board under s. 38.04 (10) within a 2-year period shall be considered as one capital
13 expenditure project.

14 **SECTION 750.** 38.15 (2) of the statutes is amended to read:

15 38.15 **(2)** No more than \$1,000,000 \$1,500,000 in reserve funds, consisting of
16 property tax revenues and investment earnings on those revenues, may be utilized
17 by the district board to finance capital expenditures in excess of \$1,000,000 for the
18 purposes under sub. (1).

19 **SECTION 751.** 38.22 (6) (e) of the statutes is created to read:

20 38.22 **(6)** (e) Any person who is a citizen of a country other than the United
21 States if that person meets all of the following requirements:

22 1. The person graduated from a high school in this state or received a
23 declaration of equivalency of high school graduation from this state.

ASSEMBLY BILL 75**SECTION 751**

1 2. The person was continuously present in this state for at least 3 years
2 following the first day of attending a high school in this state or immediately
3 preceding receipt of a declaration of equivalency of high school graduation.

4 3. The person enrolls in a district school and provides the district board with
5 an affidavit stating that the person has filed or will file an application for a
6 permanent resident visa with U.S. Citizenship and Immigration Services as soon as
7 the person is eligible to do so.

8 **SECTION 752.** 38.24 (3) (a) of the statutes is amended to read:

9 38.24 **(3)** (a) For all students who are not residents of this state, nor subject to
10 reciprocal agreements with the board, annually the board shall establish a fee based
11 on ~~100% of the statewide cost per full-time equivalent student for operating the~~
12 ~~programs in which they are enrolled~~ 150 percent of program fees established under
13 sub. (1m) (a) and (b).

14 **SECTION 753.** 38.24 (7) (b) (intro.) of the statutes is amended to read:

15 38.24 **(7)** (b) (intro.) Except as provided in subds. 1. to 3. and par. (bm), the
16 district board shall grant full remission of fees under sub. (1m) (a) to (c) for 128
17 credits or 8 semesters, whichever is longer, less the amount of any fees paid under
18 38 USC 3319, to any resident student who is also any of the following:

19 **SECTION 754.** 38.24 (7) (bm) of the statutes is created to read:

20 38.24 **(7)** (bm) Before the district board may grant a remission of fees under par.
21 (b), the district board shall require the resident student to apply to the payment of
22 those fees all educational assistance to which the resident student is entitled under
23 38 USC 3319. This requirement applies notwithstanding the fact that the resident
24 student may be entitled to educational assistance under 38 USC 3500 to 3566 as well
25 as under 38 USC 3319. For a resident student who is entitled to educational

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1 assistance under both 38 USC 3500 to 3566 and 38 USC 3319, if the amount of
2 educational assistance, other than educational assistance for tuition, to which the
3 resident student is entitled under 38 USC 3500 to 3566 is greater than the amount
4 of educational assistance, other than educational assistance for tuition, to which the
5 resident student is entitled under 38 USC 3319, as determined by the higher
6 educational aids board, the higher educational aids board shall reimburse the
7 resident student for the difference in those amounts of educational assistance, as
8 calculated by the higher educational aids board. The higher educational aids board
9 shall make that determination and calculation in consultation with the board and
10 district board.

11 **SECTION 755.** 38.24 (8) (b) of the statutes is amended to read:

12 38.24 **(8)** (b) The Except as provided in par. (bm), the district board shall grant
13 full remission of the fees charged under sub. (1m) (a) to (c) for 128 credits or 8
14 semesters, whichever is longer, less the amount of any fees paid under 10 USC 2107
15 (c) ~~or~~, 38 USC 3104 (a) (7) (A), or 38 USC 3313, to any student who is a veteran.

16 **SECTION 756.** 38.24 (8) (bm) of the statutes is created to read:

17 38.24 **(8)** (bm) Before the district board may grant a remission of fees under par.
18 (b), the district board shall require the student to apply to the payment of those fees
19 all educational assistance to which the student is entitled under 38 USC 3313. This
20 requirement applies notwithstanding the fact that the student may be entitled to
21 educational assistance under 38 USC 3001 to 3036 as well as under 38 USC 3313.
22 For a student who is entitled to educational assistance under both 38 USC 3001 to
23 3036 and 38 USC 3313, if the amount of educational assistance, other than
24 educational assistance for tuition, to which the student is entitled under 38 USC
25 3001 to 3036 is greater than the amount of educational assistance, other than

ASSEMBLY BILL 75**SECTION 756**

1 educational assistance for tuition, to which the student is entitled under 38 USC
2 3313, as determined by the higher educational aids board, the higher educational
3 aids board shall reimburse the student for the difference in those amounts of
4 educational assistance, as calculated by the higher educational aids board. The
5 higher educational aids board shall make that determination and calculation in
6 consultation with the board and district board.

7 **SECTION 757.** 38.28 (2) (b) 2. of the statutes is amended to read:

8 38.28 **(2)** (b) 2. The most current equalized values certified by the department
9 of revenue shall be used in aid determinations. Equalized values shall include the
10 full value of property that is exempt under ~~s. ss. 70.11 (27m), (39), and (39m) and~~
11 70.111 (27) as determined under s. 79.095 (3).

12 **SECTION 758.** 38.41 (2) and (3) of the statutes are repealed.

13 **SECTION 759.** 39.28 (2) of the statutes is amended to read:

14 39.28 **(2)** The board shall establish plans to be administered by the board for
15 participation by this state under any federal acts relating to higher education and
16 submit them to the U.S. secretary of education for the secretary's approval. The
17 board may utilize such criteria for determination of priorities, participation, or
18 purpose as are delineated in the federal acts. The board shall obtain the approval
19 of the department of administration before the board may expend any federal
20 economic stimulus funds from the appropriation account under s. 20.235 (2) (k) for
21 any higher education capital or modernization project.

22 **SECTION 760.** 39.435 (3) of the statutes is amended to read:

23 39.435 **(3)** The board shall establish the maximum amount of a grant awarded
24 under sub. (1). The board may not establish a maximum amount that exceeds the
25 maximum amount in the previous academic year unless the board determines, to the

ASSEMBLY BILL 75**SECTION 760**

1 best of its ability, that in doing so the board will award grants under sub. (1) in the
2 current academic year to at least as many students as the board awarded grants to
3 under sub. (1) in the previous academic year. Grants under sub. (1) shall not be less
4 than \$250 during any one academic year, unless the joint committee on finance
5 approves an adjustment in the amount of the minimum grant. ~~Grants under sub.~~
6 ~~(1) shall not exceed \$3,000 during any one academic year.~~ The board shall, by rule,
7 establish a reporting system to periodically provide student economic data and shall
8 promulgate other rules the board deems necessary to assure uniform administration
9 of the program.

10 **SECTION 761.** 39.435 (8) of the statutes is amended to read:

11 39.435 **(8)** The board shall award grants under this section to University of
12 Wisconsin System students from the ~~appropriation~~ appropriations under s. 20.235
13 (1) (fe) and (ke).

14 **SECTION 762.** 39.435 (8) of the statutes, as affected by 2009 Wisconsin Act
15 (this act), is amended to read:

16 39.435 **(8)** The board shall award grants under this section to University of
17 Wisconsin System students from the ~~appropriations~~ appropriation under s. 20.235
18 (1) (fe) ~~and (ke)~~.

19 **SECTION 763.** 39.437 (1) of the statutes is amended to read:

20 39.437 **(1)** ESTABLISHMENT OF GRANT PROGRAM. There is established, to be
21 administered by the board, with the assistance of the office of the Wisconsin
22 Covenant Scholars Program in the department of administration as provided in
23 subs. (2) (a) 2., (4), and (5). a Wisconsin Covenant Scholars Program to provide grants
24 to students who meet the eligibility criteria specified in sub. (2).

ASSEMBLY BILL 75**SECTION 764**

1 **SECTION 764.** 39.437 (2) (a) of the statutes is renumbered 39.437 (2) (a) (intro.)
2 and amended to read:

3 39.437 **(2)** (a) (intro.) Except as provided in par. (b), a student is eligible for a
4 grant under this section if the student is meets all of the following criteria:

5 1. The student is a resident of this state and is enrolled at least half time and
6 registered as a freshman, sophomore, junior, or senior in a public or private,
7 nonprofit, accredited institution of higher education or in a tribally controlled college
8 in this state.

9 **SECTION 765.** 39.437 (2) (a) 2. of the statutes is created to read:

10 39.437 **(2)** (a) 2. The student has been designated as a Wisconsin covenant
11 scholar by the office of the Wisconsin Covenant Scholars Program in the department
12 of administration.

13 **SECTION 766.** 39.437 (4) (a) of the statutes is amended to read:

14 39.437 **(4)** (a) By February 1 of each year, the Board of Regents of the University
15 of Wisconsin System shall provide to the board office of the Wisconsin Covenant
16 Scholars Program in the department of administration information relating to the
17 resident undergraduate academic fees charged to attend each of the institutions
18 within that system for the current academic year, the technical college system board
19 shall provide to ~~the board~~ that office information relating to the fees under s. 38.24
20 (1m) (a) to (c) charged to attend each of the technical colleges within that system for
21 the current academic year, and each tribally controlled college in this state shall
22 provide to ~~the board~~ that office information relating to the tuition and fees charged
23 to attend the tribal college for the current academic year, and the Wisconsin
24 Association of Independent Colleges and Universities or a successor organization
25 shall provide to that office information relating to tuition and fees charged to attend

ASSEMBLY BILL 75**SECTION 766**

1 each of the private, nonprofit, accredited institutions of higher education in this state
2 for the currant academic year.

3 **SECTION 767.** 39.437 (4) (b) of the statutes is amended to read:

4 39.437 **(4)** (b) By April 1 of each year, the board office of the Wisconsin Covenant
5 Scholars Program in the department of administration shall determine the average
6 of the resident undergraduate academic fees charged for the current academic year
7 among the institutions within the University of Wisconsin System, the average of the
8 fees under s. 38.24 (1m) (a) to (c) charged for the current academic year among the
9 technical colleges in this state, ~~and~~ the average of the tuition and fees charged for
10 the current academic year among the tribally controlled colleges in this state, and
11 the average of the tuition and fees charged for the current academic year among the
12 private, nonprofit, accredited institutions of higher education in this state.

13 **SECTION 768.** 39.437 (4) (c) of the statutes is created to read:

14 39.437 **(4)** (c) To the extent permitted under 20 USC 1232g and 34 CFR part
15 99, the department of public instruction shall provide pupil information to the office
16 of the Wisconsin Covenant Scholars Program in the department of administration
17 as necessary for that office to fulfill its role in the administration of the grant
18 program under this section.

19 **SECTION 769.** 39.437 (5) of the statutes is renumbered 39.437 (5) (intro.) and
20 amended to read:

21 39.437 **(5)** RULES. (intro.) The board department of administration shall
22 promulgate rules to implement this section, including rules all of the following:

23 (a) Rules establishing a reporting system to periodically provide student
24 economic data ~~and any.~~

ASSEMBLY BILL 75**SECTION 769**

1 (c) Any other rules the ~~board~~ department of administration considers necessary
2 to assure the uniform administration of this section.

3 **SECTION 770.** 39.437 (5) (b) of the statutes is created to read:

4 39.437 **(5)** (b) Rules establishing eligibility criteria for designation as a
5 Wisconsin covenant scholar under sub. (2) (a) 2.

6 **SECTION 771.** 40.02 (2m) of the statutes is amended to read:

7 40.02 **(2m)** “Alternate payee” means a former spouse or domestic partner of a
8 participant who is named in a qualified domestic relations order as having a right
9 to receive a portion of the benefits of the participant.

10 **SECTION 772.** 40.02 (8) (a) 2. of the statutes is amended to read:

11 40.02 **(8)** (a) 2. In the absence of a written designation of beneficiary, or if all
12 designated beneficiaries who survive the decedent die before filing with the
13 department a beneficiary designation applicable to that death benefit or an
14 application for any death benefit payable, the person determined in the following
15 sequence: group 1, surviving spouse or surviving domestic partner; group 2, children
16 of the deceased participant, employee or annuitant, in equal shares, with the share
17 of any deceased child payable to the issue of the child or, if there is no surviving issue
18 of a deceased child, to the other eligible children in this group or, if deceased, their
19 issue; group 3, parent, in equal shares if both survive; group 4, brother and sister in
20 equal shares and the issue of any deceased brother or sister. The shares payable to
21 the issue of a person shall be determined per stirpes. No payment may be made to
22 a person included in any group if there is a living person in any preceding group, and
23 s. 854.04 (6) shall not apply to a determination under this subsection.

24 **SECTION 773.** 40.02 (20) of the statutes is amended to read:

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1 40.02 **(20)** “Dependent” means the spouse, domestic partner, minor child,
2 including stepchildren of the current marriage or domestic partnership dependent
3 on the employee for support and maintenance, or child of any age, including
4 stepchildren of the current marriage or domestic partnership, if handicapped to an
5 extent requiring continued dependence. For group insurance purposes only, the
6 department may promulgate rules with a different definition of “dependent” than the
7 one otherwise provided in this subsection for each group insurance plan.

8 **SECTION 774.** 40.02 (21c) of the statutes is created to read:

9 40.02 **(21c)** “Domestic partner” means an individual in a domestic partnership.

10 **SECTION 775.** 40.02 (21d) of the statutes is created to read:

11 40.02 **(21d)** “Domestic partnership” means a relationship between 2
12 individuals that satisfies all of the following:

13 (a) Each individual is at least 18 years old and otherwise competent to enter
14 into a contract.

15 (b) Neither individual is married to, or in a domestic partnership with, another
16 individual.

17 (c) The 2 individuals are not related by blood in any way that would prohibit
18 marriage under s. 765.03.

19 (d) The 2 individuals consider themselves to be members of each other’s
20 immediate family.

21 (e) The 2 individuals agree to be responsible for each other’s basic living
22 expenses.

23 **SECTION 776.** 40.02 (25) (b) 3. of the statutes is amended to read:

24 40.02 **(25)** (b) 3. The surviving spouse or domestic partner of an employee, or
25 of a retired employee, who is currently covered by health insurance at the time of

ASSEMBLY BILL 75**SECTION 776**

1 death of the employee or retired employee. The spouse or domestic partner shall
2 have the same right to health insurance coverage as the deceased employee or retired
3 employee, but without state contribution, under rules promulgated by the secretary.

4 **SECTION 777.** 40.02 (25) (b) 8. of the statutes is amended to read:

5 40.02 **(25)** (b) 8. Any other state employee for whom coverage is authorized
6 under a collective bargaining agreement pursuant to subch. I or V, or VI of ch. 111
7 or under s. 230.12 or 233.10.

8 **SECTION 778.** 40.02 (28) of the statutes, as affected by 2007 Wisconsin Act 20,
9 section 756, is amended to read:

10 40.02 **(28)** “Employer” means the state, including each state agency, any
11 county, city, village, town, school district, other governmental unit or
12 instrumentality of 2 or more units of government now existing or hereafter created
13 within the state, any federated public library system established under s. 43.19
14 whose territory lies within a single county with a population of 500,000 or more, a
15 local exposition district created under subch. II of ch. 229, a transit authority created
16 under s. 66.1039, and a long-term care district created under s. 46.2895, except as
17 provided under ss. 40.51 (7) and 40.61 (3) and subch. X. “Employer” does not include
18 a local cultural arts district created under subch. V of ch. 229. Each employer shall
19 be a separate legal jurisdiction for OASDHI purposes.

20 **SECTION 779.** 40.02 (28) of the statutes, as affected by 2007 Wisconsin Act 20,
21 section 757, and 2009 Wisconsin Act (this act), is repealed and recreated to read:

22 40.02 **(28)** “Employer” means the state, including each state agency, any
23 county, city, village, town, school district, other governmental unit or
24 instrumentality of 2 or more units of government now existing or hereafter created
25 within the state, any federated public library system established under s. 43.19

ASSEMBLY BILL 75**SECTION 779**

1 whose territory lies within a single county with a population of 500,000 or more, a
2 local exposition district created under subch. II of ch. 229, a transit authority created
3 under s. 66.1039, and a long-term care district created under s. 46.2895, except as
4 provided under ss. 40.51 (7) and 40.61 (3). “Employer” does not include a local
5 cultural arts district created under subch. V of ch. 229. Each employer shall be a
6 separate legal jurisdiction for OASDHI purposes.

7 **SECTION 780.** 40.03 (6) (c) of the statutes is amended to read:

8 40.03 **(6)** (c) Shall not enter into any agreements to modify or expand group
9 insurance coverage in a manner which conflicts with this chapter or rules of the
10 department or materially affects the level of premiums required to be paid by the
11 state or its employees, or the level of benefits to be provided, under any group
12 insurance coverage. This restriction shall not be construed to prevent modifications
13 required by law, prohibit the group insurance board from modifying the standard
14 plan to establish a more cost effective benefit plan design or providing optional
15 insurance coverages as alternatives to the standard insurance coverage when any
16 excess of required premium over the premium for the standard coverage is paid by
17 the employee, prohibit the group insurance board from encouraging participation in
18 wellness or disease management programs, or prohibit the group insurance board
19 from providing other plans as authorized under par. (b).

20 **SECTION 781.** 40.03 (6) (j) of the statutes is amended to read:

21 40.03 **(6)** (j) May contract with the department of health services and may
22 contract with other public or private entities for data collection and analysis services
23 related to health maintenance organizations and insurance companies that provide
24 health insurance to state employees, as well as for any other consulting services
25 related to plans offered by the group insurance board.

ASSEMBLY BILL 75**SECTION 782**

1 **SECTION 782.** 40.04 (2) (a) of the statutes is amended to read:

2 40.04 **(2)** (a) An administrative account shall be maintained within the fund
3 from which administrative costs of the department shall be paid, except charges for
4 services performed by the investment board, costs of medical and vocational
5 evaluations used in determinations of eligibility for benefits under ss. 40.61, 40.63
6 and 40.65 and costs of contracting for insurance data collection and analysis services
7 and other consulting services under s. 40.03 (6) (j).

8 **SECTION 783.** 40.04 (2) (e) of the statutes is amended to read:

9 40.04 **(2)** (e) The costs of contracting for insurance data collection and analysis
10 services and other consulting services under s. 40.03 (6) (j) shall be paid from the
11 appropriation under s. 20.515 (1) (ut).

12 **SECTION 784.** 40.05 (1) (b) of the statutes is amended to read:

13 40.05 **(1)** (b) In lieu of employee payment, the employer may pay all or part of
14 the contributions required by par. (a), but all the payments shall be available for
15 benefit purposes to the same extent as required contributions deducted from
16 earnings of the participating employees. Action to assume employee contributions
17 as provided under this paragraph shall be taken at the time and in the form
18 determined by the governing body of the participating employer. The state shall pay
19 under this paragraph for employees who are covered by a collective bargaining
20 agreement under subch. V or VI of ch. 111 and for employees whose fringe benefits
21 are determined under s. 230.12 an amount equal to 4% of the earnings paid by the
22 state unless otherwise provided in a collective bargaining agreement under subch.
23 V or VI of ch. 111 or unless otherwise determined under s. 230.12. The University
24 of Wisconsin Hospitals and Clinics Authority shall pay under this paragraph for
25 employees who are covered by a collective bargaining agreement under subch. I of

ASSEMBLY BILL 75**SECTION 784**

1 ch. 111 and for employees whose fringe benefits are determined under s. 233.10 an
2 amount equal to 4% of the earnings paid by the authority unless otherwise provided
3 in a collective bargaining agreement under subch. I of ch. 111 or unless otherwise
4 determined under s. 233.10. The state shall pay under this paragraph for employees
5 who are not covered by a collective bargaining agreement under subch. V or VI of ch.
6 111 and for employees whose fringe benefits are not determined under s. 230.12 an
7 amount equal to 4% of the earnings paid by the state unless a different amount is
8 recommended by the director of the office of state employment relations and
9 approved by the joint committee on employment relations in the manner provided
10 for approval of changes in the compensation plan under s. 230.12 (3). The University
11 of Wisconsin Hospitals and Clinics Authority shall pay under this paragraph for its
12 employees who are not covered by a collective bargaining agreement under subch.
13 I of ch. 111 an amount equal to 4% of the earnings paid by the authority unless a
14 different amount is established by the board of directors of the authority under s.
15 233.10.

16 **SECTION 785.** 40.05 (4) (ag) (intro.) of the statutes is amended to read:

17 40.05 **(4)** (ag) (intro.) Beginning on January 1, 2004, except as otherwise
18 provided in accordance with a collective bargaining agreement under subch. I ~~or~~ V,
19 or VI of ch. 111 or s. 230.12 or 233.10, the employer shall pay for its currently
20 employed insured employees:

21 **SECTION 786.** 40.05 (4) (ar) of the statutes is amended to read:

22 40.05 **(4)** (ar) The employer shall pay under par. (a) for employees who are not
23 covered by a collective bargaining agreement under subch. I ~~or~~ V, or VI of ch. 111 and
24 for employees whose health insurance premium contribution rates are not
25 determined under s. 230.12 or 233.10 an amount equal to the amount specified in par.

ASSEMBLY BILL 75**SECTION 786**

1 (ag) unless a different amount is recommended by the director of the office of state
2 employment relations and approved by the joint committee on employment relations
3 in the manner provided for approval of changes in the compensation plan under s.
4 230.12 (3).

5 **SECTION 787.** 40.05 (4) (b) of the statutes is amended to read:

6 40.05 **(4)** (b) Except as provided under pars. (bc) and (bp), accumulated unused
7 sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, and 757.02 (5) and subch.
8 I or, V, or VI of ch. 111 of any eligible employee shall, at the time of death, upon
9 qualifying for an immediate annuity or for a lump sum payment under s. 40.25 (1)
10 or upon termination of creditable service and qualifying as an eligible employee
11 under s. 40.02 (25) (b) 6. or 10., be converted, at the employee's highest basic pay rate
12 he or she received while employed by the state, to credits for payment of health
13 insurance premiums on behalf of the employee or the employee's surviving insured
14 dependents. Any supplemental compensation that is paid to a state employee who
15 is classified under the state classified civil service as a teacher, teacher supervisor,
16 or education director for the employee's completion of educational courses that have
17 been approved by the employee's employer is considered as part of the employee's
18 basic pay for purposes of this paragraph. The full premium for any eligible employee
19 who is insured at the time of retirement, or for the surviving insured dependents of
20 an eligible employee who is deceased, shall be deducted from the credits until the
21 credits are exhausted and paid from the account under s. 40.04 (10), and then
22 deducted from annuity payments, if the annuity is sufficient. The department shall
23 provide for the direct payment of premiums by the insured to the insurer if the
24 premium to be withheld exceeds the annuity payment. Upon conversion of an
25 employee's unused sick leave to credits under this paragraph or par. (bf), the

ASSEMBLY BILL 75**SECTION 787**

1 employee or, if the employee is deceased, the employee's surviving insured
2 dependents may initiate deductions from those credits or may elect to delay
3 initiation of deductions from those credits, but only if the employee or surviving
4 insured dependents are covered by a comparable health insurance plan or policy
5 during the period beginning on the date of the conversion and ending on the date on
6 which the employee or surviving insured dependents later elect to initiate
7 deductions from those credits. If an employee or an employee's surviving insured
8 dependents elect to delay initiation of deductions from those credits, an employee or
9 the employee's surviving insured dependents may only later elect to initiate
10 deductions from those credits during the annual enrollment period under par. (be).
11 A health insurance plan or policy is considered comparable if it provides hospital and
12 medical benefits that are substantially equivalent to the standard health insurance
13 plan established under s. 40.52 (1).

14 **SECTION 788.** 40.05 (4) (bw) of the statutes is amended to read:

15 40.05 **(4)** (bw) On converting accumulated unused sick leave to credits for the
16 payment of health insurance premiums under par. (b), the department shall add
17 additional credits, calculated in the same manner as are credits under par. (b), that
18 are based on a state employee's accumulated sabbatical leave or earned vacation
19 leave from the state employee's last year of service prior to retirement, or both. The
20 department shall apply the credits awarded under this paragraph for the payment
21 of health insurance premiums only after the credits awarded under par. (b) are
22 exhausted. This paragraph applies only to state employees who are eligible for
23 accumulated unused sick leave conversion under par. (b) and who are entitled to the
24 benefits under this paragraph pursuant to a collective bargaining agreement under
25 subch. V or VI of ch. 111.

ASSEMBLY BILL 75**SECTION 789**

SECTION 789. 40.05 (4g) (a) 4. of the statutes is amended to read:

40.05 **(4g)** (a) 4. Has received a military leave of absence under s. 230.32 (3) (a) or 230.35 (3), under a collective bargaining agreement under subch. V or VI of ch. 111 or under rules promulgated by the director of the office of state employment relations or is eligible for reemployment with the state under s. 321.64 after completion of his or her service in the U.S. armed forces.

SECTION 790. 40.05 (5) (intro.) of the statutes is amended to read:

40.05 **(5)** INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income continuation insurance provided under subch. V the employee shall pay the amount remaining after the employer has contributed the following or, if different, the amount determined under a collective bargaining agreement under subch. I ~~or~~ V, or VI of ch. 111 or s. 230.12 or 233.10:

SECTION 791. 40.05 (5) (b) 4. of the statutes is amended to read:

40.05 **(5)** (b) 4. The accrual and crediting of sick leave shall be determined in accordance with ss. 13.121 (4), 36.30, 230.35 (2), 233.10 and 757.02 (5) and subch. I ~~or~~ V, or VI of ch. 111.

SECTION 792. 40.05 (6) (a) of the statutes is amended to read:

40.05 **(6)** (a) Except as otherwise provided in accordance with a collective bargaining agreement under subch. I ~~or~~ V, or VI of ch. 111 or s. 230.12 or 233.10, each insured employee under the age of 70 and annuitant under the age of 65 shall pay for group life insurance coverage a sum, approved by the group insurance board, which shall not exceed 60 cents monthly for each \$1,000 of group life insurance, based upon the last amount of insurance in force during the month for which earnings are paid. The equivalent premium may be fixed by the group insurance board if the annual compensation is paid in other than 12 monthly installments.

ASSEMBLY BILL 75**SECTION 793**

1 **SECTION 793.** 40.08 (8) (a) 4. of the statutes is amended to read:

2 40.08 **(8)** (a) 4. The former spouse or domestic partner of a participant who is
3 an alternate payee and whom the department cannot locate by reasonable efforts,
4 with such efforts beginning by the end of the month in which the participant attains,
5 or would have attained, the age of 65, shall be considered to have abandoned all
6 benefits under the Wisconsin retirement system on the date on which the participant
7 attains, or would have attained, the age of 70. The department shall close the
8 alternate payee's account and shall transfer the moneys in the account to the
9 employer accumulation reserve. The department shall restore the alternate payee's
10 account and shall debit the employer accumulation reserve accordingly if the
11 alternate payee subsequently applies for retirement benefits under this chapter
12 before the participant attains or would have attained the age of 80.

13 **SECTION 794.** 40.08 (9) of the statutes is amended to read:

14 40.08 **(9)** PAYMENTS OF BENEFITS TO MINORS AND INDIVIDUALS FOUND INCOMPETENT.
15 In any case in which a benefit amount becomes payable to a minor or to an individual
16 adjudicated incompetent, the department may waive guardianship proceedings, and
17 pay the benefit to the person providing for or caring for the minor, or to the spouse
18 or domestic partner, parent, or other relative by blood or adoption providing for or
19 caring for the individual adjudicated incompetent.

20 **SECTION 795.** 40.22 (2m) (a) of the statutes is amended to read:

21 40.22 **(2m)** (a) At least one year for at least one-third of what is considered
22 full-time employment by the department, as determined by rule, or, for an
23 educational support personnel employee, at least one year for at least one-third of
24 what is considered full-time employment for a teacher.

25 **SECTION 796.** 40.23 (2m) (fm) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 796**

1 40.23 **(2m)** (fm) Notwithstanding s. 40.02 (17) (intro.), for purposes of
2 determining creditable service under par. (f) 2., ~~participants with at least 0.75 of a~~
3 ~~year~~ a participant's amount of creditable service in any annual earnings period shall
4 be treated as ~~having one year~~ the amount of creditable service that a teacher would
5 earn for that annual earnings period. To be eligible for the treatment provided by
6 this paragraph, the participant must have earned only a partial year of creditable
7 service in at least 5 of the 10 annual earnings periods immediately preceding the
8 annual earnings period in which the participant terminated covered employment,
9 ~~and the participant must notify the department of the applicability of this paragraph~~
10 ~~to the participant's service. The participant is not eligible for the treatment provided~~
11 ~~by this paragraph if such notification is provided by the participant later than 60~~
12 ~~days after the participant's annuity effective date. This paragraph does not apply~~
13 ~~to service credited under s. 40.02 (15) or to creditable service as a teacher.~~

14 **SECTION 797.** 40.23 (4) (e) of the statutes is amended to read:

15 40.23 **(4)** (e) 1. Subject to subds. 2. to 4., if a participant dies before the
16 distribution of benefits has commenced and the participant's beneficiary is the
17 spouse or domestic partner, the department shall begin the distribution within 5
18 years after the date of the participant's death.

19 2. If the spouse or domestic partner files a subsequent beneficiary designation
20 with the department, the payment of the distribution may be deferred until the
21 January 1 of the year in which the participant would have attained the age of 70.5
22 years.

23 3. If the spouse or domestic partner does not apply for a distribution, the
24 distribution shall begin as an automatic distribution as provided under subd. 1. or
25 under par. (c), whichever distribution date is earlier.

ASSEMBLY BILL 75**SECTION 797**

1 4. If the spouse or domestic partner dies, but has designated a new beneficiary,
2 the birth date of the spouse or domestic partner shall be used for the purposes of
3 determining the required beginning date.

4 5. The department shall specify by rule all procedures relating to an automatic
5 distribution to the spouse or domestic partner. These rules shall comply with the
6 internal revenue code.

7 **SECTION 798.** 40.23 (4) (f) (intro.) of the statutes is amended to read:

8 40.23 **(4)** (f) (intro.) If a participant dies before the distribution of benefits has
9 commenced and the participant's beneficiary is not the spouse or domestic partner,
10 the beneficiary shall do one of the following:

11 **SECTION 799.** 40.24 (7) (a) (intro.) of the statutes is amended to read:

12 40.24 **(7)** (a) (intro.) Any participant who has been married to the same spouse,
13 or in a domestic partnership with the same domestic partner, for at least one year
14 immediately preceding the participant's annuity effective date shall elect the
15 annuity option under sub. (1) (d), the annuity option under sub. (1) (e), if the reduced
16 annuity under sub. (1) (e) is payable in an optional life form provided under sub. (1)
17 (d), or an annuity option in a form provided by rule, if the annuity is payable for life
18 with monthly payments of at least 75% of the amount of the annuity to be continued
19 to the beneficiary, for life, upon the death of the participant, and the participant shall
20 designate the spouse or domestic partner as the beneficiary, unless the participant's
21 application for a retirement annuity in a different optional annuity form is signed
22 by both the participant and the participant's spouse or domestic partner or unless the
23 participant establishes to the satisfaction of the department that, by reason of
24 absence or other inability, the spouse's or domestic partner's signature may not be
25 obtained. This subsection does not apply to any of the following:

ASSEMBLY BILL 75**SECTION 800**

SECTION 800. 40.24 (7) (b) of the statutes is amended to read:

40.24 **(7)** (b) In administering this subsection, the secretary may require the participant to provide the department with a certification of the participant's marital or domestic partnership status and of the validity of the spouse's or domestic partner's signature. If a participant is exempted from the requirements under par. (a) on the basis of a certification which the department or a court subsequently determines to be invalid, the liability of the fund and the department shall be limited to a conversion of annuity options at the time the certification is determined to be invalid. The conversion shall be from the present value of the annuity in the optional form originally elected by the participant to an annuity with the same present value but in the optional form under sub. (1) (d) and with monthly payments of 100% of the amount of the annuity paid to the annuitant to be continued to the spouse or domestic partner beneficiary.

SECTION 801. 40.25 (3m) of the statutes is amended to read:

40.25 **(3m)** A participant's application for a lump sum payment under sub. (1) (b) or (2), filed after May 7, 1994, shall be signed by both the participant and the participant's spouse or domestic partner, if the participant has been married to that spouse, or in a domestic partnership with that domestic partner, for at least one year immediately preceding the date the application is filed. The department may promulgate rules that allow for the waiver of the requirements of this subsection for a situation in which, by reason of absence or incompetency, the spouse's or domestic partner's signature may not be obtained. This subsection does not apply to any benefits paid from accumulated additional contributions.

SECTION 802. 40.52 (2) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 802**

1 40.52 (2) Health insurance benefits under this subchapter shall be integrated,
2 with exceptions determined appropriate by the group insurance board, with benefits
3 under federal plans for hospital and health care for the aged and disabled.
4 Exclusions and limitations with respect to benefits and different rates may be
5 established for persons eligible under federal plans for hospital and health care for
6 the aged and disabled in recognition of the utilization by persons within the age
7 limits eligible under the federal program. The plan may include special provisions
8 for spouses, domestic partners, and other dependents covered under a plan
9 established under this subchapter where one spouse or domestic partner is eligible
10 under federal plans for hospital and health care for the aged but the others are not
11 eligible because of age or other reasons. As part of the integration, the department
12 may, out of premiums collected under s. 40.05 (4), pay premiums for the federal
13 health insurance.

14 **SECTION 803.** 40.53 of the statutes is renumbered 146.45, and 146.45 (2) and
15 (3), as renumbered, are amended to read:

16 146.45 (2) The ~~group insurance board~~ department shall develop a purchasing
17 pool for pharmacy benefits that uses a preferred list of covered prescription drugs.
18 The pool shall consist of ~~the state and~~ any eligible party that satisfies the conditions
19 established under sub. (3) for joining the pool. The ~~group insurance board~~
20 department shall seek to develop the preferred list of covered prescription drugs
21 under an evidence-based analysis that first identifies the relative effectiveness of
22 prescription drugs within therapeutic classes for particular diseases and conditions
23 and next identifies the least costly prescription drugs, including prescription drugs
24 with generic names that are alternatives to prescription drugs with brand names,
25 among those found to be equally effective.

ASSEMBLY BILL 75**SECTION 803**

1 **(3)** The ~~group insurance board~~ department shall propose conditions that an
2 eligible party must satisfy to join the purchasing pool established under sub. (2).

3 **SECTION 804.** 40.55 (1) of the statutes is amended to read:

4 40.55 **(1)** Except as provided in sub. (5), the state shall offer, through the group
5 insurance board, to eligible employees under s. 40.02 (25) (bm) and to state
6 annuitants long-term care insurance policies which have been filed with the office
7 of the commissioner of insurance and which have been approved for offering under
8 contracts established by the group insurance board if the insurer requests that the
9 policy be offered and the state shall also allow an eligible employee or a state
10 annuitant to purchase those policies for his or her spouse, domestic partner, or
11 parent.

12 **SECTION 805.** 40.62 (2) of the statutes is amended to read:

13 40.62 **(2)** Sick leave accumulation shall be determined in accordance with rules
14 of the department, any collective bargaining agreement under subch. I or, V, or VI
15 of ch. 111, and ss. 13.121 (4), 36.30, 230.35 (2), 233.10, 757.02 (5) and 978.12 (3).

16 **SECTION 806.** 40.65 (5) (b) 1. of the statutes is amended to read:

17 40.65 **(5)** (b) 1. Any OASDHI benefit payable to the participant or the
18 participant's spouse, domestic partner, or a dependent because of the participant's
19 work record.

20 **SECTION 807.** 40.65 (5) (c) of the statutes is amended to read:

21 40.65 **(5)** (c) The Wisconsin retirement board may not reduce a participant's
22 benefit because of income or benefits that are attributable to the earnings or work
23 record of the participant's spouse, domestic partner, or other member of the
24 participant's family, or because of income or benefits attributable to an insurance
25 contract, including income continuation programs.

ASSEMBLY BILL 75**SECTION 808**

1 **SECTION 808.** 40.65 (7) (am) (intro.) of the statutes is amended to read:

2 40.65 **(7)** (am) (intro.) This paragraph applies to benefits based on applications
3 filed on or after May 3, 1988. If a protective occupation participant dies as a result
4 of an injury or a disease for which a benefit is paid or would be payable under sub.
5 (4), and the participant is survived by a spouse, domestic partner, or an unmarried
6 child under the age of 18, a monthly benefit shall be paid as follows:

7 **SECTION 809.** 40.65 (7) (am) 1. of the statutes is amended to read:

8 40.65 **(7)** (am) 1. To the surviving spouse or domestic partner until the
9 surviving spouse remarries or the surviving domestic partner enters into a new
10 domestic partnership or marries, if the spouse was married to the participant on the
11 date that the participant was disabled under sub. (4) or the domestic partner was in
12 a domestic partnership with the participant on the date that the participant was
13 disabled under sub. (4), 50% of the participant's monthly salary at the time of death,
14 but reduced by any amount payable under sub. (5) (b) 1. to 6.

15 **SECTION 810.** 40.65 (7) (am) 2. of the statutes is amended to read:

16 40.65 **(7)** (am) 2. To a guardian for each of that guardian's wards who is an
17 unmarried surviving child under the age of 18, 10% of the participant's monthly
18 salary at the time of death, payable until the child marries, dies or reaches the age
19 of 18, whichever occurs first. The marital or domestic partnership status of the
20 surviving spouse or domestic partner shall have no effect on the payments under this
21 subdivision.

22 **SECTION 811.** 40.65 (7) (ar) 1. of the statutes is amended to read:

23 40.65 **(7)** (ar) 1. This paragraph applies to benefits based on applications filed
24 on or after May 12, 1998. If a protective occupation participant, who is covered by
25 the presumption under s. 891.455, dies as a result of an injury or a disease for which

ASSEMBLY BILL 75**SECTION 811**

1 a benefit is paid or would be payable under sub. (4), and the participant is survived
2 by a spouse, domestic partner, or an unmarried child under the age of 18, a monthly
3 benefit shall be paid as follows:

4 a. To the surviving spouse or domestic partner until the surviving spouse or
5 domestic partner remarries or enters into a new domestic partnership, if the
6 surviving spouse was married to the participant on the date that the participant was
7 disabled under sub. (4) or the domestic partner was in a domestic partnership with
8 the participant on the date that the participant was disabled under sub. (4), 70% of
9 the participant's monthly salary at the time of death, but reduced by any amount
10 payable under sub. (5) (b) 1. to 6.

11 b. If there is no surviving spouse or domestic partner or the surviving spouse
12 or domestic partner subsequently dies, to a guardian for each of that guardian's
13 wards who is an unmarried surviving child under the age of 18, 10% of the
14 participant's monthly salary at the time of death, payable until the child marries,
15 dies or reaches the age of 18, whichever occurs first.

16 **SECTION 812.** 40.80 (2r) (a) 2. of the statutes is amended to read:

17 40.80 **(2r)** (a) 2. Assigns all or part of a participant's accumulated assets held
18 in a deferred compensation plan under this subchapter to a spouse, former spouse,
19 domestic partner, former domestic partner, child, or other dependent to satisfy a
20 family support or marital property obligation.

21 **SECTION 813.** 40.80 (3) of the statutes is amended to read:

22 40.80 **(3)** Any action taken under this section shall apply to employees covered
23 by a collective bargaining agreement under subch. V or VI of ch. 111.

24 **SECTION 814.** 40.81 (3) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 814**

1 40.81 **(3)** Any action taken under this section shall apply to employees covered
2 by a collective bargaining agreement under subch. IV ~~or~~ V, or VI of ch. 111.

3 **SECTION 815.** 40.95 (1) (a) 2. of the statutes is amended to read:

4 40.95 **(1)** (a) 2. The employee has his or her compensation established in a
5 collective bargaining agreement under subch. V or VI of ch. 111.

6 **SECTION 816.** 40.98 (1) (b) of the statutes is amended to read:

7 40.98 **(1)** (b) “Dependent” means a spouse or domestic partner, an unmarried
8 child under the age of 19 years, an unmarried child who is a full-time student under
9 the age of 21 years and who is financially dependent upon the parent, or an
10 unmarried child of any age who is medically certified as disabled and who is
11 dependent upon the parent.

12 **SECTION 817.** 41.11 (6) (e) of the statutes is created to read:

13 41.11 **(6)** (e) In each fiscal year, at least \$200,000 for grants to Native American
14 Tourism of Wisconsin.

15 **SECTION 818.** 43.24 (1) (a) 1. of the statutes is amended to read:

16 43.24 **(1)** (a) 1. Determine the percentage change in the total amount
17 appropriated under s. 20.255 (3) ~~(e)~~ (qm) between the previous fiscal year and the
18 current fiscal year, except that for the 2009–10 fiscal year, determine the percentage
19 change in the total amount appropriated under s. 20.255 (3) (e), 2007 stats., and (qm)
20 in the previous fiscal year, and s. 20.255 (3) (qm) in the current fiscal year.

21 **SECTION 819.** 43.24 (1) (c) of the statutes is amended to read:

22 43.24 **(1)** (c) Beginning in the fiscal year in which the total amount of state aid
23 appropriated for public library systems under s. 20.255 (3) ~~(e)~~ and (qm), as
24 determined by the department, equals at least 11.25% of the total operating
25 expenditures for public library services from local and county sources in the calendar

ASSEMBLY BILL 75**SECTION 819**

1 year ending in that fiscal year, the amount paid to each system shall be determined
2 by adding the result of each of the following calculations:

3 1. Multiply the system's percentage of the state's population by the product of
4 the amount appropriated under s. 20.255 (3) ~~(e)~~ and (qm) and 0.85.

5 2. Multiply the system's percentage of the state's geographical area by the
6 product of the amount appropriated under s. 20.255 (3) ~~(e)~~ and (qm) and 0.075.

7 3. Divide the sum of the payments to the municipalities and counties in the
8 system under subch. I of ch. 79 for the current fiscal year, as reflected in the
9 statement of estimated payments under s. 79.015, by the total of all payments under
10 subch. I of ch. 79 for the current fiscal year, as reflected in the statement of estimated
11 payments under s. 79.015, and multiply the result by the product of the amount
12 appropriated under s. 20.255 (3) ~~(e)~~ and (qm) and 0.075.

13 **SECTION 820.** 43.24 (3) of the statutes is amended to read:

14 43.24 **(3)** Annually, the division shall review the reports and proposed service
15 plans submitted by the public library systems under s. 43.17 (5) for conformity with
16 this chapter and such rules and standards as are applicable. Upon approval, the
17 division shall certify to the department of administration an estimated amount to
18 which each system is entitled under this section. Annually on or before December
19 1 of the year immediately preceding the year for which aids are to be paid, the
20 department of administration shall pay each system 75% of the certified estimated
21 amount from the ~~appropriations~~ appropriation under s. 20.255 (3) ~~(e)~~ and (qm). The
22 division shall, on or before the following April 30, certify to the department of
23 administration the actual amount to which the system is entitled under this section.
24 On or before July 1, the department of administration shall pay each system the
25 difference between the amount paid on December 1 of the prior year and the certified

ASSEMBLY BILL 75**SECTION 820**

1 actual amount of aid to which the system is entitled from the ~~appropriations~~
2 appropriation under s. 20.255 (3) ~~(e) and (qm)~~. The division may reduce state aid
3 payments when any system or any participant thereof fails to meet the requirements
4 of sub. (2). Beginning September 1, 1991, the division may reduce state aid payments
5 to any system if the system or any participant in the system fails to meet the
6 requirements of s. 43.15 (4).

7 **SECTION 821.** 43.24 (3m) of the statutes is amended to read:

8 43.24 **(3m)** If the ~~appropriations~~ appropriation under s. 20.255 (3) ~~(e) and (qm)~~
9 in any one year ~~are~~ is insufficient to pay the full amount under sub. (1), state aid
10 payments shall be prorated among the library systems entitled to such aid.

11 **SECTION 822.** 43.24 (6) of the statutes is amended to read:

12 43.24 **(6)** In submitting information under s. 16.42 for purposes of the biennial
13 budget bill, the department shall include an amount for public library services for
14 each fiscal year of the fiscal biennium equal to 13% of the total operating
15 expenditures for public library services, in territories anticipated to be within all
16 systems in the state, from local and county sources in the calendar year immediately
17 preceding the calendar year for which aid under this section is to be paid. The
18 amount shall include a recommendation for the appropriation under s. 20.255 (3) ~~(e)~~
19 ~~(qm)~~ and recommendations for the funding of other public library services, as
20 determined by the department in conjunction with public libraries and public library
21 systems.

22 **SECTION 823.** 44.02 (24) of the statutes is amended to read:

23 44.02 **(24)** Promulgate by rule procedures, standards and forms necessary to
24 certify, and shall certify, expenditures for preservation or rehabilitation of historic
25 property for the purposes of ~~s. ss.~~ ss. 71.07 (9m) and (9r), 71.28 (6), and 71.47 (6). These

ASSEMBLY BILL 75**SECTION 823**

standards shall be substantially similar to the standards used by the secretary of the interior to certify rehabilitations under 26 USC 47 (c) (2).

SECTION 824. 45.03 (13) (j) of the statutes is amended to read:

45.03 **(13)** (j) Provide grants to eligible persons who administer a program to identify, train, and place volunteers at the community level who will assist national guard members, members of the U.S. armed forces or forces incorporated in the U.S. armed forces, and their spouses and dependents, who return to this state after serving on active duty. The department shall make available to the volunteers, veterans, and their spouses and dependents, a packet of information about the benefits that they may be eligible to receive from the state or federal government. The annual amount that may be expended under this paragraph may not exceed \$201,000. This paragraph does not apply after June 30, 2007 2011.

SECTION 825. 45.20 (2) (c) 2. a. of the statutes is amended to read:

45.20 **(2)** (c) 2. a. Be completed and received by the department ~~no later than 60 days after the completion of the semester or course. The department may accept an application received more than 60 days after the completion of the semester or course if the applicant shows good cause for the delayed receipt~~ in a time limit set by administrative rule.

SECTION 826. 45.20 (2) (f) of the statutes is repealed.

SECTION 827. 45.43 (1) of the statutes is amended to read:

45.43 **(1)** The department shall administer a program to provide assistance to persons who served in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces and who were discharged under conditions other than dishonorable. The department shall provide assistance to persons whose need for services is based upon homelessness, incarceration, or other circumstances

ASSEMBLY BILL 75**SECTION 827**

1 designated by the department by rule. The department shall designate the
2 assistance available under this section, which may include assistance in receiving
3 medical care, dental care, education, employment, single room occupancy housing,
4 and transitional housing. The department may provide payments to facilitate the
5 provision of services under this section. From the appropriation under s. 20.485 (2)
6 (ac), the department shall provide \$15,000 annually during fiscal years 2007–08 and
7 2008–09 to the Center for Veterans Issues, Ltd., of Milwaukee, to provide outreach
8 services to homeless veterans with post-traumatic stress disorder.

9 **SECTION 828.** 45.43 (2) of the statutes is amended to read:

10 45.43 (2) The department may charge fees for single room occupancy housing,
11 transitional housing, and for other assistance provided under this section that the
12 department designates. The department shall promulgate rules establishing the fee
13 schedule and the manner of implementation of that schedule.

14 **SECTION 829.** 46.028 of the statutes is created to read:

15 **46.028 Electronic benefit transfer.** The department may deliver benefits
16 that are administered by the department to recipients of the benefits by an electronic
17 benefit transfer system if all of the following conditions are satisfied:

18 (1) The department obtains any authorization from a federal agency that is
19 required under federal law to deliver the benefits by an electronic benefit transfer
20 system.

21 (2) The department promulgates an administrative rule to deliver the benefits
22 by an electronic benefits transfer system.

23 (3) The department does not require a county or tribal governing body to use
24 the electronic benefit transfer system if the costs to the county or tribal government
25 of delivering the benefits by the electronic benefit transfer system would be greater

ASSEMBLY BILL 75**SECTION 829**

1 than the costs to the county or tribal government of delivering the benefits by means
2 other than an electronic benefit transfer system.

3 **SECTION 830.** 46.03 (2a) of the statutes is amended to read:

4 46.03 **(2a)** GIFTS. Be authorized to accept gifts, grants or donations of money
5 or of property from private sources to be administered by the department for the
6 execution of its functions. ~~All moneys so received shall be paid into the general fund~~
7 ~~and are appropriated therefrom as provided in s. 20.435 (9) (i).~~

8 **SECTION 831.** 46.03 (43) of the statutes is amended to read:

9 46.03 **(43)** COMPULSIVE GAMBLING AWARENESS CAMPAIGNS. From the
10 appropriation account under s. 20.435 ~~(7)~~ **(5)** (kg), ~~provide~~ award grants to one or
11 more individuals or organizations in the private sector to conduct compulsive
12 gambling awareness campaigns.

13 **SECTION 832.** 46.057 (2) of the statutes is amended to read:

14 46.057 **(2)** From the appropriation account under s. 20.410 (3) (ba), the
15 department of corrections shall transfer to the appropriation account under s. 20.435
16 (2) (kx) ~~\$1,379,300~~ \$1,296,500 in each fiscal year ~~and, from the appropriation account~~
17 under s. 20.410 (3) (hm), the department of corrections shall transfer to the
18 appropriation account under s. 20.435 (2) (kx) ~~\$2,639,800~~ \$2,872,300 in fiscal year
19 ~~2007-08~~ 2009-10 and ~~\$2,707,300~~ \$2,896,100 in fiscal year ~~2008-09~~ 2010-11, ~~and~~
20 ~~from the appropriation account under s. 20.410 (1) (kd), the department of~~
21 ~~corrections shall transfer to the appropriation account under s. 20.435 (2) (kx)~~
22 \$69,000 in each of fiscal years 2009-10 and 2010-11 for services for juveniles placed
23 at the Mendota juvenile treatment center. The department of health services may
24 charge the department of corrections not more than the actual cost of providing those
25 services.

ASSEMBLY BILL 75**SECTION 833**

1 **SECTION 833.** 46.10 (8) (i) of the statutes is amended to read:

2 46.10 **(8)** (i) Pay quarterly from the appropriation accounts under s. 20.435 (2)
3 (gk) and ~~(7)~~ (5) (gg) the collection moneys due county departments under ss. 51.42
4 and 51.437. Payments shall be made as soon after the close of each quarter as is
5 practicable.

6 **SECTION 834.** 46.10 (14) (a) of the statutes is amended to read:

7 46.10 **(14)** (a) Except as provided in pars. (b) and (c), liability of a person
8 specified in sub. (2) or s. 46.03 (18) for inpatient care and maintenance of persons
9 under 18 years of age at community mental health centers, a county mental health
10 complex under s. 51.08, the centers for the developmentally disabled, the Mendota
11 Mental Health Institute, and the Winnebago Mental Health Institute or care and
12 maintenance of persons under 18 years of age in residential, nonmedical facilities
13 such as group homes, foster homes, ~~treatment foster homes~~, subsidized
14 guardianship homes, residential care centers for children and youth, and juvenile
15 correctional institutions is determined in accordance with the cost-based fee
16 established under s. 46.03 (18). The department shall bill the liable person up to any
17 amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other
18 3rd-party benefits, subject to rules that include formulas governing ability to pay
19 promulgated by the department under s. 46.03 (18). Any liability of the patient not
20 payable by any other person terminates when the patient reaches age 18, unless the
21 liable person has prevented payment by any act or omission.

22 **SECTION 835.** 46.10 (14) (b) of the statutes is amended to read:

23 46.10 **(14)** (b) Except as provided in par. (c) and subject to par. (cm), liability
24 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the
25 parent's minor child who has been placed by a court order under s. 48.355 or 48.357

ASSEMBLY BILL 75**SECTION 835**

1 in a residential, nonmedical facility such as a group home, foster home, ~~treatment~~
2 ~~foster home~~, subsidized guardianship home, or residential care center for children
3 and youth shall be determined by the court by using the percentage standard
4 established by the department of children and families under s. 49.22 (9) and by
5 applying the percentage standard in the manner established by the department
6 under par. (g).

7 **SECTION 836.** 46.208 (1) of the statutes is amended to read:

8 46.208 **(1)** All records of the county or tribal governing body relating to the
9 administration of relief ~~that is funded by a relief block grant under ch. 49, as defined~~
10 in s. 49.001 (5p), shall be open to inspection at all reasonable hours by authorized
11 representatives of the department.

12 **SECTION 837.** 46.208 (2m) of the statutes is amended to read:

13 46.208 **(2m)** The department may at any time audit all records of the relief
14 agency relating to the administration of relief funded by a relief block grant ~~under~~
15 ch. 49, as defined in s. 49.001 (5p), and may at any time conduct administrative
16 reviews of a county department under s. 46.215, 46.22, or 46.23. The department
17 shall furnish a copy of the county audit or administrative review report to the
18 chairperson of the county board of supervisors and the county clerk in a county with
19 a single-county department or to the county boards of supervisors and the county
20 clerks in counties with a multicounty department, and to the county director of the
21 county department under s. 46.215, 46.22, or 46.23.

22 **SECTION 838.** 46.21 (1) (d) of the statutes is amended to read:

23 46.21 **(1)** (d) “Human services” means the total range of services to people,
24 including mental illness treatment, developmental disabilities services, physical
25 disabilities services, ~~relief funded by a relief block grant under ch. 49, income~~

ASSEMBLY BILL 75**SECTION 838**

1 maintenance, youth probation, extended supervision and parole services, alcohol
2 and drug abuse services, services to children, youth and families, family counseling,
3 early intervention services for children from birth to the age of 3, and manpower
4 services. “Human services” does not include child welfare services under s. 48.48 (17)
5 administered by the department in a county having a population of 500,000 or more.

6 **SECTION 839.** 46.21 (2) (j) of the statutes is amended to read:

7 46.21 **(2)** (j) May exercise approval or disapproval power over contracts and
8 purchases of the director that are for \$50,000 or more, except that the county board
9 of supervisors may not exercise approval or disapproval power over any personal
10 service contract or over any contract or purchase of the director ~~which~~ that relates
11 to community living arrangements, adult family homes, or foster homes ~~or treatment~~
12 ~~foster homes~~ and ~~which~~ that was entered into pursuant to a contract under s. 46.031
13 (2g) or 301.031 (2g), regardless of whether the contract mentions the provider, except
14 as provided in par. (m). This paragraph does not preclude the county board of
15 supervisors from creating a central purchasing department for all county purchases.

16 **SECTION 840.** 46.215 (1) (d) of the statutes is amended to read:

17 46.215 **(1)** (d) To make investigations that relate to services under subchs. II,
18 IV, and V of ch. 49 upon request by the department of health services, to make
19 investigations that relate to juvenile delinquency-related services at the request of
20 the department of corrections, and to make investigations that relate to programs
21 under ch. 48 and subch. III of ch. 49 upon request by the department of children and
22 families.

23 **SECTION 841.** 46.215 (1) (fm) of the statutes is repealed.

24 **SECTION 842.** 46.215 (1) (j) of the statutes is repealed.

25 **SECTION 843.** 46.215 (1) (n) of the statutes is amended to read:

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1 46.215 (1) (n) To collect and transmit information to the ~~department of~~
2 ~~administration~~ public service commission so that a federal energy assistance
3 payment may be made to an eligible household; to collect and transmit information
4 to the ~~department of administration~~ public service commission so that
5 weatherization services may be made available to an eligible household; to receive
6 applications from individuals seeking low-income energy assistance under s. ~~16.27~~
7 196.3744 (4) or weatherization services under s. ~~16.26~~ 196.3742; to provide
8 information on the income eligibility for weatherization of a recipient of low-income
9 energy assistance to an entity with which the ~~department of administration~~ public
10 service commission contracts for provision of weatherization under s. ~~16.26~~
11 196.3742; and to receive a request, determine a correct payment amount, if any, and
12 provide payment, if any, for emergency assistance under s. ~~16.27~~ 196.3744 (8).

13 **SECTION 844.** 46.215 (1) (p) of the statutes is amended to read:

14 46.215 (1) (p) To ~~establish and administer the child care program under s.~~
15 ~~49.155, if the department of children and families contracts with the county~~
16 ~~department of social services to do so.~~

17 **SECTION 845.** 46.215 (2) (c) 3. of the statutes is amended to read:

18 46.215 (2) (c) 3. A county department of social services shall develop, under the
19 requirements of s. 301.08 (2), plans and contracts for juvenile delinquency-related
20 care and services to be purchased. The department of corrections may review the
21 contracts and approve them if they are consistent with s. 301.08 (2) and if state or
22 federal funds are available for such purposes. The joint committee on finance may
23 require the department of corrections to submit the contracts to the committee for
24 review and approval. The department of corrections may not make any payments
25 to a county for programs included in a contract under review by the committee. The

ASSEMBLY BILL 75**SECTION 845**

1 department of corrections shall reimburse each county for the contracts from the
2 appropriations under s. 20.410 (1) (kd) and (3) (cd) and (ko) as appropriate.

3 **SECTION 846.** 46.22 (1) (b) 1. d. of the statutes is amended to read:

4 46.22 **(1)** (b) 1. d. To submit a final budget ~~in accordance with s. 46.031 (1)~~ for
5 services authorized in this section, except for the administration of and cost of aid
6 granted under ss. ~~49.02~~, 49.19 and 49.45 to 49.471.

7 **SECTION 847.** 46.22 (1) (b) 1. h. of the statutes is repealed.

8 **SECTION 848.** 46.22 (1) (b) 2. e. of the statutes is repealed.

9 **SECTION 849.** 46.22 (1) (b) 2. fm. of the statutes is amended to read:

10 46.22 **(1)** (b) 2. fm. To ~~establish and~~ administer the child care program under
11 s. 49.155, if the department of children and families contracts with the county
12 department of social services to do so.

13 **SECTION 850.** 46.22 (1) (b) 4m. c. of the statutes is amended to read:

14 46.22 **(1)** (b) 4m. c. To receive applications from individuals seeking low-income
15 energy assistance under s. ~~16.27~~ 196.3744 (4) or weatherization services under s.
16 ~~16.26~~ 196.3742.

17 **SECTION 851.** 46.22 (1) (b) 4m. d. of the statutes is amended to read:

18 46.22 **(1)** (b) 4m. d. To provide information on the income eligibility for
19 weatherization of a recipient of low-income energy assistance to an entity with
20 which the ~~department of administration~~ public service commission contracts for
21 provision of weatherization under s. ~~16.26~~ 196.3742.

22 **SECTION 852.** 46.22 (1) (b) 4m. e. of the statutes is amended to read:

23 46.22 **(1)** (b) 4m. e. To receive a request, determine a correct payment amount,
24 if any, and provide payment, if any, for emergency assistance under s. ~~16.27~~ 196.3744
25 (8).

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SECTION 853. 46.22 (1) (e) 3. c. of the statutes is amended to read:

46.22 **(1)** (e) 3. c. A county department of social services shall develop, under the requirements of s. 301.08 (2), plans and contracts for juvenile delinquency-related care and services to be purchased. The department of corrections may review the contracts and approve them if they are consistent with s. 301.08 (2) and to the extent that state or federal funds are available for such purposes. The joint committee on finance may require the department of corrections to submit the contracts to the committee for review and approval. The department of corrections may not make any payments to a county for programs included in the contract that is under review by the committee. The department of corrections shall reimburse each county for the contracts from the appropriations under s. 20.410 (1) (kd) and (3) (cd) and (ko) as appropriate.

SECTION 854. 46.23 (2) (a) of the statutes is amended to read:

46.23 **(2)** (a) “Human services” means the total range of services to people including, but not limited to, health care, mental illness treatment, developmental disabilities services, ~~relief funded by a block grant under ch. 49,~~ income maintenance, probation, extended supervision and parole services, alcohol and drug abuse services, services to children, youth and aging, family counseling, special education services, and manpower services.

SECTION 855. 46.266 (1) (intro.) of the statutes is amended to read:

46.266 **(1)** (intro.) Notwithstanding s. 49.45 (6m) (ag) and except as provided in sub. (3), if before July 1, 1989, the federal health care financing administration or the department found a skilled nursing facility or intermediate care facility in this state that provides care to medical assistance recipients for which the facility receives reimbursement under s. 49.45 (6m) to be an institution for mental diseases,

ASSEMBLY BILL 75**SECTION 855**

1 the department shall allocate funds from the appropriation account under s. 20.435
2 ~~(7)~~ (5) (be) for distribution under this section to a county department under s. 51.42
3 for the care, in the community or in a facility found to be an institution for mental
4 diseases, of the following persons:

5 **SECTION 856.** 46.268 (1) (intro.) of the statutes is amended to read:

6 46.268 **(1)** (intro.) Notwithstanding s. 49.45 (6m) (ag), from the appropriation
7 account under s. 20.435 ~~(7)~~ (5) (be), the department shall distribute not more than
8 \$830,000 in each fiscal year in order to provide funding of community services for an
9 eligible individual, if all of the following apply:

10 **SECTION 857.** 46.275 (5m) of the statutes is repealed.

11 **SECTION 858.** 46.281 (1n) (e) of the statutes is amended to read:

12 46.281 **(1n)** (e) Contract with a person to provide the advocacy services
13 described under s. 16.009 (2) (p) 1. to 5. to actual or potential recipients of the family
14 care benefit who are under age 60 or to their families or guardians. The department
15 may not contract under this paragraph with a county or with a person who has a
16 contract with the department to provide services under s. 46.283 (3) and (4) as a
17 resource center or to administer the family care benefit as a care management
18 organization. The contract under this paragraph shall include as a goal that the
19 provider of advocacy services provide one advocate for every ~~2,500~~ 3,500 individuals
20 under age 60 who receive the family care benefit. ~~The department shall allocate~~
21 ~~\$190,000 for the contract under this paragraph in fiscal year 2007=08 and \$525,000~~
22 ~~in each subsequent fiscal year.~~

23 **SECTION 859.** 46.281 (3) of the statutes is amended to read:

24 46.281 **(3)** DUTY OF THE SECRETARY. The secretary shall certify to each county,
25 hospital, nursing home, community-based residential facility, adult family home, as

ASSEMBLY BILL 75**SECTION 859**

1 defined in s. 50.01 (1) (a) or (b). and residential care apartment complex the date on
2 which a resource center that serves the area of the county, hospital, nursing home,
3 community-based residential facility, adult family home, or residential care
4 apartment complex is first available to perform functional screenings and financial
5 and cost-sharing screenings. To facilitate phase-in of services of resource centers,
6 the secretary may certify that the resource center is available for specified groups of
7 eligible individuals or for specified facilities in the county.

8 **SECTION 860.** 46.283 (4) (e) of the statutes is amended to read:

9 46.283 **(4)** (e) Provide information about the services of the resource center,
10 including the services specified in sub. (3) (d), about assessments under s. 46.284 (4)
11 (b) and care plans under s. 46.284 (4) (c), and about the family care benefit to all older
12 persons and persons with a physical disability who are residents of nursing homes,
13 community-based residential facilities, adult family homes, as defined in s. 50.01 (1)
14 (a) or (b). and residential care apartment complexes in the area of the resource center.

15 **SECTION 861.** 46.283 (4) (g) of the statutes is amended to read:

16 46.283 **(4)** (g) Perform a functional screening and a financial and cost-sharing
17 screening for any person seeking admission to a nursing home, community-based
18 residential facility, residential care apartment complex, or adult family home, as
19 defined in s. 50.01 (1) (a) or (b). if the secretary has certified that the resource center
20 is available to the person and the facility and the person is determined by the
21 resource center to have a condition that is expected to last at least 90 days that would
22 require care, assistance, or supervision. A resource center may not require a
23 financial and cost-sharing screening for a person seeking admission or about to be
24 admitted on a private pay basis who waives the requirement for a financial and
25 cost-sharing screening under this paragraph, unless the person is expected to

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1 become eligible for medical assistance within 6 months. A resource center need not
2 perform a functional screening for a person seeking admission or about to be
3 admitted for whom a functional screening was performed within the previous 6
4 months.

5 **SECTION 862.** 46.284 (3m) of the statutes is created to read:

6 46.284 **(3m)** PERMIT REQUIRED. A care management organization that is
7 described under s. 600.01 (1) (b) 10. a., to which s. 600.01 (1) (b) 10. b. does not apply
8 and that is certified under sub. (3) shall apply for a permit with the office of the
9 commissioner of insurance under ch. 648.

10 **SECTION 863.** 46.284 (4) (m) of the statutes is created to read:

11 46.284 **(4)** (m) Comply with any agreements under subch. V of ch. 111 relating
12 to a provider, as defined in s. 46.2898 (1) (c), hired directly by an enrollee.

13 **SECTION 864.** 46.286 (1) (a) (intro.) and 1. (intro.) of the statutes are
14 consolidated, renumbered 46.286 (1) (a) (intro.) and amended to read:

15 46.286 **(1)** (a) *Functional eligibility.* (intro.) A person is functionally eligible
16 if ~~any of the following applies~~ the person's level of care need, as determined by the
17 department or its designee: ~~1. (intro.) The person's level of care need,~~ is either of the
18 following:

19 **SECTION 865.** 46.286 (1) (a) 1. a. of the statutes is renumbered 46.286 (1) (a) 1m.

20 **SECTION 866.** 46.286 (1) (a) 1. b. of the statutes is renumbered 46.286 (1) (a) 2m.

21 **SECTION 867.** 46.286 (1) (a) 2. (intro.) of the statutes is repealed.

22 **SECTION 868.** 46.286 (1) (a) 2. a. of the statutes is renumbered 46.286 (3) (b) 2.

23 a.

24 **SECTION 869.** 46.286 (1) (a) 2. b. of the statutes is renumbered 46.286 (3) (b) 2.

25 b.

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SECTION 870. 46.286 (1) (a) 2. c. of the statutes is renumbered 46.286 (3) (b) 2.

c.

SECTION 871. 46.286 (1) (a) 2. d. of the statutes is renumbered 46.286 (3) (b) 2.

d.

SECTION 872. 46.286 (1) (a) 2. e. of the statutes is renumbered 46.286 (3) (b) 2.

e.

SECTION 873. 46.286 (1) (b) 1c. of the statutes is created to read:

46.286 **(1)** (b) 1c. In this paragraph, “medical assistance” does not include coverage of the benefits under s. 49.471 (11).

SECTION 874. 46.286 (1) (b) 1m. of the statutes is renumbered 46.286 (1) (b) 2m.

a.

SECTION 875. 46.286 (1) (b) 3. of the statutes is renumbered 46.286 (1) (b) 2m.

b.

SECTION 876. 46.286 (1) (b) (intro.) (except 46.286 (1) (b) (title)) of the statutes is renumbered 46.286 (1) (b) 2m. (intro.).

SECTION 877. 46.286 (3) (a) 4m. of the statutes is amended to read:

46.286 **(3)** (a) 4m. The person is financially eligible under sub. (1) (b) ~~1m.~~ 2m. a., and fulfills any applicable cost-sharing requirements.

SECTION 878. 46.286 (3) (b) 2. of the statutes is renumbered 46.286 (3) (b) 2. (intro.) and amended to read:

46.286 **(3)** (b) 2. (intro.) If the contract between the care management organization and the department is canceled or not renewed. If this circumstance occurs, the department shall assure that enrollees continue to receive needed services through another care management organization or through the medical

ASSEMBLY BILL 75**SECTION 878**

1 assistance fee-for-service system or any of the following programs ~~specified under~~
2 ~~sub. (1)(a) 2. a. to d.:~~

3 **SECTION 879.** 46.286 (3) (c) of the statutes is amended to read:

4 46.286 **(3)** (c) Within each county and for each client group, par. (a) shall first
5 apply on the effective date of a contract under which a care management
6 organization accepts a per person per month payment to provide services under the
7 family care benefit to eligible persons in that client group in the county. Within 24
8 36 months after this date, the department shall assure that sufficient capacity exists
9 within one or more care management organizations to provide the family care benefit
10 to all entitled persons in that client group in the county.

11 **SECTION 880.** 46.288 (2) (intro.) of the statutes is amended to read:

12 46.288 **(2)** (intro.) Criteria and procedures for determining functional
13 eligibility under s. 46.286 (1) (a), financial eligibility under s. 46.286 (1) (b), and cost
14 sharing under s. 46.286 (2) (a). The rules for determining functional eligibility under
15 s. 46.286 (1) (a) ~~1. a. 1m.~~ shall be substantially similar to eligibility criteria for receipt
16 of the long-term support community options program under s. 46.27. Rules under
17 this subsection shall include definitions of the following terms applicable to s. 46.286:

18 **SECTION 881.** 46.288 (2) (a) of the statutes is repealed.

19 **SECTION 882.** 46.288 (2) (b) of the statutes is repealed.

20 **SECTION 883.** 46.288 (2) (c) of the statutes is repealed.

21 **SECTION 884.** 46.2898 of the statutes is created to read:

22 **46.2898 Quality home care. (1) DEFINITIONS.** In this section:

23 (a) “Authority” means the Wisconsin Quality Home Care Authority.

24 (b) “Care management organization” has the meaning given in s. 46.2805 (1).

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1 (c) “Provider” means an individual providing home care services who is not any
2 of the following:

3 1. An employee of a home health agency, licensed under s. 50.49, who is hired
4 through that home health agency.

5 2. An employee of a personal care provider agency who is hired through that
6 personal care provider agency.

7 3. A health care provider, as defined in s. 146.997 (1) (d) acting in his or her
8 professional capacity.

9 4. An employee of a company or agency providing supportive home care.

10 5. An employee of an independent living center, as defined in s. 46.96 (1) (ah).

11 6. An employee of a county agency or department under s. 46.215, 46.22, 46.23,
12 51.42, or 51.437.

13 (d) “Qualified provider” means a provider who meets the qualifications for
14 payment through the Family Care Program under s. 46.286, the Program for
15 All-Inclusive Care for the Elderly operated under 42 USC 1396u-4, an amendment
16 to the state medical assistance plan under 42 USC 1396n (j), or a medical assistance
17 waiver program operated under a waiver from the secretary of the U.S. department
18 of health and human services under 42 USC 1396n (c) or 42 USC 1396n (b) and (c)
19 and any qualification criteria established in the rules promulgated under sub. (7)
20 and who the authority determines is eligible for placement on the registry
21 maintained by the authority under s. 52.20 (1).

22 **(2) COUNTY PARTICIPATION.** (a) A county board of supervisors may require a
23 county department under 46.215, 46.22, 46.23, 51.42, or 51.437 to follow procedures
24 under this section and to pay providers in accordance with agreements under subch.
25 V of ch. 111.

ASSEMBLY BILL 75**SECTION 884**

1 (b) If a county acts under par. (a), it shall notify the department and the
2 authority of its action.

3 **(3) REQUIREMENTS FOR BENEFIT.** An adult individual who receives home care
4 services and who meets all of the following criteria may receive a benefit for home
5 care services only if he or she complies with sub. (5):

6 (a) The individual is a resident of one of the following:

7 1. A county that has acted under sub. (2) (a).

8 2. A county in which the Family Care Program under s. 46.286 is available.

9 3. A county in which the Program of All-Inclusive Care for the Elderly under
10 42 USC 1396u-4 is available.

11 4. A county in which the self-directed services option program under 42 USC
12 1396n (c) is available or in which a program operated under an amendment to the
13 state medical assistance plan under 42 USC 1396n (j) is available.

14 (b) The individual self-directs all or part of his or her home care services and
15 is the employer of record of a provider.

16 (c) The individual is eligible to receive a home care benefit under one of the
17 following:

18 1. The Family Care Program under s. 46.286.

19 2. The Program of All-Inclusive Care for the Elderly, under 42 USC 1396u-4.

20 3. A program operated under a waiver from the secretary of the federal
21 department of health and human services under 42 USC 1396n (c) or 42 USC 1396n
22 (b) and (c) or the self-directed services option operated under 42 USC 1396n (c).

23 4. A program operated under an amendment to the state medical assistance
24 plan under 42 USC 1396n (j).

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1 **(4) DUTIES OF HOME CARE PAYORS.** Care management organizations, the state,
2 and counties that pay for the provision of home care services to individuals shall
3 inform the authority of the name, address, and telephone numbers of any provider
4 hired by an individual receiving home care services.

5 **(5) DUTIES OF CONSUMERS:** A recipient of home care services, as described under
6 sub. (3), who hires a provider shall do all of the following:

7 (a) Hire only a provider who has been placed on the registry maintained by the
8 authority under s. 52.20 (1) or a person whose name has been submitted to the
9 authority under par. (b) and who the authority has determined is eligible for
10 placement on the registry.

11 (b) If a potential provider has not been placed on the registry maintained by
12 the authority under s. 52.20 (1), provide the name, address, and telephone number
13 of the potential provider to the authority for evaluation of eligibility for the registry
14 and for inclusion in the collective bargaining process under subch. V of ch. 111.

15 (c) Compensate providers in accordance with any collective bargaining
16 agreement that applies to home care providers under subch. V of ch. 111.

17 (d) Inform the authority of the name, address, and telephone number of any
18 provider that he or she fires.

19 **(6) PROVIDERS.** (a) A qualified provider providing home care services under this
20 section shall be subject to the collective bargaining agreement that applies to home
21 care providers under subch. V of ch. 111.

22 (b) A qualified provider may choose to be placed on the registry maintained by
23 the authority under s. 52.20 (1).

24 **(7) DEPARTMENT RULE-MAKING.** The department may promulgate rules defining
25 terms, including the term “home care services,” establishing the qualification

ASSEMBLY BILL 75**SECTION 884**

1 criteria that apply under sub. (1) (d), and establishing procedures for
2 implementation of this section.

3 **(8)** Any withholding of medical assistance benefits by the department for
4 failure of the benefit recipient to comply with s. 46.2898 (5) is subject to approval by
5 the federal centers for medicare and medicaid services.

6 **SECTION 885.** 46.29 (1) (intro.) of the statutes is amended to read:

7 46.29 **(1)** (intro.) From the appropriation account under s. 20.435 ~~(6) (7)~~ (a), the
8 department shall ~~allocate~~ distribute at least \$16,100 in each fiscal year for operation
9 of the council on physical disabilities. The council on physical disabilities shall do
10 all of the following:

11 **SECTION 886.** 46.29 (1) (c) of the statutes is repealed.

12 **SECTION 887.** 46.29 (1) (fm) of the statutes is repealed.

13 **SECTION 888.** 46.295 (1) of the statutes is amended to read:

14 46.295 **(1)** The department may, on the request of any hearing-impaired
15 person, city, village, town, or county or private agency, provide funds from the
16 appropriation accounts under s. 20.435 ~~(6) (7) (d) and (hs) and (7) (d)~~ to reimburse
17 interpreters for hearing-impaired persons for the provision of interpreter services.

18 **SECTION 889.** 46.40 (2m) (a) of the statutes is amended to read:

19 46.40 **(2m)** (a) *Prevention and treatment of substance abuse.* For prevention
20 and treatment of substance abuse under 42 USC 300x-21 to 300x-35, the
21 department shall distribute not more than \$13,975,500 in fiscal year 2009-10 and
22 \$9,735,700 in each fiscal year thereafter.

23 **SECTION 890.** 46.40 (9) (d) of the statutes is renumbered 46.40 (9) (d) 1. (intro.)
24 and amended to read:

ASSEMBLY BILL 75**SECTION 890**

1 46.40 (9) (d) 1. (intro.) ~~The~~ From the appropriation account under s. 20.435 (7)
2 (b), the department may decrease a county's allocation under sub. (2) by ~~the~~ any of
3 the following amounts:

4 a. The amount of any payment adjustments under s. 49.45 (52) made for that
5 county ~~from the appropriation account under s. 20.435 (7) (b).~~

6 2. The total amount of the decrease for a county under this ~~paragraph~~
7 subdivision during any fiscal year may not exceed that part of the county's allocation
8 under sub. (2) that derives from the appropriation account under s. 20.435 (7) (b) for
9 that fiscal year.

10 **SECTION 891.** 46.40 (9) (d) 1. b. of the statutes is created to read:

11 46.40 (9) (d) 1. b. The amount by which the department determines a county
12 failed to comply with the maintenance-of-effort requirement under s. 49.45 (30g) (c)
13 3.

14 **SECTION 892.** 46.48 (1) of the statutes is amended to read:

15 46.48 (1) GENERAL. From the appropriation accounts under s. 20.435 (5) ~~(bc)~~
16 and (7) (bc), the department shall ~~distribute~~ award grants for community programs
17 as provided in this section.

18 **SECTION 893.** 46.48 (9) of the statutes is repealed.

19 **SECTION 894.** 46.48 (9m) of the statutes is created to read:

20 46.48 (9m) QUALITY HOME CARE. The department shall award a grant to the
21 Wisconsin Quality Home Care Authority for the purpose of providing services to
22 recipients and providers of home care under s. 46.2898 and ch. 52 and may award
23 grants to counties to facilitate transition to procedures established under s. 46.2898.

24 **SECTION 895.** 46.48 (11m) of the statutes is repealed.

25 **SECTION 896.** 46.48 (30) (a) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 896**

1 46.48 **(30)** (a) From the appropriation account under s. 20.435 (7) (bc), the
2 department shall distribute grants on a competitive basis to county departments of
3 social services and to private nonprofit organizations, as defined in s. 103.21 (2), for
4 the provision of alcohol and other drug abuse treatment services ~~in counties with a~~
5 ~~population of 500,000 or more.~~ Grants distributed under this subsection may be used
6 only to provide treatment for alcohol and other drug abuse to individuals who are
7 eligible for federal temporary assistance for needy families under 42 USC 601 et. seq.
8 and who have a family income of not more than 200% of the poverty line, as defined
9 in s. 49.001 (5).

10 **SECTION 897.** 46.485 (2g) (intro.) of the statutes is amended to read:

11 46.485 **(2g)** (intro.) From the appropriation accounts under s. 20.435 (4) (b) and
12 (gp), the department may in each fiscal year transfer funds to the appropriation
13 account under s. 20.435 ~~(7) (kb)~~ (5) (kc) for distribution under this section and from
14 the appropriation account under s. 20.435 (7) (mb) the department may not
15 distribute more than \$1,330,500 in each fiscal year to applying counties in this state
16 that meet all of the following requirements, as determined by the department:

17 **SECTION 898.** 46.485 (3r) of the statutes is amended to read:

18 46.485 **(3r)** Funds from the appropriation account under s. 20.435 ~~(7) (kb)~~ (5)
19 (kc) that the department does not distribute to a county before 24 months after June
20 30 of the fiscal year in which the department allocated the funds to the county under
21 sub. (2g) lapse to the appropriation account under s. 20.435 (4) (b). A county may at
22 any time expend funds that the department distributes to the county, consistent with
23 the requirements under sub. (3m).

24 **SECTION 899.** 46.495 (1) (am) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 899**

1 46.495 **(1)** (am) The department shall reimburse each county from the
2 appropriations under s. 20.435 (7) (b) and (o) for social services as approved by the
3 department under ss. 46.215 (1), (2) (c) 1., and (3) and 46.22 (1) (b) 1. d. and (e) 3. a.
4 except that no reimbursement may be made for the administration of or aid granted
5 under s. 49.02, 2009 stats.

6 **SECTION 900.** 46.56 (8) (L) of the statutes is amended to read:

7 46.56 **(8)** (L) In providing integrated services under this section, the service
8 coordination agency and the designated service providers shall include in the
9 integrated service plan all individuals who are active in the care of the child with
10 severe disabilities, including members of the child's family, foster parents, ~~treatment~~
11 ~~foster parents~~ and other individuals who by close and continued association with the
12 child have come to occupy significant roles in the care and treatment of the child with
13 severe disabilities.

14 **SECTION 901.** 46.56 (15) (a) of the statutes is amended to read:

15 46.56 **(15)** (a) From the appropriation account under s. 20.435 (7) ~~(5)~~ (co), the
16 department shall make available funds to implement programs under this section.
17 The funds may be used to pay for the intake, assessment, case planning and service
18 coordination provided under sub. (8) and for expanding the capacity of the county to
19 provide community-based care and treatment for children with severe disabilities.

20 **SECTION 902.** 46.56 (15) (b) 4. of the statutes is amended to read:

21 46.56 **(15)** (b) 4. Submit a description of the existing services in the county for
22 children with severe disabilities, an assessment of any gaps in services, and a plan
23 for using the funds under this program or from other funding sources to develop or
24 expand any needed community-based services such as in-home treatment,
25 ~~treatment foster care~~, day treatment, respite care, or crisis services.

ASSEMBLY BILL 75**SECTION 903**

SECTION 903. 46.70 of the statutes is amended to read:

46.70 Delivery of services to American Indians. To facilitate the delivery of accessible, available and culturally appropriate social services and mental hygiene services to American Indians by county departments under s. 46.215, 46.22, 51.42 or 51.437, the department may fund federally recognized tribal governing bodies in this state from the appropriation account under s. 20.435 ~~(7)~~ (5) (kL).

SECTION 904. 46.71 (1) (intro.) of the statutes is amended to read:

46.71 **(1)** (intro.) From the appropriation account under s. 20.435 ~~(7)~~ (5) (km), and department shall, for the development of new drug abuse prevention, treatment and education programs that are culturally specific with respect to American Indians or to supplement like existing programs, allocate a total of not more than \$500,000 in each fiscal year to all the elected governing bodies of federally recognized American Indian tribes or bands that submit to the department plans, approved by the department, that do all of the following:

SECTION 905. 46.71 (2) of the statutes is amended to read:

46.71 **(2)** The amount of funds allocated by the department under sub. (1) may not exceed the amounts appropriated under the appropriation account under s. 20.435 ~~(7)~~ (5) (km).

SECTION 906. 46.86 (6) (a) (intro.) of the statutes is amended to read:

46.86 **(6)** (a) (intro.) From the appropriation account under s. 20.435 (7) (md), the department may award ~~up to \$1,369,000 in fiscal year 2001–02 and up to \$1,330,800 in fiscal year 2002–03 and in each fiscal year thereafter,~~ and from the appropriation account under s. 20.435 ~~(6)~~ (5) (gb), the department may award ~~not more than \$231,300 in fiscal year 2001–02 and not more than \$319,500 in fiscal year 2002–03 and in each fiscal year thereafter,~~ as grants to counties and private entities

ASSEMBLY BILL 75**SECTION 906**

1 to provide community-based alcohol and other drug abuse treatment programs that
2 do all of the following:

3 **SECTION 907.** 46.96 (1) (ap) of the statutes is amended to read:

4 46.96 **(1)** (ap) “Independent living services” has the meaning given under 29
5 ~~USC 706 (30)~~ 29 USC 705 (18).

6 **SECTION 908.** 46.96 (1) (at) of the statutes is amended to read:

7 46.96 **(1)** (at) “Individual with a disability” has the meaning given under 29
8 ~~USC 706 (8) (B)~~ 29 USC 705 (20).

9 **SECTION 909.** 46.972 (2) of the statutes is amended to read:

10 46.972 **(2)** From the appropriation account under s. 20.435 ~~(5)~~ **(1)** (ce), the
11 department shall ~~allocate~~ award up to \$125,000 in each fiscal year as grants to
12 applying public or nonprofit private entities for the costs of providing primary health
13 services and any other services that may be funded by the program under 42 USC
14 256 to homeless individuals. Entities that receive funds ~~allocated~~ awarded by the
15 department under this paragraph shall provide the primary health services as
16 required under 42 USC 256 (f). The department may ~~allocate~~ award to an applying
17 entity up to 100% of the amount of matching funds required under 42 USC 256 (e).

18 **SECTION 910.** 46.985 (1) (f) of the statutes is amended to read:

19 46.985 **(1)** (f) “Parent” means a parent, guardian, legal custodian, or a person
20 acting in the place of a parent, but does not include a foster parent, ~~treatment foster~~
21 ~~parent~~ or any other paid care provider.

22 **SECTION 911.** 46.986 of the statutes is repealed.

23 **SECTION 912.** 46.99 of the statutes is created to read:

24 **46.99 Medical assistance waiver for Birth to 3 participants. (1)** In this
25 section, “medical assistance” means the program under subch. IV of ch. 49.

ASSEMBLY BILL 75**SECTION 912**

1 **(2)** The department shall request from the secretary of the U.S. department of
2 health and human services a waiver under 42 USC 1396n (c) that authorizes the
3 provision of home or community-based services under medical assistance to children
4 who are eligible for medical assistance and receive early intervention services under
5 s. 51.44.

6 **(3)** If the waiver requested under sub. (2) is granted, counties shall provide the
7 nonfederal share of costs for medical assistance services provided under the waiver.
8 Counties may use moneys appropriated under s. 20.435 (7) (bt) and distributed to
9 counties under s. 51.44 (3) (a) to provide the nonfederal share of medical assistance
10 costs.

11 **(4)** From the appropriation account under s. 20.435 (4) (o), the department
12 shall distribute to counties that provide services under this section the amount of
13 federal moneys received by the state as the federal share of medical assistance for
14 those services, minus the amount transferred to the appropriation account under s.
15 20.435 (7) (im) for the department's costs of administering this section. Counties
16 shall use moneys distributed under this section to provide services under this section
17 or s. 51.44.

18 **SECTION 913.** 48.01 (1) (gg) of the statutes is amended to read:

19 48.01 **(1)** (gg) To promote the adoption of children into safe and stable families
20 rather than allowing children to remain in the impermanence of foster or treatment
21 foster care.

22 **SECTION 914.** 48.02 (6) of the statutes is amended to read:

23 48.02 **(6)** “Foster home” means any facility that is operated by a person
24 required to be licensed by s. 48.62 (1) (a) and that provides care and maintenance for
25 no more than 4 children or, if necessary to enable a sibling group to remain together,

ASSEMBLY BILL 75**SECTION 914**

1 for no more than 6 children or, if the department promulgates rules permitting a
2 different number of children, for the number of children permitted under those rules.

3 **SECTION 915.** 48.02 (17q) of the statutes is repealed.

4 **SECTION 916.** 48.195 (2) (d) 5. of the statutes is amended to read:

5 48.195 (2) (d) 5. The child's foster parent, ~~treatment foster parent~~, or other
6 person having physical custody of the child.

7 **SECTION 917.** 48.207 (1) (c) of the statutes is amended to read:

8 48.207 (1) (c) A licensed foster home ~~or a licensed treatment foster home~~
9 ~~provided if~~ the placement does not violate the conditions of the license.

10 **SECTION 918.** 48.207 (1) (f) of the statutes is amended to read:

11 48.207 (1) (f) The home of a person not a relative, if the placement does not
12 exceed 30 days, though the placement may be extended for an additional 30 days for
13 cause by the court, and if the person has not had a ~~foster home or treatment foster~~
14 ~~home~~ license under s. 48.62 refused, revoked, or suspended within the last 2 years.

15 **SECTION 919.** 48.207 (3) of the statutes is amended to read:

16 48.207 (3) A child taken into custody under s. 48.981 may be held in a hospital,
17 foster home, ~~treatment foster home~~, relative's home, or other appropriate medical or
18 child welfare facility ~~which~~ that is not used primarily for the detention of delinquent
19 children.

20 **SECTION 920.** 48.21 (5) (d) 2. of the statutes is amended to read:

21 48.21 (5) (d) 2. If a hearing is held under subd. 1., at least 10 days before the
22 date of the hearing the court shall notify the child, any parent, guardian, and legal
23 custodian of the child, and any foster parent, ~~treatment foster parent~~, or other
24 physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose
25 of the hearing.

ASSEMBLY BILL 75**SECTION 921**

1 **SECTION 921.** 48.21 (5) (d) 3. of the statutes is amended to read:

2 48.21 **(5)** (d) 3. The court shall give a foster parent, ~~treatment foster parent~~, or
3 other physical custodian described in s. 48.62 (2) who is notified of a hearing under
4 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
5 ~~treatment foster parent~~, or other physical custodian to make a written or oral
6 statement during the hearing, or to submit a written statement prior to the hearing,
7 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
8 ~~foster parent~~, or other physical custodian who receives a notice of a hearing under
9 subd. 2. and an opportunity to be heard under this subdivision does not become a
10 party to the proceeding on which the hearing is held solely on the basis of receiving
11 that notice and opportunity to be heard.

12 **SECTION 922.** 48.27 (3) (a) 1. of the statutes is amended to read:

13 48.27 **(3)** (a) 1. If the petition that was filed relates to facts concerning a
14 situation under s. 48.13 or a situation under s. 48.133 involving an expectant mother
15 who is a child, the court shall also notify, under s. 48.273, the child, any parent,
16 guardian, and legal custodian of the child, any foster parent, ~~treatment foster parent~~
17 or other physical custodian described in s. 48.62 (2) of the child, the unborn child by
18 the unborn child's guardian ad litem, if applicable, and any person specified in par.
19 (b), (d), or (e), if applicable, of all hearings involving the child except hearings on
20 motions for which notice need only be provided to the child and his or her counsel.
21 When parents who are entitled to notice have the same place of residence, notice to
22 one shall constitute notice to the other. The first notice to any interested party, foster
23 parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2)
24 shall be written and may have a copy of the petition attached to it. Thereafter, notice
25 of hearings may be given by telephone at least 72 hours before the time of the

ASSEMBLY BILL 75**SECTION 922**

1 hearing. The person giving telephone notice shall place in the case file a signed
2 statement of the time notice was given and the person to whom he or she spoke.

3 **SECTION 923.** 48.27 (3) (a) 1m. of the statutes is amended to read:

4 48.27 **(3)** (a) 1m. The court shall give a foster parent, ~~treatment foster parent~~
5 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
6 subd. 1. an opportunity to be heard at the hearing by permitting the foster parent,
7 ~~treatment foster parent~~ or other physical custodian to make a written or oral
8 statement during the hearing, or to submit a written statement prior to the hearing,
9 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
10 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) who receives a
11 notice of a hearing under subd. 1. and an opportunity to be heard under this
12 subdivision does not become a party to the proceeding on which the hearing is held
13 solely on the basis of receiving that notice and opportunity to be heard.

14 **SECTION 924.** 48.27 (3) (a) 2. of the statutes is amended to read:

15 48.27 **(3)** (a) 2. Failure to give notice under subd. 1. to a foster parent, ~~treatment~~
16 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) does not deprive the
17 court of jurisdiction in the action or proceeding. If a foster parent, ~~treatment foster~~
18 ~~parent~~ or other physical custodian described in s. 48.62 (2) is not given notice of a
19 hearing under subd. 1., that person may request a rehearing on the matter during
20 the pendency of an order resulting from the hearing. If the request is made, the court
21 shall order a rehearing.

22 **SECTION 925.** 48.27 (6) of the statutes is amended to read:

23 48.27 **(6)** When a proceeding is initiated under s. 48.14, all interested parties
24 shall receive notice and appropriate summons shall be issued in a manner specified
25 by the court, consistent with applicable governing statutes. In addition, if the child

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1 who is the subject of the proceeding is in the care of a foster parent, ~~treatment foster~~
2 ~~parent~~ or other physical custodian described in s. 48.62 (2), the court shall give the
3 foster parent, ~~treatment foster parent~~ or other physical custodian notice and an
4 opportunity to be heard as provided in sub. (3) (a).

5 **SECTION 926.** 48.299 (1) (ag) of the statutes is amended to read:

6 48.299 **(1)** (ag) In a proceeding other than a proceeding under s. 48.375 (7), if
7 a public hearing is not held, only the parties and their counsel or guardian ad litem,
8 the court-appointed special advocate for the child, the child's foster parent,
9 ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2),
10 witnesses, and other persons requested by a party and approved by the court may
11 be present, except that the court may exclude a foster parent, ~~treatment foster parent~~
12 or other physical custodian described in s. 48.62 (2) from any portion of the hearing
13 if that portion of the hearing deals with sensitive personal information of the child
14 or the child's family or if the court determines that excluding the foster parent,
15 ~~treatment foster parent~~ or other physical custodian would be in the best interests of
16 the child. Except in a proceeding under s. 48.375 (7), any other person the court finds
17 to have a proper interest in the case or in the work of the court, including a member
18 of the bar, may be admitted by the court.

19 **SECTION 927.** 48.299 (1) (ar) of the statutes is amended to read:

20 48.299 **(1)** (ar) All hearings under s. 48.375 (7) shall be held in chambers, unless
21 a public fact-finding hearing is demanded by the child through her counsel. In a
22 proceeding under s. 48.375 (7), the child's foster parent, ~~treatment foster parent~~ or
23 other physical custodian described in s. 48.62 (2) may be present if requested by a
24 party and approved by the court.

25 **SECTION 928.** 48.32 (1) (c) 2. of the statutes is amended to read:

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1 48.32 **(1)** (c) 2. If a hearing is held under subd. 1., at least 10 days before the
2 date of the hearing the court shall notify the child, any parent, guardian, and legal
3 custodian of the child, and any foster parent, ~~treatment foster parent~~, or other
4 physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose
5 of the hearing.

6 **SECTION 929.** 48.32 (1) (c) 3. of the statutes is amended to read:

7 48.32 **(1)** (c) 3. The court shall give a foster parent, ~~treatment foster parent~~, or
8 other physical custodian described in s. 48.62 (2) who is notified of a hearing under
9 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
10 ~~treatment foster parent~~, or other physical custodian to make a written or oral
11 statement during the hearing, or to submit a written statement prior to the hearing,
12 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
13 ~~foster parent~~, or other physical custodian who receives a notice of a hearing under
14 subd. 2. and an opportunity to be heard under this subdivision does not become a
15 party to the proceeding on which the hearing is held solely on the basis of receiving
16 that notice and opportunity to be heard.

17 **SECTION 930.** 48.33 (4) (intro.) of the statutes is amended to read:

18 48.33 **(4)** OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
19 placement of an adult expectant mother outside of her home shall be in writing. A
20 report recommending placement of a child in a foster home, ~~treatment foster home~~,
21 group home, or residential care center for children and youth, in the home of a
22 relative other than a parent, or in the home of a guardian under s. 48.977 (2) shall
23 be in writing and shall include all of the following:

24 **SECTION 931.** 48.33 (5) of the statutes is amended to read:

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1 48.33 (5) IDENTITY OF FOSTER PARENT OR ~~TREATMENT FOSTER PARENT;~~
2 CONFIDENTIALITY. If the report recommends placement in a foster home ~~or a treatment~~
3 ~~foster home~~, and the name of the foster parent ~~or treatment foster parent~~ is not
4 available at the time the report is filed, the agency shall provide the court and the
5 child's parent or guardian with the name and address of the foster parent ~~or~~
6 ~~treatment foster parent~~ within 21 days after the dispositional order is entered,
7 except that the court may order the information withheld from the child's parent or
8 guardian if the court finds that disclosure would result in imminent danger to the
9 child or to the foster parent ~~or treatment foster parent~~. After notifying the child's
10 parent or guardian, the court shall hold a hearing prior to ordering the information
11 withheld.

12 **SECTION 932.** 48.335 (3g) (intro.) of the statutes is amended to read:

13 48.335 (3g) (intro.) At hearings under this section, if the agency, as defined in
14 s. 48.38 (1) (a), is recommending placement of the child in a foster home, ~~treatment~~
15 ~~foster home~~, group home, or residential care center for children and youth or in the
16 home of a relative other than a parent, the agency shall present as evidence specific
17 information showing all of the following:

18 **SECTION 933.** 48.345 (3) (c) of the statutes is amended to read:

19 48.345 (3) (c) A foster home ~~or treatment foster home~~ licensed under s. 48.62,
20 a group home licensed under s. 48.625, or in the home of a guardian under s. 48.977
21 (2).

22 **SECTION 934.** 48.355 (2) (b) 2. of the statutes is amended to read:

23 48.355 (2) (b) 2. If the child is placed outside the home, the name of the place
24 or facility, including transitional placements, where the child ~~shall~~ will be cared for
25 or treated, except that if the placement is a foster home ~~or treatment foster home~~ and

ASSEMBLY BILL 75**SECTION 934**

1 ~~if~~ the name and address of the foster parent ~~or treatment foster parent~~ is not
2 available at the time of the order, the name and address of the foster parent ~~or~~
3 ~~treatment foster parent~~ shall be furnished to the court and the parent within 21 days
4 of after the order. If, after a hearing on the issue with due notice to the parent or
5 guardian, the judge finds that disclosure of the identity of the foster parent ~~or~~
6 ~~treatment foster parent~~ would result in imminent danger to the child, or the foster
7 parent ~~or the treatment foster parent~~, the judge may order the name and address of
8 the prospective foster parents ~~or treatment foster parents~~ to be withheld from the
9 parent or guardian.

10 **SECTION 935.** 48.355 (2d) (c) 2. of the statutes is amended to read:

11 48.355 **(2d)** (c) 2. If a hearing is held under subd. 1., at least 10 days before the
12 date of the hearing the court shall notify the child, any parent, guardian, and legal
13 custodian of the child, and any foster parent, ~~treatment foster parent~~, or other
14 physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose
15 of the hearing.

16 **SECTION 936.** 48.355 (2d) (c) 3. of the statutes is amended to read:

17 48.355 **(2d)** (c) 3. The court shall give a foster parent, ~~treatment foster parent~~,
18 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
19 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
20 ~~treatment foster parent~~, or other physical custodian to make a written or oral
21 statement during the hearing, or to submit a written statement prior to the hearing,
22 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
23 ~~foster parent~~, or other physical custodian who receives a notice of a hearing under
24 subd. 2. and an opportunity to be heard under this subdivision does not become a

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1 party to the proceeding on which the hearing is held solely on the basis of receiving
2 that notice and opportunity to be heard.

3 **SECTION 937.** 48.355 (4) of the statutes is amended to read:

4 48.355 **(4)** TERMINATION OF ORDERS. Except as provided under s. 48.368, an order
5 under this section or s. 48.357 or 48.365 made before the child reaches 18 years of age
6 that places or continues the placement of the child in his or her home shall terminate
7 at the end of one year after its entry unless the judge specifies a shorter period of time
8 or the judge terminates the order sooner. Except as provided under s. 48.368, an
9 order under this section or s. 48.357 or 48.365 made before the child reaches 18 years
10 of age that places or continues the placement of the child in a foster home, ~~treatment~~
11 ~~foster home~~, group home, or residential care center for children and youth or in the
12 home of a relative other than a parent shall terminate when the child reaches 18
13 years of age, at the end of one year after its entry, or, if the child is a full-time student
14 at a secondary school or its vocational or technical equivalent and is reasonably
15 expected to complete the program before reaching 19 years of age, when the child
16 reaches 19 years of age, whichever is later, unless the judge specifies a shorter period
17 of time or the judge terminates the order sooner. An order under this section or s.
18 48.357 or 48.365 relating to an unborn child in need of protection or services that is
19 made before the unborn child is born shall terminate at the end of one year after its
20 entry unless the judge specifies a shorter period of time or the judge terminates the
21 order sooner.

22 **SECTION 938.** 48.357 (1) (am) 1. of the statutes is amended to read:

23 48.357 **(1)** (am) 1. If the proposed change in placement involves any change in
24 placement other than a change in placement specified in par. (c), the person or agency
25 primarily responsible for implementing the dispositional order, the district attorney,

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1 or the corporation counsel shall cause written notice of the proposed change in
2 placement to be sent to the child, the parent, guardian, and legal custodian of the
3 child, any foster parent, ~~treatment foster parent~~, or other physical custodian
4 described in s. 48.62 (2) of the child, the child's court-appointed special advocate,
5 and, if the child is the expectant mother of an unborn child under s. 48.133, the
6 unborn child by the unborn child's guardian ad litem. If the expectant mother is an
7 adult, written notice shall be sent to the adult expectant mother and the unborn child
8 by the unborn child's guardian ad litem. The notice shall contain the name and
9 address of the new placement, the reasons for the change in placement, a statement
10 describing why the new placement is preferable to the present placement, and a
11 statement of how the new placement satisfies objectives of the treatment plan
12 ordered by the court.

13 **SECTION 939.** 48.357 (2m) (b) of the statutes is amended to read:

14 48.357 **(2m)** (b) The court shall hold a hearing on the matter prior to ordering
15 any change in placement requested or proposed under par. (a) if the request states
16 that new information is available that affects the advisability of the current
17 placement, unless the requested or proposed change in placement involves any
18 change in placement other than a change in placement of a child placed in the home
19 to a placement outside the home and written waivers of objection to the proposed
20 change in placement are signed by all persons entitled to receive notice under sub.
21 (1) (am) 1., other than a court-appointed special advocate, and the court approves.
22 If a hearing is scheduled, the court shall notify the child, the parent, guardian, and
23 legal custodian of the child, any foster parent, ~~treatment foster parent~~, or other
24 physical custodian described in s. 48.62 (2) of the child, the child's court-appointed
25 special advocate, all parties who are bound by the dispositional order, and, if the child

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1 is the expectant mother of an unborn child under s. 48.133, the unborn child by the
2 unborn child's guardian ad litem, or shall notify the adult expectant mother, the
3 unborn child by the unborn child's guardian ad litem, and all parties who are bound
4 by the dispositional order, at least 3 days prior to the hearing. A copy of the request
5 or proposal for the change in placement shall be attached to the notice. If all of the
6 parties consent, the court may proceed immediately with the hearing.

7 **SECTION 940.** 48.357 (2r) of the statutes is amended to read:

8 48.357 **(2r)** If a hearing is held under sub. (1) (am) 2. or (2m) (b) and the change
9 in placement would remove a child from a foster home, ~~treatment foster home~~, or
10 other placement with a physical custodian described in s. 48.62 (2), the court shall
11 give the foster parent, ~~treatment foster parent~~, or other physical custodian described
12 in s. 48.62 (2) an opportunity to be heard at the hearing by permitting the foster
13 parent, ~~treatment foster parent~~, or other physical custodian to make a written or oral
14 statement during the hearing or to submit a written statement prior to the hearing
15 relating to the child and the requested change in placement. A foster parent,
16 ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) who
17 receives notice of a hearing under sub. (1) (am) 1. or (2m) (b) and an opportunity to
18 be heard under this subsection does not become a party to the proceeding on which
19 the hearing is held solely on the basis of receiving that notice and opportunity to be
20 heard.

21 **SECTION 941.** 48.357 (2v) (c) 2. of the statutes is amended to read:

22 48.357 **(2v)** (c) 2. If a hearing is held under subd. 1., at least 10 days before the
23 date of the hearing the court shall notify the child, any parent, guardian, and legal
24 custodian of the child, and any foster parent, ~~treatment foster parent~~, or other

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1 physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose
2 of the hearing.

3 **SECTION 942.** 48.357 (2v) (c) 3. of the statutes is amended to read:

4 48.357 **(2v)** (c) 3. The court shall give a foster parent, ~~treatment foster parent,~~
5 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
6 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
7 ~~treatment foster parent,~~ or other physical custodian to make a written or oral
8 statement during the hearing, or to submit a written statement prior to the hearing,
9 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
10 ~~foster parent,~~ or other physical custodian who receives a notice of a hearing under
11 subd. 2. and an opportunity to be heard under this subdivision does not become a
12 party to the proceeding on which the hearing is held solely on the basis of receiving
13 that notice and opportunity to be heard.

14 **SECTION 943.** 48.363 (1) (b) of the statutes is amended to read:

15 48.363 **(1)** (b) If a hearing is held, the court shall notify the child, the child's
16 parent, guardian, and legal custodian, all parties bound by the dispositional order,
17 the child's foster parent, ~~treatment foster parent~~ or other physical custodian
18 described in s. 48.62 (2), the child's court-appointed special advocate, the district
19 attorney or corporation counsel in the county in which the dispositional order was
20 entered, and, if the child is the expectant mother of an unborn child under s. 48.133,
21 the unborn child by the unborn child's guardian ad litem; or shall notify the adult
22 expectant mother, the unborn child through the unborn child's guardian ad litem, all
23 parties bound by the dispositional order and the district attorney or corporation
24 counsel in the county in which the dispositional order was entered, at least 3 days
25 prior to the hearing. A copy of the request or proposal shall be attached to the notice.

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1 If all parties consent, the court may proceed immediately with the hearing. No
2 revision may extend the effective period of the original order.

3 **SECTION 944.** 48.363 (1m) of the statutes is amended to read:

4 48.363 **(1m)** If a hearing is held under sub. (1) (a), any party may present
5 evidence relevant to the issue of revision of the dispositional order. In addition, the
6 court shall give a foster parent, ~~treatment foster parent~~, or other physical custodian
7 described in s. 48.62 (2) of the child an opportunity to be heard at the hearing by
8 permitting the foster parent, ~~treatment foster parent~~, or other physical custodian to
9 make a written or oral statement during the hearing, or to submit a written
10 statement prior to the hearing, relevant to the issue of revision. A foster parent,
11 ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) who
12 receives notice of a hearing under sub. (1) (a) and an opportunity to be heard under
13 this subsection does not become a party to the proceeding on which the hearing is
14 held solely on the basis of receiving that notice and opportunity to be heard.

15 **SECTION 945.** 48.365 (2) of the statutes is amended to read:

16 48.365 **(2)** No order may be extended without a hearing. The court shall notify
17 the child, the child's parent, guardian, and legal custodian, all the parties present at
18 the original hearing, the child's foster parent, ~~treatment foster parent~~ or other
19 physical custodian described in s. 48.62 (2), the child's court-appointed special
20 advocate, the district attorney or corporation counsel in the county in which the
21 dispositional order was entered and, if the child is an expectant mother of an unborn
22 child under s. 48.133, the unborn child by the unborn child's guardian ad litem, or
23 shall notify the adult expectant mother, the unborn child through the unborn child's
24 guardian ad litem, all the parties present at the original hearing, and the district

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1 attorney or corporation counsel in the county in which the dispositional order was
2 entered, of the time and place of the hearing.

3 **SECTION 946.** 48.365 (2m) (ad) 2. of the statutes is amended to read:

4 48.365 **(2m)** (ad) 2. If a hearing is held under subd. 1., at least 10 days before
5 the date of the hearing the court shall notify the child, any parent, guardian, and
6 legal custodian of the child, and any foster parent, ~~treatment foster parent~~, or other
7 physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose
8 of the hearing.

9 **SECTION 947.** 48.365 (2m) (ag) of the statutes is amended to read:

10 48.365 **(2m)** (ag) The court shall give a foster parent, ~~treatment foster parent~~,
11 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
12 par. (ad) 2. or sub. (2) an opportunity to be heard at the hearing by permitting the
13 foster parent, ~~treatment foster parent~~, or other physical custodian to make a written
14 or oral statement during the hearing, or to submit a written statement prior to the
15 hearing, relevant to the issue of extension. A foster parent, ~~treatment foster parent~~,
16 or other physical custodian described in s. 48.62 (2) who receives notice of a hearing
17 under par. (ad) 2. or sub. (2) and an opportunity to be heard under this paragraph
18 does not become a party to the proceeding on which the hearing is held solely on the
19 basis of receiving that notice and opportunity to be heard.

20 **SECTION 948.** 48.371 (1) (intro.) of the statutes is amended to read:

21 48.371 **(1)** (intro.) If a child is placed in a foster home, ~~treatment foster home~~,
22 group home, or residential care center for children and youth or in the home of a
23 relative other than a parent, including a placement under s. 48.205 or 48.21, the
24 agency, as defined in s. 48.38 (1) (a), that placed the child or arranged for the
25 placement of the child shall provide the following information to the foster parent,

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1 ~~treatment foster parent~~, relative, or operator of the group home or residential care
2 center for children and youth at the time of placement or, if the information has not
3 been provided to the agency by that time, as soon as possible after the date on which
4 the agency receives that information, but not more than 2 working days after that
5 date:

6 **SECTION 949.** 48.371 (1) (a) of the statutes is amended to read:

7 48.371 **(1)** (a) Results of a test or a series of tests of the child to determine the
8 presence of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products of
9 HIV, or an antibody to HIV, as provided under s. 252.15 (5) (a) 19., including results
10 included in a court report or permanency plan. At the time that the test results are
11 provided, the agency shall notify the foster parent, ~~treatment foster parent~~, relative,
12 or operator of the group home or residential care center for children and youth of the
13 confidentiality requirements under s. 252.15 (6).

14 **SECTION 950.** 48.371 (3) (intro.) of the statutes is amended to read:

15 48.371 **(3)** (intro.) At the time of placement of a child in a foster home, ~~treatment~~
16 ~~foster home~~, group home, or residential care center for children and youth or in the
17 home of a relative other than a parent or, if the information is not available at that
18 time, as soon as possible after the date on which the court report or permanency plan
19 has been submitted, but no later than 7 days after that date, the agency, as defined
20 in s. 48.38 (1) (a), responsible for preparing the child's permanency plan shall provide
21 to the foster parent, ~~treatment foster parent~~, relative, or operator of the group home
22 or residential care center for children and youth information contained in the court
23 report submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2),₂ or 48.837 (4)
24 (c) or permanency plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c),
25 48.63 (4) or (5) (c),₂ or 48.831 (4) (e) relating to findings or opinions of the court or

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1 agency that prepared the court report or permanency plan relating to any of the
2 following:

3 **SECTION 951.** 48.371 (3) (d) of the statutes is amended to read:

4 48.371 **(3)** (d) Any involvement of the child, whether as victim or perpetrator,
5 in sexual intercourse or sexual contact in violation of s. 940.225, 948.02, 948.025, or
6 948.085, prostitution in violation of s. 944.30, trafficking in violation of s. 940.302 (2)
7 if s. 940.302 (2) (a). 1. b. applies, sexual exploitation of a child in violation of s. 948.05,
8 trafficking of a child in violation of s. 948.051, or causing a child to view or listen to
9 sexual activity in violation of s. 948.055, if the information is necessary for the care
10 of the child or for the protection of any person living in the foster home, ~~treatment~~
11 ~~foster home~~, group home, or residential care center for children and youth or in the
12 home of the relative.

13 **SECTION 952.** 48.371 (5) of the statutes is amended to read:

14 48.371 **(5)** Except as permitted under s. 252.15 (6), a foster parent, ~~treatment~~
15 ~~foster parent~~, relative, or operator of a group home or residential care center for
16 children and youth that receives any information under sub. (1) or (3), other than the
17 information described in sub. (3) (e), shall keep the information confidential and may
18 disclose that information only for the purposes of providing care for the child or
19 participating in a court hearing or permanency plan review concerning the child.

20 **SECTION 953.** 48.375 (4) (a) 1. of the statutes is amended to read:

21 48.375 **(4)** (a) 1. The person or the person's agent has, either directly or through
22 a referring physician or his or her agent, received and made part of the minor's
23 medical record, under the requirements of s. 253.10, the voluntary and informed
24 written consent of the minor and the voluntary and informed written consent of one
25 of her parents; or of the minor's guardian or legal custodian, if one has been

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1 appointed; or of an adult family member of the minor; or of one of the minor's foster
2 parents ~~or treatment foster parents~~, if the minor has been placed in a foster home
3 ~~or treatment foster home~~ and the minor's parent has signed a waiver granting the
4 department, a county department, or the foster parent ~~or the treatment foster parent~~
5 the authority to consent to medical services or treatment on behalf of the minor.

6 **SECTION 954.** 48.375 (4) (b) 1m. of the statutes is amended to read:

7 48.375 **(4)** (b) 1m. A physician who specializes in psychiatry or a licensed
8 psychologist, as defined in s. 455.01 (4), states in writing that the physician or
9 psychologist believes, to the best of his or her professional judgment based on the
10 facts of the case before him or her, that the minor is likely to commit suicide rather
11 than file a petition under s. 48.257 or approach her parent, or guardian or legal
12 custodian, if one has been appointed, or an adult family member of the minor, or one
13 of the minor's foster parents ~~or treatment foster parents~~, if the minor has been placed
14 in a foster home ~~or treatment foster home~~ and the minor's parent has signed a waiver
15 granting the department, a county department, or the foster parent ~~or the treatment~~
16 ~~foster parent~~ the authority to consent to medical services or treatment on behalf of
17 the minor, for consent.

18 **SECTION 955.** 48.375 (4) (b) 3. of the statutes is amended to read:

19 48.375 **(4)** (b) 3. The minor provides the person who intends to perform or
20 induce the abortion with a written statement, signed and dated by the minor, that
21 a parent who has legal custody of the minor, or the minor's guardian or legal
22 custodian, if one has been appointed, or an adult family member of the minor, or a
23 foster parent ~~or treatment foster parent~~, if the minor has been placed in a foster home
24 ~~or treatment foster home~~ and the minor's parent has signed a waiver granting the
25 department, a county department, or the foster parent ~~or the treatment foster parent~~

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1 the authority to consent to medical services or treatment on behalf of the minor, has
2 inflicted abuse on the minor. The person who intends to perform or induce the
3 abortion shall place the statement in the minor's medical record. The person who
4 intends to perform or induce the abortion shall report the abuse as required under
5 s. 48.981 (2).

6 **SECTION 956.** 48.375 (7) (f) of the statutes is amended to read:

7 48.375 **(7)** (f) *Certain persons barred from proceedings.* No parent, or guardian
8 or legal custodian, if one has been appointed, or foster parent ~~or treatment foster~~
9 ~~parent~~, if the minor has been placed in a foster home ~~or treatment foster home~~ and
10 the minor's parent has signed a waiver granting the department, a county
11 department, or the foster parent ~~or the treatment foster parent~~ the authority to
12 consent to medical services or treatment on behalf of the minor, or adult family
13 member, of any minor who is seeking a court determination under this subsection
14 may attend, intervene, or give evidence in any proceeding under this subsection.

15 **SECTION 957.** 48.38 (2) (intro.) of the statutes is amended to read:

16 48.38 **(2)** PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
17 for each child living in a foster home, ~~treatment foster home~~, group home, residential
18 care center for children and youth, juvenile detention facility, or shelter care facility,
19 the agency that placed the child or arranged the placement or the agency assigned
20 primary responsibility for providing services to the child under s. 48.355 (2) (b) 6g.
21 shall prepare a written permanency plan, if any of the following conditions exists,
22 and, for each child living in the home of a relative other than a parent, that agency
23 shall prepare a written permanency plan, if any of the conditions specified in pars.
24 (a) to (e) exists:

25 **SECTION 958.** 48.38 (2) (g) of the statutes is amended to read:

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1 48.38 **(2)** (g) The child's parent is placed in a foster home, ~~treatment foster~~
2 ~~home~~, group home, residential care center for children and youth, juvenile detention
3 facility, or shelter care facility and the child is residing with that parent.

4 **SECTION 959.** 48.38 (4) (d) (intro.) of the statutes is amended to read:

5 48.38 **(4)** (d) (intro.) If the child is living more than 60 miles from his or her
6 home, documentation that placement within 60 miles of the child's home is either
7 unavailable or inappropriate or documentation that placement more than 60 miles
8 from the child's home is in the child's best interests. The placement of a child in a
9 licensed foster home ~~or a licensed treatment foster home~~ more than 60 miles from the
10 child's home is presumed to be in the best interests of the child if documentation is
11 provided which shows all of the following:

12 **SECTION 960.** 48.38 (4) (f) (intro.) of the statutes is amended to read:

13 48.38 **(4)** (f) (intro.) A description of the services that will be provided to the
14 child, the child's family, and the child's foster parent, ~~the child's treatment foster~~
15 ~~parent~~, the operator of the facility where the child is living, or the relative with whom
16 the child is living to carry out the dispositional order, including services planned to
17 accomplish all of the following:

18 **SECTION 961.** 48.38 (5) (b) of the statutes is amended to read:

19 48.38 **(5)** (b) The court or the agency shall notify the parents of the child, the
20 child, if he or she is 12 years of age or older, and the child's foster parent, ~~the child's~~
21 ~~treatment foster parent~~, the operator of the facility in which the child is living, or the
22 relative with whom the child is living of the date, time, and place of the review, of the
23 issues to be determined as part of the review, and of the fact that they may have an
24 opportunity to be heard at the review by submitting written comments not less than
25 10 working days before the review or by participating at the review. The court or

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1 agency shall notify the person representing the interests of the public, the child's
2 counsel, the child's guardian ad litem, and the child's court-appointed special
3 advocate of the date of the review, of the issues to be determined as part of the review,
4 and of the fact that they may submit written comments not less than 10 working days
5 before the review. The notices under this paragraph shall be provided in writing not
6 less than 30 days before the review and copies of the notices shall be filed in the child's
7 case record.

8 **SECTION 962.** 48.38 (5) (e) of the statutes is amended to read:

9 48.38 **(5)** (e) Within 30 days, the agency shall prepare a written summary of
10 the determinations under par. (c) and shall provide a copy to the court that entered
11 the order, the child or the child's counsel or guardian ad litem, the person
12 representing the interests of the public, the child's parent or guardian, the child's
13 court-appointed special advocate and the child's foster parent, ~~the child's treatment~~
14 ~~foster parent~~ or the operator of the facility where the child is living.

15 **SECTION 963.** 48.38 (5m) (b) of the statutes is amended to read:

16 48.38 **(5m)** (b) Not less than 30 days before the date of the hearing, the court
17 shall notify the child; the child's parent, guardian, and legal custodian; the child's
18 foster parent ~~or treatment foster parent~~, the operator of the facility in which the child
19 is living, or the relative with whom the child is living; the child's counsel, the child's
20 guardian ad litem, and the child's court-appointed special advocate; the agency that
21 prepared the permanency plan; and the person representing the interests of the
22 public of the date, time, and place of the hearing.

23 **SECTION 964.** 48.38 (5m) (c) of the statutes is amended to read:

24 48.38 **(5m)** (c) Any person who is provided notice of the hearing may have an
25 opportunity to be heard at the hearing by submitting written comments relevant to

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1 the determinations specified in sub. (5) (c) not less than 10 working days before the
2 date of the hearing or by participating at the hearing. A foster parent, ~~treatment~~
3 ~~foster parent~~, operator of a facility in which a child is living, or relative with whom
4 a child is living who receives notice of a hearing under par. (b) and an opportunity
5 to be heard under this paragraph does not become a party to the proceeding on which
6 the hearing is held solely on the basis of receiving that notice and opportunity to be
7 heard.

8 **SECTION 965.** 48.38 (5m) (e) of the statutes is amended to read:

9 48.38 **(5m)** (e) After the hearing, the court shall make written findings of fact
10 and conclusions of law relating to the determinations under sub. (5) (c) and shall
11 provide a copy of those findings of fact and conclusions of law to the child; the child's
12 parent, guardian, and legal custodian; the child's foster parent ~~or treatment foster~~
13 ~~parent~~, the operator of the facility in which the child is living, or the relative with
14 whom the child is living; the child's court-appointed special advocate; the agency
15 that prepared the permanency plan; and the person representing the interests of the
16 public. The court shall make the findings specified in sub. (5) (c) 7. on a case-by-case
17 basis based on circumstances specific to the child and shall document or reference
18 the specific information on which those findings are based in the findings of fact and
19 conclusions of law prepared under this paragraph. Findings of fact and conclusions
20 of law that merely reference sub. (5) (c) 7. without documenting or referencing that
21 specific information in the findings of fact and conclusions of law or amended
22 findings of fact and conclusions of law that retroactively correct earlier findings of
23 fact and conclusions of law that do not comply with this paragraph are not sufficient
24 to comply with this paragraph.

25 **SECTION 966.** 48.40 (1m) of the statutes is repealed.

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1 **SECTION 967.** 48.42 (2) (d) of the statutes is amended to read:

2 48.42 **(2)** (d) Any other person to whom notice is required to be given by ch. 822,
3 excluding foster parents ~~and treatment foster parents~~ who shall be provided notice
4 as required under sub. (2g).

5 **SECTION 968.** 48.42 (2g) (a) of the statutes is amended to read:

6 48.42 **(2g)** (a) In addition to causing the summons and petition to be served as
7 required under sub. (2), the petitioner shall also notify any foster parent, ~~treatment~~
8 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) of the child of all
9 hearings on the petition. The first notice to any foster parent, ~~treatment foster~~
10 ~~parent~~ or other physical custodian described in s. 48.62 (2) shall be written, shall
11 have a copy of the petition attached to it, shall state the nature, location, date, and
12 time of the initial hearing and shall be mailed to the last-known address of the foster
13 parent, ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2).
14 Thereafter, notice of hearings may be given by telephone at least 72 hours before the
15 time of the hearing. The person giving telephone notice shall place in the case file
16 a signed statement of the time notice was given and the person to whom he or she
17 spoke.

18 **SECTION 969.** 48.42 (2g) (am) of the statutes is amended to read:

19 48.42 **(2g)** (am) The court shall give a foster parent, ~~treatment foster parent~~
20 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
21 par. (a) an opportunity to be heard at the hearing by permitting the foster parent,
22 ~~treatment foster parent~~ or other physical custodian to make a written or oral
23 statement during the hearing, or to submit a written statement prior to the hearing,
24 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
25 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) who receives a

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1 notice of a hearing under par. (a) and an opportunity to be heard under this
2 paragraph does not become a party to the proceeding on which the hearing is held
3 solely on the basis of receiving that notice and opportunity to be heard.

4 **SECTION 970.** 48.42 (2g) (b) of the statutes is amended to read:

5 48.42 **(2g)** (b) Failure to give notice under par. (a) to a foster parent, ~~treatment~~
6 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) does not deprive the
7 court of jurisdiction in the proceeding. If a foster parent, ~~treatment~~ ~~foster parent~~ or
8 other physical custodian described in s. 48.62 (2) is not given notice of a hearing
9 under par. (a), that person may request a rehearing on the matter at any time prior
10 to the entry of an order under s. 48.427 (2) or (3). If the request is made, the court
11 shall order a rehearing.

12 **SECTION 971.** 48.427 (1m) of the statutes is amended to read:

13 48.427 **(1m)** In addition to any evidence presented under sub. (1), the court
14 shall give the foster parent, ~~treatment~~ ~~foster parent~~ or other physical custodian
15 described in s. 48.62 (2) of the child an opportunity to be heard at the dispositional
16 hearing by permitting the foster parent, ~~treatment~~ ~~foster parent~~ or other physical
17 custodian to make a written or oral statement during the dispositional hearing, or
18 to submit a written statement prior to disposition, relevant to the issue of disposition.
19 A foster parent, ~~treatment~~ ~~foster parent~~ or other physical custodian described in s.
20 48.62 (2) who receives notice of a hearing under s. 48.42 (2g) (a) and an opportunity
21 to be heard under this subsection does not become a party to the proceeding on which
22 the hearing is held solely on the basis of receiving that notice and opportunity to be
23 heard.

24 **SECTION 972.** 48.427 (3m) (a) 5. of the statutes is amended to read:

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1 48.427 **(3m)** (a) 5. A relative with whom the child resides, if the relative has
2 filed a petition to adopt the child or if the relative is a kinship care relative receiving
3 payments under s. 48.62 (4) for providing care and maintenance for the child.

4 **SECTION 973.** 48.427 (3m) (am) of the statutes is amended to read:

5 48.427 **(3m)** (am) Transfer guardianship and custody of the child to a county
6 department authorized to accept guardianship under s. 48.57 (1) (hm) for placement
7 of the child for adoption by the child's foster parent ~~or treatment foster parent~~, if the
8 county department has agreed to accept guardianship and custody of the child and
9 the foster parent ~~or treatment foster parent~~ has agreed to adopt the child.

10 **SECTION 974.** 48.428 (2) (a) of the statutes is amended to read:

11 48.428 **(2)** (a) Except as provided in par. (b), when a court places a child in
12 sustaining care after an order under s. 48.427 (4), the court shall transfer legal
13 custody of the child to the county department, the department, in a county having
14 a population of 500,000 or more, or a licensed child welfare agency, transfer
15 guardianship of the child to an agency listed in s. 48.427 (3m) (a) 1. to 4. or (am), and
16 place the child in the home of a licensed foster parent, ~~licensed treatment foster~~
17 ~~parent, or kinship care relative~~ with whom the child has resided for 6 months or
18 longer. Pursuant to such a the placement, this licensed foster parent, ~~licensed~~
19 ~~treatment foster parent, or kinship care relative~~ shall be a sustaining parent with
20 the powers and duties specified in sub. (3).

21 **SECTION 975.** 48.428 (2) (b) of the statutes is amended to read:

22 48.428 **(2)** (b) When a court places a child in sustaining care after an order
23 under s. 48.427 (4) with a person who has been appointed as the guardian of the child
24 under s. 48.977 (2), the court may transfer legal custody of the child to the county
25 department, the department, in a county having a population of 500,000 or more, or

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1 a licensed child welfare agency, transfer guardianship of the child to an agency listed
2 in s. 48.427 (3m) (a) 1. to 4. or (am) and place the child in the home of a licensed foster
3 parent, ~~licensed treatment foster parent, or kinship care relative~~ with whom the
4 child has resided for 6 months or longer. Pursuant to ~~such a~~ the placement, that
5 licensed foster parent, ~~licensed treatment foster parent, or kinship care relative~~ shall
6 be a sustaining parent with the powers and duties specified in sub. (3). If the court
7 transfers guardianship of the child to an agency listed in s. 48.427 (3m) (a) 1. to 4.
8 or (am), the court shall terminate the guardianship under s. 48.977.

9 **SECTION 976.** 48.428 (4) of the statutes is amended to read:

10 48.428 **(4)** Before a licensed foster parent, ~~licensed treatment foster parent or~~
11 ~~kinship care relative~~ may be appointed as a sustaining parent, the foster parent,
12 ~~treatment foster parent or kinship care relative~~ shall execute a contract with the
13 agency responsible for providing services to the child, in which the foster parent,
14 ~~treatment foster parent or kinship care relative~~ agrees to provide care for the child
15 until the child's 18th birthday unless the placement order is changed by the court
16 because the court finds that the sustaining parents are no longer able or willing to
17 provide the sustaining care or the court finds that the behavior of the sustaining
18 parents toward the child would constitute grounds for the termination of parental
19 rights if the sustaining parent was the birth parent of the child.

20 **SECTION 977.** 48.43 (5) (b) of the statutes is amended to read:

21 48.43 **(5)** (b) The court shall hold a hearing to review the permanency plan
22 within 30 days after receiving a report under par. (a). At least 10 days before the date
23 of the hearing, the court shall provide notice of the time, date, and purpose of the
24 hearing to the agency that prepared the report, the child's guardian, the child, if he
25 or she is 12 years of age or over, and the child's foster parent, ~~treatment foster parent,~~

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1 other physical custodian described in s. 48.62 (2), or the operator of the facility in
2 which the child is living.

3 **SECTION 978.** 48.43 (5m) of the statutes is amended to read:

4 48.43 **(5m)** Either the court or the agency that prepared the permanency plan
5 shall furnish a copy of the original plan and each revised plan to the child, if he or
6 she is 12 years of age or over, and to the child's foster parent, ~~the child's treatment~~
7 ~~foster parent~~ or the operator of the facility in which the child is living.

8 **SECTION 979.** 48.47 (40) of the statutes is created to read:

9 48.47 **(40)** FOSTER CARE PUBLIC INFORMATION. Conduct a foster care public
10 information campaign.

11 **SECTION 980.** 48.48 (9) of the statutes is amended to read:

12 48.48 **(9)** To license foster homes ~~or treatment foster homes~~ as provided in s.
13 48.66 (1) (a) for its own use or for the use of licensed child welfare agencies or, if
14 requested to do so, for the use of county departments.

15 **SECTION 981.** 48.48 (17) (a) 3. of the statutes is amended to read:

16 48.48 **(17)** (a) 3. Provide appropriate protection and services for children and
17 the expectant mothers of unborn children in its care, including providing services for
18 those children and their families and for those expectant mothers in their own
19 homes, placing the children in licensed foster homes, ~~treatment foster homes~~, or
20 group homes in this state or another state within a reasonable proximity to the
21 agency with legal custody, placing the children in the homes of guardians under s.
22 48.977 (2), or contracting for services for those children by licensed child welfare
23 agencies, except that the department may not purchase the educational component
24 of private day treatment programs unless the department, the school board, as
25 defined in s. 115.001 (7), and the state superintendent of public instruction all

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1 determine that an appropriate public education program is not available. Disputes
2 between the department and the school district shall be resolved by the state
3 superintendent of public instruction.

4 **SECTION 982.** 48.48 (17) (a) 8. of the statutes is amended to read:

5 48.48 **(17)** (a) 8. License foster homes ~~or treatment foster homes~~ in accordance
6 with s. 48.75.

7 **SECTION 983.** 48.48 (17) (a) 10. of the statutes is repealed.

8 **SECTION 984.** 48.48 (17) (c) 4. of the statutes is amended to read:

9 48.48 **(17)** (c) 4. Is living in a foster home, treatment foster home, group home,
10 or residential care center for children and youth, ~~or subsidized guardianship home~~
11 ~~under s. 48.62 (5).~~

12 **SECTION 985.** 48.48 (17) (c) 4. of the statutes, as affected by 2009 Wisconsin Act
13 (this act), is amended to read:

14 48.48 **(17)** (c) 4. Is living in a foster home, ~~treatment foster home~~, group home,
15 residential care center for children and youth.

16 **SECTION 986.** 48.481 (1) (a) of the statutes is amended to read:

17 48.481 **(1)** (a) The department shall distribute \$497,200 in each fiscal year to
18 counties for the purpose of supplementing payments for the care of an individual who
19 attains age 18 after 1986 and who resided in a ~~foster home or a treatment foster home~~
20 licensed under s. 48.62 for at least 2 years immediately prior to attaining age 18 and,
21 for at least 2 years, received ~~exceptional foster care or treatment foster care~~
22 payments for exceptional circumstances in order to avoid institutionalization, as
23 provided under rules promulgated by the department, so that the individual may live
24 in a family home or other noninstitutional situation after attaining age 18. No

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1 county may use funds provided under this paragraph to replace funds previously
2 used by the county for this purpose.

3 **SECTION 987.** 48.52 (1) (a) of the statutes is amended to read:

4 48.52 **(1)** (a) Receiving homes to be used for the temporary care of children;_

5 **SECTION 988.** 48.52 (1) (b) of the statutes is amended to read:

6 48.52 **(1)** (b) Foster homes ~~or treatment foster homes;~~_

7 **SECTION 989.** 48.52 (1) (c) of the statutes is amended to read:

8 48.52 **(1)** (c) Group homes; ~~and~~_

9 **SECTION 990.** 48.569 (1) (d) of the statutes is amended to read:

10 48.569 **(1)** (d) From the appropriations under s. 20.437 (1) (b) and (o), the
11 department shall distribute the funding for children and family services, including
12 funding for foster care, ~~treatment foster care,~~ or subsidized guardianship care of a
13 child on whose behalf aid is received under s. 48.645 to county departments as
14 provided under s. 48.563. County matching funds are required for the distribution
15 under s. 48.563 (2). Each county's required match for the distribution under s. 48.563
16 (2) shall be specified in a schedule established annually by the department.
17 Matching funds may be from county tax levies, federal and state revenue sharing
18 funds, or private donations to the county that meet the requirements specified in sub.
19 (1m). Private donations may not exceed 25 percent of the total county match. If the
20 county match is less than the amount required to generate the full amount of state
21 and federal funds distributed for this period, the decrease in the amount of state and
22 federal funds equals the difference between the required and the actual amount of
23 county matching funds.

24 **SECTION 991.** 48.57 (1) (c) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 991**

1 48.57 (1) (c) To provide appropriate protection and services for children and the
2 expectant mothers of unborn children in its care, including providing services for
3 those children and their families and for those expectant mothers in their own
4 homes, placing those children in licensed foster homes, ~~treatment foster homes~~, or
5 group homes in this state or another state within a reasonable proximity to the
6 agency with legal custody, placing those children in the homes of guardians under
7 s. 48.977 (2), or contracting for services for those children by licensed child welfare
8 agencies, except that the county department may not purchase the educational
9 component of private day treatment programs unless the county department, the
10 school board, as defined in s. 115.001 (7), and the state superintendent of public
11 instruction all determine that an appropriate public education program is not
12 available. Disputes between the county department and the school district shall be
13 resolved by the state superintendent of public instruction.

14 **SECTION 992.** 48.57 (1) (hm) of the statutes is amended to read:

15 48.57 (1) (hm) If a county department in a county with a population of less than
16 500,000, to accept guardianship, when appointed by the court, of a child whom the
17 county department has placed in a foster home ~~or treatment foster home~~ under a
18 court order or voluntary agreement under s. 48.63 and to place that child under its
19 guardianship for adoption by the foster parent ~~or treatment foster parent~~.

20 **SECTION 993.** 48.57 (1) (i) of the statutes is amended to read:

21 48.57 (1) (i) To license foster homes ~~or treatment foster homes~~ in accordance
22 with s. 48.75.

23 **SECTION 994.** 48.57 (3) (a) 4. of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 994**

1 48.57 **(3)** (a) 4. Is living in a foster home, ~~treatment foster home~~, group home,
2 residential care center for children and youth, or subsidized guardianship home
3 under s. 48.62 (5).

4 **SECTION 995.** 48.57 (3m) of the statutes, as affected by 2009 Wisconsin Act
5 (this act), sections 996 and 997, is repealed.

6 **SECTION 996.** 48.57 (3m) (am) (intro.) of the statutes is amended to read:

7 48.57 **(3m)** (am) (intro.) From the appropriation under s. 20.437 ~~(1)-(ke)~~ (2)
8 (md), the department shall reimburse counties having populations of less than
9 500,000 for payments made under this subsection and shall make payments under
10 this subsection in a county having a population of 500,000 or more. A county
11 department and, in a county having a population of 500,000 or more, the department
12 shall make payments in the amount of \$215 per month to a kinship care relative who
13 is providing care and maintenance for a child if all of the following conditions are met:

14 **SECTION 997.** 48.57 (3m) (b) 2. of the statutes is amended to read:

15 48.57 **(3m)** (b) 2. When any kinship care relative of a child applies for or
16 receives payments under this subsection, any right of the child or the child's parent
17 to support or maintenance from any other person, ~~including any right to unpaid~~
18 ~~amounts accrued at the time of application and any right to amounts accruing during~~
19 the time that payments are made under this subsection, is assigned to the state. If
20 a child who is the beneficiary of a payment under this subsection is also the
21 beneficiary of support under a judgment or order that includes support for one or
22 more children who are not the beneficiaries of payments under this subsection, any
23 support payment made under the judgment or order is assigned to the state in the
24 amount that is the proportionate share of the child who is the beneficiary of the

ASSEMBLY BILL 75**SECTION 997**

1 payment made under this subsection, except as otherwise ordered by the court on the
2 motion of a party.

3 **SECTION 998.** 48.57 (3n) of the statutes, as affected by 2009 Wisconsin Act
4 (this act), sections 999 and 1000, is repealed.

5 **SECTION 999.** 48.57 (3n) (am) (intro.) of the statutes is amended to read:

6 48.57 **(3n)** (am) (intro.) From the appropriation under s. 20.437 ~~(1) (ke)~~ (2) (md),
7 the department shall reimburse counties having populations of less than 500,000 for
8 payments made under this subsection and shall make payments under this
9 subsection in a county having a population of 500,000 or more. A county department
10 and, in a county having a population of 500,000 or more, the department shall make
11 monthly payments for each child in the amount specified in sub. (3m) (am) (intro.)
12 to a long-term kinship care relative who is providing care and maintenance for that
13 child if all of the following conditions are met:

14 **SECTION 1000.** 48.57 (3n) (b) 2. of the statutes is amended to read:

15 48.57 **(3n)** (b) 2. When any long-term kinship care relative of a child applies
16 for or receives payments under this subsection, any right of the child or the child's
17 parent to support or maintenance from any other person, ~~including any right to~~
18 ~~unpaid amounts accrued at the time of application and any right to amounts accruing~~
19 ~~during the time that payments are made under this subsection,~~ is assigned to the
20 state. If a child is the beneficiary of support under a judgment or order that includes
21 support for one or more children who are not the beneficiaries of payments under this
22 subsection, any support payment made under the judgment or order is assigned to
23 the state in the amount that is the proportionate share of the child who is the
24 beneficiary of the payment made under this subsection, except as otherwise ordered
25 by the court on the motion of a party.

ASSEMBLY BILL 75

SECTION 1001

SECTION 1001. 48.57 (3p) of the statutes is repealed.

SECTION 1002. 48.57 (3t) of the statutes is repealed.

SECTION 1003. 48.60 (2) (e) of the statutes is amended to read:

48.60 **(2) (e)** A licensed foster home or a licensed treatment foster home.

SECTION 1004. 48.61 (3) of the statutes is amended to read:

48.61 **(3)** To provide appropriate care and training for children in its legal or physical custody and, if licensed to do so, to place children in licensed foster homes, ~~licensed treatment foster homes,~~ and licensed group homes and in the homes of guardians under s. 48.977 (2).

SECTION 1005. 48.61 (7) of the statutes is amended to read:

48.61 **(7)** To license foster homes or treatment foster homes in accordance with s. 48.75 if licensed to do so.

SECTION 1006. 48.615 (1) (b) of the statutes is amended to read:

48.615 **(1) (b)** Before the department may issue a license under s. 48.60 (1) to a child welfare agency that places children in licensed foster homes, ~~licensed treatment foster homes, and licensed group homes,~~ and in the homes of guardians under s. 48.977 (2), the child welfare agency must pay to the department a biennial fee of \$254.10.

SECTION 1007. Subchapter XIV (title) of chapter 48 [precedes 48.619] of the statutes is amended to read:

CHAPTER 48

SUBCHAPTER XIV

~~FOSTER HOMES AND TREATMENT FOSTER HOMES.~~

SECTION 1008. 48.619 of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1008**

1 **48.619 Definition.** In this subchapter, “child” means a person under 18 years
2 of age and also includes, for purposes of counting the number of children for whom
3 a foster home, ~~treatment foster home~~, or group home may provide care and
4 maintenance, a person 18 years of age or over, but under 19 years of age, who is a
5 full-time student at a secondary school or its vocational or technical equivalent, who
6 is reasonably expected to complete the program before reaching 19 years of age, who
7 was residing in the foster home, ~~treatment foster home~~, or group home immediately
8 prior to his or her 18th birthday, and who continues to reside in that foster home,
9 ~~treatment foster home~~, or group home.

10 **SECTION 1009.** 48.62 (title) of the statutes is amended to read:

11 **48.62 (title) Licensing of foster homes and ~~treatment foster homes~~;**
12 **rates.**

13 **SECTION 1010.** 48.62 (1) (a) of the statutes is renumbered 48.62 (1).

14 **SECTION 1011.** 48.62 (1) (b) of the statutes is repealed.

15 **SECTION 1012.** 48.62 (2) of the statutes is amended to read:

16 48.62 **(2)** A relative~~rr~~, or a guardian of a child who provides care and
17 maintenance for the child is not required to obtain the license specified in this
18 section. The department, county department, or licensed child welfare agency as
19 provided in s. 48.75 may issue a license to operate a foster home ~~or a treatment foster~~
20 ~~home~~ to a relative who has no duty of support under s. 49.90 (1) (a) and who requests
21 a license to operate a foster home ~~or treatment foster home~~ for a specific child who
22 is either placed by court order or who is the subject of a voluntary placement
23 agreement under s. 48.63. The department, a county department, or a licensed child
24 welfare agency may, at the request of a guardian appointed under s. 48.977 or 48.978,
25 ch. 54, or ch. 880, 2003 stats., license the guardian’s home as a foster home ~~or~~

ASSEMBLY BILL 75**SECTION 1012**

1 ~~treatment foster home~~ for the guardian's minor ward who is living in the home and
2 who is placed in the home by court order. Relatives with no duty of support and
3 guardians appointed under s. 48.977 or 48.978, ch. 54, or ch. 880, 2003 stats., who
4 are licensed to operate foster homes ~~or treatment foster homes~~ are subject to the
5 department's licensing rules.

6 **SECTION 1013.** 48.62 (3) of the statutes is amended to read:

7 48.62 **(3)** When the department, a county department, or a child welfare agency
8 issues a license to operate a foster home ~~or a treatment foster home~~, the department,
9 county department, or child welfare agency shall notify the clerk of the school district
10 in which the foster home ~~or treatment foster home~~ is located that a foster home ~~or~~
11 ~~treatment foster home~~ has been licensed in the school district.

12 **SECTION 1014.** 48.62 (4) of the statutes is amended to read:

13 48.62 **(4)** Monthly payments in foster care shall be provided according to the
14 ~~age=related~~ rates specified in this subsection. Beginning on January 1, 2008 2010,
15 the ~~age=related~~ rates are ~~\$333~~ \$215 for care and maintenance provided by a relative
16 of a child of any age and, for care and maintenance provided by a nonrelative, \$366
17 for a child under 5 years of age; \$363 \$400 for a child 5 to 11 years of age; \$414 \$455
18 for a child 12 to 14 years of age; and \$432 \$475 for a child 15 years of age or over.
19 Beginning on January 1, ~~2009~~ 2011, the ~~age=related~~ rates are ~~\$349~~ \$215 for care and
20 maintenance provided by a relative of a child of any age and, for care and
21 maintenance provided by a nonrelative, \$384 for a child under 5 years of age; \$381
22 \$420 for a child 5 to 11 years of age; \$433 \$478 for a child 12 to 14 years of age; and
23 \$452 \$499 for a child 15 years of age or over. In addition to these grants for basic
24 maintenance, the department shall make supplemental payments for ~~special needs,~~
25 ~~exceptional circumstances, care in a treatment foster home, and initial clothing~~

ASSEMBLY BILL 75**SECTION 1014**

1 allowances foster care that are commensurate with the level of care that the foster
2 home is licensed to provide and the needs of the child who is placed in the foster home
3 according to the rules promulgated by the department under sub. (8) (c).

4 **SECTION 1015.** 48.62 (5) (a) (intro.) of the statutes is amended to read:

5 48.62 **(5)** (a) (intro.) Subject to par. (d), a county department or, in a county
6 having a population of 500,000 or more, the department shall provide monthly
7 subsidized guardianship payments in the amount specified in par. (e) to a guardian
8 of a child under s. 48.977 (2) or under a substantially similar tribal law or law of
9 another state who was licensed as the child's foster parent ~~or treatment foster parent~~
10 before the guardianship appointment and who has entered into a subsidized
11 guardianship agreement with the county department or department if the guardian
12 meets the conditions specified in par. (c) 1. and 2. and if the child meets any of the
13 following conditions:

14 **SECTION 1016.** 48.62 (5) (c) 2. of the statutes is amended to read:

15 48.62 **(5)** (c) 2. The A criminal history and child abuse record search is
16 conducted under s. 48.685 and the county department or department ~~conducts a~~
17 ~~background investigation under s. 48.57 (3p) of the guardian or interim caretaker,~~
18 ~~the employees and prospective employees of the guardian or interim caretaker who~~
19 ~~have or would have regular contact with the child for whom the payments would be~~
20 ~~made, and any other adult resident, as defined in s. 48.57 (3p) (a), of the home of the~~
21 ~~guardian or interim caretaker and determines that those individuals do not have any~~
22 ~~arrests or convictions that are likely to adversely affect the child or the ability of the~~
23 ~~guardian or interim caretaker to care for the child~~ the requirements specified in s.
24 48.685 have been met.

25 **SECTION 1017.** 48.62 (5) (d) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1017**

1 48.62 (5) (d) The department shall request from the secretary of the federal
2 department of health and human services a waiver of the requirements under 42
3 USC 670 to 679a that would authorize the state to receive federal foster care and
4 adoption assistance reimbursement under 42 USC 670 to 679a for the costs of
5 providing care for a child who is in the care of a guardian who was licensed as the
6 child's foster parent or treatment foster parent before the guardianship appointment
7 and who has entered into a subsidized guardianship agreement with the county
8 department or department. If the waiver is approved for a county having a
9 population of 500,000 or more, the department shall provide the monthly payments
10 under par. (a) from the appropriations under s. 20.437 (1) ~~(ex), (gx), (kw), and (mx)~~
11 ~~(dd) and (pd)~~. If the waiver is approved for any other county, the department shall
12 determine which counties are authorized to provide monthly payments under par.
13 (a) or (b), and the county departments of those counties shall provide those payments
14 from moneys received under s. 48.569 (1) (d).

15 **SECTION 1018.** 48.62 (5) (d) of the statutes, as affected by 2009 Wisconsin Act
16 (this act), is amended to read:

17 48.62 (5) (d) The department shall request from the secretary of the federal
18 department of health and human services a waiver of the requirements under 42
19 USC 670 to 679a that would authorize the state to receive federal foster care and
20 adoption assistance reimbursement under 42 USC 670 to 679a for the costs of
21 providing care for a child who is in the care of a guardian who was licensed as the
22 child's foster parent ~~or treatment foster parent~~ before the guardianship appointment
23 and who has entered into a subsidized guardianship agreement with the county
24 department or department. If the waiver is approved for a county having a
25 population of 500,000 or more, the department shall provide the monthly payments

ASSEMBLY BILL 75**SECTION 1018**

1 under par. (a) from the appropriations under s. 20.437 (1) (dd) and (pd). If the waiver
2 is approved for any other county, the department shall determine which counties are
3 authorized to provide monthly payments under par. (a) or (b), and the county
4 departments of those counties shall provide those payments from moneys received
5 under s. 48.569 (1) (d).

6 **SECTION 1019.** 48.62 (5) (e) of the statutes is amended to read:

7 48.62 **(5)** (e) The amount of a monthly payment under par. (a) or (b) for the care
8 of a child shall equal the amount received under sub. (4) by the guardian of the child
9 for the month immediately preceding the month in which the guardianship order
10 was granted. A guardian or an interim caretaker who receives a monthly payment
11 under par. (a) or (b) is not eligible to receive a payment under sub. (4) ~~or s. 48.57 (3m)~~
12 ~~or (3n)~~.

13 **SECTION 1020.** 48.62 (6) of the statutes is amended to read:

14 48.62 **(6)** The department or a county department may recover an overpayment
15 made under sub. (4) or (5) from a foster parent, ~~treatment foster parent~~, guardian,
16 or interim caretaker who continues to receive those payments ~~under sub. (4) or (5)~~
17 by reducing the amount of the person's monthly payment. The department may by
18 rule specify other methods for recovering those overpayments ~~made under sub. (4)~~
19 ~~or (5)~~. A county department that recovers an overpayment under this subsection due
20 to the efforts of its officers and employees may retain a portion of the amount
21 recovered, as provided by the department by rule.

22 **SECTION 1021.** 48.62 (7) of the statutes is amended to read:

23 48.62 **(7)** In each federal fiscal year, the department shall ensure that there are
24 no more than 2,200 children in foster care ~~and treatment foster care~~ placements for
25 more than 24 months, consistent with the best interests of each child. Services

ASSEMBLY BILL 75**SECTION 1021**

1 provided in connection with this requirement shall comply with the requirements
2 under P.L. 96-272.

3 **SECTION 1022.** 48.62 (8) of the statutes is created to read:

4 48.62 **(8)** The department shall promulgate rules relating to foster homes as
5 follows:

6 (a) Rules providing levels of care that a foster home is licensed to provide.
7 Those levels of care shall be based on the level of knowledge, skill, training,
8 experience, and other qualifications that are required of the licensee, the level of
9 responsibilities that are expected of the licensee, the needs of the children who are
10 placed with the licensee, and any other requirements relating to the ability of the
11 licensee to provide for those needs that the department may promulgate by rule.

12 (b) Rules establishing a standardized assessment tool to assess the needs of a
13 child placed or to be placed outside the home, to determine the level of care that is
14 required to meet those needs, and to place the child in a placement that meets those
15 needs. A foster home that is licensed to provide a given level of care under par. (a)
16 may provide foster care for any child whose needs are assessed to be at or below the
17 level of care that the foster home is licensed to provide.

18 (c) Rules providing monthly rates of reimbursement for foster care that are
19 commensurate with the level of care that the foster home is licensed to provide and
20 the needs of the child who is placed in the foster home. Those rates shall include rates
21 for supplemental payments for special needs, exceptional circumstances, and initial
22 clothing allowances for children placed in a foster home.

23 (d) Rules providing a monthly retainer fee for a foster home that agrees to
24 maintain openings for emergency placements.

25 **SECTION 1023.** 48.625 (3) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1023**

1 48.625 **(3)** This section does not apply to a foster home licensed under s. 48.62
2 (1) ~~(a) or to a treatment foster home licensed under s. 48.62 (1) (b).~~

3 **SECTION 1024.** 48.627 (title) of the statutes is amended to read:

4 **48.627 (title) Foster, ~~treatment foster~~ and family-operated group home**
5 **parent insurance and liability.**

6 **SECTION 1025.** 48.627 (2) (a) of the statutes is amended to read:

7 48.627 **(2)** (a) Before the department, a county department, or a licensed child
8 welfare agency may issue, renew, or continue a foster home, ~~treatment foster home~~
9 or family-operated group home license, the licensing agency shall require the
10 applicant to furnish proof satisfactory to the licensing agency that he or she has
11 homeowner's or renter's liability insurance that provides coverage for negligent acts
12 or omissions by children placed in a foster home, ~~treatment foster home~~ or
13 family-operated group home that result in bodily injury or property damage to 3rd
14 parties.

15 **SECTION 1026.** 48.627 (2c) of the statutes is amended to read:

16 48.627 **(2c)** The department shall determine the cost-effectiveness of
17 purchasing private insurance that would provide coverage to foster, ~~treatment foster~~,
18 and family-operated group home parents for acts or omissions by or affecting a child
19 who is placed in a foster home, ~~a treatment foster home~~, or a family-operated group
20 home. If this private insurance is cost-effective and available, the department shall
21 purchase the insurance from the appropriations under s. 20.437 (1) (cf) and (pd). If
22 the insurance is unavailable, payment of claims for acts or omissions by or affecting
23 a child who is placed in a foster home, ~~a treatment foster home~~, or a family-operated
24 group home shall be in accordance with subs. (2m) to (3).

25 **SECTION 1027.** 48.627 (2m) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1027**

1 48.627 **(2m)** Within the limits of the appropriations under s. 20.437 (1) (cf) and
2 (pd), the department shall pay claims to the extent not covered by any other
3 insurance and subject to the limitations specified in sub. (3), for bodily injury or
4 property damage sustained by a licensed foster,~~treatment foster~~, or family-operated
5 group home parent or a member of the foster,~~treatment foster~~, or family-operated
6 group home parent's family as a result of the act of a child in the foster,~~treatment~~
7 foster, or family-operated group home parent's care.

8 **SECTION 1028.** 48.627 (2s) (a) of the statutes is amended to read:

9 48.627 **(2s)** (a) Acts or omissions of the foster,~~treatment foster~~ or
10 family-operated group home parent that result in bodily injury to the child who is
11 placed in the foster home,~~treatment foster home~~ or family-operated group home or
12 that form the basis for a civil action for damages by the foster child's parent against
13 the foster,~~treatment foster~~ or family-operated group home parent.

14 **SECTION 1029.** 48.627 (2s) (b) of the statutes is amended to read:

15 48.627 **(2s)** (b) Bodily injury or property damage caused by an act or omission
16 of a child who is placed in the foster,~~treatment foster~~ or family-operated group home
17 parent's care for which the foster,~~treatment foster~~ or family-operated group home
18 parent becomes legally liable.

19 **SECTION 1030.** 48.627 (3) (b) of the statutes is amended to read:

20 48.627 **(3)** (b) A claim under sub. (2m) shall be submitted to the department
21 within 90 days after the bodily injury or property damage occurs. A claim under sub.
22 (2s) shall be submitted within 90 days after a foster,~~treatment foster~~ or
23 family-operated group home parent learns that a legal action has been commenced
24 against that parent. No claim may be paid under this subsection unless it is
25 submitted within the time limits specified in this paragraph.

ASSEMBLY BILL 75**SECTION 1031**

1 **SECTION 1031.** 48.627 (3) (d) of the statutes is amended to read:

2 48.627 **(3)** (d) No claim may be approved in an amount exceeding the total
3 amount available for paying claims under this subsection in the fiscal year during
4 which the claim is submitted. No claim for property damage sustained by a foster,
5 ~~treatment foster~~ or family-operated group home parent or a member of a foster,
6 ~~treatment foster~~ or family-operated group home parent's family may be approved in
7 an amount exceeding \$250,000.

8 **SECTION 1032.** 48.627 (3) (e) of the statutes is amended to read:

9 48.627 **(3)** (e) The department may not approve a claim unless the foster,
10 ~~treatment foster~~ or family-operated group home parent submits with the claim
11 evidence that is satisfactory to the department of the cause and value of the claim
12 and evidence that insurance coverage is unavailable or inadequate to cover the
13 claim. If insurance is available but inadequate, the department may approve a claim
14 only for the amount of the value of the claim that it determines is in excess of the
15 amount covered by insurance.

16 **SECTION 1033.** 48.627 (3) (f) of the statutes is amended to read:

17 48.627 **(3)** (f) If the total amount of the claims approved during any calendar
18 quarter exceeds 25% of the total funds available during the fiscal year for purposes
19 of this subsection plus any unencumbered funds remaining from the previous
20 quarter, the department shall prorate the available funds among the claimants with
21 approved claims. The department shall also prorate any unencumbered funds
22 remaining in the appropriation under s. 20.437 (1) (cf) at the end of each fiscal year
23 among the claimants whose claims were prorated during the fiscal year. Payment
24 of a prorated amount from unencumbered funds remaining at the end of the fiscal
25 year constitutes a complete payment of the claim for purposes of this program, but

ASSEMBLY BILL 75**SECTION 1033**

1 does not prohibit a foster parent or ~~treatment foster parent~~ family-operated group
2 home parent from submitting a claim under s. 16.007 for the unpaid portion.

3 **SECTION 1034.** 48.627 (3) (h) of the statutes is amended to read:

4 48.627 **(3)** (h) If a claim by a foster, ~~treatment foster~~ or family-operated group
5 home parent or a member of the foster, ~~treatment foster~~ or family-operated group
6 home parent's family is approved, the department shall deduct from the amount
7 approved \$100 less any amount deducted by an insurance company from a payment
8 for the same claim, except that a foster, ~~treatment foster~~ or family-operated group
9 home parent and his or her family are subject to only one deductible for all claims
10 filed in a fiscal year.

11 **SECTION 1035.** 48.627 (4) of the statutes is amended to read:

12 48.627 **(4)** Except as provided in s. 895.485, the department is not liable for any
13 act or omission by or affecting a child who is placed in a foster home, ~~treatment foster~~
14 ~~home~~, or family-operated group home, but shall, as provided in this section, pay
15 claims described under sub. (2m) and may pay claims described under sub. (2s) or
16 may purchase insurance to cover such claims as provided for under sub. (2c), within
17 the limits of the appropriations under s. 20.437 (1) (cf) and (pd).

18 **SECTION 1036.** 48.627 (5) of the statutes is amended to read:

19 48.627 **(5)** The attorney general may represent a foster, ~~treatment foster~~ or
20 family-operated group home parent in any civil action arising out of an act or
21 omission of the foster, ~~treatment foster~~ or family-operated group home parent while
22 acting in his or her capacity as a foster, ~~treatment foster~~ or family-operated group
23 home parent.

24 **SECTION 1037.** 48.63 (1) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1037**

1 48.63 (1) Acting under court order or voluntary agreement, the child's parent
2 or guardian or the department, the department of corrections, a county department,
3 or a child welfare agency licensed to place children in foster homes, ~~treatment foster~~
4 ~~homes,~~ or group homes may place a child or negotiate or act as intermediary for the
5 placement of a child in a foster home, ~~treatment foster home,~~ or group home.
6 Voluntary agreements under this subsection may not be used for placements in
7 facilities other than foster, ~~treatment foster,~~ homes or group homes and may not be
8 extended. A foster home ~~or treatment foster home~~ placement under a voluntary
9 agreement may not exceed 180 days from the date on which the child was removed
10 from the home under the voluntary agreement. A group home placement under a
11 voluntary agreement may not exceed 15 days from the date on which the child was
12 removed from the home under the voluntary agreement, except as provided in sub.
13 (5). These time periods do not apply to placements made under s. 48.345, 938.183,
14 938.34, or 938.345. Voluntary agreements may be made only under this subsection
15 and sub. (5) (b) and shall be in writing and shall specifically state that the agreement
16 may be terminated at any time by the parent or guardian or by the child if the child's
17 consent to the agreement is required. The child's consent to the agreement is
18 required whenever the child is 12 years of age or older. If a county department, the
19 department, or the department of corrections places a child or negotiates or acts as
20 intermediary for the placement of a child under this subsection, the voluntary
21 agreement shall also specifically state that the county department, department, or
22 department of corrections has placement and care responsibility for the child as
23 required under 42 USC 672 (a) (2) and has primary responsibility for providing
24 services to the child.

25 **SECTION 1038.** 48.63 (3) (b) 2. of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1038**

1 48.63 **(3)** (b) 2. The department, a county department under s. 48.57 (1) (e) or
2 (hm), or a child welfare agency licensed under s. 48.60 may place a child under subd.
3 1. in the home of a proposed adoptive parent or parents who reside in this state if that
4 home is licensed as a foster home ~~or treatment foster home~~ under s. 48.62.

5 **SECTION 1039.** 48.63 (4) of the statutes is amended to read:

6 48.63 **(4)** A permanency plan under s. 48.38 is required for each child placed
7 in a foster home ~~or treatment foster home~~ under sub. (1). If the child is living in a
8 foster home ~~or treatment foster home~~ under a voluntary agreement, the agency that
9 negotiated or acted as intermediary for the placement shall prepare the permanency
10 plan within 60 days after the date on which the child was removed from his or her
11 home under the voluntary agreement. A copy of each plan shall be provided to the
12 child if he or she is 12 years of age or over and to the child's parent or guardian. If
13 the agency that arranged the voluntary placement intends to seek a court order to
14 place the child outside of his or her home at the expiration of the voluntary
15 placement, the agency shall prepare a revised permanency plan and file that revised
16 plan with the court prior to the date of the hearing on the proposed placement.

17 **SECTION 1040.** 48.64 (title) of the statutes is amended to read:

18 **48.64 (title) Placement of children in foster homes, ~~treatment foster~~**
19 **~~homes and group homes.~~**

20 **SECTION 1041.** 48.64 (1) of the statutes is amended to read:

21 48.64 **(1)** DEFINITION. In this section, "agency" means the department, the
22 department of corrections, a county department, or a licensed child welfare agency
23 authorized to place children in foster homes, ~~treatment foster homes~~, or group
24 homes.

25 **SECTION 1042.** 48.64 (1m) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1042**

1 48.64 **(1m)** FOSTER HOME, ~~TREATMENT FOSTER HOME~~ AND GROUP HOME AGREEMENTS.
2 If an agency places a child in a foster home, ~~treatment foster home~~ or group home
3 under a court order or voluntary agreement under s. 48.63, the agency shall enter
4 into a written agreement with the head of the home. The agreement shall provide
5 that the agency shall have access at all times to the child and the home, and that the
6 child will be released to the agency whenever, in the opinion of the agency placing
7 the child or the department, the best interests of the child require it release to the
8 agency. If a child has been in a foster home, ~~treatment foster home~~ or group home
9 for 6 months or more, the agency shall give the head of the home written notice of
10 intent to remove the child, stating the reasons for the removal. The child may not
11 be removed before completion of the hearing under sub. (4) (a) or (c), if requested, or
12 30 days after the receipt of the notice, whichever is later, unless the safety of the child
13 requires it or, in a case in which the reason for removal is to place the child for
14 adoption under s. 48.833, unless all of the persons who have the right to request a
15 hearing under sub. (4) (a) or (c) sign written waivers of objection to the proposed
16 removal. If the safety of the child requires earlier removal, s. 48.19 shall apply. If
17 an agency removes a child from an adoptive placement, the head of the home shall
18 have no claim against the placing agency for the expense of care, clothing, or medical
19 treatment.

20 **SECTION 1043.** 48.64 (1r) of the statutes is amended to read:

21 48.64 **(1r)** NOTIFICATION OF SCHOOL DISTRICT. When an agency places a
22 school-age child in a foster home, ~~a treatment foster home~~ or a group home, the
23 agency shall notify the clerk of the school district in which the foster home, ~~treatment~~
24 ~~foster home~~ or group home is located that a school-age child has been placed in a
25 foster home, ~~treatment foster home~~ or group home in the school district.

ASSEMBLY BILL 75**SECTION 1044**

1 **SECTION 1044.** 48.64 (2) of the statutes is amended to read:

2 48.64 **(2)** SUPERVISION OF FOSTER HOME, ~~TREATMENT FOSTER HOME~~ AND GROUP HOME
3 PLACEMENTS. Every child in a foster home, ~~treatment foster home~~ or group home shall
4 be under the supervision of an agency.

5 **SECTION 1045.** 48.64 (4) (a) of the statutes is amended to read:

6 48.64 **(4)** (a) Any decision or order issued by an agency that affects the head of
7 a foster, ~~treatment foster~~ or group home or the children involved may be appealed to
8 the department under fair hearing procedures established under department rules.
9 The department shall, upon receipt of an appeal, give the head of the home
10 reasonable notice and opportunity for a fair hearing. The department may make
11 such any additional investigation as that the department considers necessary. The
12 department shall give notice of the hearing to the head of the home and to the
13 departmental subunit, county department, or child welfare agency that issued the
14 decision or order. Each person receiving notice is entitled to be represented at the
15 hearing. At all hearings conducted under this subsection, the head of the home, or
16 a representative of the head of the home, shall have an adequate opportunity,
17 notwithstanding s. 48.78 (2) (a), to examine all documents and records to be used at
18 the hearing at a reasonable time before the date of the hearing as well as during the
19 hearing, to bring witnesses, to establish all pertinent facts and circumstances, and
20 to question or refute any testimony or evidence, including opportunity to confront
21 and cross-examine adverse witnesses. The department shall grant a continuance
22 for a reasonable period of time when an issue is raised for the first time during a
23 hearing. This requirement may be waived with the consent of the parties. The
24 decision of the department shall be based exclusively on evidence introduced at the
25 hearing. A transcript of testimony and exhibits, or an official report containing the

ASSEMBLY BILL 75**SECTION 1045**

1 substance of what transpired at the hearing, together with all papers and requests
2 filed in the proceeding, and the findings of the hearing examiner shall constitute the
3 exclusive record for decision by the department. The department shall make the
4 record available at any reasonable time and at an accessible place to the head of the
5 home or his or her representative. Decisions by the department shall specify the
6 reasons for the decision and identify the supporting evidence. No person
7 participating in an agency action being appealed may participate in the final
8 administrative decision on that action. The department shall render its decision as
9 soon as possible after the hearing and shall send a certified copy of its decision to the
10 head of the home and to the departmental subunit, county department, or child
11 welfare agency that issued the decision or order. The decision shall be binding on all
12 parties concerned.

13 **SECTION 1046.** 48.64 (4) (c) of the statutes is amended to read:

14 48.64 **(4)** (c) The circuit court for the county where the dispositional order
15 placing a child in a foster home, ~~treatment foster home~~, or group home was entered
16 or the voluntary agreement under s. 48.63 so placing a child was made has
17 jurisdiction upon petition of any interested party over a child who is placed in a foster
18 home, ~~treatment foster home~~, or group home. The circuit court may call a hearing,
19 at which the head of the home and the supervising agency under sub. (2) shall be
20 present, for the purpose of reviewing any decision or order of that agency involving
21 the placement and care of the child. If the child has been placed in a foster home, the
22 foster parent may present relevant evidence at the hearing. The petitioner has the
23 burden of proving by clear and convincing evidence that the decision or order issued
24 by the agency is not in the best interests of the child.

25 **SECTION 1047.** 48.645 (1) (a) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1047**

1 48.645 (1) (a) The child is living in a foster home ~~or treatment foster home~~
2 licensed under s. 48.62 if a license is required under that section, in a foster home
3 ~~or treatment foster home~~ located within the boundaries of a federally recognized
4 American Indian reservation in this state and licensed by the tribal governing body
5 of the reservation, in a group home licensed under s. 48.625, in a subsidized
6 guardianship home under s. 48.62 (5), or in a residential care center for children and
7 youth licensed under s. 48.60, and has been placed in the foster home, ~~treatment~~
8 ~~foster home~~, group home, subsidized guardianship home, or center by a county
9 department under s. 46.215, 46.22, or 46.23, by the department, or by a federally
10 recognized American Indian tribal governing body in this state under an agreement
11 with a county department under s. 46.215, 46.22, or 46.23.

12 **SECTION 1048.** 48.645 (2) (a) 1. of the statutes is amended to read:

13 48.645 (2) (a) 1. A nonrelative who cares for the dependent child in a foster
14 home ~~or treatment foster home~~ having a license under s. 48.62, in a foster home ~~or~~
15 ~~treatment foster home~~ located within the boundaries of a federally recognized
16 American Indian reservation in this state and licensed by the tribal governing body
17 of the reservation, or in a group home licensed under s. 48.625; a subsidized
18 guardian or interim caretaker under s. 48.62 (5) who cares for the dependent child;,
19 or a minor custodial parent who cares for the dependent child; regardless of the
20 cause or prospective period of dependency. The state shall reimburse counties
21 pursuant to the procedure under s. 48.569 (2) and the percentage rate of
22 participation set forth in s. 48.569 (1) (d) for aid granted under this section except
23 that if the child does not have legal settlement in the granting county, state
24 reimbursement shall be at 100%. The county department under s. 46.215, 46.22, or
25 46.23 or the department under s. 48.48 (17) shall determine the legal settlement of

ASSEMBLY BILL 75**SECTION 1048**

1 the child. A child under one year of age shall be eligible for aid under this subsection
2 irrespective of any other residence requirement for eligibility within this section.

3 **SECTION 1049.** 48.645 (2) (a) 3. of the statutes is amended to read:

4 48.645 **(2)** (a) 3. A county or, in a county having a population of 500,000 or more,
5 the department, when the child is placed in a licensed foster home, ~~treatment foster~~
6 ~~home~~, group home, or residential care center for children and youth or in a subsidized
7 guardianship home by a licensed child welfare agency or by a federally recognized
8 American Indian tribal governing body in this state or by its designee, if the child is
9 in the legal custody of the county department under s. 46.215, 46.22, or 46.23 or the
10 department under s. 48.48 (17) or if the child was removed from the home of a relative
11 as a result of a judicial determination that continuance in the home of the relative
12 would be contrary to the child's welfare for any reason and the placement is made
13 under an agreement with the county department or the department.

14 **SECTION 1050.** 48.645 (2) (a) 4. of the statutes is amended to read:

15 48.645 **(2)** (a) 4. A licensed foster home, ~~treatment foster home~~, group home,
16 or residential care center for children and youth or a subsidized guardianship home
17 when the child is in the custody or guardianship of the state, when the child is a ward
18 of an American Indian tribal court in this state and the placement is made under an
19 agreement between the department and the tribal governing body, or when the child
20 was part of the state's direct service case load and was removed from the home of a
21 relative as a result of a judicial determination that continuance in the home of a
22 relative would be contrary to the child's welfare for any reason and the child is placed
23 by the department.

24 **SECTION 1051.** 48.645 (2) (b) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1051**

1 48.645 **(2)** (b) Notwithstanding par. (a), aid under this section may not be
2 granted for placement of a child in a foster home ~~or treatment foster home~~ licensed
3 by a federally recognized American Indian tribal governing body, for placement of a
4 child in a foster home, ~~treatment foster home~~, group home, subsidized guardianship
5 home, or residential care center for children and youth by a tribal governing body or
6 its designee, or for the placement of a child who is a ward of a tribal court if the tribal
7 governing body is receiving or is eligible to receive funds from the federal government
8 for that type of placement.

9 **SECTION 1052.** 48.65 (3) (a) of the statutes is amended to read:

10 48.65 **(3)** (a) Before the department may issue a license under sub. (1) to a day
11 care center that provides care and supervision for 4 to 8 children, the day care center
12 must pay to the department a biennial fee of \$60.50. Before the department may
13 issue a license under sub. (1) to a day care center that provides care and supervision
14 for 9 or more children, the day care center must pay to the department a biennial fee
15 of \$30.25, plus a biennial fee of \$10.33 ~~\$16.94~~ per child, based on the number of
16 children that the day care center is licensed to serve. A day care center that wishes
17 to continue a license issued under sub. (1) shall pay the applicable fee under this
18 paragraph by the continuation date of the license. A new day care center shall pay
19 the applicable fee under this paragraph no later than 30 days before the opening of
20 the day care center.

21 **SECTION 1053.** 48.651 (1) (intro.) of the statutes is amended to read:

22 48.651 **(1)** (intro.) ~~Each county department shall certify~~ No person, other than
23 a day care center licensed under s. 48.65 or established or contracted for under s.
24 120.13 (14), may receive reimbursement for providing child care services for an
25 individual who is determined eligible for a child care subsidy under s. 49.155 unless

ASSEMBLY BILL 75**SECTION 1053**

1 the person is certified, according to the standards adopted by the department under
2 s. 49.155 (1d), ~~each day care provider reimbursed for child care services provided to~~
3 ~~families determined eligible under s. 49.155, unless the provider is a day care center~~
4 ~~licensed under s. 48.65 or is established or contracted for under s. 120.13 (14).~~ Each
5 county may charge a fee to cover the costs of certification by a county department or
6 an agency with which the department contracts under sub. (2). To be certified under
7 this section, a person must meet the minimum requirements for certification
8 established by the department under s. 49.155 (1d), meet the requirements specified
9 in s. 48.685, and pay the fee specified in ~~this section.~~ The county sub. (2). A county
10 department or agency contracted with under sub. (2) shall certify the following
11 categories of day care providers:

12 **SECTION 1054.** 48.651 (1) (a) of the statutes is amended to read:

13 48.651 **(1)** (a) Level I certified family day care providers, as established by the
14 department under s. 49.155 (1d). No county or agency contracted with under sub.
15 (2) may certify a provider under this paragraph if the provider is a relative of all of
16 the children for whom he or she provides care.

17 **SECTION 1055.** 48.651 (2) of the statutes is created to read:

18 48.651 **(2)** A county department shall certify day care providers under sub. (1)
19 or the department may contract with a Wisconsin Works agency, as defined in s.
20 49.001 (9), child care resource and referral agency, or other agency to certify day care
21 providers under sub. (1) in a particular geographic area or for a particular Indian
22 tribal unit. A county department that certifies day care providers under sub. (1) may
23 charge a fee to cover the costs of certifying those providers. An agency contracted
24 with under this subsection may charge a fee specified by the department to

ASSEMBLY BILL 75**SECTION 1055**

1 supplement the amount provided by the department under the contract for certifying
2 day care providers.

3 **SECTION 1056.** 48.651 (2m) of the statutes is amended to read:

4 48.651 **(2m)** Each county department or agency contracted with under sub. (2)
5 shall provide the department of health services with information about each person
6 who is denied certification for a reason specified in s. 48.685 (4m) (a) 1. to 5.

7 **SECTION 1057.** 48.658 of the statutes is created to read:

8 **48.658 Child care quality rating system.** The department shall provide a
9 child care quality rating system that rates the quality of the child care provided by
10 a child care provider licensed under s. 48.65 that receives reimbursement under s.
11 49.155 for the child care provided or that volunteers for rating under this section.
12 The department shall make the rating information provided under that system
13 available to the parents, guardians, and legal custodians of children who are
14 recipients, or prospective recipients, of care and supervision from a child care
15 provider that is rated under this section, including making that information
16 available on the department's Internet site.

17 **SECTION 1058.** Subchapter XVI (title) of chapter 48 [precedes 48.66] of the
18 statutes is amended to read:

19 **CHAPTER 48**

20 **SUBCHAPTER XVI**

21 **LICENSING PROCEDURES AND REQUIREMENTS FOR CHILD WELFARE**
22 **AGENCIES, FOSTER HOMES, ~~TREATMENT FOSTER HOMES~~, GROUP**
23 **HOMES, DAY CARE CENTERS, AND COUNTY DEPARTMENTS**

24 **SECTION 1059.** 48.66 (1) (a) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1059**

1 48.66 **(1)** (a) Except as provided in s. 48.715 (6) and (7), the department shall
2 license and supervise child welfare agencies, as required by s. 48.60, group homes,
3 as required by s. 48.625, shelter care facilities, as required by s. 938.22, and day care
4 centers, as required by s. 48.65. The department may license foster homes or
5 ~~treatment foster homes~~, as provided by s. 48.62, and may license and supervise
6 county departments in accordance with the procedures specified in this section and
7 in ss. 48.67 to 48.74. In the discharge of this duty the department may inspect the
8 records and visit the premises of all child welfare agencies, group homes, shelter care
9 facilities, and day care centers and visit the premises of all foster homes and
10 ~~treatment foster homes~~ in which children are placed.

11 **SECTION 1060.** 48.66 (1) (c) of the statutes is amended to read:

12 48.66 **(1)** (c) A license issued under par. (a) or (b), other than a license to operate
13 a foster home, ~~treatment foster home~~, or secured residential care center for children
14 and youth, is valid until revoked or suspended. A license issued under this
15 subsection to operate a foster home, ~~treatment foster home~~, or secured residential
16 care center for children and youth may be for any term not to exceed 2 years from the
17 date of issuance. No license issued under par. (a) or (b) is transferable.

18 **SECTION 1061.** 48.67 (intro.) of the statutes is amended to read:

19 **48.67 Rules governing child welfare agencies, day care centers, foster**
20 **homes, ~~treatment foster homes~~, group homes, shelter care facilities, and**
21 **county departments.** (intro.) The department shall promulgate rules establishing
22 minimum requirements for the issuance of licenses to, and establishing standards
23 for the operation of, child welfare agencies, day care centers, foster homes, ~~treatment~~
24 ~~foster homes~~, group homes, shelter care facilities, and county departments. Those
25 rules shall be designed to protect and promote the health, safety, and welfare of the

ASSEMBLY BILL 75**SECTION 1061**

1 children in the care of all licensees. The department shall consult with the
2 department of commerce, the department of public instruction, and the child abuse
3 and neglect prevention board before promulgating those rules. For foster homes,
4 those rules shall include the rules promulgated under s. 48.62 (8). Those rules shall
5 include rules that require all of the following:

6 **SECTION 1062.** 48.67 (4) of the statutes is created to read:

7 48.67 **(4)** That all foster parents and treatment foster parents successfully
8 complete training in the care and support needs of children who are placed in foster
9 care or treatment foster care that has been approved by the department. The
10 department shall promulgate rules prescribing the training that is required under
11 this subsection and shall monitor compliance with this subsection according to those
12 rules.

13 **SECTION 1063.** 48.675 (1) of the statutes is amended to read:

14 48.675 **(1)** DEVELOPMENT OF PROGRAM. The department shall develop a foster
15 care education program to provide specialized training for persons operating family
16 foster homes ~~or treatment foster homes~~. Participation in the program shall be
17 voluntary and shall be limited to persons operating foster homes ~~or treatment foster~~
18 ~~homes~~ licensed under s. 48.62 and caring for children with special treatment needs.

19 **SECTION 1064.** 48.675 (2) of the statutes is amended to read:

20 48.675 **(2)** APPROVAL OF PROGRAMS. The department shall promulgate rules for
21 approval of programs to meet the requirements of this section. ~~Such~~ Those programs
22 may include, ~~but need not be limited to:~~ in-service training; workshops and
23 seminars developed by the department or by county departments; seminars and
24 courses offered through public or private education agencies; and workshops,
25 seminars, and courses pertaining to behavioral and developmental disabilities and

ASSEMBLY BILL 75**SECTION 1064**

1 to the development of mutual support services for foster parents ~~and treatment~~
2 ~~foster parents~~. The department may approve programs under this subsection only
3 after consideration of relevant factors including level of education, useful or
4 necessary skills, location, and other criteria as determined by the department.

5 **SECTION 1065.** 48.675 (3) (intro.) of the statutes is amended to read:

6 48.675 **(3)** SUPPORT SERVICES. (intro.) The department shall provide funds from
7 the appropriation under s. 20.437 (1) (a) to enable foster parents ~~and treatment foster~~
8 ~~parents~~ to attend education programs approved under sub. (2) and shall promulgate
9 rules concerning disbursement of the funds. Moneys disbursed under this
10 subsection may be used for the following purposes:

11 **SECTION 1066.** 48.675 (3) (a) of the statutes is amended to read:

12 48.675 **(3)** (a) Care of residents of the foster home ~~or treatment foster home~~
13 during the time of participation in an education program.

14 **SECTION 1067.** 48.68 (1) of the statutes is amended to read:

15 48.68 **(1)** After receipt of an application for a license, the department shall
16 investigate to determine if the applicant meets the minimum requirements for a
17 license adopted by the department under s. 48.67 and meets the requirements
18 specified in s. 48.685, if applicable. In determining whether to issue or continue a
19 license, the department may consider any action by the applicant, or by an employee
20 of the applicant, that constitutes a substantial failure by the applicant or employee
21 to protect and promote the health, safety, and welfare of a child. Upon satisfactory
22 completion of this investigation and payment of the fee required under s. 48.615 (1)
23 (a) or (b), 48.625 (2) (a), 48.65 (3) (a), or 938.22 (7) (b), the department shall issue a
24 license under s. 48.66 (1) (a) or, if applicable, a probationary license under s. 48.69
25 or, if applicable, shall continue a license under s. 48.66 (5). At the time of initial

ASSEMBLY BILL 75**SECTION 1067**

1 licensure and license renewal, the department shall provide a foster home licensee
2 with written information relating to the ~~age-related~~ monthly foster care rates and
3 supplemental payments specified in s. 48.62 (4), including payment amounts,
4 eligibility requirements for supplemental payments, and the procedures for applying
5 for supplemental payments.

6 **SECTION 1068.** 48.685 (1) (b) of the statutes is amended to read:

7 48.685 **(1)** (b) “Entity” means a child welfare agency that is licensed under s.
8 48.60 to provide care and maintenance for children, to place children for adoption,
9 or to license foster homes ~~or treatment foster homes~~; a foster home ~~or treatment~~
10 ~~foster home~~ that is licensed under s. 48.62; a subsidized guardianship home under
11 s. 48.62 (5); a group home that is licensed under s. 48.625; a shelter care facility that
12 is licensed under s. 938.22; a day care center that is licensed under s. 48.65 or
13 established or contracted for under s. 120.13 (14); a day care provider that is certified
14 under s. 48.651; or a temporary employment agency that provides caregivers to
15 another entity.

16 **SECTION 1069.** 48.685 (2) (c) 1. of the statutes is amended to read:

17 48.685 **(2)** (c) 1. If the person who is the subject of the search under par. (am)
18 is seeking an initial license to operate a foster home ~~or treatment foster home~~ or is
19 seeking relicensure after a break in licensure, the department, county department,
20 or child welfare agency shall request under 42 USC 16962 (b) a fingerprint-based
21 check of the national crime information databases, as defined in 28 USC 534 (f) (3)
22 (A). The department, county department, or child welfare agency may release any
23 information obtained under this subdivision only as permitted under 42 USC 16962
24 (e).

25 **SECTION 1070.** 48.685 (2) (c) 2. of the statutes is amended to read:

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1 48.685 **(2)** (c) 2. If the person who is the subject of the search under par. (am)
2 is seeking a license to operate a foster home ~~or treatment foster home~~ or is an adult
3 nonclient resident of the foster home ~~or treatment foster home~~ and if the person is
4 not, or at any time within the 5 years preceding the date of the search has not been,
5 a resident of this state, the department, county department, or child welfare agency
6 shall check any child abuse or neglect registry maintained by any state or other U.S.
7 jurisdiction in which the person is a resident or was a resident within those 5 years
8 for information that is equivalent to the information specified in par. (am) 4. The
9 department, county department, or child welfare agency may not use any
10 information obtained under this subdivision for any purpose other than a search of
11 the person's background under par. (am).

12 **SECTION 1071.** 48.685 (4m) (a) (intro.) of the statutes is amended to read:

13 48.685 **(4m)** (a) (intro.) Notwithstanding s. 111.335, and except as provided in
14 par. (ad) and sub. (5), the department may not license, or continue or renew the
15 license of, a person to operate an entity, a county department or agency contracted
16 with under s. 48.651 (2) may not certify a day care provider under s. 48.651, a county
17 department or a child welfare agency may not license, or renew the license of, a foster
18 home or treatment foster home under s. 48.62, and a school board may not contract
19 with a person under s. 120.13 (14), if the department, county department, contracted
20 agency, child welfare agency, or school board knows or should have known any of the
21 following:

22 **SECTION 1072.** 48.685 (4m) (a) (intro.) of the statutes, as affected by 2009
23 Wisconsin Act (this act), is amended to read:

24 48.685 **(4m)** (a) (intro.) Notwithstanding s. 111.335, and except as provided in
25 par. (ad) and sub. (5), the department may not license, or continue or renew the

ASSEMBLY BILL 75**SECTION 1072**

1 license of, a person to operate an entity, a county department or agency contracted
2 with under s. 48.651 (2) may not certify a day care provider under s. 48.651, a county
3 department or a child welfare agency may not license, or renew the license of, a foster
4 home ~~or treatment foster home~~ under s. 48.62, the department or a county
5 department may not provide subsidized guardianship payments to a person under
6 s. 48.62 (5). and a school board may not contract with a person under s. 120.13 (14),
7 if the department, county department, contracted agency, child welfare agency, or
8 school board knows or should have known any of the following:

9 **SECTION 1073.** 48.685 (4m) (ad) of the statutes is amended to read:

10 48.685 **(4m)** (ad) The department, a county department, or a child welfare
11 agency may license a foster home or treatment foster home under s. 48.62, a county
12 department or agency contracted with under s. 48.651 (2) may certify a day care
13 provider under s. 48.651, and a school board may contract with a person under s.
14 120.13 (14), conditioned on the receipt of the information specified in sub. (2) (am)
15 indicating that the person is not ineligible to be licensed, certified or contracted with
16 for a reason specified in par. (a) 1. to 5.

17 **SECTION 1074.** 48.685 (4m) (ad) of the statutes, as affected by 2009 Wisconsin
18 Act (this act), is amended to read:

19 48.685 **(4m)** (ad) The department, a county department, or a child welfare
20 agency may license a foster home ~~or treatment foster home~~ under s. 48.62, the
21 department or a county department may provide subsidized guardianship payments
22 to a person under s. 48.62 (5). a county department or agency contracted with under
23 s. 48.651 (2) may certify a day care provider under s. 48.651, and a school board may
24 contract with a person under s. 120.13 (14), conditioned on the receipt of the

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1 information specified in sub. (2) (am) indicating that the person is not ineligible to
2 be licensed, certified, or contracted with for a reason specified in par. (a) 1. to 5.

3 **SECTION 1075.** 48.685 (5) (a) of the statutes is amended to read:

4 48.685 (5) (a) Subject to par. (bm), the department may license to operate an
5 entity, a county department or agency contracted with under s. 48.651 (2) may certify
6 under s. 48.651, a county department or a child welfare agency may license under
7 s. 48.62, and a school board may contract with under s. 120.13 (14) a person who
8 otherwise may not be licensed, certified, or contracted with for a reason specified in
9 sub. (4m) (a) 1. to 5., and an entity may employ, contract with, or permit to reside at
10 the entity a person who otherwise may not be employed, contracted with, or
11 permitted to reside at the entity for a reason specified in sub. (4m) (b) 1. to 5., if the
12 person demonstrates to the department, the county department, the contracted
13 agency, the child welfare agency, or the school board or, in the case of an entity that
14 is located within the boundaries of a reservation, to the person or body designated
15 by the tribe under sub. (5d) (a) 3., by clear and convincing evidence and in accordance
16 with procedures established by the department by rule or by the tribe that he or she
17 has been rehabilitated.

18 **SECTION 1076.** 48.685 (5) (bm) (intro.) of the statutes is amended to read:

19 48.685 (5) (bm) (intro.) For purposes of licensing a foster home ~~or treatment~~
20 ~~foster home~~ for the placement of a child on whose behalf foster care maintenance
21 payments under s. 48.62 (4) will be provided, no person who has been convicted of
22 any of the following offenses may be permitted to demonstrate that he or she has been
23 rehabilitated:

24 **SECTION 1077.** 48.685 (5m) of the statutes is amended to read:

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1 48.685 **(5m)** Notwithstanding s. 111.335, the department may refuse to license
2 a person to operate an entity, a county department or a child welfare agency may
3 refuse to license a foster home or treatment foster home under s. 48.62, and an entity
4 may refuse to employ or contract with a caregiver or permit a nonclient resident to
5 reside at the entity if the person has been convicted of an offense that is not a serious
6 crime, but that is, in the estimation of the department, county department, child
7 welfare agency, or entity, substantially related to the care of a client.
8 Notwithstanding s. 111.335, the department may refuse to license a person to
9 operate a day care center, a county department or agency contracted with under s.
10 48.651 (2) may refuse to certify a day care provider under s. 48.651, a school board
11 may refuse to contract with a person under s. 120.13 (14), a day care center that is
12 licensed under s. 48.65 or established or contracted for under s. 120.13 (14), and a
13 day care provider that is certified under s. 48.651 may refuse to employ or contract
14 with a caregiver or permit a nonclient resident to reside at the day care center or day
15 care provider if the person has been convicted of or adjudicated delinquent on or after
16 his or her 12th birthday for an offense that is not a serious crime, but that is, in the
17 estimation of the department, county department, contracted agency, school board,
18 day care center, or day care provider, substantially related to the care of a client.

19 **SECTION 1078.** 48.685 (5m) of the statutes, as affected by 2009 Wisconsin Act
20 (this act), is amended to read:

21 48.685 **(5m)** Notwithstanding s. 111.335, the department may refuse to license
22 a person to operate an entity, a county department or a child welfare agency may
23 refuse to license a foster home ~~or treatment foster home~~ under s. 48.62, the
24 department or a county department may refuse to provide subsidized guardianship
25 payments under s. 48.62 (5), and an entity may refuse to employ or contract with a

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1 caregiver or permit a nonclient resident to reside at the entity if the person has been
2 convicted of an offense that is not a serious crime, but that is, in the estimation of the
3 department, county department, child welfare agency, or entity, substantially
4 related to the care of a client. Notwithstanding s. 111.335, the department may
5 refuse to license a person to operate a day care center, a county department or agency
6 contracted with under s. 48.651 (2) may refuse to certify a day care provider under
7 s. 48.651, a school board may refuse to contract with a person under s. 120.13 (14),
8 a day care center that is licensed under s. 48.65 or established or contracted for under
9 s. 120.13 (14), and a day care provider that is certified under s. 48.651 may refuse
10 to employ or contract with a caregiver or permit a nonclient resident to reside at the
11 day care center or day care provider if the person has been convicted of or adjudicated
12 delinquent on or after his or her 12th birthday for an offense that is not a serious
13 crime, but that is, in the estimation of the department, county department,
14 contracted agency, school board, day care center, or day care provider, substantially
15 related to the care of a client.

16 **SECTION 1079.** 48.685 (6) (a) of the statutes is amended to read:

17 48.685 **(6)** (a) The department shall require any person who applies for
18 issuance, continuation, or renewal of a license to operate an entity, a county
19 department or agency contracted with under s. 48.651 (2) shall require any day care
20 provider who applies for initial certification under s. 48.651 or for renewal of that
21 certification, a county department or a child welfare agency shall require any person
22 who applies for issuance or renewal of a license to operate a foster home or treatment
23 foster home under s. 48.62, and a school board shall require any person who proposes
24 to contract with the school board under s. 120.13 (14) or to renew a contract under

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1 that subsection, to complete a background information form that is provided by the
2 department.

3 **SECTION 1080.** 48.685 (6) (a) of the statutes, as affected by 2009 Wisconsin Act
4 (this act), is amended to read:

5 48.685 **(6)** (a) The department shall require any person who applies for
6 issuance, continuation, or renewal of a license to operate an entity, a county
7 department or agency contracted with under s. 48.651 (2) shall require any day care
8 provider who applies for initial certification under s. 48.651 or for renewal of that
9 certification, a county department or a child welfare agency shall require any person
10 who applies for issuance or renewal of a license to operate a foster home ~~or treatment~~
11 ~~foster home~~ under s. 48.62, the department or a county department shall require any
12 person who applies for subsidized guardianship payments under s. 48.62 (5), and a
13 school board shall require any person who proposes to contract with the school board
14 under s. 120.13 (14) or to renew a contract under that subsection, to complete a
15 background information form that is provided by the department.

16 **SECTION 1081.** 48.70 (2) of the statutes is amended to read:

17 48.70 **(2)** SPECIAL PROVISIONS FOR CHILD WELFARE AGENCY LICENSES. A license to
18 a child welfare agency shall also specify the kind of child welfare work the agency is
19 authorized to undertake, whether the agency may accept guardianship of children,
20 whether the agency may place children in foster homes ~~or treatment foster homes,~~
21 and if so, the area the agency is equipped to serve.

22 **SECTION 1082.** 48.73 of the statutes is amended to read:

23 **48.73 Inspection of licensees.** The department may visit and inspect each
24 child welfare agency, foster home, ~~treatment foster home,~~ group home, and day care

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1 center licensed by ~~it~~ the department, and for ~~such~~ that purpose shall be given
2 unrestricted access to the premises described in the license.

3 **SECTION 1083.** 48.75 (title) of the statutes is amended to read:

4 **48.75 (title) Foster homes and treatment foster homes licensed by**
5 **public licensing agencies and by child welfare agencies.**

6 **SECTION 1084.** 48.75 (1d) of the statutes is amended to read:

7 48.75 **(1d)** Child welfare agencies, if licensed to do so by the department, and
8 public licensing agencies may license foster homes ~~and treatment foster homes~~
9 under the rules promulgated by the department under s. 48.67 governing the
10 licensing of foster homes ~~and treatment foster homes~~. A foster home ~~or treatment~~
11 ~~foster home~~ license shall be issued for a term not to exceed 2 years from the date of
12 issuance, is not transferable, and may be revoked by the child welfare agency or by
13 the public licensing agency because the licensee has substantially and intentionally
14 violated any provision of this chapter or of the rules of the department promulgated
15 pursuant to under s. 48.67 or because the licensee fails to meet the minimum
16 requirements for a license. The licensee shall be given written notice of any
17 revocation and the grounds ~~therefor~~ for the revocation.

18 **SECTION 1085.** 48.75 (1r) of the statutes is amended to read:

19 48.75 **(1r)** At the time of initial licensure and license renewal, the child welfare
20 agency or public licensing agency issuing a license under sub. (1d) or (1g) shall
21 provide the licensee with written information relating to the ~~age-related~~ monthly
22 foster care rates and supplemental payments specified in s. 48.62 (4), including
23 payment amounts, eligibility requirements for supplemental payments, and the
24 procedures for applying for supplemental payments.

25 **SECTION 1086.** 48.75 (2) of the statutes is amended to read:

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1 48.75 **(2)** Any foster home ~~or treatment foster home~~ applicant or licensee of a
2 public licensing agency or a child welfare agency may, if aggrieved by the failure to
3 issue or renew its license or by revocation of its license, appeal as provided in s. 48.72.

4 **SECTION 1087.** 48.833 (1) of the statutes is amended to read:

5 48.833 **(1)** PLACEMENT BY DEPARTMENT OR COUNTY DEPARTMENT. The department
6 or a county department under s. 48.57 (1) (e) or (hm) may place a child for adoption
7 in a licensed foster home ~~or a licensed treatment foster home~~ without a court order
8 under s. 48.63 (3) (b) or if the department or county department is the guardian of
9 the child or makes the placement at the request of another agency that is the
10 guardian of the child and if the proposed adoptive parents have completed the
11 preadoption preparation required under s. 48.84 (1) or the department or county
12 department determines that the proposed adoptive parents are not required to
13 complete that preparation. When a child is placed under this subsection in a licensed
14 foster home ~~or a licensed treatment foster home~~ for adoption, the department or
15 county department making the placement shall enter into a written agreement with
16 the proposed adoptive parent, which shall state the date on which the child is placed
17 in the licensed foster home ~~or licensed treatment foster home~~ for adoption by the
18 proposed adoptive parent.

19 **SECTION 1088.** 48.833 (2) of the statutes is amended to read:

20 48.833 **(2)** PLACEMENT BY CHILD WELFARE AGENCY. A child welfare agency
21 licensed under s. 48.60 may place a child for adoption in a licensed foster home ~~or a~~
22 ~~licensed treatment foster home~~ without a court order under s. 48.63 (3) (b) or if the
23 child welfare agency is the guardian of the child or makes the placement at the
24 request of another agency that is the guardian of the child and if the proposed
25 adoptive parents have completed the preadoption preparation required under s.

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1 48.84 (1) or the child welfare agency determines that the proposed adoptive parents
2 are not required to complete that preparation. When a child is placed under this
3 subsection in a licensed foster home ~~or a licensed treatment foster home~~ for adoption,
4 the child welfare agency making the placement shall enter into a written agreement
5 with the proposed adoptive parent, which shall state the date on which the child is
6 placed in the licensed foster home ~~or licensed treatment foster home~~ for adoption by
7 the proposed adoptive parent.

8 **SECTION 1089.** 48.837 (1) of the statutes is amended to read:

9 48.837 **(1)** IN-STATE ADOPTIVE PLACEMENT. When the proposed adoptive parent
10 or parents of a child reside in this state and are not relatives of the child, a parent
11 having custody of a child and the proposed adoptive parent or parents of the child
12 may petition the court for placement of the child for adoption in the home of the
13 proposed adoptive parent or parents if the home is licensed as a foster home ~~or~~
14 ~~treatment foster home~~ under s. 48.62.

15 **SECTION 1090.** 48.837 (1r) (b) of the statutes is amended to read:

16 48.837 **(1r)** (b) The department, a county department under s. 48.57 (1) (e) or
17 (hm), or a child welfare agency licensed under s. 48.60 may place a child under par.
18 (a) in the home of a proposed adoptive parent or parents who reside in this state if
19 that home is licensed as a foster home ~~or treatment foster home~~ under s. 48.62.

20 **SECTION 1091.** 48.88 (2) (am) 1. of the statutes is amended to read:

21 48.88 **(2)** (am) 1. If the petitioner was required to obtain an initial license to
22 operate a foster home ~~or treatment foster home~~ before placement of the child for
23 adoption or relicensure after a break in licensure, the agency making the
24 investigation shall obtain a criminal history search from the records maintained by
25 the department of justice and request under 42 USC 16962 (b) a fingerprint-based

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1 check of the national crime information databases, as defined in 28 USC 534 (f) (3)
2 (A), with respect to the petitioner. The agency may release any information obtained
3 under this subdivision only as permitted under 42 USC 16962 (e). In the case of a
4 child on whose behalf adoption assistance payments will be provided under s. 48.975,
5 if the petitioner has been convicted of any of the offenses specified in s. 48.685 (5) (bm)
6 1. to 4., the agency may not report that the petitioner's home is suitable for the child.

7 **SECTION 1092.** 48.88 (2) (am) 2. of the statutes is amended to read:

8 48.88 **(2)** (am) 2. If the petitioner was required to obtain a license to operate
9 a foster home ~~or treatment foster home~~ before placement of the child for adoption,
10 the agency making the investigation shall obtain information maintained by the
11 department regarding any substantiated reports of child abuse or neglect against the
12 petitioner and any other adult residing in the petitioner's home. If the petitioner or
13 other adult residing in the petitioner's home is not, or at any time within the 5 years
14 preceding the date of the search has not been, a resident of this state, the agency shall
15 check any child abuse or neglect registry maintained by any state or other U.S.
16 jurisdiction in which the petitioner or other adult is a resident or was a resident
17 within those 5 years for information that is equivalent to the information maintained
18 by the department regarding substantiated reports of child abuse or neglect. The
19 agency may not use any information obtained under this subdivision for any purpose
20 other than a background search under this subdivision.

21 **SECTION 1093.** 48.975 (3) (a) 1. of the statutes is amended to read:

22 48.975 **(3)** (a) 1. Except as provided in subd. 3., for support of a child who was
23 in foster care, ~~treatment foster care~~, or subsidized guardianship care immediately
24 prior to placement for adoption, the initial amount of adoption assistance for
25 maintenance shall be equivalent to the amount of that child's foster care, ~~treatment~~

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1 ~~foster care~~, or subsidized guardianship care payment at the time that the agreement
2 under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed adoptive
3 parents and specified in that agreement.

4 **SECTION 1094.** 48.975 (3) (a) 2. of the statutes is amended to read:

5 48.975 **(3)** (a) 2. Except as provided in subd. 3., for support of a child not in foster
6 care, ~~treatment foster care~~, or subsidized guardianship care immediately prior to
7 placement for adoption, the initial amount of adoption assistance for maintenance
8 shall be equivalent to the uniform foster care rate applicable to the child that is in
9 effect at the time that the agreement under sub. (4) (a) is signed or a lesser amount
10 if agreed to by the proposed adoptive parents and specified in that agreement.

11 **SECTION 1095.** 48.98 (1) of the statutes is amended to read:

12 48.98 **(1)** No person may bring a child into this state or send a child out of this
13 state for the purpose of placing the child in foster care ~~or treatment foster care~~ or for
14 the purpose of adoption without a certificate from the department that the home is
15 suitable for the child.

16 **SECTION 1096.** 48.98 (2) (a) of the statutes is amended to read:

17 48.98 **(2)** (a) Any person, except a county department or licensed child welfare
18 agency, who brings a child into this state for the purpose of placing the child in a
19 foster home ~~or treatment foster home~~ shall, before the child's arrival in this state, file
20 with the department a \$1,000 noncancelable bond in favor of this state, furnished by
21 a surety company licensed to do business in this state. The condition of the bond shall
22 be that the child will not become dependent on public funds for his or her primary
23 support before the child reaches age 18 or is adopted.

24 **SECTION 1097.** 48.981 (3) (a) 3. of the statutes is amended to read:

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1 48.981 (3) (a) 3. ~~A~~ Except as provided in sub. (3m), a county department, the
2 department, or a licensed child welfare agency under contract with the department
3 shall within 12 hours, exclusive of Saturdays, Sundays, or legal holidays, refer to the
4 sheriff or police department all cases of suspected or threatened abuse, as defined in
5 s. 48.02 (1) (b) to (f), reported to it. For cases of suspected or threatened abuse, as
6 defined in s. 48.02 (1) (a), (am), (g), or (gm), or neglect, each county department, the
7 department, and a licensed child welfare agency under contract with the department
8 shall adopt a written policy specifying the kinds of reports it will routinely report to
9 local law enforcement authorities.

10 **SECTION 1098.** 48.981 (3) (c) 1. a. of the statutes is amended to read:

11 48.981 (3) (c) 1. a. Immediately after receiving a report under par. (a), the
12 agency shall evaluate the report to determine whether there is reason to suspect that
13 a caregiver has abused or neglected the child, has threatened the child with abuse
14 or neglect, or has facilitated or failed to take action to prevent the suspected or
15 threatened abuse or neglect of the child. If Except as provided in sub. (3m), if the
16 agency determines that a caregiver is suspected of abuse or neglect or of threatened
17 abuse or neglect of the child, determines that a caregiver is suspected of facilitating
18 or failing to take action to prevent the suspected or threatened abuse or neglect of
19 the child, or cannot determine who abused or neglected the child, within 24 hours
20 after receiving the report the agency shall, in accordance with the authority granted
21 to the department under s. 48.48 (17) (a) 1. or the county department under s. 48.57
22 (1) (a), initiate a diligent investigation to determine if the child is in need of
23 protection or services. If the agency determines that a person who is not a caregiver
24 is suspected of abuse or of threatened abuse, the agency may, in accordance with that
25 authority, initiate a diligent investigation to determine if the child is in need or

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1 protection or services. Within 24 hours after receiving a report under par. (a) of
2 suspected unborn child abuse, the agency, in accordance with that authority, shall
3 initiate a diligent investigation to determine if the unborn child is in need of
4 protection or services. An investigation under this subd. 1. a. shall be conducted in
5 accordance with standards established by the department for conducting child abuse
6 and neglect investigations or unborn child abuse investigations.

7 **SECTION 1099.** 48.981 (3) (d) 1. of the statutes is amended to read:

8 48.981 **(3)** (d) 1. In this paragraph, “agent” includes, ~~but is not limited to,~~ a
9 foster parent, ~~treatment foster parent~~ or other person given custody of a child or a
10 human services professional employed by a county department under s. 51.42 or
11 51.437 or by a child welfare agency who is working with a child or an expectant
12 mother of an unborn child under contract with or under the supervision of the
13 department in a county having a population of 500,000 or more or a county
14 department under s. 46.22.

15 **SECTION 1100.** 48.981 (3m) of the statutes is created to read:

16 48.981 **(3m)** ALTERNATIVE RESPONSE PILOT PROGRAM. (a) In this subsection,
17 “substantial abuse or neglect” means abuse or neglect or threatened abuse or neglect
18 that under the guidelines developed by the department under par. (b) constitutes
19 severe abuse or neglect or a threat of severe abuse or neglect and a significant threat
20 to the safety of a child and his or her family.

21 (b) The department shall establish a pilot program under which a county
22 department that is selected to participate in the pilot program may employ
23 alternative responses to a report of abuse or neglect or of threatened abuse or neglect.
24 The department shall select county departments to participate in the pilot program
25 in accordance with the department’s request-for-proposal procedures and according

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1 to criteria developed by the department. Those criteria shall include an assessment
2 of a county department's plan for involving the community in providing services for
3 a family that is participating in the pilot program and a determination whether a
4 county department has an agreement with local law enforcement agencies and the
5 representative of the public under s. 48.09 to ensure interagency cooperation in
6 implementing the pilot program. To implement the pilot program, the department
7 shall provide all of the following:

8 1. Guidelines for determining the appropriate alternative response to a report
9 of abuse or neglect or of threatened abuse or neglect, including guidelines for
10 determining what types of abuse or neglect or threatened abuse or neglect constitute
11 substantial abuse or neglect. The department need not promulgate those guidelines
12 as rules under ch. 227.

13 2. Training and technical assistance for a county department that is selected
14 to participate in the pilot program.

15 (c) Immediately after receiving a report under sub. (3) (a), a county department
16 that is participating in the pilot program shall evaluate the report to determine the
17 most appropriate alternative response under subds. 1. to 3. to the report. Based on
18 that evaluation, the county department shall respond to the report as follows:

19 1. If the county department determines that there is reason to suspect that
20 substantial abuse or neglect has occurred or is likely to occur or that an investigation
21 under sub. (3) is otherwise necessary to ensure the safety of the child and his or her
22 family, the county department shall investigate the report as provided in sub. (3).
23 If in conducting that investigation the county department determines that it is not
24 necessary for the safety of the child and his or her family to complete the
25 investigation, the county department may terminate the investigation and conduct

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1 an assessment under subd. 2. If the county department terminates an investigation,
2 the county department shall document the reasons for terminating the investigation
3 and notify any law enforcement agency that is cooperating in the investigation.

4 2. a. If the county department determines that there is reason to suspect that
5 abuse or neglect, other than substantial abuse or neglect, has occurred or is likely
6 to occur, but that under the guidelines developed by the department under par. (b)
7 there is no immediate threat to the safety of the child and his or her family and court
8 intervention is not necessary, the county department shall conduct a comprehensive
9 assessment of the safety of the child and his or her family, the risk of subsequent
10 abuse or neglect, and the strengths and needs of the child's family to determine
11 whether services are needed to address those issues assessed and, based on the
12 assessment, shall offer to provide appropriate services to the child's family on a
13 voluntary basis or refer the child's family to a service provider in the community for
14 the provision of those services.

15 b. If the county department employs the assessment response under subd. 2.
16 a., the county department is not required to refer the report to the sheriff or police
17 department under sub. (3) (a) 3. or determine by a preponderance of the evidence
18 under sub. (3) (c) 4. that abuse or neglect has occurred or is likely to occur or that a
19 specific person has abused or neglected the child. If in conducting the assessment
20 the county department determines that there is reason to suspect that substantial
21 abuse or neglect has occurred or is likely to occur or that an investigation under sub.
22 (3) is otherwise necessary to ensure the safety of the child and his or her family, the
23 county department shall immediately commence an investigation under sub. (3).

24 3. If the county department determines that there is no reason to suspect that
25 abuse or neglect has occurred or is likely to occur, the county department shall refer

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1 the child's family to a service provider in the community for the provision of
2 appropriate services on a voluntary basis. If the county department employs the
3 community services response under this subdivision, the county department is not
4 required to conduct an assessment under subd. 2., refer the report to the sheriff or
5 police department under sub. (3) (a) 3., or determine by a preponderance of the
6 evidence under sub. (3) (c) 4. that abuse or neglect has occurred or is likely to occur
7 or that a specific person has abused or neglected the child.

8 (d) The department shall conduct an evaluation of the pilot program and, by
9 July 1, 2012, shall submit a report of that evaluation to the governor and to the
10 appropriate standing committees of the legislature under s. 13.172 (3). The
11 evaluation shall assess the issues encountered in implementing the pilot program
12 and the overall operations of the pilot program, include specific measurements of the
13 effectiveness of the pilot program, and make recommendations to improve that
14 effectiveness. Those specific measurements shall include all of the following:

15 1. The turnover rate of the county department caseworkers providing services
16 under the pilot program.

17 2. The number of families referred for each type of response specified in par.
18 (c) 1. to 3.

19 3. The number of families that accepted, and the number of families that
20 declined to accept, services offered under par. (c) 2. and 3.

21 4. The effectiveness of the evaluation under par. (c) (intro.) in determining the
22 appropriate response under par. (c) 1. to 3.

23 5. The impact of the pilot program on the number of out-of-home placements
24 of children by the county departments participating in the pilot program.

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1 6. The availability of services to address the issues of child and family safety,
2 risk of subsequent abuse or neglect, and family strengths and needs in the
3 communities served under the pilot project.

4 **SECTION 1101.** 48.981 (7) (a) 4. of the statutes is amended to read:

5 48.981 **(7)** (a) 4. A child's foster parent, ~~treatment foster parent~~ or other person
6 having physical custody of the child or a person having physical custody of the
7 expectant mother of an unborn child, except that the person or agency maintaining
8 the record or report may not disclose any information that would identify the
9 reporter.

10 **SECTION 1102.** 48.983 (1) (b) 1. c. of the statutes is amended to read:

11 48.983 **(1)** (b) 1. c. A family that includes a person who has contacted a county
12 department or an Indian tribe that has been awarded a grant under this section or,
13 in a county having a population of 500,000 or more that has been awarded a grant
14 under this section, the department or a licensed child welfare agency under contract
15 with the department requesting assistance to prevent poor birth outcomes or abuse
16 or neglect of a child in the person's family and with respect to which an individual
17 responding to the request has determined that all of the conditions in subd. 2. exist.

18 **SECTION 1103.** 48.983 (1) (b) 2. a. of the statutes is amended to read:

19 48.983 **(1)** (b) 2. a. There is a substantial risk of poor birth outcomes or future
20 abuse or neglect of a child in the family if assistance is not provided.

21 **SECTION 1104.** 48.983 (1) (i) of the statutes is repealed.

22 **SECTION 1105.** 48.983 (1) (j) of the statutes is repealed.

23 **SECTION 1106.** 48.983 (2) of the statutes is amended to read:

24 48.983 **(2)** FUNDS PROVIDED. If a county or Indian tribe applies and is selected
25 by the department under sub. (5) to participate in the program under this section,

ASSEMBLY BILL 75**SECTION 1106**

1 the department shall award, from the appropriation under s. 20.437 (2) ~~(1)~~ (ab), a
2 grant annually to be used only for the purposes specified in sub. (4) (a) and (am). The
3 minimum amount of a grant is \$10,000. The county or Indian tribe shall agree to
4 match at least 25 percent of the grant money annually in funds or in-kind
5 contributions. The department shall determine the amount of a grant awarded to
6 a county, ~~other than a county with a population of 500,000 or more,~~ or Indian tribe
7 in excess of the minimum amount based on the need of the county or Indian tribe for
8 a grant, as determined by a formula that the department shall promulgate by rule.
9 That formula shall determine that need based on the number of births that are
10 funded by ~~medical assistance~~ Medical Assistance under subch. IV of ch. 49 in that
11 county or the reservation of that Indian tribe ~~in proportion to the number of births~~
12 ~~that are funded by medical assistance under subch. IV of ch. 49 in all of the counties~~
13 ~~and the reservations of all of the Indian tribes to which grants are awarded under~~
14 ~~this section.~~ The department shall determine the amount of a grant awarded to a
15 county with a population of 500,000 or more in excess of the minimum amount based
16 on ~~60% of the number of births that are funded by medical assistance under subch.~~
17 ~~IV of ch. 49 in that county in proportion to the number of births that are funded by~~
18 ~~medical assistance under subch. IV of ch. 49 in all of the counties and the~~
19 ~~reservations of all of the Indian tribes to which grants are awarded under this section~~
20 and on the rate of poor birth outcomes, including infant mortality, premature births,
21 low birth weights, and racial or ethnic disproportionality in the rates of those
22 outcomes, in that county or the reservation of that Indian tribe.

23 **SECTION 1107.** 48.983 (3) (title) of the statutes is repealed.

24 **SECTION 1108.** 48.983 (3) (a) of the statutes is repealed.

ASSEMBLY BILL 75**SECTION 1109**

1 **SECTION 1109.** 48.983 (3) (b) of the statutes is renumbered 48.983 (3) and
2 amended to read:

3 48.983 **(3)** JOINT APPLICATION PERMITTED. Two or more counties and Indian tribes
4 may submit a joint application to the department. ~~Each county or Indian tribe in a~~
5 ~~joint application shall be counted as a separate county or Indian tribe for the purpose~~
6 ~~of limiting the number of counties and Indian tribes selected in each state fiscal~~
7 ~~biennium.~~

8 **SECTION 1110.** 48.983 (4) (a) 4m. of the statutes is amended to read:

9 48.983 **(4)** (a) 4m. ~~Other than in a county with a population of 500,000 or more,~~
10 ~~to~~ To reimburse a case management provider under s. 49.45 (25) (b) for the amount
11 of the allowable charges under the ~~medical assistance~~ Medical Assistance program
12 that is not provided by the federal government for case management services
13 provided to a ~~medical assistance~~ Medical Assistance beneficiary described in s. 49.45
14 (25) (am) 9. who is a child and who is a member of a family that receives home
15 visitation program services under par. (b) 1.

16 **SECTION 1111.** 48.983 (4) (b) 1. of the statutes is amended to read:

17 48.983 **(4)** (b) 1. A county, ~~other than a county with a population of 500,000 or~~
18 ~~more,~~ or an Indian tribe that is selected to participate in the program under this
19 section shall ~~select persons who are first-time parents and~~ offer all pregnant women
20 in the county or the reservation of the Indian tribe who are eligible for ~~medical~~
21 ~~assistance~~ Medical Assistance under subch. IV of ch. 49 and shall offer each of those
22 persons an opportunity to undergo an assessment through use of a risk assessment
23 instrument to determine whether the ~~parent person assessed~~ parent person assessed presents risk factors
24 for poor birth outcomes or for perpetrating child abuse or neglect. Persons who are
25 selected and who agree to be assessed shall be assessed during the prenatal period,

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1 if possible, or as close to the time of the child's birth as possible. The risk assessment
2 instrument shall be developed by the department and shall be based on risk
3 assessment instruments developed by the department for similar programs that are
4 in operation. The department need not promulgate as rules under ch. 227 the risk
5 assessment instrument developed under this subdivision. A person who is assessed
6 to be at risk of poor birth outcomes or of abusing or neglecting his or her child shall
7 be offered home visitation program services that shall commence during the prenatal
8 period. Home visitation program services may be provided to a family with a child
9 identified as being at risk of child abuse or neglect until the identified child reaches
10 3 years of age. If a family has been receiving home visitation program services
11 continuously for not less than 12 months, those services may continue to be provided
12 to the family until the identified child reaches 3 years of age, regardless of whether
13 the child continues to be eligible for Medical Assistance under subch. IV of ch. 49.
14 If risk factors for child abuse or neglect with respect to the identified child continue
15 to be present when the child reaches 3 years of age, home visitation program services
16 may be provided until the identified child reaches 5 years of age. Home visitation
17 program services may not be provided to a person unless the person gives his or her
18 written informed consent to receiving those services or, if the person is a child, unless
19 the child's parent, guardian or legal custodian gives his or her written informed
20 consent for the child to receive those services.

21 **SECTION 1112.** 48.983 (4) (b) 2. of the statutes is repealed.

22 **SECTION 1113.** 48.983 (4) (b) 3. of the statutes is amended to read:

23 48.983 **(4)** (b) 3. A county or Indian tribe that is providing home visitation
24 program services under subd. 1. ~~or 2.~~ shall provide to a person receiving those

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1 services the information relating to shaken baby syndrome and impacted babies
2 required under s. 253.15 (6).

3 **SECTION 1114.** 48.983 (5) of the statutes is amended to read:

4 48.983 (5) SELECTION OF COUNTIES AND INDIAN TRIBES. The department shall
5 provide competitive application procedures for selecting counties and Indian tribes
6 for participation in the program under this section. The department shall establish
7 a method for ranking applicants for selection based on the quality of their
8 applications. In ranking the applications submitted by counties, the department
9 shall give favorable consideration to a county that has indicated under sub. (6) (d)
10 2. that it is willing to use a portion of any moneys distributed to the county under s.
11 48.565 (2) (a) to provide case management services to a ~~medical assistance~~ Medical
12 Assistance beneficiary under s. 49.45 (25) (am) 9. who is a case or who is a member
13 of a family that is a case and that has explained under sub. (6) (d) 2. how the county
14 plans to use that portion of those moneys to promote the provision of those services
15 for the case by using a wraparound process so as to provide those services in a
16 flexible, comprehensive and individualized manner in order to reduce the necessity
17 for court-ordered services. The department shall also provide application
18 requirements and procedures for the renewal of a grant awarded under this section.
19 The application procedures and the renewal application requirements and
20 procedures shall be clear and understandable to the applicants. The department
21 need not promulgate as rules under ch. 227 the application procedures, the renewal
22 application requirements or procedures, or the method for ranking applicants
23 established under this subsection.

24 **SECTION 1115.** 48.983 (6) (a) (intro.) of the statutes is amended to read:

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1 48.983 (6) (a) *Home visitation program criteria.* (intro.) The part of an
2 application, other than a renewal application, submitted by a county, ~~other than a~~
3 ~~county with a population of 500,000 or more,~~ or an Indian tribe that relates to home
4 visitation programs shall include all of the following:

5 **SECTION 1116.** 48.983 (6) (a) 1. of the statutes is amended to read:

6 48.983 (6) (a) 1. Information on how the applicant's home visitation program
7 is comprehensive and incorporates practice standards that have been developed for
8 home visitation programs by entities concerned with the prevention of poor birth
9 outcomes and child abuse and neglect and that are acceptable to the department.

10 **SECTION 1117.** 48.983 (6) (a) 2. of the statutes is amended to read:

11 48.983 (6) (a) 2. Documentation that the application was developed through
12 collaboration among public and private organizations that provide services to
13 children and families, especially children who are at risk of child abuse or neglect and
14 families that are at risk of poor birth outcomes, or that are otherwise interested in
15 child welfare and a description of how that collaboration effort will support a
16 comprehensive home visitation program.

17 **SECTION 1118.** 48.983 (6) (a) 3. of the statutes is amended to read:

18 48.983 (6) (a) 3. An identification of existing poor birth outcome and child abuse
19 and neglect prevention services that are available to residents of the county or
20 reservation of the Indian tribe and a description of how those services and any
21 additional needed services will support a comprehensive home visitation program.

22 **SECTION 1119.** 48.983 (6) (a) 4. of the statutes is amended to read:

23 48.983 (6) (a) 4. An explanation of how the home visitation program will build
24 on existing poor birth outcome and child abuse and neglect prevention programs,

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1 including programs that provide support to families, and how the home visitation
2 program will coordinate with those programs.

3 **SECTION 1120.** 48.983 (6) (a) 5. of the statutes is created to read:

4 48.983 **(6)** (a) 5. An explanation of how the applicant, in collaboration with local
5 prenatal care coordination providers, will implement strategies aimed at achieving
6 healthy birth outcomes, as determined by performance measures prescribed by the
7 department of health services, in the county or reservation of the Indian tribe.

8 **SECTION 1121.** 48.983 (6) (b) 1. of the statutes is amended to read:

9 48.983 **(6)** (b) 1. ‘Flexible fund for home visitation programs.’ The applicant
10 demonstrates in the application that the applicant has established, or has plans to
11 establish, if selected, a fund from which payments totaling not ~~more than \$1,000~~ less
12 than \$250 per calendar year may be made for appropriate expenses of each family
13 that is participating in the home visitation program under sub. (4) (b) 1. or that is
14 receiving home visitation services under s. 49.45 (44). The payments shall be
15 authorized by an individual designated by the applicant. If an applicant makes a
16 payment to or on behalf of a family under this subdivision, one-half of the payment
17 shall be from grant moneys received under this section and one-half of the payment
18 shall be from moneys provided by the applicant from sources other than grant
19 moneys received under this section.

20 **SECTION 1122.** 48.983 (6) (b) 2. of the statutes is amended to read:

21 48.983 **(6)** (b) 2. ‘Flexible fund for cases.’ The applicant demonstrates in the
22 grant application that the applicant has established, or has plans to establish, if
23 selected, a fund from which payments totaling not ~~more than \$500~~ less than \$250 for
24 each case may be made for appropriate expenses related to the case. The payments
25 shall be authorized by an individual designated by the applicant. If an applicant

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1 makes a payment to or on behalf of a person under this subdivision, one-half of the
2 payment shall be from grant moneys received under this section and one-half of the
3 payment shall be from moneys provided by the applicant from sources other than
4 grant moneys received under this section. The applicant shall demonstrate in the
5 grant application that it has established, or has plans to establish, if selected,
6 procedures to encourage, when appropriate, a person to whom or on whose behalf
7 payments are made under this subdivision to make a contribution to the fund
8 described in this subdivision up to the amount of payments made to or on behalf of
9 the person when the person's financial situation permits such a contribution.

10 **SECTION 1123.** 48.983 (6) (c) of the statutes is amended to read:

11 48.983 **(6)** (c) *Case management benefit.* The applicant, ~~other than a county~~
12 ~~with a population of 500,000 or more,~~ states in the grant application that it has
13 elected, or, if selected, that it will elect, under s. 49.45 (25) (b), to make the case
14 management benefit under s. 49.45 (25) available to the category of beneficiaries
15 under s. 49.45 (25) (am) 9. who are children and who are members of families
16 receiving home visitation program services under sub. (4) (b) 1.

17 **SECTION 1124.** 48.983 (6) (d) 2. of the statutes is amended to read:

18 48.983 **(6)** (d) 2. The applicant indicates in the grant application whether the
19 applicant is willing to use a portion of any moneys distributed to the applicant under
20 s. 48.565 (2) (a) to provide case management services to a ~~medical assistance~~ Medical
21 Assistance beneficiary under s. 49.45 (25) (am) 9. who is a case or who is a member
22 of a family that is a case. If the applicant is so willing, the applicant shall explain
23 how the applicant plans to use that portion of those moneys to promote the provision
24 of those services for the case by using a wraparound process so as to provide those

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1 services in a flexible, comprehensive and individualized manner in order to reduce
2 the necessity for court-ordered services.

3 **SECTION 1125.** 48.983 (6) (f) of the statutes is created to read:

4 48.983 **(6)** (f) *Reinvestment of Medical Assistance reimbursement.* The
5 applicant agrees to reinvest in the program under this section a portion of the
6 reimbursement received by the applicant under the Medical Assistance program
7 under subch. IV of ch. 49. The department and the applicant shall negotiate the
8 amount of that reinvestment based on the applicant's administrative costs for billing
9 the Medical Assistance program for reimbursement for services provided under this
10 section and the ratio of Medical Assistance reimbursement received for those
11 services to the amount billed to the Medical Assistance program for those services.

12 **SECTION 1126.** 48.983 (6g) (a) of the statutes is amended to read:

13 48.983 **(6g)** (a) Except as permitted or required under s. 48.981 (2), no person
14 may use or disclose any information concerning any individual who is selected for an
15 assessment under sub. (4) (b), including an individual who declines to undergo the
16 assessment, or concerning any individual who is offered services under a home
17 visitation program funded under this section, including an individual who declines
18 to receive those services, unless the use or disclosure is connected with the
19 administration of the home visitation program or the administration of the ~~medical~~
20 ~~assistance~~ Medical Assistance program under ss. 49.43 to 49.497 or unless the
21 individual has given his or her written informed consent to the use or disclosure.

22 **SECTION 1127.** 48.983 (7) (a) 1. of the statutes is amended to read:

23 48.983 **(7)** (a) 1. The number of poor birth outcomes and substantiated reports
24 of child abuse and neglect.

25 **SECTION 1128.** 48.986 (4) of the statutes is amended to read:

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1 48.986 **(4)** A county may use the funds distributed under this section to fund
2 additional foster parents, ~~treatment foster parents~~, and subsidized guardians or
3 interim caretakers to care for abused and neglected children and to fund additional
4 staff positions to provide services related to child abuse and neglect and to unborn
5 child abuse.

6 **SECTION 1129.** 49.001 (5p) of the statutes is amended to read:

7 49.001 **(5p)** “Relief block grant” means a block grant awarded to a county or
8 tribal governing body under s. 49.025, 2009 stats., s. 49.027 or, 2009 stats., or s.
9 49.029, 2009 stats.

10 **SECTION 1130.** 49.001 (7) of the statutes is repealed.

11 **SECTION 1131.** 49.002 of the statutes is repealed.

12 **SECTION 1132.** 49.01 of the statutes is repealed.

13 **SECTION 1133.** 49.015 of the statutes is repealed.

14 **SECTION 1134.** 49.02 of the statutes is repealed.

15 **SECTION 1135.** 49.025 of the statutes is repealed.

16 **SECTION 1136.** 49.027 of the statutes is repealed.

17 **SECTION 1137.** 49.029 of the statutes is repealed.

18 **SECTION 1138.** 49.031 of the statutes is repealed.

19 **SECTION 1139.** 49.136 (1) (m) of the statutes is amended to read:

20 49.136 **(1)** (m) “Parent” means a parent, guardian, foster parent, ~~treatment~~
21 ~~foster parent~~, legal custodian, or a person acting in the place of a parent.

22 **SECTION 1140.** 49.138 (1m) (intro.) of the statutes is amended to read:

23 49.138 **(1m)** (intro.) The department shall implement a program of emergency
24 assistance to needy persons in cases of fire, flood, natural disaster, homelessness or
25 impending homelessness, or energy crisis. The department shall establish the

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1 ~~maximum~~ amount of aid to be granted, ~~except for cases of energy crisis, per family~~
2 ~~member based on the funding available under s. 20.437 (2) (dz) and (md).~~ The
3 department need not establish the ~~maximum~~ amount by rule under ch. 227. The
4 department shall publish the maximum amount and annual changes to it amounts
5 in the Wisconsin administrative register if the department does not establish the
6 amounts by rule. Emergency assistance provided to needy persons under this section
7 may only be provided to a needy person once in a 12-month period. Emergency
8 assistance provided to needy persons under this section in cases of homelessness or
9 impending homelessness may be used only to obtain or retain a permanent living
10 accommodation. For the purposes of this section, a family is considered to be
11 homeless, or to be facing impending homelessness, if any of the following applies:

12 **SECTION 1141.** 49.141 (1) (s) of the statutes is amended to read:

13 49.141 **(1)** (s) “Wisconsin ~~works~~ Works group” means an individual who is a
14 custodial parent, all dependent children with respect to whom the individual is a
15 custodial parent, and all dependent children with respect to whom the individual’s
16 dependent child is a custodial parent. “Wisconsin ~~works~~ Works group” includes any
17 nonmarital coparent or any spouse of the individual who resides in the same
18 household as the individual and any dependent children with respect to whom the
19 spouse or nonmarital coparent is a custodial parent. ~~“Wisconsin works group” does~~
20 ~~not include any person who is receiving benefits under s. 49.027 (3) (b).~~

21 **SECTION 1142.** 49.143 (2) (a) of the statutes is repealed.

22 **SECTION 1143.** 49.143 (2) (am) of the statutes is created to read:

23 49.143 **(2)** (am) Provide information and services aimed at connecting
24 Wisconsin Works applicants and participants with their communities and the
25 resources available, including job creation, employer and job connections,

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1 mentorships, child care services and providers, the local workforce investment
2 board, charitable food and clothing centers, subsidized and low-income housing, and
3 transportation subsidies. The contract shall include a description of the information
4 and services the Wisconsin Works agency will provide in fulfillment of the
5 requirement under this paragraph and how the the information and services will be
6 provided to applicants and participants.

7 **SECTION 1144.** 49.143 (2) (b) of the statutes is amended to read:

8 49.143 (2) (b) Establish a children's services network. The children's services
9 network shall provide information about community resources available to the
10 dependent children in a Wisconsin works group, including charitable food and
11 clothing centers; subsidized and low-income housing; transportation subsidies; the
12 state supplemental food program for women, infants and children under s. 49.17
13 253.06; and child care programs. In a county having a population of 500,000 or more,
14 a children's services network shall, in addition, provide a forum for those persons
15 who are interested in the delivery of child welfare services and other services to
16 children and families in the geographical area under sub. (6) served by that
17 children's services network to communicate with and make recommendations to the
18 providers of those services in that geographical area with respect to the delivery of
19 those services in that area.

20 **SECTION 1145.** 49.143 (2) (b) of the statutes, as affected by 2009 Wisconsin Act
21 (this act), is repealed.

22 **SECTION 1146.** 49.143 (2) (bm) of the statutes is created to read:

23 49.143 (2) (bm) Provide information and services aimed at connecting youth
24 and their parents with schools, career development services, and workforce
25 development programs, including the Youth Apprenticeship Program under s.

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1 106.13 and the Wisconsin Covenant Scholars Program under s. 39.437. The contract
2 shall include a description of the information and services the Wisconsin Works
3 agency will provide in fulfillment of the requirement under this paragraph and how
4 the information and services will be provided to applicants and participants.

5 **SECTION 1147.** 49.143 (2) (em) of the statutes is amended to read:

6 49.143 **(2)** (em) Determine eligibility for and administer child care assistance
7 under s. 49.155 and ~~refer eligible families to county departments under s. 46.215,~~
8 ~~46.22 or 46.23 for child care services, if the department contracts with the Wisconsin~~
9 ~~Works agency to do so.~~

10 **SECTION 1148.** 49.143 (2m) (intro.) of the statutes is amended to read:

11 49.143 **(2m)** NUTRITION OUTREACH. (intro.) A Wisconsin works Works agency
12 may establish a nutrition outreach program ~~with the community steering committee~~
13 ~~established under sub. (2) (a). The Wisconsin works agency and community steering~~
14 ~~committee~~ and may coordinate with local food pantries and food banks and other
15 interested parties to increase the supply of food available. Under the outreach
16 program, the Wisconsin ~~works~~ Works agency may do anything that it determines
17 would best effect the desired outcome of the program, including any of the following:

18 **SECTION 1149.** 49.143 (2m) (f) (intro.) of the statutes is amended to read:

19 49.143 **(2m)** (f) (intro.) Establish a ~~subcommittee of the community steering~~
20 ~~committee that includes qualified aliens and that may do any of the following:~~

21 **SECTION 1150.** 49.145 (2) (n) 1. (intro.) of the statutes is amended to read:

22 49.145 **(2)** (n) 1. (intro.) Except as provided in subd. 4., ~~beginning on the date~~
23 ~~on which the individual has attained the age of 18,~~ the total number of months in
24 which the individual or any adult member of the individual's Wisconsin ~~works~~ Works
25 group has ~~participated in, or has received benefits under,~~ received assistance under

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1 any of the following or any combination of the following does not exceed ~~60 months~~
2 the federal time limit established under 42 USC 608 (a) (7), whether or not
3 consecutive:

4 **SECTION 1151.** 49.145 (2) (n) 1. a. of the statutes is amended to read:

5 49.145 **(2)** (n) 1. a. The job opportunities and basic skills program under s.
6 49.193, 1997 stats. Active participation on or after October 1, 1996, in the job
7 opportunities and basic skills program counts toward the ~~60-month~~ time limit.

8 **SECTION 1152.** 49.145 (2) (n) 2. of the statutes is repealed.

9 **SECTION 1153.** 49.145 (2) (n) 4. (intro.) of the statutes is amended to read:

10 49.145 **(2)** (n) 4. (intro.) In calculating the number of months under ~~subds. subd.~~
11 1. and 2., a Wisconsin works Works agency shall exclude, to the extent permitted
12 under federal law, any month during which any adult in the Wisconsin works Works
13 group participated in any activity listed under subd. 1. a. to c. while living on a
14 federally recognized American Indian reservation, in an Alaskan Native village or,
15 in Indian country, as defined in 18 USC 1151, occupied by an Indian tribe, if, during
16 that month, all of the following applied:

17 **SECTION 1154.** 49.145 (2) (s) of the statutes is amended to read:

18 49.145 **(2)** (s) The individual assigns to the state any right of the individual or
19 of any dependent child of the individual to support or maintenance from any other
20 person, including any right to amounts accruing during the time that any Wisconsin
21 Works benefit is paid to the individual. If a minor who is a beneficiary of any
22 Wisconsin Works benefit is also the beneficiary of support under a judgment or order
23 that includes support for one or more children not receiving a benefit under
24 Wisconsin Works, any support payment made under the judgment or order is
25 assigned to the state during the period that the minor is a beneficiary of the

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1 Wisconsin Works benefit in the amount that is the proportionate share of the minor
2 receiving the benefit under Wisconsin Works, except as otherwise ordered by the
3 court on the motion of a party. Amounts assigned to the state under this paragraph
4 remain assigned to the state until the amount due to the federal government has
5 been recovered. No amount of support that begins to accrue after the individual
6 ceases to receive benefits under Wisconsin Works may be considered assigned to this
7 state. Except as provided in s. 49.1455, ~~any money that is~~ 75 percent of all money
8 received by the department in a month under an assignment to the state under this
9 paragraph for an individual applying for or participating in Wisconsin Works ~~and~~
10 ~~that is not the federal share of support~~ shall be paid to the individual applying for
11 or participating in Wisconsin Works. The department shall pay the federal share of
12 support assigned under this paragraph as required under federal law or waiver.

13 **SECTION 1155.** 49.145 (2) (s) of the statutes, as affected by 2009 Wisconsin Act
14 (this act), is amended to read:

15 49.145 **(2)** (s) The individual assigns to the state any right of the individual or
16 of any dependent child of the individual to support or maintenance from any other
17 person, ~~including any right to amounts accruing during the time that any~~ assistance,
18 as defined in 45 CFR 260.31, under Wisconsin Works benefit is paid to the individual.
19 If a minor who is a beneficiary of any assistance under Wisconsin Works benefit is
20 also the beneficiary of support under a judgment or order that includes support for
21 one or more children not receiving ~~a benefit under Wisconsin Works~~ that assistance,
22 any support payment made under the judgment or order is assigned to the state
23 during the period that the minor is a beneficiary of ~~the Wisconsin Works benefit~~ that
24 assistance in the amount that is the proportionate share of the minor receiving the
25 ~~benefit under Wisconsin Works~~ assistance, except as otherwise ordered by the court

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1 on the motion of a party. Amounts assigned to the state under this paragraph remain
2 assigned to the state until the amount due to the federal government has been
3 recovered. No amount of support that begins to accrue after the individual ceases
4 to receive ~~benefits~~ assistance under Wisconsin Works may be considered assigned to
5 this state. Except as provided in s. 49.1455, 75 percent of all money received by the
6 department in a month under an assignment to the state under this paragraph for
7 an individual applying for or participating in Wisconsin Works shall be paid to the
8 individual applying for or participating in Wisconsin Works. The department shall
9 pay the federal share of support assigned under this paragraph as required under
10 federal law or waiver.

11 **SECTION 1156.** 49.1452 of the statutes is created to read:

12 **49.1452 Payment of support arrears.** If an individual who formerly
13 participated in, but is no longer participating in, Wisconsin Works assigned to the
14 state under s. 49.145 (2) (s) his or her right or the right of any dependent child of the
15 individual to support or maintenance from any other person, the department shall
16 pay to the individual all money in support or maintenance arrears that is collected
17 by the department after the individual's participation ceased and that accrued while
18 the individual was participating in Wisconsin Works.

19 **SECTION 1157.** 49.147 (3) (c) of the statutes is repealed.

20 **SECTION 1158.** 49.147 (4) (as) of the statutes is amended to read:

21 49.147 **(4)** (as) *Required hours.* Except as provided in pars. (at) and (av) and
22 sub. (5m), a Wisconsin ~~works~~ Works agency shall require a participant placed in a
23 community service job program to work in a community service job for the number
24 of hours determined by the Wisconsin ~~works~~ Works agency to be appropriate for the
25 participant at the time of application or review, ~~but not to exceed 30 hours per week.~~

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1 ~~Except as provided in pars. (at) and (av), a Wisconsin works agency may require a~~
2 ~~participant placed in the community service job program to participate in education~~
3 ~~or training activities for not more than 10 hours per week~~ except that the Wisconsin
4 Works agency may not require a participant under this subsection to spend more
5 than 40 hours per week in combined activities under this subsection.

6 **SECTION 1159.** 49.147 (4) (at) of the statutes is amended to read:

7 49.147 **(4)** (at) *Motivational training.* A Wisconsin ~~works~~ Works agency may
8 require a participant, during the first 2 weeks of participation under this subsection,
9 to participate in an assessment and motivational training program ~~identified by the~~
10 ~~community steering committee under s. 49.143 (2) (a) 10.~~ The Wisconsin ~~works~~
11 Works agency may require not more than 40 hours of participation per week under
12 this paragraph in lieu of the participation requirement under par. (as).

13 **SECTION 1160.** 49.147 (4) (av) of the statutes is amended to read:

14 49.147 **(4)** (av) *Education for 18-year-old and 19-year-old students.* A
15 Wisconsin ~~works~~ Works agency shall permit a participant under this subsection who
16 has not attained the age of 20 and who has not obtained a high school diploma or a
17 declaration of equivalency of high school graduation to attend high school or, at the
18 option of the participant, to enroll in a course of study meeting the standards
19 established under s. 115.29 (4) for the granting of a declaration of equivalency of high
20 school graduation to satisfy, in whole or in part, the ~~required hours of participation~~
21 requirement under par. (as).

22 **SECTION 1161.** 49.147 (4) (b) of the statutes is repealed.

23 **SECTION 1162.** 49.147 (5) (b) 1. (intro.) of the statutes is renumbered 49.147 (5)
24 (b) (intro.).

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SECTION 1163. 49.147 (5) (b) 1. a. of the statutes is renumbered 49.147 (5) (b)

1m.

SECTION 1164. 49.147 (5) (b) 1. c. of the statutes is renumbered 49.147 (5) (b)

2m.

SECTION 1165. 49.147 (5) (b) 1. d. of the statutes is renumbered 49.147 (5) (b)

3.

SECTION 1166. 49.147 (5) (b) 1. e. of the statutes is renumbered 49.147 (5) (b)

4.

SECTION 1167. 49.147 (5) (b) 2. of the statutes is repealed.

SECTION 1168. 49.147 (5) (bs) of the statutes is amended to read:

49.147 (5) (bs) *Required hours.* Except as provided in par. (bt) and sub. (5m),

a Wisconsin works Works agency may require a participant placed in a transitional

placement to engage in activities under par. (b) 1. ~~for up to 28 hours per week. Except~~

~~as provided in sub. (5m), a Wisconsin works agency may require a participant placed~~

~~in a transitional placement to participate in education or training activities under~~

~~par. (bm) for not more than 12 hours per week. The Wisconsin Works agency may~~

~~not require a participant under this subsection to spend more than 40 hours per week~~

~~in combined activities under this subsection.~~

SECTION 1169. 49.147 (5) (bt) of the statutes is amended to read:

49.147 (5) (bt) *Motivational training.* A Wisconsin works Works agency may

require a participant, during the first 2 weeks of participation under this subsection,

to participate in an assessment and motivational training program ~~identified by the~~

~~community steering committee under s. 49.143 (2) (a) 10.~~ The Wisconsin works

Works agency may require not more than 40 hours of participation per week under

this paragraph in lieu of the participation requirement under par. (bs).

ASSEMBLY BILL 75**SECTION 1170**

1 **SECTION 1170.** 49.147 (5m) (a) (intro.) of the statutes is amended to read:

2 49.147 **(5m)** (a) (intro.) To the extent permitted under 42 USC 607, and except
3 as provided in par. (bL), a participant under sub. (4) (b) or (5) may participate in a
4 technical college education program as part of a community service job placement or
5 transitional placement if all of the following requirements are met:

6 **SECTION 1171.** 49.147 (5m) (a) 1. of the statutes is amended to read:

7 49.147 **(5m)** (a) 1. The Wisconsin ~~works~~ Works agency, ~~in consultation with the~~
8 ~~community steering committee established under s. 49.143 (2) (a) and the technical~~
9 ~~college district board,~~ determines that the technical college education program is
10 likely to lead to employment.

11 **SECTION 1172.** 49.147 (5m) (c) of the statutes is amended to read:

12 49.147 **(5m)** (c) The Wisconsin ~~works~~ Works agency shall ~~work with the~~
13 ~~community steering committee established under s. 49.143 (2) (a) and the technical~~
14 ~~college district board to~~ monitor the participant's progress in the technical college
15 education program and the effectiveness of the program in leading to employment.

16 **SECTION 1173.** 49.148 (1) (c) of the statutes is amended to read:

17 49.148 **(1)** (c) *Transitional placements.* For a participant in a transitional
18 placement under s. 49.147 (5) or in a transitional placement and in technical college
19 education under s. 49.147 (5m), a grant of \$628, paid monthly by the Wisconsin ~~works~~
20 Works agency. For every hour that the participant fails to participate in any required
21 activity without good cause, including any activity under s. 49.147 (5) (b) 1. ~~a. to e.~~
22 1m. to 4., the grant amount shall be reduced by \$5.15. Good cause shall be
23 determined by the financial and employment planner in accordance with rules
24 promulgated by the department. Good cause shall include required court
25 appearances for a victim of domestic abuse.

ASSEMBLY BILL 75**SECTION 1174**

SECTION 1174. 49.148 (1m) (title) of the statutes is amended to read:

49.148 **(1m)** (title) CUSTODIAL PARENT OF INFANT; UNMARRIED, PREGNANT WOMAN.

SECTION 1175. 49.148 (1m) (a) (intro.) of the statutes is created to read:

49.148 **(1m)** (a) (intro.) Any of the following may receive a monthly grant of \$673:

SECTION 1176. 49.148 (1m) (a) of the statutes is amended to read:

49.148 **(1m)** (a) A custodial parent of a child who is 12 weeks old or less and who meets the eligibility requirements under s. 49.145 (2) and (3) may receive a monthly grant of \$673 unless another adult member of the custodial parent's Wisconsin ~~works~~ Works group is participating in, or is eligible to participate in, a Wisconsin ~~works~~ Works employment position or is employed in unsubsidized employment, as defined in s. 49.147 (1) (c). A Wisconsin ~~works~~ Works agency may not require a participant under this subsection to participate in any employment positions. Receipt of a grant under this subsection does not constitute participation in a Wisconsin ~~works~~ Works employment position for purposes of the time limits limit under s. 49.145 (2) (n) ~~or 49.147 (3) (c), (4) (b) or (5) (b) 2.~~ if the child is born to the participant not more than 10 months after the date that the participant was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin ~~works~~ Works employment position.

SECTION 1177. 49.148 (1m) (a) of the statutes, as affected by 2009 Wisconsin Act (this act), is renumbered 49.148 (1m) (a) 1. a. and amended to read:

49.148 **(1m)** (a) 1. a. ~~A~~ Except as provided in subd. 1. b., a custodial parent of a child 12 weeks old or less who meets the eligibility requirements under s. 49.145 (2) and (3) ~~may receive a monthly grant of \$673,~~ unless another adult member of the custodial parent's Wisconsin Works group is participating in, or is eligible to

ASSEMBLY BILL 75**SECTION 1177**

1 participate in, a Wisconsin Works employment position or is employed in
2 unsubsidized employment, as defined in s. 49.147 (1) (c).

3 (am) A Wisconsin Works agency may not require a participant under this
4 subsection to participate in any employment positions. ~~Receipt of a grant under this~~
5 ~~subsection does not constitute participation in a Wisconsin Works employment~~
6 ~~position for purposes of the time limit under s. 49.145 (2) (n) if the child is born to the~~
7 ~~participant not more than 10 months after the date that the participant was first~~
8 ~~determined to be eligible for assistance under s. 49.19 or for a Wisconsin Works~~
9 ~~employment position.~~

10 **SECTION 1178.** 49.148 (1m) (a) 1. b. of the statutes is created to read:

11 49.148 **(1m)** (a) 1. b. If a custodial parent who meets the eligibility
12 requirements specified in subd. 1. a. participated in Wisconsin Works under s. 49.147
13 (3), (4), or (5) for at least 3 months before receiving a grant under this subsection, the
14 custodial parent may receive the monthly grant under this subsection until the child
15 reaches the age of 26 weeks.

16 **SECTION 1179.** 49.148 (1m) (a) 2. of the statutes is created to read:

17 49.148 **(1m)** (a) 2. An unmarried woman who would be eligible under s. 49.145
18 except that she is not a custodial parent of a dependent child and who is in the 3rd
19 trimester of a pregnancy that is medically verified and that is shown by medical
20 documentation to be at risk and to render the woman unable to participate in the
21 workforce.

22 **SECTION 1180.** 49.148 (1m) (b) of the statutes is amended to read:

23 49.148 **(1m)** (b) Receipt of a grant under this subsection constitutes
24 participation in a Wisconsin works Works employment position for purposes of the
25 time limits under ss. limit under s. 49.145 (2) (n) and ~~49.147 (3) (c), (4) (b) or (5) (b)~~

ASSEMBLY BILL 75**SECTION 1180**

1 ~~2.~~ if the child is born to the participant more than 10 months after the date that the
2 participant was first determined to be eligible for assistance under s. 49.19 or for a
3 Wisconsin ~~works~~ Works employment position unless the child was conceived as a
4 result of a sexual assault in violation of s. 940.225 (1), (2) or (3) in which the mother
5 did not indicate a freely given agreement to have sexual intercourse or of incest in
6 violation of s. 944.06 or 948.06 and that incest or sexual assault has been reported
7 to a physician and to law enforcement authorities.

8 **SECTION 1181.** 49.148 (1m) (b) of the statutes, as affected by 2009 Wisconsin
9 Act (this act), is renumbered 49.148 (1m) (b) 1. and amended to read:

10 49.148 **(1m)** (b) 1. Receipt of a grant under this subsection by a participant
11 under par. (a) 1. a. or b. constitutes participation in a Wisconsin Works employment
12 position for purposes of the time limit under s. 49.145 (2) (n) ~~if the child is born to the~~
13 ~~participant more than 10 months after the date that the participant was first~~
14 ~~determined to be eligible for assistance under s. 49.19 or for a Wisconsin Works~~
15 ~~employment position~~ unless the child was conceived as a result of a sexual assault
16 in violation of s. 940.225 (1), (2), or (3) in which the mother did not indicate a freely
17 given agreement to have sexual intercourse or in violation of s. 948.02 or 948.025 or
18 as a result of incest in violation of s. 944.06 or 948.06 and that incest or sexual assault
19 has been reported to a physician and to law enforcement authorities.

20 **SECTION 1182.** 49.148 (1m) (b) 2. of the statutes is created to read:

21 49.148 **(1m)** (b) 2. Receipt of a grant under this subsection by a participant
22 under par. (a) 2. does not constitute participation in a Wisconsin Works employment
23 position for purposes of the time limit specified in subd. 1.

24 **SECTION 1183.** 49.148 (4) (b) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1183**

1 49.148 **(4)** (b) The Wisconsin ~~works~~ Works agency may require an individual
2 who tests positive for use of a controlled substance under par. (a) to participate in a
3 drug abuse evaluation, assessment, and treatment program as part of the
4 participation requirement under s. 49.147 (4) ~~(as) (a) and (am)~~ or (5) ~~(bs) (b) and (bm)~~.

5 **SECTION 1184.** 49.149 (4) of the statutes is repealed.

6 **SECTION 1185.** 49.151 (1) (intro.) of the statutes is amended to read:

7 49.151 **(1)** REFUSAL TO PARTICIPATE. (intro.) A participant who refuses to
8 participate ~~3 times, as determined under guidelines promulgated under s. 49.1515,~~
9 in any Wisconsin ~~works~~ Works employment position component is ineligible to
10 participate in ~~that component~~ the Wisconsin Works program for 3 months. A
11 participant is also ineligible to participate in ~~that~~ the Wisconsin ~~works~~ employment
12 position component Works program if an individual in the participant's Wisconsin
13 ~~works~~ Works group is subject to the work requirement under s. 49.15 (2) and refuses
14 ~~3 times to participate as required. A participant whom the Wisconsin works agency~~
15 ~~has determined is ineligible under this section for a particular Wisconsin works~~
16 ~~employment position component may be eligible to participate in any other~~
17 ~~Wisconsin works employment position component in which the participant has not~~
18 ~~refused to participate 3 times.~~ A participant or an individual who is subject to the
19 work requirement under s. 49.15 (2) demonstrates a refusal to participate if any of
20 the following applies:

21 **SECTION 1186.** 49.151 (1) (b) of the statutes is amended to read:

22 49.151 **(1)** (b) The participant, or an individual who is in the participant's
23 Wisconsin ~~works~~ Works group and who is subject to the work requirement under s.
24 49.15 (2), fails, without good cause, as determined by the Wisconsin ~~works~~ Works
25 agency, to appear for an interview with a prospective employer or, if the participant

ASSEMBLY BILL 75**SECTION 1186**

1 is in a Wisconsin ~~works~~ Works transitional placement, the participant fails to appear
2 for an assigned activity, including an activity under s. 49.147 (5) (b) ~~1. a. to e. 1m. to~~
3 4., without good cause, as determined by the Wisconsin ~~works~~ Works agency.

4 **SECTION 1187.** 49.1515 of the statutes is created to read:

5 **49.1515 Determining nonparticipation without good cause. (1)**

6 GUIDELINES BY RULE. The department shall by rule specify guidelines for determining
7 when a participant, or individual in the participant's Wisconsin Works group, who
8 engages in a behavior specified in s. 49.151 (1) (a), (b), (c), (d), or (e) is demonstrating
9 a refusal to participate.

10 **(2) ACTIONS BEFORE DETERMINATION.** Before determining under s. 49.151 that
11 a participant is ineligible to participate in the Wisconsin Works program, the
12 Wisconsin Works agency shall do all of the following:

13 (a) Determine whether the failure of the participant or individual to participate
14 is because the participant or individual refuses to participate or is unable to
15 participate.

16 (b) Ensure that the services offered to the participant or individual are
17 appropriate for him or her.

18 (c) Determine whether good cause exists for the failure to participate.

19 **(3) CONCILIATION PERIOD FOR COMPLIANCE.** (a) If a Wisconsin Works agency, in
20 accordance with rules promulgated under sub. (1) and after taking the steps required
21 under sub. (2), determines that a participant or individual has refused to participate
22 without good cause, the Wisconsin Works agency shall allow the participant or
23 individual a conciliation period during which he or she must participate in all
24 assigned activities unless good cause exists that prevents compliance during the
25 conciliation period.

ASSEMBLY BILL 75**SECTION 1187**

1 (b) The department shall by rule establish the length of time for a conciliation
2 period.

3 **SECTION 1188.** 49.153 (1) (a) of the statutes is renumbered 49.153 (1) (bm) and
4 amended to read:

5 49.153 **(1)** (bm) ~~Provide~~ After providing the explanation under par. (am),
6 provide to the participant written notice of the proposed action and of the reasons for
7 the proposed action.

8 **SECTION 1189.** 49.153 (1) (b) of the statutes is renumbered 49.153 (1) (am) and
9 amended to read:

10 49.153 **(1)** (am) ~~After providing written notice, explain~~ Explain to the
11 participant orally in person or by phone, or make reasonable attempts to explain to
12 the participant orally in person or by phone, the proposed action and the reasons for
13 the proposed action.

14 **SECTION 1190.** 49.153 (1) (c) of the statutes is amended to read:

15 49.153 **(1)** (c) ~~After providing the notice under par. (a) and the explanation or~~
16 ~~the attempts to provide an explanation under par. (b), (am) and the notice under par.~~
17 ~~(bm), if the participant has not already been afforded a conciliation period under s.~~
18 49.1515 (3) allow the participant a reasonable time to rectify the deficiency, failure,
19 or other behavior to avoid the proposed action.

20 **SECTION 1191.** 49.155 (1) (ah) of the statutes is created to read:

21 49.155 **(1)** (ah) “County department or agency” means a county department
22 under s. 46.215, 46.22, or 46.23 or a Wisconsin Works agency, child care resource and
23 referral agency, or other agency.

24 **SECTION 1192.** 49.155 (1) (c) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1192**

1 49.155 **(1)** (c) Notwithstanding s. 49.141 (1) (j), “parent” means a custodial
2 parent, guardian, foster parent, ~~treatment foster parent~~, legal custodian, or a person
3 acting in the place of a parent.

4 **SECTION 1193.** 49.155 (1g) (intro.) and (a) (intro.) of the statutes are
5 consolidated, renumbered 49.155 (1g) (intro.) and amended to read:

6 49.155 **(1g)** ~~DISTRIBUTION OF FUNDS~~ CHILD CARE ALLOCATIONS. (intro.) Within the
7 limits of the availability of the federal child care and development block grant funds
8 received under 42 USC 9858, the department shall ~~do all of the following: (a) (intro.)~~
9 ~~Subject to sub. (1j), spend no more than the minimum amount required under 42~~
10 ~~USC 9858 on programs to improve the quality and availability of child care. From~~
11 ~~the appropriations under s. 20.437 (2) (cm), (kx), (mc), and (md), the department~~
12 ~~shall allocate and distribute~~ allocate funding in each fiscal year for all of the
13 following:

14 **SECTION 1194.** 49.155 (1g) (a) 1. of the statutes is renumbered 49.155 (1g) (ac).

15 **SECTION 1195.** 49.155 (1g) (a) 2. of the statutes is renumbered 49.155 (1g) (bc).

16 **SECTION 1196.** 49.155 (1g) (a) 3. of the statutes is renumbered 49.155 (1g) (c)
17 and amended to read:

18 49.155 **(1g)** (c) ~~A transfer to the appropriation account under s. 20.437 (1) (kx)~~
19 ~~for child~~ Child care licensing activities, in the amount of at least ~~\$4,800,600~~
20 \$4,985,360 per fiscal year.

21 **SECTION 1197.** 49.155 (1g) (a) 4. of the statutes is renumbered 49.155 (1g) (d).

22 **SECTION 1198.** 49.155 (1g) (a) 5. of the statutes is renumbered 49.155 (1g) (e).

23 **SECTION 1199.** 49.155 (1g) (a) 6. of the statutes is renumbered 49.155 (1g) (f).

24 **SECTION 1200.** 49.155 (1g) (b) of the statutes is repealed.

25 **SECTION 1201.** 49.155 (1m) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1201**

1 49.155 **(1m)** ELIGIBILITY. (intro.) ~~A Wisconsin works agency shall determine~~
2 eligibility for a ~~The department shall contract with a county department or agency~~
3 to determine the eligibility of individuals residing in a particular geographic region
4 or who are members of a particular Indian tribal unit for child care subsidy subsidies
5 under this section. Under this section, an individual may receive a subsidy for child
6 care for a child who has not attained the age of 13 or, if the child is disabled, who has
7 not attained the age of 19, if the individual meets all of the following conditions:

8 **SECTION 1202.** 49.155 (1m) (a) (intro.) of the statutes is amended to read:

9 49.155 **(1m)** (a) (intro.) The individual is a parent of a child who meets the
10 requirement under s. 49.145 (2) (c) and who is under the age of 13 or, if the child is
11 disabled, is under the age of 19; or is a ~~person~~ relative who, under s. ~~48.57 (3m) or~~
12 ~~(3n) 48.62~~, is providing care and maintenance for a child who meets the requirement
13 under s. 49.145 (2) (c) and who is under the age of 13 or, if the child is disabled, is
14 under the age of 19; and child care services for that child are needed in order for the
15 individual to do any of the following:

16 **SECTION 1203.** 49.155 (1m) (a) 1. of the statutes is amended to read:

17 49.155 **(1m)** (a) 1. Meet the Attend school attendance requirement under s.
18 ~~49.26 (1) (ge).~~

19 **SECTION 1204.** 49.155 (1m) (a) 1m. (intro.) of the statutes is amended to read:

20 49.155 **(1m)** (a) 1m. (intro.) Obtain a high school diploma or participate in a
21 course of study meeting the standards established by the state superintendent of
22 public instruction for the granting of a declaration of equivalency of high school
23 graduation, if the individual is not ~~subject to the school attendance requirement~~
24 ~~under s. 49.26 (1) (ge)~~ enrolled in school and at least one of the following conditions
25 is met:

ASSEMBLY BILL 75**SECTION 1205**

SECTION 1205. 49.155 (1m) (a) 1m. b. of the statutes is amended to read:

49.155 **(1m)** (a) 1m. b. The individual has not yet attained the age of 18 years and the individual resides with his or her custodial parent or ~~with a kinship care relative under s. 48.57 (3m) or with a long-term kinship care relative under s. 48.57 (3n) or~~ is in a foster home ~~or treatment foster home~~ licensed under s. 48.62, a subsidized guardianship home under s. 48.62 (5), a group home, or an independent living arrangement supervised by an adult.

SECTION 1206. 49.155 (1m) (bm) of the statutes is amended to read:

49.155 **(1m)** (bm) If the individual is providing care for a child under a court order and is receiving payments on behalf of the child under s. ~~48.57 (3m) or (3n) or~~ 48.62 (5), or if the individual is a foster parent ~~or treatment foster parent~~, and child care is needed for that child, the child meets the requirement under s. 49.145 (2) (c).

SECTION 1207. 49.155 (1m) (c) 1. (intro.) of the statutes is amended to read:

49.155 **(1m)** (c) 1. (intro.) Except as provided in subds. 1g., 1h., 1m., 2., and 3., the gross income of the individual's family is at or below 185% of the poverty line for a family the size of the individual's family or, for an individual who is already receiving a child care subsidy under this section, the gross income of the individual's family is at or below 200% of the poverty line for a family the size of the individual's family. In calculating the gross income of the family, the ~~Wisconsin works agency~~ county department or agency determining eligibility shall include court-ordered child or family support payments received by the individual and income described under s. 49.145 (3) (b) 1. and 3., except that, in calculating farm and self-employment income, the ~~Wisconsin works agency~~ county department or agency determining eligibility shall include the sum of the following:

ASSEMBLY BILL 75**SECTION 1208**

1 **SECTION 1208.** 49.155 (1m) (c) 1. (intro.) of the statutes, as affected by 2009
2 Wisconsin Act (this act), is amended to read:

3 49.155 **(1m)** (c) 1. (intro.) Except as provided in subds. 1g., ~~1h.~~ 1m., 2., and 3.,
4 the gross income of the individual's family is at or below 185% of the poverty line for
5 a family the size of the individual's family or, for an individual who is already
6 receiving a child care subsidy under this section, the gross income of the individual's
7 family is at or below 200% of the poverty line for a family the size of the individual's
8 family. In calculating the gross income of the family, the county department or
9 agency determining eligibility shall include court-ordered child or family support
10 payments received by the individual and income described under s. 49.145 (3) (b) 1.
11 and 3., except that, in calculating farm and self-employment income, the county
12 department or agency determining eligibility shall include the sum of the following:

13 **SECTION 1209.** 49.155 (1m) (c) 1g. of the statutes is amended to read:

14 49.155 **(1m)** (c) 1g. If the individual is a foster parent of the child or a subsidized
15 guardian or interim caretaker of the child under s. 48.62 (5), the child's biological or
16 adoptive family has a gross income that is at or below 200% of the poverty line. In
17 calculating the gross income of the child's biological or adoptive family, the ~~Wisconsin~~
18 ~~works~~-agency county department or agency determining eligibility shall include
19 court-ordered child or family support payments received by the individual and
20 income described under s. 49.145 (3) (b) 1. and 3.

21 **SECTION 1210.** 49.155 (1m) (c) 1h. of the statutes is amended to read:

22 49.155 **(1m)** (c) 1h. If the individual is a relative of the child, is providing care
23 for the child under a court order, and is receiving payments under s. 48.57 (3m) or
24 (3n) on behalf of the child, the child's biological or adoptive family has a gross income
25 that is at or below 200% of the poverty line. In calculating the gross income of the

ASSEMBLY BILL 75**SECTION 1210**

1 child's biological or adoptive family, the ~~Wisconsin works agency~~ county department
2 or agency determining eligibility shall include court-ordered child or family support
3 payments received by the individual and income described under s. 49.145 (3) (b) 1.
4 and 3.

5 **SECTION 1211.** 49.155 (1m) (c) 1h. of the statutes, as affected by 2009 Wisconsin
6 Act (this act), is repealed.

7 **SECTION 1212.** 49.155 (3) of the statutes is repealed and recreated to read:

8 49.155 **(3)** CHILD CARE LOCAL ADMINISTRATION. The county department or agency
9 with which the department contracts under sub. (1m) to determine eligibility in a
10 particular geographic region or for a particular Indian tribal unit shall administer
11 child care assistance in that geographic region or for that tribal unit. In
12 administering child care assistance under this section, the county department or
13 agency shall do all of the following:

14 (a) Determine an individual's liability for copayments under sub. (5).

15 (b) Determine and authorize the amount of child care for which an individual
16 may receive a subsidy.

17 (c) Annually perform a survey of market child care rates, as directed by the
18 department, and determine maximum reimbursement rates, if the department so
19 directs.

20 (d) Assist individuals who are eligible for child care subsidies under this section
21 to identify available child care providers and select appropriate child care
22 arrangements.

23 (e) At intervals, or as otherwise required by the department, review and
24 redetermine the financial and nonfinancial eligibility of individuals receiving child
25 care subsidies under this section.

ASSEMBLY BILL 75**SECTION 1213**

1 **SECTION 1213.** 49.155 (3m) (b) of the statutes is repealed and recreated to read:

2 49.155 **(3m)** (b) 1. Subject to subds. 2. and 3., the department shall, to the
3 extent practicable, allocate funds to a contract entered into under sub. (1m) for the
4 administration of the program under sub. (3) in the same proportion as the
5 geographic region's or Indian tribal unit's proportionate share of all statewide
6 subsidy authorizations and eligibility redeterminations under sub. (3) (e) in the
7 12-month period before the start of the contract period.

8 2. The department shall allocate to each contract at least \$20,000 per year for
9 the administrative responsibilities for each geographic region or Indian tribal unit.

10 3. If the department renews a contract for a subsequent year, the department
11 shall allocate to the contract not less than 95 percent of the amount allocated to the
12 contract in the previous year, unless the geographic region or Indian tribal unit is not
13 comparable or total funding available for all contracts is lower than the total amount
14 available in the previous year.

15 4. Within any contract period, the department may redistribute unexpended
16 contract balances for a county department or agency to another county department
17 or agency that reports expenditures in excess of their original contract total for the
18 period.

19 **SECTION 1214.** 49.155 (6) (e) of the statutes is created to read:

20 49.155 **(6)** (e) The department may not increase the maximum reimbursement
21 rates for child care providers in 2009, 2010, or 2011.

22 **SECTION 1215.** 49.155 (8) of the statutes is created to read:

23 49.155 **(8)** **COST-SAVING MEASURES.** (a) The department may do any of the
24 following:

ASSEMBLY BILL 75**SECTION 1215**

1 1. Increase copayments specified in the schedule under sub. (5) by up to 10
2 percent, excluding any increases for cost-of-living adjustments.

3 3. Implement a waiting list for the receipt of a child care subsidy under this
4 section.

5 (b) The department shall implement, effective January 1, 2010, an
6 attendance-based rate structure for reimbursement of child care providers.

7 **SECTION 1216.** 49.159 (4) of the statutes is amended to read:

8 49.159 **(4)** PREGNANT WOMEN. A pregnant woman whose pregnancy is medically
9 verified, who would be eligible under s. 49.145 except that she is not a custodial
10 parent of a dependent child, and who does not satisfy the requirements under s.
11 49.148 (1m) (a) 2. is eligible for employment training and job search assistance
12 services provided by the Wisconsin ~~works~~ Works agency.

13 **SECTION 1217.** 49.17 of the statutes is renumbered 253.06, and 253.06 (2) and
14 (5) (e), as renumbered, are amended to read:

15 253.06 **(2)** USE OF FUNDS. From the appropriation under s. ~~20.437 (2)~~ 20.435 (5)
16 (em), the department shall supplement the provision of supplemental foods,
17 nutrition education, and other services, including nutritional counseling, to
18 low-income women, infants, and children who meet the eligibility criteria under the
19 federal special supplemental food program for women, infants, and children
20 authorized under 42 USC 1786. To the extent that funds are available under this
21 section and to the extent that funds are available under 42 USC 1786, the
22 department shall provide the supplemental food, nutrition education, and other
23 services authorized under this section and shall administer that provision in every
24 county. The department may enter into contracts for this purpose.

ASSEMBLY BILL 75**SECTION 1217**

1 **(5)** (e) The suspension or termination of authorization of a vendor or eligibility
2 of a participant shall be effective beginning on the 15th day after receipt of the notice
3 of suspension or termination. All forfeitures, recoupments, and enforcement
4 assessments shall be paid to the department within 15 days after receipt of notice
5 of assessment or, if the forfeiture, recoupment, or enforcement assessment is
6 contested under sub. (6), within 10 days after receipt of the final decision after
7 exhaustion of administrative review, unless the final decision is adverse to the
8 department or unless the final decision is appealed and the decision is stayed by
9 court order under sub. (7). The department shall remit all forfeitures paid to the
10 secretary of administration for deposit in the school fund. The department shall
11 deposit all enforcement assessments in the appropriation under s. ~~20.437(2)~~ 20.435
12 (1) (gr).

13 **SECTION 1218.** 49.171 of the statutes is renumbered 46.75, and 46.75 (2) (a),
14 as renumbered, is amended to read:

15 46.75 **(2)** (a) From the appropriation under s. ~~20.437(2)~~ 20.435 (5) (dn), the
16 department shall award grants to agencies to operate food distribution programs
17 that qualify for participation in the emergency food assistance program under ~~P.L.~~
18 ~~98-8, as amended~~ 7 USC ch. 102.

19 **SECTION 1219.** 49.1715 of the statutes is renumbered 46.77 and amended to
20 read:

21 **46.77 Food distribution administration.** From the appropriation under s.
22 ~~20.437(2)~~ 20.435 (5) (dn), the department shall allocate funds to eligible recipient
23 agencies, as defined in the emergency food assistance act, ~~P.L. 98-8, section 201A,~~
24 ~~as amended~~ 7 USC 7501 (3), for the storage, transportation, and distribution of

ASSEMBLY BILL 75**SECTION 1219**

1 commodities provided under the ~~hunger prevention act of 1988, P.L. 100-435, as~~
2 amended 7 USC ch. 102.

3 **SECTION 1220.** 49.172 (title) of the statutes is renumbered 49.76 (title).

4 **SECTION 1221.** 49.172 (intro.) of the statutes is renumbered 49.76 (intro.).

5 **SECTION 1222.** 49.172 (1) of the statutes is renumbered 49.76 (1).

6 **SECTION 1223.** 49.172 (2) of the statutes is renumbered 49.76 (2).

7 **SECTION 1224.** 49.172 (4) of the statutes is repealed.

8 **SECTION 1225.** 49.172 (5) of the statutes is repealed.

9 **SECTION 1226.** 49.175 (1) (intro.) of the statutes is amended to read:

10 49.175 **(1)** ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within
11 the limits of the appropriations under s. 20.437 (2) (a), (cm), (~~cr~~), (dz), (k), (kx), (L),
12 (mc), (md), (me), (~~mf~~), and (s), the department shall allocate the following amounts
13 for the following purposes:

14 **SECTION 1227.** 49.175 (1) (intro.) of the statutes, as affected by 2009 Wisconsin
15 Act (this act), is amended to read:

16 49.175 **(1)** ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within
17 the limits of the appropriations under s. 20.437 (2) (a), (cm), (~~cr~~), (dz), (k), (kx), (L),
18 (mc), (md), (me), (mf), and (s), the department shall allocate the following amounts
19 for the following purposes:

20 **SECTION 1228.** 49.175 (1) (a) of the statutes is amended to read:

21 49.175 **(1)** (a) *Wisconsin Works benefits.* For Wisconsin Works benefits,
22 ~~\$44,068,500~~ \$44,282,800 in fiscal year ~~2007-08~~ 2009-10 and ~~\$43,392,200~~
23 \$45,947,300 in each fiscal year ~~2008-09~~ thereafter.

24 **SECTION 1229.** 49.175 (1) (g) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1229**

1 49.175 (1) (g) *State administration of public assistance programs and costs of*
2 *overpayment collections*. For state administration of public assistance programs,
3 \$16,670,100 in fiscal year 2007–08 and \$16,868,500 and costs associated with the
4 collection of public assistance overpayments, \$17,708,600 in fiscal year 2008–09
5 2009–10 and \$17,810,400 in each fiscal year thereafter.

6 **SECTION 1230.** 49.175 (1) (h) of the statutes is created to read:

7 49.175 (1) (h) *Public assistance program fraud and error reduction.* For
8 activities to reduce fraud under s. 49.197 (1m) and activities to reduce payment
9 errors under s. 49.197 (3), \$605,500 in each fiscal year.

10 **SECTION 1231.** 49.175 (1) (i) of the statutes is amended to read:

11 49.175 (1) (i) *Emergency assistance.* For emergency assistance under s. 49.138,
12 \$6,000,000 in each fiscal year 2007–08 and \$7,000,000 in fiscal year 2008–09.

13 **SECTION 1232.** 49.175 (1) (i) of the statutes, as affected by 2009 Wisconsin Act
14 (this act), is amended to read:

15 49.175 (1) (i) *Emergency assistance.* For emergency assistance under s. 49.138,
16 ~~\$6,000,000~~ \$7,000,000 in fiscal year ~~2007–08~~ 2009–10 and ~~\$7,000,000~~ \$6,000,000 in
17 fiscal year ~~2008–09~~ 2010–11.

18 **SECTION 1233.** 49.175 (1) (j) of the statutes is created to read:

19 49.175 (1) (j) *Aid to families with dependent children overpayments liability.*
20 For payment of liability to the federal government related to overpayments made
21 under the program under s. 49.19, \$2,500,500 in fiscal year 2008–09.

22 **SECTION 1234.** 49.175 (1) (j) of the statutes, as created by 2009 Wisconsin Act
23 (this act), is repealed.

24 **SECTION 1235.** 49.175 (1) (k) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 1235**

1 49.175 (1) (k) *Aid to Families with Dependent Children overpayments liability.*

2 For payment of liability to the federal government related to overpayments made
3 under the program under s. 49.19, \$13,183,900 in fiscal year 2009–10 and \$0 in fiscal
4 year 2010–11.

5 **SECTION 1236.** 49.175 (1) (k) of the statutes, as created by 2009 Wisconsin Act
6 (this act), is repealed.

7 **SECTION 1237.** 49.175 (1) (p) of the statutes is amended to read:

8 49.175 (1) (p) *Direct child care services.* For direct child care services under s.
9 49.155, \$359,201,800 in fiscal year 2007–08 and ~~\$355,352,000~~ \$375,736,400 in fiscal
10 year 2008–09.

11 **SECTION 1238.** 49.175 (1) (p) of the statutes, as affected by 2009 Wisconsin Act
12 (this act), is amended to read:

13 49.175 (1) (p) *Direct child care services.* For direct child care services under s.
14 49.155, ~~\$359,201,800 in fiscal year 2007–08 and~~ \$375,736,400 in each fiscal year
15 2008–09.

16 **SECTION 1239.** 49.175 (1) (q) of the statutes is amended to read:

17 49.175 (1) (q) *Child care state administration and child care licensing*
18 *activities.* For administration of child care services under s. 49.155 (1g) (b),
19 ~~\$1,765,600 in fiscal year 2007–08 and \$1,600,300 in~~ programs under s. 49.155 and
20 the allocation under s. 49.155 (1g) (c) for child care licensing activities, \$8,472,400
21 in fiscal year 2009–10 and \$8,781,300 in fiscal year 2008–09 2010–11.

22 **SECTION 1240.** 49.175 (1) (qm) of the statutes is amended to read:

23 49.175 (1) (qm) *Quality care for quality kids.* For the child care quality
24 improvement activities specified in s. 49.155 (1g) (a), ~~\$5,311,000 in each fiscal year,~~
25 \$6,329,400 in fiscal year 2009–10 and \$7,038,300 in each fiscal year thereafter.

ASSEMBLY BILL 75**SECTION 1241**

1 **SECTION 1241.** 49.175 (1) (qs) of the statutes is repealed.

2 **SECTION 1242.** 49.175 (1) (s) of the statutes, as affected by 2009 Wisconsin Act
3 (this act), is amended to read:

4 49.175 **(1)** (s) ~~*Kinship care and long-term kinship*~~ *Foster care assistance*. For
5 the kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and
6 (3p) foster care under s. 48.62, \$23,892,400 in fiscal year 2009–10 and \$23,903,500
7 in each fiscal year thereafter.

8 **SECTION 1243.** 49.175 (1) (ze) (title) of the statutes is repealed.

9 **SECTION 1244.** 49.175 (1) (ze) 1. of the statutes is amended to read:

10 49.175 **(1)** (ze) 1. ‘Kinship care and long-term kinship care assistance.’ For the
11 kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and
12 (3p), \$23,579,800 in each fiscal year 2007–08 and \$23,885,800 in fiscal year 2008–09.

13 **SECTION 1245.** 49.175 (1) (ze) 1. of the statutes, as affected by 2009 Wisconsin
14 Act (this act), is renumbered 49.175 (1) (s) and amended to read:

15 49.175 **(1)** (s) *Kinship care and long-term kinship care assistance*. For the
16 kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and
17 (3p), \$23,579,800 \$23,892,400 in fiscal year 2007–08 2009–10 and \$23,885,800
18 \$23,903,500 in each fiscal year 2008–09 thereafter.

19 **SECTION 1246.** 49.175 (1) (ze) 2. of the statutes is renumbered 49.175 (1) (r) and
20 amended to read:

21 49.175 **(1)** (r) *Children of recipients of supplemental security income*. For
22 payments made under s. 49.775 for the support of the dependent children of
23 recipients of supplemental security income, \$30,094,700 ~~in fiscal year 2007–08 and~~
24 ~~\$30,094,700~~ \$29,899,800 in fiscal year 2008–09 2009–10 and \$29,933,200 in each
25 fiscal year thereafter.

ASSEMBLY BILL 75**SECTION 1247**

1 **SECTION 1247.** 49.175 (1) (ze) 10m. of the statutes is renumbered 49.175 (1) (t)
2 and amended to read:

3 49.175 **(1)** (t) *Safety and out-of-home placement services.* For services provided
4 in counties having a population of 500,000 or more to ensure the safety of children
5 who the department determines may remain at home if appropriate services are
6 provided, and for ongoing services provided in those counties to families with
7 children placed in out-of-home care, ~~\$5,631,300~~ \$6,700,700 in each fiscal year.

8 **SECTION 1248.** 49.175 (1) (ze) 11. of the statutes is renumbered 49.175 (1) (u).

9 **SECTION 1249.** 49.175 (1) (ze) 12. of the statutes is repealed.

10 **SECTION 1250.** 49.175 (1) (zh) of the statutes is amended to read:

11 49.175 **(1)** (zh) *Earned income tax credit supplement.* For the transfer of
12 moneys from the appropriation account under s. 20.437 (2) (md) to the appropriation
13 account under s. 20.835 (2) (kf) for the earned income tax credit, ~~\$21,125,400~~
14 \$6,664,200 in fiscal year ~~2007-08~~ 2009-10 and \$6,664,200 in fiscal year ~~2008-09~~
15 2010-2011.

16 **SECTION 1251.** 49.19 (1) (a) 2. b. of the statutes is amended to read:

17 49.19 **(1)** (a) 2. b. Is living in a foster home ~~or treatment foster home~~ licensed
18 under s. 48.62 if a license is required under that section, in a foster home ~~or treatment~~
19 ~~foster home~~ located within the boundaries of a federally recognized American Indian
20 reservation in this state and licensed by the tribal governing body of the reservation,
21 in a group home licensed under s. 48.625, or in a residential care center for children
22 and youth licensed under s. 48.60, and has been placed in the foster home, ~~treatment~~
23 ~~foster home~~, group home, or center by a county department under s. 46.215, 46.22,
24 or 46.23, by the department, by the department of corrections, or by a federally

ASSEMBLY BILL 75**SECTION 1251**

1 recognized American Indian tribal governing body in this state under an agreement
2 with a county department.

3 **SECTION 1252.** 49.19 (4e) (a) of the statutes is amended to read:

4 49.19 **(4e)** (a) If a person applying for aid is under 18 years of age, has never
5 married, and is pregnant or has a dependent child in his or her care, the person is
6 not eligible for aid unless he or she lives in a place maintained by his or her parent,
7 legal guardian, or other adult relative as the parent's, guardian's or other adult
8 relative's own home or lives in a foster home, ~~treatment foster home~~, maternity
9 home, or other supportive living arrangement supervised by an adult.

10 **SECTION 1253.** 49.19 (10) (a) of the statutes is amended to read:

11 49.19 **(10)** (a) Aid under this section may also be granted to a nonrelative who
12 cares for a child dependent upon the public for proper support in a foster home or
13 ~~treatment foster home~~ having a license under s. 48.62, in a foster home or ~~treatment~~
14 ~~foster home~~ located within the boundaries of a federally recognized American Indian
15 reservation in this state and licensed by the tribal governing body of the reservation,
16 or in a group home licensed under s. 48.625, regardless of the cause or prospective
17 period of dependency. The state shall reimburse counties pursuant to the procedure
18 under s. 48.569 (2) and the percentage rate of participation set forth in s. 48.569 (1)
19 (d) for aid granted under this subsection except that if the child does not have legal
20 settlement in the granting county, state reimbursement shall be at 100%. The county
21 department under s. 46.215 or 46.22 shall determine the legal settlement of the child.
22 A child under one year of age shall be eligible for aid under this subsection
23 irrespective of any other residence requirement for eligibility within this section.

24 **SECTION 1254.** 49.19 (10) (c) of the statutes is amended to read:

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1 49.19 **(10)** (c) Reimbursement under par. (a) may also be paid to the county
2 when the child is placed in a licensed foster home, ~~treatment foster home~~, group
3 home, or residential care center for children and youth by a licensed child welfare
4 agency or by a federally recognized American Indian tribal governing body in this
5 state or by its designee, if the child is in the legal custody of the county department
6 under s. 46.215, 46.22, or 46.23 or if the child was removed from the home of a relative
7 specified in sub. (1) (a) as a result of a judicial determination that continuance in the
8 home of the relative would be contrary to the child's welfare for any reason and the
9 placement is made ~~pursuant to~~ under an agreement with the county department.

10 **SECTION 1255.** 49.19 (10) (d) of the statutes is amended to read:

11 49.19 **(10)** (d) Aid may also be paid under this section to a licensed foster home,
12 ~~treatment foster home~~, group home, or residential care center for children and youth
13 by the state when the child is in the custody or guardianship of the state, when the
14 child is a ward of an American Indian tribal court in this state and the placement is
15 made under an agreement between the department and the tribal governing body,
16 or when the child was part of the state's direct service case load and was removed
17 from the home of a relative specified in sub. (1) (a) as a result of a judicial
18 determination that continuance in the home of a relative would be contrary to the
19 child's welfare for any reason and the child is placed by the department or the
20 department of corrections.

21 **SECTION 1256.** 49.19 (10) (e) of the statutes is amended to read:

22 49.19 **(10)** (e) Notwithstanding pars. (a), (c), and (d), aid under this section may
23 not be granted for placement of a child in a foster home or ~~treatment foster home~~
24 licensed by a federally recognized American Indian tribal governing body, for
25 placement of a child in a foster home, ~~treatment foster home~~, or residential care

ASSEMBLY BILL 75**SECTION 1256**

center for children and youth by a tribal governing body or its designee, for the placement of a child who is a ward of a tribal court if the tribal governing body is receiving or is eligible to receive funds from the federal government for that type of placement, or for placement of a child in a group home licensed under s. 48.625.

SECTION 1257. 49.197 (1m) of the statutes is amended to read:

49.197 **(1m)** FRAUD INVESTIGATION. From the appropriations under s. 20.437 (2) (dz), (kx), (L), (mc), (md), ~~(n)~~ (me), and (nL), the department shall establish a program to investigate suspected fraudulent activity on the part of recipients of aid to families with dependent children under s. 49.19, on the part of participants in the Wisconsin Works program under ss. 49.141 to 49.161, and, if the department of health services contracts with the department under sub. (5), on the part of recipients of medical assistance under subch. IV, food stamp benefits under the food stamp program under 7 USC 2011 to 2036, supplemental security income payments under s. 49.77, payments for the support of children of supplemental security income recipients under s. 49.775, and health care benefits under the Badger Care health care program under s. 49.665. The department's activities under this subsection may include, but are not limited to, comparisons of information provided to the department by an applicant and information provided by the applicant to other federal, state, and local agencies, development of an advisory welfare investigation prosecution standard, and provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to Wisconsin Works agencies to encourage activities to detect fraud. The department shall cooperate with district attorneys regarding fraud prosecutions.

SECTION 1258. 49.197 (2) (title) of the statutes is amended to read:

49.197 **(2)** (title) ~~FRAUD~~ LOCAL FRAUD INVESTIGATION BY COUNTIES AND TRIBAL GOVERNING BODIES.

ASSEMBLY BILL 75**SECTION 1259**

1 **SECTION 1259.** 49.197 (2) (a) of the statutes is renumbered 49.197 (2) (a) (intro.)
2 and amended to read:

3 49.197 **(2)** (a) (intro.) In this subsection, “tribal;

4 2. “Tribal governing body” means an elected governing body of a federally
5 recognized American Indian tribe.

6 **SECTION 1260.** 49.197 (2) (a) 1. of the statutes is created to read:

7 49.197 **(2)** (a) 1. “County department” means a county department under s.
8 46.215, 46.22, or 46.23.

9 **SECTION 1261.** 49.197 (2) (b) of the statutes is amended to read:

10 49.197 **(2)** (b) ~~A~~ If a county department, Wisconsin Works agency, or tribal
11 governing body administers the Wisconsin Works program, the county department,
12 Wisconsin Works agency, or tribal governing body may establish a program to
13 investigate suspected fraudulent activity on the part of participants in the Wisconsin
14 Works program under this subchapter, including persons receiving a child care
15 subsidy under s. 49.155, and to recover incorrect payments made or incorrect
16 benefits provided as a result of fraudulent activity.

17 **SECTION 1262.** 49.197 (2) (c) (intro.) of the statutes is renumbered 49.197 (2)
18 (c) and amended to read:

19 49.197 **(2)** (c) ~~If a~~ A county department, Wisconsin Works agency, or tribal
20 governing body that establishes a program under par. (b), the county or tribal
21 governing body shall pay to the department all of the following: shall advise both the
22 department and the department of health services of the date on which the program
23 was established and, on an ongoing basis, of any amounts recovered as a result of the
24 program. A county department, Wisconsin Works agency, or tribal governing body

ASSEMBLY BILL 75**SECTION 1262**

1 may retain any amounts recovered under a program under this subsection and must
2 use the moneys retained to pay cash benefits to Wisconsin Works participants.

3 **SECTION 1263.** 49.197 (2) (c) 1. of the statutes is repealed.

4 **SECTION 1264.** 49.197 (2) (c) 2. of the statutes is repealed.

5 **SECTION 1265.** 49.197 (2) (c) 3. of the statutes is repealed.

6 **SECTION 1266.** 49.197 (2) (d) of the statutes is repealed.

7 **SECTION 1267.** 49.22 (6) of the statutes is amended to read:

8 49.22 **(6)** The department shall establish, pursuant to federal and state laws,
9 rules, and regulations, a uniform system of fees for services provided under this
10 section to individuals not receiving aid under s. 48.645, 49.19, 49.47, or 49.471;
11 benefits under s. 49.148, 49.155, or 49.79; or foster care maintenance payments
12 under 42 USC 670 to 679a; ~~or kinship care payments under s. 48.57 (3m) or~~
13 ~~long-term kinship care payments under s. 48.57 (3n).~~ The system of fees may take
14 into account an individual's ability to pay. Any fee paid and collected under this
15 subsection may be retained by the county providing the service except for the fee
16 specified in 42 USC 653 (e) (2) for federal parent locator services.

17 **SECTION 1268.** 49.22 (7m) of the statutes is amended to read:

18 49.22 **(7m)** The department may contract with or employ a collection agency
19 or other person to enforce a support obligation of a parent who is delinquent in
20 making support payments and may contract with or employ an attorney to appear
21 in an action in state or federal court to enforce ~~such an~~ the obligation. To pay for the
22 department's administrative costs of implementing this subsection, the department
23 may charge a fee to counties, use federal matching funds or funds retained by the
24 department under s. 49.24 (2) (c), or use up to 30% of this state's share of a collection
25 made under this subsection on behalf of a recipient of aid to families with dependent

ASSEMBLY BILL 75**SECTION 1268**

1 children ~~or a recipient of kinship care payments under s. 48.57 (3m) or long-term~~
2 ~~kinship care payments under s. 48.57 (3n).~~

3 **SECTION 1269.** 49.26 of the statutes is repealed.

4 **SECTION 1270.** 49.32 (6) of the statutes is amended to read:

5 49.32 **(6)** WELFARE REFORM STUDIES. The department shall request proposals
6 from persons in this state for studies of the effectiveness of various program changes,
7 referred to as welfare reform, to the aid to families with dependent children program,
8 including the requirement that certain recipients of aid to families with dependent
9 children with children under age 6 participate in training programs, ~~the learnfare~~
10 ~~school attendance requirement under s. 49.26 (1) (g)~~ and the modification of the
11 earned income disregard under s. 49.19 (5) (am). The studies shall evaluate the
12 effectiveness of the various efforts, including their cost-effectiveness, in helping
13 individuals gain independence through the securing of jobs and providing financial
14 incentives and in identifying barriers to independence.

15 **SECTION 1271.** 49.32 (9) (a) of the statutes is amended to read:

16 49.32 **(9)** (a) Each county department under s. 46.215, 46.22, or 46.23
17 administering aid to families with dependent children shall maintain a monthly
18 report at its office showing the names of all persons receiving aid to families with
19 dependent children together with the amount paid during the preceding month.
20 Each Wisconsin Works agency administering Wisconsin Works under ss. 49.141 to
21 49.161 shall maintain a monthly report at its office showing the names of all persons
22 receiving benefits under s. 49.148 together with the amount paid during the
23 preceding month. Nothing in this paragraph shall be construed to authorize or
24 require the disclosure in the report of any information (names, amounts of aid or

ASSEMBLY BILL 75**SECTION 1271**

1 otherwise) pertaining to adoptions, or aid furnished for the care of children in foster
2 homes ~~or treatment foster homes~~ under s. 48.645 or 49.19 (10).

3 **SECTION 1272.** 49.32 (10m) (a) of the statutes is amended to read:

4 49.32 **(10m)** (a) A county department, relief agency under s. 49.01 (3m), 2009
5 stats., or Wisconsin ~~works~~ Works agency shall, upon request, and after providing the
6 notice to the recipient required by this paragraph, release the current address of a
7 recipient of relief under s. 49.01 (3), 2009 stats., aid to families with dependent
8 children, or benefits under s. 49.148 to a person, the person's attorney, or an employee
9 or agent of that attorney, if the person is a party to a legal action or proceeding in
10 which the recipient is a party or a witness, unless the person is a respondent in an
11 action commenced by the recipient under s. 813.12, 813.122, 813.123, 813.125, or
12 813.127. If the person is a respondent in an action commenced by the recipient under
13 s. 813.12, 813.122, 813.123, 813.125, or 813.127, the county department, relief
14 agency, or Wisconsin ~~works~~ Works agency may not release the current address of the
15 recipient. No county department, relief agency, or Wisconsin ~~works~~ Works agency
16 may release an address under this paragraph until 21 days after the address has
17 been requested. A person requesting an address under this paragraph shall be
18 required to prove his or her identity and his or her participation as a party in a legal
19 action or proceeding in which the recipient is a party or a witness by presenting a
20 copy of the pleading or a copy of the subpoena for the witness. The person shall also
21 be required to sign a statement setting forth his or her name, address, and the
22 reasons for making the request and indicating that he or she understands the
23 provisions of par. (b) with respect to the use of the information obtained. The
24 statement shall be made on a form prescribed by the department and shall be sworn
25 and notarized. Within 7 days after an address has been requested under this

ASSEMBLY BILL 75**SECTION 1272**

1 paragraph, the county department, relief agency, or Wisconsin ~~works~~ Works agency
2 shall mail to each recipient whose address has been requested a notification of that
3 fact on a form prescribed by the department. The form shall also include the date
4 on which the address was requested, the name and address of the person who
5 requested the disclosure of the address, the reason that the address was requested,
6 and a statement that the address will be released to the person who requested the
7 address no sooner than 21 days after the date on which the request for the address
8 was made. County departments, relief agencies, and Wisconsin ~~works~~ Works
9 agencies shall keep a record of each request for an address under this paragraph.

10 **SECTION 1273.** 49.34 (1) of the statutes is amended to read:

11 49.34 **(1)** All services under this subchapter and ch. 48 purchased by the
12 department or by a county department under s. 46.215, 46.22, or 46.23 shall be
13 authorized and contracted for under the standards established under this section.
14 The department may require the county departments to submit the contracts to the
15 department for review and approval. For purchases of \$10,000 or less the
16 requirement for a written contract may be waived by the department. No contract
17 is required for care provided by foster homes ~~or treatment foster homes~~ that are
18 required to be licensed under s. 48.62. When the department directly contracts for
19 services, it shall follow the procedures in this section in addition to meeting
20 purchasing requirements established in s. 16.75.

21 **SECTION 1274.** 49.343 (title) of the statutes is amended to read:

22 **49.343 (title) Rates for residential care centers and, group homes, and**
23 **child welfare agencies.**

24 **SECTION 1275.** 49.343 (1) of the statutes is renumbered 49.343 (1g) and
25 amended to read:

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1 49.343 **(1g)** ESTABLISHMENT OF RATES. Subject to sub. (1m), each residential care
2 center for children and youth, ~~as defined in s. 48.02 (15d), and each group home, as~~
3 ~~defined in s. 48.02 (7), that is incorporated under ch. 180, 181, 185, or 193~~ shall
4 establish a per client rate for its services and each child welfare agency shall
5 establish a per client administrative rate for the administrative portion of its
6 treatment foster care services. A residential care center for children and youth and
7 a group home shall charge all purchasers the same rate for the same services and a
8 child welfare agency shall charge all purchasers the same administrative rate for the
9 same treatment foster care services.

10 **SECTION 1276.** 49.343 (1d) of the statutes is created to read:

11 49.343 **(1d)** DEFINITIONS. In this section:

12 (a) “Administrative rate” means the difference between the rate charged by a
13 child welfare agency to a purchaser of treatment foster care services and the rate
14 paid by the child welfare agency to a treatment foster parent for the care and
15 maintenance of a child.

16 (b) “Child welfare agency” means a child welfare agency that is authorized
17 under s. 48.61 (7) to license treatment foster homes.

18 (c) “Group home” has the meaning given in s. 48.02 (7).

19 (d) “Residential care center for children and youth” has the meaning given in
20 s. 48.02 (15d).

21 **SECTION 1277.** 49.343 (1g) of the statutes, as affected by 2009 Wisconsin Act
22 (this act), is repealed and recreated to read:

23 49.343 **(1g)** ESTABLISHMENT OF RATES. For services provided beginning on
24 January 1, 2011, the department shall establish the per client rate that a residential
25 care center for children and youth or a group home may charge for its services, and

ASSEMBLY BILL 75**SECTION 1277**

1 the per client administrative rate that a child welfare agency may charge for the
2 administrative portion of its treatment foster care services, as provided in this
3 section. In establishing rates for a placement specified in s. 938.357 (4) (c) 1. or 2.,
4 the department shall consult with the department of corrections. A residential care
5 center for children and youth and a group home shall charge all purchasers the same
6 rate for the same services and a child welfare agency shall charge all purchasers the
7 same administrative rate for the same treatment foster care services.

8 **SECTION 1278.** 49.343 (1m) of the statutes is amended to read:

9 49.343 **(1m)** NEGOTIATION OF RATES. Notwithstanding sub. (1) ~~(1g)~~, the
10 department, a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, a
11 group of those county departments, or the department and one or more of those
12 county departments, and a residential care center for children and youth or group
13 home, ~~as described in sub. (1),~~ may negotiate a per client rate for the services of that
14 residential care center for children and youth or group home, and the department,
15 a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, a group of those
16 county departments, or the department and one or more of those county
17 departments, and a child welfare agency may negotiate a per client administrative
18 rate for the administrative portion of the treatment foster care services of that child
19 welfare agency, if the department, that county department, the county departments
20 in that group of county departments, or the department and one or more of those
21 county departments, agree to place 75% or more of the residents of that residential
22 care center for children and youth or group home or of the treatment foster homes
23 operated by that child welfare agency during the period for which that rate is
24 effective. A residential care center for children and youth or group home that
25 negotiates a per client rate under this subsection shall charge ~~that rate to all~~

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1 purchasers of its services the same rate for the same services and a child welfare
2 agency that negotiates a per client administrative rate under this subsection shall
3 charge all purchasers of its treatment foster care services the same administrative
4 rate for the same treatment foster care services.

5 **SECTION 1279.** 49.343 (1m) of the statutes, as affected by 2009 Wisconsin Act
6 (this act), is repealed.

7 **SECTION 1280.** 49.343 (2) (title) of the statutes is created to read:

8 49.343 **(2)** (title) DETERMINATION OF RATES.

9 **SECTION 1281.** 49.343 (2) of the statutes is renumbered 49.343 (2) (a) and
10 amended to read:

11 49.343 **(2)** (a) ~~A~~ By October 1, 2010, and annually after that, a residential care
12 center for children and youth or a group home, as described in sub. (1) or (1m), shall
13 submit to the department the rate it charges and any change in that rate before a
14 charge is made to any purchaser per client rate that it proposes to charge for services
15 provided in the next year and a child welfare agency shall submit to the department
16 the proposed per client administrative rate that it proposes to charge for treatment
17 foster care services provided in the next year. The department shall provide forms
18 and instructions for the submission of rates and changes in proposed rates under this
19 subsection paragraph and a residential care center for children and youth or a group
20 home, or child welfare agency that is required to submit a rate or a change in a
21 proposed rate under this subsection paragraph shall submit that rate or change in
22 a proposed rate using those forms and instructions.

23 **SECTION 1282.** 49.343 (2) (a) of the statutes, as affected by 2009 Wisconsin Act
24 (this act), is repealed and recreated to read:

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1 49.343 (2) (a) By October 1 annually, a residential care center for children and
2 youth or a group home shall submit to the department the per client rate that it
3 proposes to charge for services provided in the next year and a child welfare agency
4 shall submit to the department the proposed per client administrative rate that it
5 proposes to charge for treatment foster care services provided in the next year. The
6 department shall provide forms and instructions for the submission of proposed
7 rates under this paragraph and a residential care center for children and youth,
8 group home, or child welfare agency that is required to submit a proposed rate under
9 this paragraph shall submit that proposed rate using those forms and instructions.

10 **SECTION 1283.** 49.343 (2) (b) of the statutes is created to read:

11 49.343 (2) (b) The department shall review a proposed rate submitted under
12 par. (a) and audit the residential care center for children and youth, group home, or
13 child welfare agency submitting the proposed rate to determine whether the
14 proposed rate is appropriate to the level of services to be provided, the qualifications
15 of the residential care center for children and youth, group home, or child welfare
16 agency to provide those services, and the reasonable and necessary costs of providing
17 those services. In reviewing a proposed rate, the department shall consider all of the
18 following factors:

19 1. Changes in the consumer price index for all urban consumers, U.S. city
20 average, as determined by the U.S. department of labor, for the 12 months ending
21 on June 30 of the year in which the proposed rate is submitted.

22 2. Changes in the allowable costs of the residential care center for children and
23 youth, group home, or child welfare agency based on current actual cost data or
24 documented projections of costs.

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1 3. Changes in program utilization that affect the per client rate or per client
2 administrative rate.

3 4. Changes in the department's expectations relating to service delivery.

4 5. Changes in service delivery proposed by the residential care center for
5 children and youth, group home, or child welfare agency and agreed to by the
6 department.

7 6. The loss of any source of revenue that had been used to pay expenses,
8 resulting in a lower per client rate or per client administrative rate for services.

9 7. Changes in any state or federal laws, rules, or regulations that result in any
10 change in the cost of providing services, including any changes in the minimum
11 wage, as defined in s. 49.141 (1) (g).

12 8. Competitive factors.

13 9. The availability of funding to pay for the services to be provided under the
14 proposed rate.

15 10. Any other factor relevant to the setting of a rate that the department may
16 determine by rule promulgated under sub. (4).

17 **SECTION 1284.** 49.343 (2) (c) of the statutes is created to read:

18 49.343 **(2)** (c) If the department determines under par. (b) that a proposed rate
19 submitted under par. (a) is appropriate, the department shall approve the proposed
20 rate. If the department does not approve a proposed rate, the department shall
21 negotiate with the residential care center for children and youth, group home, or
22 child welfare agency to determine an agreed to rate. If after negotiations a rate is
23 not agreed to, the department and residential care center for children and youth,
24 group home, or child welfare agency shall engage in mediation under the rate
25 resolution procedure promulgated by rule under sub. (4) to arrive at an agreed to

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1 rate. If after mediation a rate is not agreed to, the residential care center for children
2 and youth, group home, or child welfare agency may not provide the service for which
3 the rate was proposed.

4 **SECTION 1285.** 49.343 (3) of the statutes is amended to read:

5 49.343 **(3)** AUDIT. The department may require an audit of any residential care
6 center for children and youth ~~or, group home, as described in sub. (1) or (1m), or child~~
7 welfare agency for the purpose of collecting federal funds.

8 **SECTION 1286.** 49.343 (4) of the statutes is created to read:

9 49.343 **(4)** RULES. The department shall promulgate rules to implement this
10 section. Those rules shall include rules providing for all of the following:

11 (a) Standards for determining whether a proposed rate is appropriate to the
12 level of services to be provided, the qualifications of a residential care center for
13 children and youth, group home, or child welfare agency to provide those services,
14 and the reasonable and necessary costs of providing those services.

15 (b) Factors for the department to consider in reviewing a proposed rate.

16 (c) Procedures for reviewing proposed rates, including rate resolution
17 procedures for mediating an agreed to rate when negotiations fail to produce an
18 agreed to rate.

19 **SECTION 1287.** 49.345 (14) (a) of the statutes is amended to read:

20 49.345 **(14)** (a) Except as provided in pars. (b) and (c), liability of a person
21 specified in sub. (2) or s. 49.32 (1) for care and maintenance of persons under 18 years
22 of age in residential, nonmedical facilities such as group homes, foster homes,
23 ~~treatment foster homes,~~ subsidized guardianship homes, and residential care
24 centers for children and youth is determined in accordance with the cost-based fee
25 established under s. 49.32 (1). The department shall bill the liable person up to any

ASSEMBLY BILL 75**SECTION 1287**

1 amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other
2 3rd-party benefits, subject to rules that include formulas governing ability to pay
3 established by the department under s. 49.32 (1). Any liability of the person not
4 payable by any other person terminates when the person reaches age 18, unless the
5 liable person has prevented payment by any act or omission.

6 **SECTION 1288.** 49.345 (14) (b) of the statutes is amended to read:

7 49.345 **(14)** (b) Except as provided in par. (c), and subject to par. (cm), liability
8 of a parent specified in sub. (2) or s. 49.32 (1) for the care and maintenance of the
9 parent's minor child who has been placed by a court order under s. 48.355 or 48.357
10 in a residential, nonmedical facility such as a group home, foster home, ~~treatment~~
11 ~~foster home~~, subsidized guardianship home, or residential care center for children
12 and youth shall be determined by the court by using the percentage standard
13 established by the department under s. 49.22 (9) and by applying the percentage
14 standard in the manner established by the department under par. (g).

15 **SECTION 1289.** 49.45 (3) (e) 7. of the statutes is amended to read:

16 49.45 **(3)** (e) 7. The daily reimbursement or payment rate to a hospital for
17 services provided to medical assistance recipients awaiting admission to a skilled
18 nursing home, intermediate care facility, community-based residential facility,
19 group home, foster home, ~~treatment foster home~~ or other custodial living
20 arrangement may not exceed the maximum reimbursement or payment rate based
21 on the average adjusted state skilled nursing facility rate, created under sub. (6m).
22 This limited reimbursement or payment rate to a hospital commences on the date the
23 department, through its own data or information provided by hospitals, determines
24 that continued hospitalization is no longer medically necessary or appropriate
25 during a period ~~where~~ when the recipient awaits placement in an alternate custodial

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1 living arrangement. The department may contract with a peer review organization,
2 established under 42 USC 1320c to 1320c-10, to determine that continued
3 hospitalization of a recipient is no longer necessary and that admission to an
4 alternate custodial living arrangement is more appropriate for the continued care of
5 the recipient. In addition, the department may contract with a peer review
6 organization to determine the medical necessity or appropriateness of physician
7 services or other services provided during the period when a hospital patient awaits
8 placement in an alternate custodial living arrangement.

9 **SECTION 1290.** 49.45 (6b) of the statutes is amended to read:

10 49.45 **(6b)** CENTERS FOR THE DEVELOPMENTALLY DISABLED. From the
11 appropriation under s. 20.435 (2) (gk), the department may reimburse the cost of
12 services provided by the centers for the developmentally disabled. Reimbursement
13 ~~to the centers for the developmentally disabled shall be reduced following each~~
14 ~~placement made under s. 46.275 that involves a relocation from a center for the~~
15 ~~developmentally disabled, by \$225 per day, beginning in fiscal year 2002-03, and by~~
16 ~~\$325 per day, beginning in fiscal year 2004~~ Beginning in fiscal year 2009-10,
17 following each placement made under s. 46.275 that involves a relocation from a
18 center for the developmentally disabled, the department shall reduce the
19 reimbursement to the center by an amount, as determined by the department for
20 each placement, that is equal to the nonfederal share of the costs for the placement
21 under s. 46.275.

22 **SECTION 1291.** 49.45 (6m) (br) 1. of the statutes is amended to read:

23 49.45 **(6m)** (br) 1. Notwithstanding s. 20.410 (3) (cd), 20.435 ~~(4)-(bt)~~ or (7) (b)
24 or 20.437 (2) (dz), the department shall reduce allocations of funds to counties in the
25 amount of the disallowance from the appropriation account under s. 20.435 ~~(4)-(bt)~~

ASSEMBLY BILL 75**SECTION 1291**

1 or (7) (b), or the department shall direct the department of children and families to
2 reduce allocations of funds to counties or Wisconsin Works agencies in the amount
3 of the disallowance from the appropriation account under s. 20.437 (2) (dz) or direct
4 the department of corrections to reduce allocations of funds to counties in the amount
5 of the disallowance from the appropriation account under s. 20.410 (3) (cd), in
6 accordance with s. 16.544 to the extent applicable.

7 **SECTION 1292.** 49.45 (6m) (e) of the statutes is repealed.

8 **SECTION 1293.** 49.45 (6u) (b) of the statutes is amended to read:

9 49.45 **(6u)** (b) Notwithstanding the limitation on the amount of disbursements
10 under par. (am) (intro.), from the appropriation under s. 20.435 (4) (wm), the
11 department shall, using the criteria specified in par. (am) 1. to 7., disburse any
12 federal medical assistance funds that are received by the state as ~~matching funds to~~
13 federal financial participation for operating deficits incurred by a facility that is
14 operated by a county, city, village, or town and that are in excess of the amount of
15 ~~match~~ federal financial participation anticipated and budgeted as revenue in the
16 biennial budget act, and any act that increases or decreases the amount appropriated
17 for such operating deficits and that is effective after the biennial budget, for the fiscal
18 year in which the funds are received.

19 **SECTION 1294.** 49.45 (6y) of the statutes is repealed.

20 **SECTION 1295.** 49.45 (6z) of the statutes is repealed.

21 **SECTION 1296.** 49.45 (8r) of the statutes is amended to read:

22 49.45 **(8r)** PAYMENT FOR CERTAIN OBSTETRIC AND GYNECOLOGICAL CARE. The rate
23 of payment for obstetric and gynecological care provided in primary care shortage
24 areas, as defined in s. 560.183 36.60 (1) (cm), or provided to recipients of medical
25 assistance who reside in primary care shortage areas, that is equal to 125% of the

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1 rates paid under this section to primary care physicians in primary care shortage
2 areas, shall be paid to all certified primary care providers who provide obstetric or
3 gynecological care to those recipients.

4 **SECTION 1297.** 49.45 (18) (am) of the statutes is renumbered 49.45 (18) (am)
5 1. and amended to read:

6 49.45 **(18)** (am) 1. ~~No Except as provided in subd. 2., no person is liable under~~
7 ~~this subsection for services provided through prepayment contracts. This paragraph~~
8 ~~does not apply to a person who is eligible for the benefits under s. 49.46 (2) (a) and~~
9 ~~(b) under s. 49.471.~~

10 **SECTION 1298.** 49.45 (18) (am) 2. of the statutes is created to read:

11 49.45 **(18)** (am) 2. A person who is eligible for the benefits under s. 49.46 (2) (a)
12 and (b) under s. 49.471 is liable under this subsection for services provided through
13 a prepayment contract in the amounts and according to the procedures specified by
14 the department.

15 **SECTION 1299.** 49.45 (18) (b) 2. of the statutes is amended to read:

16 49.45 **(18)** (b) 2. Any service provided to a person who is less than 18 years old.
17 This subdivision does not apply if the person's family income exceeds 100 percent of
18 the poverty line and he or she is eligible for the benefits under s. 49.46 (2) (a) and (b)
19 under s. 49.471.

20 **SECTION 1300.** 49.45 (19m) of the statutes is created to read:

21 49.45 **(19m)** INCENTIVE PAYMENTS FOR IDENTIFYING CHILDREN WITH HEALTH
22 INSURANCE. From the appropriation under s. 20.435 (4) (bm), the department of
23 health services may provide incentive payments to the department of children and
24 families for identifying children who are receiving medical assistance benefits and
25 who have health insurance coverage or access to health insurance coverage. The

ASSEMBLY BILL 75**SECTION 1300**

1 department of children and families may disclose to the department of health
2 services information that it possesses or obtains that would assist the department
3 of health services to identify children with medical assistance coverage who have
4 health insurance coverage or access to health insurance coverage.

5 **SECTION 1301.** 49.45 (23) (b) of the statutes is amended to read:

6 49.45 **(23)** (b) If the waiver is granted and in effect, the department may
7 promulgate rules defining the health care benefit plan, including more specific
8 eligibility requirements and cost-sharing requirements. Cost sharing may include
9 an annual enrollment fee, which may not exceed \$75 per year. Notwithstanding s.
10 227.24 (3), the plan details under this subsection may be promulgated as an
11 emergency rule under s. 227.24 without a finding of emergency. If the waiver is
12 granted and in effect, the demonstration project under this subsection shall begin on
13 January 1, 2009, or on the effective date of the waiver, whichever is later.

14 **SECTION 1302.** 49.45 (24r) of the statutes is renumbered 49.45 (24r) (a) and
15 amended to read:

16 49.45 **(24r)** (a) The department shall ~~request a~~ implement any waiver ~~from~~
17 granted by the secretary of the federal department of health and human services to
18 permit the department to conduct a demonstration project to provide family
19 planning, as defined in s. 253.07 (1) (a), under medical assistance to any woman
20 between the ages of 15 and 44 whose family income does not exceed 200% of the
21 poverty line for a family the size of the woman's family. ~~The department shall~~
22 ~~implement any waiver granted.~~

23 **SECTION 1303.** 49.45 (24r) (b) of the statutes is created to read:

24 49.45 **(24r)** (b) The department may request an amended waiver from the
25 secretary to permit the department to conduct a demonstration project to provide

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1 family planning to any man between the ages of 15 and 44 whose family income does
2 not exceed 200 percent of the poverty line for a family the size of the man's family.
3 If the amended waiver is granted, the department may implement the waiver.

4 **SECTION 1304.** 49.45 (25) (be) of the statutes is amended to read:

5 49.45 **(25)** (be) A private nonprofit agency that is a certified case management
6 provider may elect to provide case management services to medical assistance
7 beneficiaries who have HIV infection, as defined in s. 252.01 (2). The amount of the
8 allowable charges for those services under the medical assistance program that is not
9 provided by the federal government shall be paid from the appropriation account
10 under s. 20.435 ~~(5)~~ **(1)** (am).

11 **SECTION 1305.** 49.45 (25) (bg) of the statutes is amended to read:

12 49.45 **(25)** (bg) An independent living center, as defined in s. 46.96 (1) (ah), that
13 is a certified case management provider and satisfies the criteria in s. 46.96 (3m) (a)
14 1. to 3. and (am) may elect to provide case management services to one or more of the
15 categories of medical assistance beneficiaries specified under par. (am). The amount
16 of allowable charges for the services under the medical assistance program that is
17 not provided by the federal government shall be paid from nonfederal, public funds
18 received by the independent living center from a county, city, village or town or from
19 funds distributed as a grant under s. 46.96.

20 **SECTION 1306.** 49.45 (30g) of the statutes is created to read:

21 49.45 **(30g)** COMMUNITY RECOVERY SERVICES. (a) *When services are reimbursable.*
22 Community recovery services under s. 49.46 (2) (b) 6. Lo. provided to an individual
23 are reimbursable under the Medical Assistance program only if all of the following
24 conditions are met:

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1 1. An approved amendment to the state medical assistance plan submitted
2 under 42 USC 1396n (i) permits reimbursement for the services under s. 49.46 (2)
3 (b) 6. Lo. in the manner provided under this subsection.

4 2. The county in which the individual resides elects to provide the community
5 recovery services under s. 49.46 (2) (b) 6. Lo. through the Medical Assistance
6 program.

7 3. The individual, the community recovery services, and the community
8 recovery services provider meet any condition set forth in the approved amendment
9 to the medical assistance plan submitted under 42 USC 1396n (i).

10 (b) *Limit on the amount of reimbursement.* If community recovery services are
11 reimbursable under par. (a), the department shall reimburse each participating
12 county for the portion of the federal share of allowable charges for the community
13 recovery services provided by the county that exceeds that county's proportionate
14 share of \$600,000 in fiscal year 2010–2011 and for 95 percent of the federal share of
15 allowable charges for the community recovery services provided by the county in
16 each fiscal year thereafter. The portion of the federal share of allowable charges not
17 reimbursed to counties shall be transferred to the appropriation account under s.
18 20.435 (5) (kx).

19 (c) *Maintenance of effort.* 1. Any funds used to reimburse counties under par.
20 (b) may not be used to supplant funding from any other source.

21 2. No county providing community recovery services under this subsection may
22 report less funding for other community mental health services under mental health
23 for children and adults on the human service revenue reporting form than the county
24 reported in the year prior to the year in which the county elected to provide
25 community recovery services under s. 49.46 (2) (b) 6. Lo.

ASSEMBLY BILL 75**SECTION 1306**

1 3. The department may enforce this subsection using contract remedies under
2 s. 46.031 (2g) or (2r) or by adjusting community aids payments as provided under s.
3 46.40 (9) (d) 1. b.

4 **SECTION 1307.** 49.45 (30m) (am) of the statutes is renumbered 49.45 (30m) (am)
5 1.

6 **SECTION 1308.** 49.45 (30m) (am) 2. of the statutes is created to read:

7 49.45 **(30m)** (am) 2. For individuals receiving the family care benefit under s.
8 46.286, the care management organization that manages the family care benefit for
9 the recipient shall pay the portion of the payment that is not covered by the federal
10 government for services that are described under par. (a) 1. and are covered services
11 under the family care benefit; the department shall pay the remainder of the portion
12 of the payment that is not covered by the federal government.

13 **SECTION 1309.** 49.45 (30r) of the statutes is created to read:

14 49.45 **(30r)** SERVICES IN A MENTAL HEALTH INSTITUTE. A county shall provide the
15 portion of payment that is not provided by the federal government for services under
16 s. 49.46 (2) (b) 6. e. in a mental health institute under s. 51.05.

17 **SECTION 1310.** 49.45 (41) (b) of the statutes is amended to read:

18 49.45 **(41)** (b) If a county elects to become certified as a provider of mental
19 health crisis intervention services, the county may provide mental health crisis
20 intervention services under this subsection in the county to medical assistance
21 recipients through the medical assistance program. A county that elects to provide
22 the services shall pay the amount of the allowable charges for the services under the
23 medical assistance program that is not provided by the federal government. ~~The~~
24 From the appropriation account under s. 20.435 (5) (bL), the department shall
25 reimburse the county under this subsection only for the amount of the allowable

ASSEMBLY BILL 75**SECTION 1310**

1 charges for those services under the medical assistance program that is provided by
2 the federal government.

3 **SECTION 1311.** 49.45 (42) of the statutes is renumbered 49.45 (42) (d).

4 **SECTION 1312.** 49.45 (42) (c) of the statutes is created to read:

5 49.45 **(42)** (c) The department may charge a fee to certify a provider of personal
6 care services described under par. (d) 3. e. Fees collected under this paragraph shall
7 be credited to the appropriation account under s. 20.435 (6) (jm).

8 **SECTION 1313.** 49.45 (42) (d) 3. of the statutes is created to read:

9 49.45 **(42)** (d) 3. The provider of the personal care services is one of the
10 following:

11 a. An independent living center meeting the criteria to receive a grant under
12 s. 46.96.

13 b. A county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437.

14 c. A federally recognized American Indian tribe or band certified to provide
15 services to medical assistance beneficiaries.

16 d. A home health agency licensed under s. 50.49.

17 e. Any other entity certified under sub. (2) (a) 11. to provide personal care
18 services under s. 49.46 (2) (b) 6. j.

19 **SECTION 1314.** 49.45 (47) (c) of the statutes is amended to read:

20 49.45 **(47)** (c) The biennial fee for the certification required under par. (b) of an
21 adult day care center is ~~\$100~~ \$127. Fees collected under this paragraph shall be
22 credited to the appropriation account under s. 20.435 (6) (jm).

23 **SECTION 1315.** 49.45 (47) (e) of the statutes is created to read:

24 49.45 **(47)** (e) If the department takes enforcement action against an adult day
25 care center for violating a certification requirement established under s. 49.45 (2) (a)

ASSEMBLY BILL 75**SECTION 1315**

11., and the department subsequently conducts an on-site inspection of the adult day care center to review the adult day care center's action to correct the violation, the department may impose a \$200 inspection fee on the adult day care center.

SECTION 1316. 49.45 (52) of the statutes is amended to read:

49.45 **(52)** PAYMENT ADJUSTMENTS. Beginning on January 1, 2003, the department may, from the appropriation account under s. 20.435 (7) (b), make Medical Assistance payment adjustments to county departments under s. 46.215, 46.22, 46.23, or 51.42, or 51.437 or to local health departments, as defined in s. 250.01 (4), as appropriate, for covered services under s. 49.46 (2) (a) 2. and 4. d. and f. and (b) 6. b., c., f., fm., g., j., k., L., Lm., and m., 9., 12., 12m., 13., 15., and 16, except for services specified under s. 45.49 (2) (b) 6. b. and c. provided to children participating in the early intervention program under s. 51.44. Payment adjustments under this subsection shall include the state share of the payments. The total of any payment adjustments under this subsection and Medical Assistance payments made from appropriation accounts under s. 20.435 (4) (b), (gp), (o), and (w) may not exceed applicable limitations on payments under 42 USC 1396a (a) (30) (A).

SECTION 1317. 49.45 (54) of the statutes is created to read:

49.45 **(54)** THERAPY FOR CHILDREN PARTICIPATING IN THE BIRTH TO 3 PROGRAM. (a) *Federal share for county expenditures.* If a county certifies to the department that the amount the county expended to provide services specified under s. 45.49 (2) (b) 6. b. and c. to children participating in the early intervention program under s. 51.44 exceeds the amount the county received as reimbursement under this section, based on reimbursement rates established by the department for those services, and the federal government pays the state the federal share of Medical Assistance for the amount by which the county expenditures exceed the reimbursement, the

ASSEMBLY BILL 75**SECTION 1317**

1 department may disburse the federal share to the county. A county that receives
2 moneys under this paragraph shall expend the moneys for early intervention
3 services under s. 51.44 or for services under the disabled children's long-term
4 support program, as defined in s. 46.011 (1g).

5 (b) *Services provided by special educators.* If a county provides services to
6 assess and promote skill acquisition to children who are participating in the early
7 intervention program under s. 51.44 and the services are provided by a special
8 educator who is a certified provider of medical assistance, the department shall
9 reimburse the county the federal share of medical assistance for the county's
10 allowable charges for providing the services. The county shall pay the the remaining
11 expenses for the services. The department shall promulgate rules establishing
12 certification requirements for special educators who provide service under this
13 paragraph, and requirements for county reporting of expenditures for services under
14 this paragraph. A county that receives moneys under this paragraph shall expend
15 the moneys for early intervention services under s. 51.44 or for services under the
16 disabled children's long-term support program, as defined in s. 46.011 (1g).

17 **SECTION 1318.** 49.46 (1) (a) 5. of the statutes is amended to read:

18 49.46 (1) (a) 5. Any child in an adoption assistance, foster care, ~~treatment foster~~
19 ~~care,~~ or subsidized guardianship placement under ch. 48 or 938, as determined by
20 the department.

21 **SECTION 1319.** 49.46 (1) (a) 16. of the statutes is repealed.

22 **SECTION 1320.** 49.46 (1) (d) 1. of the statutes is amended to read:

23 49.46 (1) (d) 1. Children who are placed in licensed foster homes ~~or licensed~~
24 ~~treatment foster homes~~ by the department and who would be eligible for payment
25 of aid to families with dependent children in foster homes ~~or treatment foster homes~~

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1 except that their placement is not made by a county department under s. 46.215,
2 46.22, or 46.23 will be considered as recipients of aid to families with dependent
3 children.

4 **SECTION 1321.** 49.46 (2) (b) 3. of the statutes is amended to read:

5 49.46 **(2)** (b) 3. Transportation by emergency medical vehicle to obtain
6 emergency medical care, transportation by specialized medical vehicle to obtain
7 medical care including the unloaded travel of the specialized medical vehicle
8 necessary to provide that transportation, ~~or, if authorized in advance by the county~~
9 ~~department under s. 46.215 or 46.22,~~ transportation by common carrier or private
10 motor vehicle to obtain medical care.

11 **SECTION 1322.** 49.46 (2) (b) 6. e. of the statutes is amended to read:

12 49.46 **(2)** (b) 6. e. Inpatient Subject to the limitation under s. 49.45 (30r),
13 inpatient hospital, skilled nursing facility and intermediate care facility services for
14 patients of any institution for mental diseases who are under 21 years of age, are
15 under 22 years of age and who were receiving these services immediately prior to
16 reaching age 21, or are 65 years of age or older.

17 **SECTION 1323.** 49.46 (2) (b) 6. Lo. of the statutes is created to read:

18 49.46 **(2)** (b) 6. Lo. Subject to the limitations under s. 49.45 (30g), community
19 recovery services.

20 **SECTION 1324.** 49.46 (2) (b) 8. of the statutes is amended to read:

21 49.46 **(2)** (b) 8. Home or community-based services, if provided under s. 46.27
22 (11), 46.275, 46.277, 46.278, ~~or 46.2785,~~ 46.99, or under the family care benefit if a
23 waiver is in effect under s. 46.281 (1d), or under the disabled children's long-term
24 support program, as defined in s. 46.011 (1g).

25 **SECTION 1325.** 49.46 (2) (b) 17. of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 1325**

1 49.46 (2) (b) 17. Services under s. 49.45 (54) (b) for children participating in the
2 early intervention program under s. 51.44, that are provided by a special educator.

3 **SECTION 1326.** 49.46 (2) (d) of the statutes is amended to read:

4 49.46 (2) (d) Benefits authorized under this subsection may not include
5 payment for that part of any service payable through 3rd-party liability or any
6 federal, state, county, municipal, or private benefit system to which the beneficiary
7 is entitled. “Benefit system” does not include any public assistance program such as,
8 but not limited to, Hill-Burton benefits under 42 USC 291c (e), in effect on April 30,
9 1980, ~~or relief funded by a relief block grant.~~

10 **SECTION 1327.** 49.47 (4) (b) (intro.) of the statutes is amended to read:

11 49.47 (4) (b) (intro.) Eligibility exists if the applicant’s property, subject to the
12 exclusion of any amounts under the Long-Term Care Partnership Program
13 established under s. 49.45 (31) or any amounts in an independence account, as
14 defined in s. 49.472 (1) (c), does not exceed the following:

15 **SECTION 1328.** 49.471 (2) of the statutes is amended to read:

16 49.471 (2) **WAIVER AND STATE PLAN AMENDMENTS.** The department shall request
17 a waiver from, and submit amendments to the state Medical Assistance plan to, the
18 secretary of the federal department of health and human services to implement
19 BadgerCare Plus. If the state plan amendments are approved and a waiver that is
20 substantially consistent with the provisions of this section, excluding sub. (2m), is
21 granted and in effect, the department shall implement BadgerCare Plus beginning
22 on January 1, 2008, the effective date of the state plan amendments, or the effective
23 date of the waiver, whichever is latest. If the state plan amendments are approved
24 but the terms of approval do not allow for federal funding of the cost of benefits for
25 all or any part of one or more of the eligibility categories under sub. (4) (b), the

ASSEMBLY BILL 75**SECTION 1328**

1 department may at its discretion pay for the cost of benefits for all or any part of any
2 group for which federal funding was denied exclusively with moneys from the
3 appropriation under s. 20.435 (4) (b). If the state plan amendments are not approved
4 or if a waiver that is substantially consistent with the provisions of this section,
5 excluding sub. (2m), is not granted, BadgerCare Plus may not be implemented. If
6 the state plan amendments are approved but approval is not continued or if a waiver
7 that is substantially consistent with the provisions of this section, excluding sub.
8 (2m), is granted but not continued in effect, BadgerCare Plus shall be discontinued.

9 **SECTION 1329.** 49.471 (3) (a) 1. of the statutes is amended to read:

10 49.471 **(3)** (a) 1. Notwithstanding ss. 49.46 (1), 49.465, 49.47 (4), and 49.665 (4),
11 if the amendments to the state plan under sub. (2) are approved and a waiver under
12 sub. (2) that is substantially consistent with ~~all of~~ the provisions of this section,
13 excluding sub. (2m), is granted and in effect, an individual described in sub. (4) (a)
14 or (b) or (5) is not eligible under s. 49.46, 49.465, 49.47, or 49.665 for Medical
15 Assistance or BadgerCare health program benefits. The eligibility of an individual
16 described in sub. (4) (a) or (b) or (5) for Medical Assistance benefits shall be
17 determined under this section.

18 **SECTION 1330.** 49.471 (3) (b) 1. (intro.) of the statutes is amended to read:

19 49.471 **(3)** (b) 1. (intro.) If an individual over 18 years of age who is eligible for
20 and receiving Medical Assistance benefits under s. 49.46, 49.47, or 49.665 in the
21 month before BadgerCare Plus is implemented loses that eligibility solely due to the
22 implementation of BadgerCare Plus and, because of his or her income, is not eligible
23 for BadgerCare Plus, the individual shall continue receiving for ~~18~~ 12 consecutive
24 months the medical assistance he or she was receiving before the implementation of
25 BadgerCare Plus if all of the following are satisfied:

ASSEMBLY BILL 75**SECTION 1331**

1 **SECTION 1331.** 49.471 (3) (b) 1. c. of the statutes is amended to read:

2 49.471 **(3)** (b) 1. c. The individual ~~continues to meet~~ meets all nonfinancial
3 eligibility requirements ~~for the coverage that he or she had in the month before the~~
4 ~~implementation of BadgerCare Plus~~ under this section.

5 **SECTION 1332.** 49.471 (3) (b) 2. of the statutes is amended to read:

6 49.471 **(3)** (b) 2. Notwithstanding subd. 1., if at any time during an individual's
7 ~~18-month~~ 12-month eligibility extension under subd. 1. any criterion under subd.
8 1. a. to d. is not satisfied, the individual's eligibility for the extended coverage is
9 terminated and any time remaining in the eligibility period is lost.

10 **SECTION 1333.** 49.471 (4) (a) 4. a. of the statutes is amended to read:

11 49.471 **(4)** (a) 4. a. The individual is a parent or caretaker relative of a child who
12 is living in the home with the parent or caretaker relative or who is temporarily
13 absent from the home for not more than 6 months or, if the child has been removed
14 from the home for more than 6 months, the parent or caretaker relative is working
15 toward unifying the family by complying with a permanency plan under s. 48.38 or
16 938.38.

17 **SECTION 1334.** 49.471 (4) (a) 5. of the statutes is amended to read:

18 49.471 **(4)** (a) 5. An individual who, regardless of family income, was born on
19 or after January 1, 1990, and who, on his or her 18th birthday, was in a foster care
20 ~~or treatment foster care~~ placement under the responsibility of a state, as determined
21 by the department. The coverage for an individual under this subdivision ends on
22 the last day of the month in which the individual becomes 21 years of age, unless he
23 or she otherwise loses eligibility sooner.

24 **SECTION 1335.** 49.471 (4) (a) 7. of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 1335**

1 49.471 **(4)** (a) 7. Individuals who qualify for a medical assistance eligibility
2 extension under s. 49.46 (1) (c), (cg), or (co) when their income increases above the
3 poverty line.

4 **SECTION 1336.** 49.471 (4) (b) 1m. of the statutes is amended to read:

5 49.471 **(4)** (b) 1m. A pregnant woman ~~or unborn child~~ who obtains eligibility
6 under sub. (7) (b) 1.

7 **SECTION 1337.** 49.471 (4) (b) 4. a. of the statutes is amended to read:

8 49.471 **(4)** (b) 4. a. The individual is a parent or caretaker relative of a child who
9 is living in the home with the parent or caretaker relative or who is temporarily
10 absent from the home for not more than 6 months or, if the child has been removed
11 from the home for more than 6 months, the parent or caretaker relative is working
12 toward unifying the family by complying with a permanency plan under s. 48.38 or
13 938.38.

14 **SECTION 1338.** 49.471 (5) (b) 1. of the statutes is amended to read:

15 49.471 **(5)** (b) 1. Except as provided in sub. (6) (a) 1, a pregnant woman is
16 eligible for the benefits specified in par. (c) during the period beginning on the day
17 on which a qualified provider determines, on the basis of preliminary information,
18 that the woman's family income does not exceed 300 percent of the poverty line and
19 ending on the applicable day specified in subd. 3.

20 **SECTION 1339.** 49.471 (5) (b) 2. of the statutes is amended to read:

21 49.471 **(5)** (b) 2. Except as provided in sub. (6) (a) 2, a child who is not an unborn
22 child is eligible for the benefits described in s. 49.46 (2) (a) and (b) during the period
23 beginning on the day on which a qualified entity determines, on the basis of
24 preliminary information, that the child's family income does not exceed 150 percent
25 of the poverty line and ending on the applicable day specified in subd. 3.

ASSEMBLY BILL 75**SECTION 1340**

1 **SECTION 1340.** 49.471 (5) (c) of the statutes is renumbered 49.471 (5) (c) 2. and
2 amended to read:

3 49.471 **(5)** (c) 2. On behalf of a woman under par. (b) 1. whose family income
4 exceeds 200 percent of the poverty line, the department shall audit and pay allowable
5 charges to a provider certified under s. 49.45 (2) (a) 11. only for ambulatory prenatal
6 care services under the benefits under sub. (11).

7 **SECTION 1341.** 49.471 (5) (c) 1. of the statutes is created to read:

8 49.471 **(5)** (c) 1. On behalf of a woman under par. (b) 1. whose family income
9 does not exceed 200 percent of the poverty line, the department shall audit and pay
10 allowable charges to a provider certified under s. 49.45 (2) (a) 11. only for ambulatory
11 prenatal care services under the benefits described in s. 49.46 (2) (a) and (b).

12 **SECTION 1342.** 49.471 (6) (a) of the statutes is renumbered 49.471 (6) (a) 2. and
13 amended to read:

14 49.471 **(6)** (a) 2. ~~Any pregnant woman, including a pregnant woman under sub~~
15 ~~(5) (b) 1.,~~ child who is not an unborn child, including a child under sub. (5) (b) 2.,
16 parent, or caretaker relative whose family income is less than 150 percent of the
17 poverty line is eligible for medical assistance under this section for any of the 3
18 months prior to the month of application if the individual met the eligibility criteria
19 under this section and had a family income of less than 150 percent of the poverty
20 line in that month.

21 **SECTION 1343.** 49.471 (6) (a) 1. of the statutes is created to read:

22 49.471 **(6)** (a) 1. Any pregnant woman, including a pregnant woman under sub.
23 (5) (b) 1., is eligible for medical assistance under this section for any of the 3 months
24 prior to the month of application if she met the eligibility criteria under this section
25 in that month.

ASSEMBLY BILL 75**SECTION 1344**

SECTION 1344. 49.471 (6) (e) of the statutes is repealed.

SECTION 1345. 49.471 (7) (b) 1. of the statutes is amended to read:

49.471 **(7)** (b) 1. A pregnant woman, ~~or an unborn child~~, whose family income exceeds 300 percent of the poverty line may become eligible for coverage under this section if the difference between the pregnant woman's ~~or unborn child's~~ family income and the applicable income limit under sub. (4) (b) is obligated or expended for any member of the pregnant woman's ~~or unborn child's~~ family for medical care or any other type of remedial care recognized under state law or for personal health insurance premiums or for both. Eligibility obtained under this subdivision continues without regard to any change in family income for the balance of the pregnancy and, ~~for a pregnant woman but not for an unborn child~~, to the last day of the month in which the 60th day after the last day of the woman's pregnancy falls. Eligibility obtained by a pregnant woman under this subdivision extends to all pregnant women in the pregnant woman's family.

SECTION 1346. 49.471 (7) (b) 2. of the statutes is amended to read:

49.471 **(7)** (b) 2. A child who is not an unborn child ~~and~~, whose family income exceeds 150 percent of the poverty line, and who is ineligible under this section solely because of sub. (8) (b) may obtain eligibility under this section if the difference between the child's family income and 150 percent of the poverty line is obligated or expended on behalf of the child or any member of the child's family for medical care or any other type of remedial care recognized under state law or for personal health insurance premiums or for both. Eligibility obtained under this subdivision during any 6-month period, as determined by the department, continues for the remainder of the 6-month period and extends to all children in the family.

SECTION 1347. 49.471 (7) (b) 3. of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1347**

1 49.471 (7) (b) 3. For a pregnant woman ~~or an unborn child~~ to obtain eligibility
2 under subd. 1., the amount that must be obligated or expended in any 6-month
3 period is equal to the sum of the differences in each of those 6 months between the
4 pregnant woman's ~~or unborn child's~~ monthly family income and the monthly family
5 income that is 300 percent of the poverty line. For a child to obtain eligibility under
6 subd. 2., the amount that must be obligated or expended in any 6-month period is
7 equal to the sum of the differences in each of those 6 months between the child's
8 monthly family income and the monthly family income that is 150 percent of the
9 poverty line.

10 **SECTION 1348.** 49.471 (7) (c) 1. of the statutes is amended to read:

11 49.471 (7) (c) 1. Deduct from family the individual's income, up to the amount
12 of the individual's income, any payments made by amount the individual is obligated
13 to pay for court-ordered child or family support or maintenance.

14 **SECTION 1349.** 49.471 (8) (d) 1. f. of the statutes is created to read:

15 49.471 (8) (d) 1. f. An individual described in sub. (4) (a) 7.

16 **SECTION 1350.** 49.471 (8) (d) 2. c. of the statutes is amended to read:

17 49.471 (8) (d) 2. c. One or more members of the individual's family were eligible
18 for other health insurance coverage or Medical Assistance under s. 49.46 or 49.47 at
19 the time the employee failed to enroll in the health insurance coverage under par. (b)
20 1. and no member of the family was eligible for coverage under this section at that
21 time or, if one or more members of the individual's family were eligible for coverage
22 under this section at that time, family income did not exceed 150 percent of the
23 poverty line or the individual qualified for a medical assistance eligibility extension
24 as provided in sub. (4) (a) 7.

25 **SECTION 1351.** 49.471 (10) (a) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1351**

1 49.471 (10) (a) *Copayments*. Except as provided in s. 49.45 (18) (am) 2. and (b)
2 2., all cost-sharing provisions under s. 49.45 (18) apply to a recipient with coverage
3 of the benefits described in s. 49.46 (2) (a) and (b) to the same extent as they apply
4 to a person eligible for medical assistance under s. 49.46, 49.468, or 49.47.

5 **SECTION 1352.** 49.471 (10) (b) 4. g. of the statutes is created to read:

6 49.471 (10) (b) 4. g. An individual described in sub. (4) (a) 7.

7 **SECTION 1353.** 49.471 (10) (b) 5. of the statutes is amended to read:

8 49.471 (10) (b) 5. If a recipient who is required to pay a premium under this
9 paragraph or under sub. (2m) or (4) (c) either does not pay a premium when due or
10 requests that his or her coverage under this section be terminated, the recipient's
11 coverage terminates and the recipient is not eligible for BadgerCare Plus for 6
12 consecutive calendar months following the date on which the recipient's coverage
13 terminated, except for any month during that 6-month period when the recipient's
14 family income does not exceed 150 percent of the poverty line.

15 **SECTION 1354.** 49.471 (12) (b) of the statutes is amended to read:

16 49.471 (12) (b) If the amendments to the state plan submitted under sub. (2)
17 are approved and a waiver that is substantially consistent with ~~all of~~ the provisions
18 of this section is granted and in effect, the department shall publish a notice in the
19 Wisconsin Administrative Register that states the date on which BadgerCare Plus
20 is implemented.

21 **SECTION 1355.** 49.493 (1) (b) of the statutes is amended to read:

22 49.493 (1) (b) "Medical benefits or assistance" means medical benefits under
23 s. ~~49.02 or~~ 253.05 or medical assistance.

24 **SECTION 1356.** 49.665 (6) of the statutes is repealed.

25 **SECTION 1357.** 49.686 (2) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1357**

1 49.686 **(2)** REIMBURSEMENT. From the ~~appropriations~~ appropriation accounts
2 under s. 20.435 ~~(5)~~ (1) (am), (i), and (ma), the department may reimburse or
3 supplement the reimbursement of the cost of AZT, the drug pentamidine, and any
4 drug approved for reimbursement under sub. (4) (c) for an individual who is eligible
5 under sub. (3).

6 **SECTION 1358.** 49.686 (3) (d) of the statutes is amended to read:

7 49.686 **(3)** (d) Has applied for coverage under and has been denied eligibility
8 for medical assistance within 12 months prior to application for reimbursement
9 under sub. (2). This paragraph does not apply to an individual who is eligible for
10 benefits under the demonstration project for childless adults under s. 49.45 (23) or
11 to an individual who is eligible for benefits under BadgerCare Plus under s. 49.471
12 (11).

13 **SECTION 1359.** 49.686 (3) (f) of the statutes is amended to read:

14 49.686 **(3)** (f) Is an individual whose annual gross household income is at or
15 below 200% of the poverty line and, if funding is available under s. 20.435 (1) (i) or
16 (m) or (5) (i), is an individual whose annual gross household income is above 200%
17 and at or below 300% of the poverty line.

18 **SECTION 1360.** 49.686 (6) (title) of the statutes is amended to read:

19 49.686 **(6)** (title) HEALTH INSURANCE RISK-SHARING PLAN ~~PILOT PROGRAM~~
20 COVERAGE.

21 **SECTION 1361.** 49.686 (6) (a) (intro.) of the statutes is amended to read:

22 49.686 **(6)** (a) (intro.) Subject to par. (b), the department shall conduct a ~~3-year~~
23 ~~pilot program, to begin on January 1, 2008,~~ under which the department may pay
24 premiums for coverage under the Health Insurance Risk-Sharing Plan under subch.
25 II of ch. 149, and pay copayments under that plan for prescription drugs for which

ASSEMBLY BILL 75**SECTION 1361**

1 reimbursement may be provided under sub. (2), for individuals who satisfy all of the
2 following:

3 **SECTION 1362.** 49.686 (6) (b) of the statutes is amended to read:

4 49.686 **(6)** (b) The ~~pilot~~ program shall be open to a minimum of 100 participants
5 at any given time, with more participants if the department determines that it is
6 cost-effective.

7 **SECTION 1363.** 49.686 (6) (c) of the statutes is amended to read:

8 49.686 **(6)** (c) The department may promulgate rules for the administration of
9 the ~~pilot~~ program. Notwithstanding s. 227.24 (3), rules under this paragraph may
10 be promulgated as emergency rules under s. 227.24 without a finding of emergency.

11 **SECTION 1364.** 49.688 (1) (e) of the statutes is amended to read:

12 49.688 **(1)** (e) “Program payment rate” means the rate of payment made for the
13 identical drug specified under s. 49.46 (2) (b) 6. h., ~~plus 5%~~, plus a dispensing fee that
14 is equal to the dispensing fee permitted to be charged for prescription drugs for which
15 coverage is provided under s. 49.46 (2) (b) 6. h.

16 **SECTION 1365.** 49.688 (3) (d) of the statutes is amended to read:

17 49.688 **(3)** (d) ~~Notwithstanding s. 49.002, if~~ If a person who is eligible under this
18 section has other available coverage for payment of a prescription drug, this section
19 applies only to costs for prescription drugs for the person that are not covered under
20 the person’s other available coverage.

21 **SECTION 1366.** 49.688 (8) of the statutes is repealed.

22 **SECTION 1367.** 49.688 (12) of the statutes is amended to read:

23 49.688 **(12)** Except as provided in subs. ~~(8)~~ (8m) to (11) and except for the
24 department’s rule-making requirements and authority, the department may enter

ASSEMBLY BILL 75**SECTION 1367**

1 into a contract with an entity to perform the duties and exercise the powers of the
2 department under this section.

3 **SECTION 1368.** 49.775 (2) (bm) of the statutes is amended to read:

4 49.775 **(2)** (bm) The custodial parent assigns to the state any right of the
5 custodial parent or of the dependent child to support from any other person. No
6 amount of support that begins to accrue after the individual ceases to receive
7 payments under this section may be considered assigned to the state. ~~Any~~
8 Seventy-five percent of all money that is received by the department of children and
9 families under an assignment to the state under this paragraph ~~and that is not the~~
10 ~~federal share of support~~ shall be paid to the custodial parent. The department of
11 children and families shall pay the federal share of support assigned under this
12 paragraph as required under federal law or waiver.

13 **SECTION 1369.** 49.775 (2) (bm) of the statutes, as affected by 2009 Wisconsin
14 Act (this act), is amended to read:

15 49.775 **(2)** (bm) The custodial parent assigns to the state any right of the
16 custodial parent or of the dependent child to support from any other person accruing
17 during the time that any payment under this subsection is made to the custodial
18 parent. No amount of support that begins to accrue after the individual ceases to
19 receive payments under this section may be considered assigned to the state.
20 Seventy-five percent of all money that is received by the department of children and
21 families under an assignment to the state under this paragraph shall be paid to the
22 custodial parent. The department of children and families shall pay the federal
23 share of support assigned under this paragraph as required under federal law or
24 waiver.

25 **SECTION 1370.** 49.775 (2m) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 1370**

1 49.775 **(2m)** DISREGARD OF SUPPORT. In determining a custodial parent's
2 eligibility under this section, the department shall, for purposes of determining the
3 custodial parent's income, disregard any court-ordered support that is received by
4 or owed to the custodial parent.

5 **SECTION 1371.** 49.776 of the statutes is created to read:

6 **49.776 Payment of support arrears.** If a custodial parent who formerly
7 received payments under s. 49.775 but who is no longer receiving payments under
8 s. 49.775 assigned to the state under s. 49.775 (2) (bm) his or her right or the right
9 of the dependent child to support from any other person, the department shall pay
10 to the custodial parent all money in support arrears that is collected by the
11 department after the custodial parent's receipt of payments under s. 49.775 ceased
12 and that accrued while the custodial parent was receiving those payments.

13 **SECTION 1372.** 49.79 (1) (f) of the statutes is repealed.

14 **SECTION 1373.** 49.79 (1) (fm) of the statutes is created to read:

15 49.79 **(1)** (fm) "School" means any of the following:

16 1. A public school, as described in s. 115.01 (1).

17 2. A private school, as defined in s. 115.001 (3r).

18 3. A technical college pursuant to a contract under s. 118.15 (2).

19 4. A course of study meeting the standards established by the state
20 superintendent of public instruction under s. 115.29 (4) for the granting of a
21 declaration of equivalency of high school graduation.

22 **SECTION 1374.** 49.79 (8) of the statutes is repealed.

23 **SECTION 1375.** 49.79 (9) (a) 3. of the statutes is amended to read:

24 49.79 **(9)** (a) 3. The department may not require an individual who is a recipient
25 under the food stamp program to participate in any employment and training

ASSEMBLY BILL 75**SECTION 1375**

1 program under this subsection if that individual is enrolled at least half time in a
2 school, as defined in s. 49.26 (1) (a) 2., a training program, or an institution of higher
3 education.

4 **SECTION 1376.** 49.797 (2) (a) of the statutes is amended to read:

5 49.797 **(2)** (a) ~~Except~~ Notwithstanding s. 46.028 and except as provided in par.
6 (b) and sub. (8), the department shall administer a statewide program to deliver food
7 stamp benefits to recipients of food stamp benefits by an electronic benefit transfer
8 system. All suppliers, as defined in s. 49.795 (1) (d), may participate in the delivery
9 of food stamp benefits under the electronic benefit transfer system. The department
10 shall explore methods by which nontraditional retailers, such as farmers' markets,
11 may participate in the delivery of food stamp benefits under the electronic benefit
12 transfer system.

13 **SECTION 1377.** 49.83 of the statutes is amended to read:

14 **49.83 Limitation on giving information.** Except as provided under s. ss.
15 49.32 (9), (10), and (10m) and 49.45 (19m), no person may use or disclose information
16 concerning applicants and recipients of relief funded by a relief block grant, aid to
17 families with dependent children, Wisconsin Works under ss. 49.141 to 49.161, social
18 services, child and spousal support and establishment of paternity and medical
19 support liability services under s. 49.22, or supplemental payments under s. 49.77
20 for any purpose not connected with the administration of the programs, except that
21 the department of children and families may disclose such information to the
22 department of revenue for the sole purpose of administering state taxes. Any person
23 violating this section may be fined not less than \$25 nor more than \$500 or
24 imprisoned in the county jail not less than 10 days nor more than one year or both.

25 **SECTION 1378.** 49.84 (3) of the statutes is repealed.

ASSEMBLY BILL 75**SECTION 1379**

1 **SECTION 1379.** 49.84 (4) of the statutes is repealed.

2 **SECTION 1380.** 49.895 of the statutes is created to read:

3 **49.895 Insurance claim intercept. (1)** In this section:

4 (a) “Medical assistance liability” means an amount that the department of
5 health services may recover under s. 49.497, 49.847, or 49.89.

6 (b) “Support liability” means an amount that is entered in the statewide
7 support lien docket under s. 49.854.

8 **(2)** Before paying an insurance claim of \$500 or more to any individual, an
9 insurer that is authorized to do business in this state shall do all of the following:

10 (a) Verify with the department of health services, in the manner required by
11 that department, whether the individual to whom the claim is to be paid has a
12 medical assistance liability.

13 (b) Check the statewide support lien docket to determine whether the
14 individual to whom the claim is to be paid has a support liability.

15 **(3)** If an individual to whom a claim of \$500 or more is to be paid has a support
16 liability or a medical assistance liability, or both, the insurer shall distribute the
17 claim proceeds as follows:

18 (a) First, if there is a support liability, to the department of children and
19 families to pay the support liability, up to the amount of the support liability or the
20 amount of the claim, whichever is less.

21 (b) Next, if there is a medical assistance liability, to the department of health
22 services to pay the medical assistance liability, up to the amount of the medical
23 assistance liability or the amount of the claim proceeds remaining, whichever is less.

24 (c) Last, to the individual, the remainder of the claim proceeds, if any.

ASSEMBLY BILL 75**SECTION 1380**

1 **(4)** The department of health services shall promulgate rules for the
2 administration of this section, including procedures for insurers to follow and any
3 notice and hearing requirements. Notwithstanding s. 227.24 (3), the rules under this
4 subsection may be promulgated as emergency rules under s. 227.24 without a finding
5 of emergency.

6 **SECTION 1381.** 49.96 of the statutes is amended to read:

7 **49.96 Assistance grants exempt from levy.** All grants of aid to families with
8 dependent children, payments made under ss. ~~48.57 (3m) or (3n)~~, 49.148 (1) (b) 1. or
9 (c) or (1m) or 49.149 to 49.159, payments made for social services, cash benefits paid
10 by counties under s. 59.53 (21), and benefits under s. 49.77 or federal Title XVI, are
11 exempt from every tax, and from execution, garnishment, attachment, and every
12 other process and shall be inalienable.

13 **SECTION 1382.** 50.01 (1) (intro.) of the statutes is amended to read:

14 50.01 **(1)** (intro.) “Adult family home” means one of the following and does not
15 include a place that is specified in sub. (1g) (a) to (d), (f), or (g):

16 **SECTION 1383.** 50.01 (1) (a) 1. of the statutes is amended to read:

17 50.01 **(1)** (a) 1. Care and maintenance above the level of room and board but
18 not including nursing care are provided in the private residence by the care provider
19 whose primary domicile is this residence for 3 or 4 adults, or more adults if all of the
20 adults are siblings, each of whom has a developmental disability, as defined in s.
21 51.01 (5), or, if the residence is licensed as a foster home, care and maintenance are
22 provided to children, the combined total of adults and children so served being no
23 more than 4, or more adults or children if all of the adults or all of the children are
24 siblings, ~~or, if the residence is licensed as a treatment foster home, care and~~

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1 maintenance are provided to children, the combined total of adults and children so
2 served being no more than 4.

3 **SECTION 1384.** 50.01 (1) (a) 2. of the statutes is amended to read:

4 50.01 **(1)** (a) 2. The private residence was licensed under s. 48.62 as a foster
5 home or treatment foster home for the care of the adults specified in subd. 1. at least
6 12 months before any of the adults attained 18 years of age.

7 **SECTION 1385.** 50.01 (1) (b) of the statutes is amended to read:

8 50.01 **(1)** (b) A place where 3 or 4 adults who are not related to the operator
9 reside and receive care, treatment or services that are above the level of room and
10 board and that may include up to 7 hours per week of nursing care per resident.
11 “Adult family home” does not include a place that is specified in sub. (1g) (a) to (d),
12 (f) or (g).

13 **SECTION 1386.** 50.01 (1) (c) of the statutes is created to read:

14 50.01 **(1)** (c) A place in which the operator provides care, treatment, support,
15 or service above the level of room and board, but not including nursing care, to up to
16 2 adults who are not related to the operator.

17 **SECTION 1387.** 50.02 (1) of the statutes is amended to read:

18 50.02 **(1)** DEPARTMENTAL AUTHORITY. The department may provide uniform,
19 statewide licensing, inspection, and regulation of community-based residential
20 facilities and nursing homes as provided in this subchapter. The department shall
21 certify, inspect, and otherwise regulate adult family homes, as specified under s. ss.
22 50.031 and 50.032 and shall license adult family homes, as specified under s. 50.033.
23 Nothing in this subchapter may be construed to limit the authority of the department
24 of commerce or of municipalities to set standards of building safety and hygiene, but
25 any local orders of municipalities shall be consistent with uniform, statewide

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1 regulation of community-based residential facilities. The department may not
2 prohibit any nursing home from distributing over-the-counter drugs from bulk
3 supply. The department may consult with nursing homes as needed and may provide
4 specialized consultations when requested by any nursing home, separate from its
5 inspection process, to scrutinize any particular questions the nursing home raises.
6 The department shall, by rule, define “specialized consultation”.

7 **SECTION 1388.** 50.02 (4) of the statutes is repealed.

8 **SECTION 1389.** 50.03 (5g) (cm) of the statutes is created to read:

9 50.03 **(5g)** (cm) If the department imposes a sanction on or takes other
10 enforcement action against a community-based residential facility for a violation of
11 this subchapter or rules promulgated under it, and the department subsequently
12 conducts an on-site inspection of the community-based residential facility to review
13 the community-based residential facility’s action to correct the violation, the
14 department may impose a \$200 inspection fee on the community-based residential
15 facility.

16 **SECTION 1390.** 50.031 of the statutes is created to read:

17 **50.031 Certification of 1-bed and 2-bed adult family homes. (1)**

18 **DEFINITION.** In this section, “adult family home” has the meaning given in s. 50.01
19 (1) (c).

20 **(2) CERTIFICATION.** (a) After the date on which the family care benefit under
21 s. 46.286 is first made available in a county, no person may operate an adult family
22 home in that county that provides residential care to a recipient of supplemental
23 security income under 42 USC 1381 to 1383c, a recipient of the family care benefit
24 under s. 46.286, or a recipient of services under s. 46.27 (11), 46.275, 46.277, 46.278,
25 or 46.2785, or under any other program operated under a waiver authorized by the

ASSEMBLY BILL 75**SECTION 1390**

1 secretary at the U.S. department of health and human services under 42 USC 1396n
2 (b) or (c), unless the adult family home is certified by the department under par. (b)
3 or (c).

4 (b) The department shall certify an adult family home upon determining that
5 the adult family home satisfies standards established under sub. (3).

6 (c) The department shall certify an adult family home that was certified to
7 receive payment for residential care under s. 46.27 (11), 46.275, 46.277, 46.278, or
8 46.2785 by a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 if the
9 operator of the adult family home attests to all of the following:

10 1. That the adult family home was certified by the county department and is
11 at the same location as when certified by the county department.

12 2. That the adult family home satisfies standards established under sub. (3).

13 (d) Certification under par. (b) or (c) shall be valid until revoked by the
14 department.

15 **(3) STANDARDS.** The department shall establish standards for certification
16 under this section.

17 **(4) INVESTIGATION.** The department may investigate complaints that an adult
18 family home certified under this section violated a standard for certification under
19 sub. (3).

20 **(5) REVOCATION.** The department may revoke the certification of an adult
21 family home that is certified under this section if the adult family home violates a
22 standard established under sub. (3).

23 **(6) FEE.** The department may charge a fee for certification under sub. (2) (a)
24 and a fee for a certification under sub. (2) (b).

25 **SECTION 1391.** 50.032 (2) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1391**

1 50.032 **(2)** REGULATION. ~~Standards~~ Except as provided in sub. (2d), standards
2 for operation of certified adult family homes and procedures for application for
3 certification, monitoring, inspection, decertification and appeal of decertification
4 under this section shall be under rules promulgated by the department under s.
5 50.02 (2) (am) 1. An adult family home certification is valid until decertified under
6 this section. Certification is not transferable.

7 **SECTION 1392.** 50.032 (2d) of the statutes is created to read:

8 50.032 **(2d)** ACCOMPANIMENT OR VISITATION. If an adult family home has a policy
9 on who may accompany or visit a patient, the adult family home shall extend the
10 same right of accompaniment or visitation to a patient's domestic partner under
11 ch.770 as is accorded the spouse of a patient under the policy.

12 **SECTION 1393.** 50.033 (2) of the statutes is amended to read:

13 50.033 **(2)** REGULATION. ~~Standards~~ Except as provided in sub. (2d), standards
14 for operation of licensed adult family homes and procedures for application for
15 licensure, monitoring, inspection, revocation and appeal of revocation under this
16 section shall be under rules promulgated by the department under s. 50.02 (2) (am)
17 2. An adult family home licensure is valid until revoked under this section.
18 Licensure is not transferable. The biennial licensure fee for a licensed adult family
19 home is ~~\$135~~ \$171, except that the department may, by rule, increase the amount of
20 the fee. The fee is payable to the county department under s. 46.215, 46.22, 46.23,
21 51.42 or 51.437, if the county department licenses the adult family home under sub.
22 (1m) (b), and is payable to the department, on a schedule determined by the
23 department if the department licenses the adult family home under sub. (1m) (b).

24 **SECTION 1394.** 50.033 (2d) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 1394**

1 50.033 **(2d)** ACCOMPANIMENT OR VISITATION. If an adult family home has a policy
2 on who may accompany or visit a patient, the adult family home shall extend the
3 same right of accompaniment or visitation to a patient's domestic partner under ch.
4 770 as is accorded the spouse of a patient under the policy.

5 **SECTION 1395.** 50.033 (3) of the statutes is amended to read:

6 50.033 **(3)** INVESTIGATION OF ALLEGED VIOLATIONS. If the department or a
7 licensing county department under sub. (1m) (b) is advised or has reason to believe
8 that any person is violating this section or the rules promulgated under s. 50.02 (2)
9 (am) 2., the department or the licensing county department shall make an
10 investigation to determine the facts. For the purposes of this investigation, the
11 department or the licensing county department may inspect the premises where the
12 violation is alleged to occur. If the department or the licensing county department
13 finds that the requirements of this section and of rules under s. 50.02 (2) (am) 2. are
14 met, the department or the licensing county department may, if the premises are not
15 licensed, license the premises under this section. If the department or the licensing
16 county department finds that a person is violating this section or the rules under s.
17 50.02 (2) (am) 2., the department or the licensing county department may institute
18 an action under sub. (5). If the department takes enforcement action against an
19 adult family home for violating this section or rules promulgated under s. 50.02 (2)
20 (am) 2., and the department subsequently conducts an on-site inspection of the adult
21 family home to review the adult family home's action to correct the violation, the
22 department may impose a \$200 inspection fee on the adult family home.

23 **SECTION 1396.** 50.034 (3) (e) of the statutes is created to read:

24 50.034 **(3)** (e) If a residential care apartment complex has a policy on who may
25 accompany or visit a patient, the residential care apartment complex shall extend

ASSEMBLY BILL 75**SECTION 1396**

1 the same right of accompaniment or visitation to a patient's domestic partner under
2 ch. 770 as is accorded the spouse of a patient under the policy.

3 **SECTION 1397.** 50.034 (5t) of the statutes is created to read:

4 50.034 **(5t)** NOTICE OF LONG-TERM CARE OMBUDSMAN PROGRAM. A residential
5 care complex shall post in a conspicuous location in the residential care apartment
6 complex a notice, provided by the board on aging and long-term care, of the name,
7 address, and telephone number of the Long-Term Care Ombudsman Program under
8 s. 16.009 (2) (b).

9 **SECTION 1398.** 50.034 (10) of the statutes is created to read:

10 50.034 **(10)** INSPECTION FEE. If the department takes enforcement action
11 against a residential care apartment complex for a violation of this section or rules
12 promulgated under sub. (2), and the department subsequently conducts an on-site
13 inspection of the residential care apartment complex to review the residential care
14 apartment complex's action to correct the violation, the department may impose a
15 \$200 inspection fee on the residential care apartment complex.

16 **SECTION 1399.** 50.035 (2d) of the statutes is created to read:

17 50.035 **(2d)** ACCOMPANIMENT OR VISITATION. If a community-based residential
18 facility has a policy on who may accompany or visit a patient, the community-based
19 residential facility shall extend the same right of accompaniment or visitation to a
20 patient's domestic partner under ch. 770 as is accorded the spouse of a patient under
21 the policy.

22 **SECTION 1400.** 50.037 (2) (a) of the statutes is renumbered 50.037 (2) (a) 1. and
23 amended to read:

24 50.037 **(2)** (a) 1. The Except as provided in subd. 2., the biennial fee for a
25 community-based residential facility is ~~\$306~~ \$389, plus a biennial fee of ~~\$39.60~~

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1 \$50.25 per resident, based on the number of residents that the facility is licensed to
2 serve.

3 **SECTION 1401.** 50.037 (2) (a) 2. of the statutes is created to read:

4 50.037 **(2)** (a) 2. The department may, by rule, increase the amount of the fee
5 under subd. 1.

6 **SECTION 1402.** 50.04 (2d) of the statutes is created to read:

7 50.04 **(2d)** ACCOMPANIMENT OR VISITATION. If a nursing home has a policy on who
8 may accompany or visit a patient, the nursing home shall extend the same right of
9 accompaniment or visitation to a patient's domestic partner under ch. 770 as is
10 accorded the spouse of a patient under the policy.

11 **SECTION 1403.** 50.04 (4) (dm) of the statutes is created to read:

12 50.04 **(4)** (dm) *Inspection fee.* If the department takes enforcement action
13 against a nursing home, including an intermediate care facility for the mentally
14 retarded, as defined in 42 USC 1396d (d), for a violation of this subchapter or rules
15 promulgated under it or for a violation of a requirement under 42 USC 1396r, and
16 the department subsequently conducts an on-site inspection of the nursing home to
17 review the nursing home's action to correct the violation, the department may, unless
18 the nursing home is operated by the state, impose a \$200 inspection fee on the
19 nursing home.

20 **SECTION 1404.** 50.04 (4) (e) 1. of the statutes is amended to read:

21 50.04 **(4)** (e) 1. If a nursing home desires to contest any department action
22 under this subsection, it shall send a written request for a hearing under s. 227.44
23 to the division of hearings and appeals created under s. 15.103 (1) within ~~40~~ 60 days
24 of receipt of notice of the contested action. Department action that is subject to a
25 hearing under this subsection includes service of a notice of a violation of this

ASSEMBLY BILL 75**SECTION 1404**

1 subchapter or rules promulgated under this subchapter, a notation in the report
2 under sub. (3) (b), imposition of a plan of correction, and rejection of a nursing home's
3 plan of correction, but does not include a correction order. Upon the request of the
4 nursing home, the division shall grant a stay of the hearing under this paragraph
5 until the department assesses a forfeiture, so that its hearing under this paragraph
6 is consolidated with the forfeiture appeal hearing held under sub. (5) (e). All agency
7 action under this subsection arising out of a violation, deficiency, or rejection and
8 imposition of a plan of correction shall be the subject of a single hearing. Unless a
9 stay is granted under this paragraph, the division shall commence the hearing
10 within 30 days of the request for hearing, within 30 days of the department's
11 acceptance of a nursing home's plan of correction, or within 30 days of the
12 department's imposition of a plan of correction, whichever is later. The division shall
13 send notice to the nursing home in conformance with s. 227.44. Issues litigated at
14 the hearing may not be relitigated at subsequent hearings under this paragraph
15 arising out of the same violation or deficiency.

16 **SECTION 1405.** 50.04 (5) (e) of the statutes is amended to read:

17 50.04 **(5)** (e) *Forfeiture appeal hearing.* A nursing home may contest an
18 assessment of forfeiture by sending, within 10 60 days after receipt of notice of a
19 contested action, a written request for hearing under s. 227.44 to the division of
20 hearings and appeals created under s. 15.103 (1). The administrator of the division
21 may designate a hearing examiner to preside over the case and recommend a decision
22 to the administrator under s. 227.46. The decision of the administrator of the
23 division shall be the final administrative decision. The division shall commence the
24 hearing within 30 days of receipt of the request for hearing and shall issue a final
25 decision within 15 days after the close of the hearing. Proceedings before the division

ASSEMBLY BILL 75**SECTION 1405**

1 are governed by ch. 227. In any petition for judicial review of a decision by the
2 division, the party, other than the petitioner, who was in the proceeding before the
3 division shall be the named respondent.

4 **SECTION 1406.** 50.04 (5) (fr) of the statutes is repealed.

5 **SECTION 1407.** 50.05 (1) (dg) of the statutes is created to read:

6 50.05 **(1)** (dg) “Medicare” means 42 USC 1395 to 1395hhh.

7 **SECTION 1408.** 50.05 (2) (g) of the statutes is created to read:

8 50.05 **(2)** (g) The department or the facility determines that estimated
9 operating expenditures of the facility significantly exceed anticipated revenues for
10 the facility.

11 **SECTION 1409.** 50.05 (2) (h) of the statutes is created to read:

12 50.05 **(2)** (h) The facility or facility's operator has been charged with or
13 convicted of an offense specified under s. 49.49 or 940.295, or a Medicare violation
14 under 42 USC 1320a-7a, 1320a-7b, or 1320a-8.

15 **SECTION 1410.** 50.05 (3) of the statutes is amended to read:

16 50.05 **(3)** MONITOR. In any situation described in sub. (2), the department may
17 place a person to act as monitor in the facility. The monitor shall observe operation
18 of the facility, assist the facility by advising it on how to comply with state
19 regulations, and ~~shall periodically submit to the department~~ a written report
20 ~~periodically to the department~~ on the operation of the facility. The monitor may
21 assist in the financial management of the facility. The department may require
22 payment by the operator or controlling person of the facility for the costs of placement
23 of a person to act as monitor in the facility.

24 **SECTION 1411.** 50.06 (2) (am) 2. b. of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1411**

1 50.06 (2) (am) 2. b. The individual who is consenting to the proposed admission
2 is the spouse or domestic partner under ch. 770 of the incapacitated person.

3 **SECTION 1412.** 50.06 (3) (a) of the statutes is amended to read:

4 50.06 (3) (a) The spouse or domestic partner under ch. 770 of the incapacitated
5 individual.

6 **SECTION 1413.** 50.065 (1) (c) 2. of the statutes is repealed.

7 **SECTION 1414.** 50.065 (5d) (a) 4. of the statutes is repealed.

8 **SECTION 1415.** 50.065 (5g) of the statutes is repealed.

9 **SECTION 1416.** 50.09 (1) (f) 1. of the statutes is amended to read:

10 50.09 (1) (f) 1. Privacy for visits by spouse or domestic partner. If both spouses
11 or both domestic partners under ch.770 are residents of the same facility, ~~they the~~
12 spouses or domestic partners shall be permitted to share a room unless medically
13 contraindicated as documented by the resident's physician or advanced practice
14 nurse prescriber in the resident's medical record.

15 **SECTION 1417.** 50.14 (2) (am) of the statutes is amended to read:

16 50.14 (2) (am) For nursing homes, an amount not to exceed ~~\$75~~ \$150 in state
17 fiscal year 2009–10, and, beginning in state fiscal year 2010–11, an amount not to
18 exceed \$170.

19 **SECTION 1418.** 50.36 (3j) of the statutes is created to read:

20 50.36 (3j) If a hospital has a policy on who may accompany or visit a patient,
21 the hospital shall extend the same right of accompaniment or visitation to a patient's
22 domestic partner under ch. 770 as is accorded the spouse of a patient under the policy.

23 **SECTION 1419.** 50.36 (4) of the statutes is amended to read:

24 50.36 (4) The department shall make or cause to be made such inspections and
25 investigation, as are reasonably deemed necessary to obtain compliance with the

ASSEMBLY BILL 75**SECTION 1419**

1 rules and standards. It shall afford an opportunity for representatives of the
2 hospitals to consult with members of the staff of the department concerning
3 compliance and noncompliance with rules and standards. If the department takes
4 enforcement action against a hospital for a violation of ss. 50.32 to 50.39, or rules
5 promulgated or standards adopted under ss. 50.32 to 50.39, and the department
6 subsequently conducts an on-site inspection of the hospital to review the hospital's
7 action to correct the violation, the department may, unless the hospital is operated
8 by the state, impose a \$200 inspection fee on the hospital.

9 **SECTION 1420.** 50.49 (4) of the statutes is amended to read:

10 50.49 (4) LICENSING, INSPECTION AND REGULATION. Except as provided in sub.
11 (6m), the department may register, license, inspect and regulate home health
12 agencies as provided in this section. The department shall ensure, in its inspections
13 of home health agencies, that a sampling of records from private pay patients are
14 reviewed. The department shall select the patients who shall receive home visits as
15 a part of the inspection. Results of the inspections shall be made available to the
16 public at each of the regional offices of the department. If the department takes
17 enforcement action against a home health agency for a violation of this section or
18 rules promulgated under this section, and the department subsequently conducts an
19 on-site inspection of the home health agency to review the home health agency's
20 action to correct the violation, the department may impose a \$200 inspection fee on
21 the home health agency.

22 **SECTION 1421.** 50.93 (5) of the statutes is created to read:

23 50.93 (5) INSPECTION FEE. If the department takes enforcement action against
24 a hospice for a violation of this subchapter or rules promulgated under this
25 subchapter, and the department subsequently conducts an on-site inspection of the

ASSEMBLY BILL 75**SECTION 1421**

1 hospice to review the hospice's action to correct the violation, the department may
2 impose a \$200 inspection fee on the hospice.

3 **SECTION 1422.** 50.94 (3) (a) of the statutes is amended to read:

4 50.94 **(3)** (a) The spouse or domestic partner under ch. 770 of the person who
5 is incapacitated.

6 **SECTION 1423.** 50.942 of the statutes is created to read:

7 **50.942 Accompaniment or visitation.** If a hospice has a policy on who may
8 accompany or visit a patient, the hospice shall extend the same right of
9 accompaniment or visitation to a patient's domestic partner under ch. 770 as is
10 accorded the spouse of a patient under the policy.

11 **SECTION 1424.** 50.95 (1) of the statutes is amended to read:

12 50.95 **(1)** Standards Except as provided in s. 50.942, standards for the care,
13 treatment, health, safety, rights, welfare and comfort of individuals with terminal
14 illness, their families and other individuals who receive palliative care or supportive
15 care from a hospice and the maintenance, general hygiene and operation of a hospice,
16 which will permit the use of advancing knowledge to promote safe and adequate care
17 and treatment for these individuals. These standards shall permit provision of
18 services directly, as required under 42 CFR 418.56, or by contract under which
19 overall coordination of hospice services is maintained by hospice staff members and
20 the hospice retains the responsibility for planning and coordination of hospice
21 services and care on behalf of a hospice client and his or her family, if any.

22 **SECTION 1425.** 51.15 (2) (c) of the statutes is amended to read:

23 51.15 **(2)** (c) A state treatment facility, if the county department of community
24 programs in the individual's county of residence approves the individual's detention
25 in the state treatment facility; or

ASSEMBLY BILL 75**SECTION 1426**

SECTION 1426. 51.22 (1) of the statutes is amended to read:

51.22 **(1)** Except as provided in s. 51.20 (13) (a) 4. or 5., any person committed under this chapter shall be committed to the county department under s. 51.42 or 51.437 serving the person's county of residence, and such county department shall authorize placement of the person in an appropriate facility for care, custody and treatment according to s. 51.42 (3) (as) ~~1.~~ 1r. or 51.437 (4rm) (a).

SECTION 1427. 51.22 (2) of the statutes is amended to read:

51.22 **(2)** Except for admissions that do not involve the department or a county department under s. 51.42 or 51.437 or a contract between a treatment facility and the department or a county department, admissions under ss. 51.10, 51.13, and 51.45 (10) shall be through the county department under s. 51.42 or 51.437 serving the person's county of residence, or through the department if the person to be admitted is a nonresident of this state. Admissions through a county department under s. 51.42 or 51.437 shall be made in accordance with s. 51.42 (3) (as) ~~1.~~ 1r. or 51.437 (4rm) (a). Admissions through the department shall be made in accordance with sub. (3).

SECTION 1428. 51.30 (4) (b) 8m. of the statutes is amended to read:

51.30 **(4)** (b) 8m. To appropriate examiners, investigators, and facilities in accordance with s. ~~ss.~~ 54.36 (3), and 971.17 (2) (e), (4) (c), and (7) (c). The recipient of any information from the records shall keep the information confidential except as necessary to comply with s. 971.17.

SECTION 1429. 51.30 (4) (b) 20. (intro.) of the statutes is amended to read:

51.30 **(4)** (b) 20. (intro.) Except with respect to the treatment records of a subject individual who is receiving or has received services for alcoholism or drug dependence, to the spouse, domestic partner under ch. 770, parent, adult child or sibling of a subject individual, if the spouse, domestic partner, parent, adult child or

ASSEMBLY BILL 75**SECTION 1429**

1 sibling is directly involved in providing care to or monitoring the treatment of the
2 subject individual and if the involvement is verified by the subject individual's
3 physician, psychologist or by a person other than the spouse, domestic partner,
4 parent, adult child or sibling who is responsible for providing treatment to the
5 subject individual, in order to assist in the provision of care or monitoring of
6 treatment. Except in an emergency as determined by the person verifying the
7 involvement of the spouse, domestic partner, parent, adult child or sibling, the
8 request for treatment records under this subdivision shall be in writing, by the
9 requester. Unless the subject individual has been adjudicated incompetent in this
10 state, the person verifying the involvement of the spouse, domestic partner, parent,
11 adult child or sibling shall notify the subject individual about the release of his or her
12 treatment records under this subdivision. Treatment records released under this
13 subdivision are limited to the following:

14 **SECTION 1430.** 51.30 (4) (cm) (intro.) of the statutes is amended to read:

15 51.30 **(4)** (cm) *Required access to certain information.* (intro.) Notwithstanding
16 par. (a), treatment records of an individual shall, upon request, be released without
17 informed written consent, except as restricted under par. (c), to the parent, child,
18 sibling, ~~or spouse~~, or domestic partner under ch. 770 of an individual who is or was
19 a patient at an inpatient facility; to a law enforcement officer who is seeking to
20 determine whether an individual is on unauthorized absence from the facility; and
21 to mental health professionals who are providing treatment to the individual at the
22 time that the information is released to others. Information released under this
23 paragraph is limited to notice as to whether or not an individual is a patient at the
24 inpatient facility and, if the individual is no longer a patient at the inpatient facility,

ASSEMBLY BILL 75**SECTION 1430**

1 the facility or other place, if known, at which the individual is located. This
2 paragraph does not apply under any of the following circumstances:

3 **SECTION 1431.** 51.30 (4) (cm) 1. of the statutes is amended to read:

4 51.30 **(4)** (cm) 1. To the individual's parent, child, sibling, ~~or spouse, or domestic~~
5 partner under ch. 770 who is requesting information, if the individual has
6 specifically requested that the information be withheld from the parent, child,
7 sibling, ~~or spouse, or domestic partner.~~

8 **SECTION 1432.** 51.42 (3) (as) 1. of the statutes is renumbered 51.42 (3) (as) 1r.
9 and amended to read:

10 51.42 **(3)** (as) 1r. A county department ~~of community programs~~ shall authorize
11 all care of any patient in a state, local, or private facility under a contractual
12 agreement between the county department ~~of community programs~~ and the facility,
13 unless the county department ~~of community programs~~ governs the facility. The need
14 for inpatient care shall be determined by the program director or designee in
15 consultation with and upon the recommendation of a licensed physician trained in
16 psychiatry and employed by the county department ~~of community programs~~ or its
17 contract agency. In cases of emergency, a facility under contract with any county
18 department ~~of community programs~~ shall charge the county department of
19 ~~community programs~~ having jurisdiction in the county where the patient is found.
20 The county department ~~of community programs~~ shall reimburse the facility for the
21 actual cost of all authorized care and services less applicable collections under s.
22 46.036, unless the department of health services determines that a charge is
23 administratively infeasible, or unless the department of health services, after
24 individual review, determines that the charge is not attributable to the cost of basic
25 care and services. Except as provided in subd. 1m., a county department of

ASSEMBLY BILL 75**SECTION 1432**

1 ~~community programs~~ may not reimburse any state institution or receive credit for
2 collections for care received in a state institution by nonresidents of this state,
3 interstate compact clients, transfers under s. 51.35 (3), transfers from Wisconsin
4 state prisons under s. 51.37 (5) (a), commitments under s. 975.01, 1977 stats., or s.
5 975.02, 1977 stats., or s. 971.14, 971.17 or 975.06 or admissions under s. 975.17, 1977
6 stats., or children placed in the guardianship of the department of children and
7 families under s. 48.427 or 48.43 or under the supervision of the department of
8 corrections under s. 938.183 or 938.355. The exclusionary provisions of s. 46.03 (18)
9 do not apply to direct and indirect costs that are attributable to care and treatment
10 of the client.

11 **SECTION 1433.** 51.42 (3) (as) 1g. of the statutes is created to read:

12 51.42 **(3)** (as) 1g. In this paragraph, “county department” means county
13 department of community programs.

14 **SECTION 1434.** 51.42 (3) (as) 1m. of the statutes is amended to read:

15 51.42 **(3)** (as) 1m. A county department ~~of community programs~~ shall
16 reimburse a mental health institute at the institute’s daily rate for custody of any
17 person who is ordered by a court located in that county to be examined at the mental
18 health institute under s. 971.14 (2) for all days that the person remains in custody
19 at the mental health institute, beginning 48 hours, not including Saturdays,
20 Sundays, and legal holidays, after the sheriff and county department receive notice
21 under s. 971.14 (2) (d) that the examination has been completed.

22 **SECTION 1435.** 51.42 (3) (as) 2. of the statutes is amended to read:

23 51.42 **(3)** (as) 2. If a mental health institute has provided a county department
24 ~~of community programs~~ with service, the department of health services shall
25 regularly bill collect for the cost of care from the county department ~~of community~~

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1 ~~programs, except as provided under subd. 2m. If collections for care from the county~~
2 ~~department and from other sources~~ exceed current billings, the difference shall be
3 remitted to the county department of ~~community programs~~ through the
4 appropriation under s. 20.435 (2) (gk). For care provided on and after February 1,
5 1979, the department of health services shall adjust collections from medical
6 assistance to compensate for differences between specific rate scales for care charged
7 to the county department of ~~community programs~~ and the average daily medical
8 assistance reimbursement rate. ~~Payment shall be due from the county department~~
9 ~~of community programs within 60 days of the billing date subject to provisions of the~~
10 ~~contract. If any payment has not been received within 60 days, the~~ The department
11 of health services shall deduct ~~all or part of the amount due from a county~~
12 ~~department under this subdivision~~ from any payment due from the department of
13 health services to the county department of ~~community programs~~.

14 **SECTION 1436.** 51.42 (3) (as) 2m. of the statutes is repealed.

15 **SECTION 1437.** 51.42 (3) (as) 3. of the statutes is amended to read:

16 51.42 **(3)** (as) 3. Care, services and supplies provided after December 31, 1973,
17 to any person who, on December 31, 1973, was in or under the supervision of a
18 mental health institute, or was receiving mental health services in a facility
19 authorized by s. 51.08 or 51.09, but was not admitted to a mental health institute by
20 the department of health services, shall be charged to the county department of
21 ~~community programs~~ which was responsible for such care and services at the place
22 where the patient resided when admitted to the institution. The department of
23 health services may bill county departments of ~~community programs~~ for care
24 provided at the mental health institutes at rates which the department of health

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1 services sets on a flexible basis, except that this flexible rate structure shall cover the
2 cost of operations of the mental health institutes.

3 **SECTION 1438.** 51.421 (3) (e) of the statutes is amended to read:

4 51.421 **(3)** (e) Distribute, from the appropriation account under s. 20.435 ~~(7)~~ (5)
5 (bL), moneys in each fiscal year for community support program services.

6 **SECTION 1439.** 51.423 (3) of the statutes is amended to read:

7 51.423 **(3)** From the appropriation account under s. 20.435 ~~(7)~~ (5) (bL), the
8 department shall award one-time grants to applying counties that currently do not
9 operate certified community support programs, to enable uncertified community
10 support programs to meet requirements for certification as providers of medical
11 assistance services.

12 **SECTION 1440.** 51.423 (11) of the statutes is amended to read:

13 51.423 **(11)** Each county department under s. 51.42 or 51.437, or both, shall
14 apply all funds it receives under subs. (1) to (7) to provide the services required under
15 ss. 51.42, 51.437 and 51.45 (2) (g) to meet the needs for service quality and
16 accessibility of the persons in its jurisdiction, except that the county department may
17 pay for inpatient treatment only with funds designated by the department for
18 inpatient treatment. The county department may expand programs and services
19 with county funds not used to match state funds under this section subject to the
20 approval of the county board of supervisors in a county with a single-county
21 department or the county boards of supervisors in counties with multicounty
22 departments and with other local or private funds subject to the approval of the
23 department and the county board of supervisors in a county with a single-county
24 department under s. 51.42 or 51.437 or the county boards of supervisors in counties
25 with a multicounty department under s. 51.42 or 51.437. The county board of

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1 supervisors in a county with a single-county department under s. 51.42 or 51.437 or
2 the county boards of supervisors in counties with a multicounty department under
3 s. 51.42 or 51.437 may delegate the authority to expand programs and services to the
4 county department under s. 51.42 or 51.437. The county department under s. 51.42
5 or 51.437 shall report to the department all county funds allocated to the county
6 department under s. 51.42 or 51.437 and the use of such funds. Moneys collected
7 under s. 46.10 shall be applied to cover the costs of primary services, exceptional and
8 specialized services or to reimburse supplemental appropriations funded by
9 counties. County departments under ss. 51.42 and 51.437 shall include collections
10 made on and after October 1, 1978, by the department that are subject to s. 46.10 (8m)
11 (a) 3. and 4. and are distributed to county departments under ss. 51.42 and 51.437
12 from the appropriation account under s. 20.435 ~~(7)~~ (5) (gg), as revenues on their
13 grant-in-aid expenditure reports to the department.

14 **SECTION 1441.** 51.437 (4rm) (d) of the statutes is created to read:

15 51.437 **(4rm)** (d) Notwithstanding pars. (a) to (c), for individuals receiving the
16 family care benefit under s. 46.286, the care management organization that manages
17 the family care benefit for the recipient shall pay the portion of the payment that is
18 for services that are covered under the family care benefit; the department shall pay
19 the remainder of the payment.

20 **SECTION 1442.** 51.44 (5) (c) of the statutes is repealed.

21 **SECTION 1443.** 51.45 (4) (p) of the statutes is repealed.

22 **SECTION 1444.** Chapter 52 of the statutes is created to read:

CHAPTER 52**QUALITY HOME CARE**

23
24
25 **52.01 Definitions.** In this chapter:

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- 1 **(1)** “Authority” means the Wisconsin Quality Home Care Authority.
- 2 **(2)** “Board” means the board of directors of the authority.
- 3 **(3)** “Care management organization” has the meaning given in s. 46.2805 (1).
- 4 **(4)** “Department” means the department of health services.
- 5 **(5)** “Family Care Program” means the benefit program described in s. 46.286.
- 6 **(6)** “Home care provider” means an individual who is a qualified provider under
- 7 s. 46.2898 (1) (d).
- 8 **(7)** “Medical assistance waiver program” means a program operated under a
- 9 waiver from the secretary of the U.S. department of health and human services
- 10 under 42 USC 1396n (c) or 42 USC 1396n (b) and (c).
- 11 **(8)** “Program of All-Inclusive Care for the Elderly” means the program
- 12 operated under 42 USC 1396u-4.
- 13 **52.05 Creation and organization of authority. (1)** CREATION AND
- 14 MEMBERSHIP OF BOARD. There is created a public body corporate and politic to be
- 15 known as the “Wisconsin Quality Home Care Authority.” The members of the board
- 16 shall consist of the following members:
- 17 (a) The secretary of the department of health services or his or her designee.
- 18 (b) The secretary of the department of workforce development or his or her
- 19 designee.
- 20 (c) The following, to be appointed by the governor to serve 3 year terms:
- 21 1. One representative from the state assembly.
- 22 2. One representative from the state senate.
- 23 3. One representative of care management organizations.

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1 4. One representative of county departments, under 46.215, 46.22, 46.23,
2 51.42, or 51.437, selected from counties where the Family Care Program is not
3 available.

4 5. One representative of the board for people with developmental disabilities.

5 6. One representative of the council on physical disabilities.

6 7. One representative of the council on mental health.

7 8. One representative of the board on aging and long-term care.

8 9. Eleven individuals, each of whom is a current or former recipient of home
9 care services through the Family Care Program or a medical assistance waiver
10 program or an advocate for or representative of consumers of home care services.

11 **(3) CHAIRPERSON.** Annually, the governor shall appoint one member of the
12 board to serve as the chairperson.

13 **(4) EXECUTIVE COMMITTEE.** (a) The board shall elect an executive committee.
14 The executive committee shall consist of the chair of the board, the secretary of the
15 department of health services or his or her designee, the secretary of the department
16 of workforce development or his or her designee, and 3 persons selected from board
17 members appointed under sub. (1) (c) 9.

18 (b) The executive committee may do the following:

19 1. Hire an executive director who is not a member of the board and serves at
20 the pleasure of the board.

21 2. Hire employees to carry out the duties of the authority.

22 3. Engage in contracts for services to carry out the duties of the authority.

23 **(5) TERM.** The terms of members of the board appointed under sub. (1) (c) shall
24 expire on July 1.

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1 **(6) QUORUM.** A majority of the members of the board constitutes a quorum for
2 the purpose of conducting its business and exercising its powers and for all other
3 purposes, notwithstanding the existence of any vacancies. Action may be taken by
4 the board upon a vote of a majority of the members present. Meetings of the members
5 of the board may be held anywhere within the state.

6 **(7) VACANCIES.** Each member of the board shall hold office until a successor is
7 appointed and qualified unless the member vacates or is removed from his or her
8 office. A member who serves as a result of holding another office or position vacates
9 his or her office as a member when he or she vacates the other office or position. A
10 member who ceases to qualify for office vacates his or her office. A vacancy on the
11 board shall be filled in the same manner as the original appointment to the board for
12 the remainder of the unexpired term, if any.

13 **(8) COMPENSATION.** The members of the board are not entitled to compensation
14 for the performance of their duties. The authority may reimburse members of the
15 board for actual and necessary expenses incurred in the discharge of their official
16 duties as provided by the board.

17 **(9) EMPLOYMENT OF BOARD MEMBER.** It is not a conflict of interest for a board
18 member to engage in private or public employment or in a profession or business,
19 except to the extent prohibited by law, while serving as a member of the board.

20 **52.10 Powers of authority.** The authority shall have all the powers
21 necessary or convenient to carry out the purposes and provisions of this chapter and
22 s. 46.2898. In addition to all other powers granted the authority under this chapter,
23 the authority may:

24 **(1)** Adopt policies and procedures to govern its proceedings and to carry out its
25 duties as specified in this chapter.

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1 **(2)** Employ, appoint, engage, compensate, transfer, or discharge necessary
2 personnel.

3 **(3)** Make or enter into contracts, including contracts for the provision of legal
4 or accounting services.

5 **(4)** Award grants for the purposes set forth in this chapter.

6 **(5)** Buy, lease, or sell real or personal property.

7 **(6)** Sue and be sued.

8 **(7)** Accept gifts, grants, or assistance funds and use them for the purposes of
9 this chapter.

10 **(8)** Collect fees for its services.

11 **52.20 Duties of authority.** The authority shall:

12 **(1)** Establish and maintain a registry of home care providers and provide
13 referral services for individuals meeting the criteria in s. 46.2898 (3) in need of home
14 care services.

15 **(2)** Determine the eligibility of individuals for placement on the registry. For
16 purposes of determining eligibility, the authority shall apply the criteria described
17 in s. 46.2898 (1) (d), including any qualifying criteria established by the department
18 under s. 46.2898 (7). The authority shall also develop an appeal process for denial
19 of placement on or removal of a provider from the registry consistent with the terms
20 of the medical assistance waiver programs, the Family Care Program, an
21 amendment to the state medical assistance plan under 42 USC 1396n (j), or the
22 Program of All-Inclusive Care for the Elderly, as determined by the department.

23 **(3)** Comply with any conditions necessary for individuals receiving home care
24 services to receive federal medical assistance funding through a medical assistance
25 waiver program, the Family Care Program, an amendment to the state medical

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1 assistance plan under 42 USC 1396n (j), or the Program of All-Inclusive Care for the
2 Elderly.

3 **(4)** Develop and operate recruitment and retention programs to expand the
4 pool of home care providers qualified and available to provide home care services to
5 consumers.

6 **(5)** Maintain a list of home care providers included in a collective bargaining
7 unit under s. 111.825 (2g).

8 **(6)** Notify home care providers providing home care services of any procedures
9 for remaining a qualified provider under s. 46.2898 (1) (d) set forth by the department
10 or the authority and of the terms of a collective bargaining agreement under subch.
11 V of ch. 111.

12 **(7)** Provide orientation activities and skills training for home care providers.

13 **(8)** Provide training and support for individuals hiring a home care provider
14 regarding the duties and responsibilities of employers and skills needed to be
15 effective employers.

16 **(9)** Inform consumers of the experience and qualifications of home care
17 providers on the registry and home care providers identified by individual recipients
18 of home care services for employment.

19 **(10)** Develop and operate a system of backup and respite referrals to home care
20 providers and a 24-hour per day call service for recipients of home care services.

21 **(11)** Report annually to the governor on the number of home care providers on
22 the registry and the number of home care providers providing services under the
23 authority.

24 **(12)** Conduct activities to improve the supply and quality of home care
25 providers.

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1 **52.30 Liability limited. (1)** The state, any political subdivision of the state,
2 or any officer, employee, or agent of the state or a political subdivision who is acting
3 within the scope of employment or agency is not liable for any debt, obligation, act,
4 or omission of the authority.

5 **(2)** All expenses incurred by the authority in exercising its duties and powers
6 under this chapter shall be payable only from funds of the authority.

7 **52.40 Health data.** Any health data or identifying information collected by
8 the authority is collected for the purpose of government regulatory and management
9 functions.

10 **SECTION 1445.** 59.58 (6) (a) 1. of the statutes is amended to read:

11 59.58 **(6)** (a) 1. “Authority” means the regional transit authority created under
12 this subsection.

13 **SECTION 1446.** 59.58 (6) (cg) 1. of the statutes is renumbered 66.1039 (15) and
14 amended to read:

15 66.1039 **(15)** The ADDITIONAL FUNDING FOR SOUTHEAST REGIONAL TRANSIT
16 AUTHORITY. In addition to any other funding authorized under this section, an
17 authority created under sub. (2) (a) may impose the fees under subch. XIII of ch. 77.

18 **SECTION 1447.** 59.58 (6) (cg) 2. of the statutes is amended to read:

19 59.58 **(6)** (cg) 2. The authority shall retain all revenues received under subd.
20 1., 2007 stats., except those expended as authorized under par. (cr), until the
21 authority has submitted the report specified in par. (e) and action on the report is
22 taken by the legislature.

23 **SECTION 1448.** 59.58 (6) (cg) 3. of the statutes is amended to read:

24 59.58 **(6)** (cg) 3. The authority may not use any revenues received under subd.
25 1., 2007 stats., for lobbying activities or to contract for lobbying services.

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1 **SECTION 1449.** 59.58 (6) (f) of the statutes is created to read:

2 59.58 **(6)** (f) The authority shall terminate on the first day of the 3rd month
3 beginning after the effective date of this paragraph [LRB inserts date].

4 **SECTION 1450.** 59.69 (15) (intro.) of the statutes is amended to read:

5 59.69 **(15)** COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes
6 of this section, the location of a community living arrangement for adults, as defined
7 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
8 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in
9 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any
10 municipality, shall be subject to the following criteria:

11 **SECTION 1451.** 59.69 (15) (intro.) of the statutes, as affected by 2009 Wisconsin
12 Act (this act), is amended to read:

13 59.69 **(15)** COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes
14 of this section, the location of a community living arrangement for adults, as defined
15 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
16 (1), a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in~~
17 ~~s. 48.02 (17q)~~, or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any
18 municipality, shall be subject to the following criteria:

19 **SECTION 1452.** 59.69 (15) (bm) of the statutes is amended to read:

20 59.69 **(15)** (bm) A foster home ~~or a treatment foster home~~ that is the primary
21 domicile of a foster parent ~~or treatment foster parent~~ and that is licensed under s.
22 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted
23 use in all residential areas and is not subject to pars. (a) and (b) except that foster
24 homes ~~and treatment foster homes~~ operated by corporations, child welfare agencies,

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1 religious associations, as defined in s. 157.061 (15), associations, or public agencies
2 shall be subject to pars. (a) and (b).

3 **SECTION 1453.** 60.63 (intro.) of the statutes is amended to read:

4 **60.63 Community and other living arrangements.** (intro.) For purposes
5 of s. 60.61, the location of a community living arrangement for adults, as defined in
6 s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
7 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in
8 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any town
9 shall be subject to the following criteria:

10 **SECTION 1454.** 60.63 (intro.) of the statutes, as affected by 2009 Wisconsin Act
11 (this act), is amended to read:

12 **60.63 Community and other living arrangements.** (intro.) For purposes
13 of s. 60.61, the location of a community living arrangement for adults, as defined in
14 s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
15 (1), a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in~~
16 ~~s. 48.02 (17q)~~, or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any town
17 shall be subject to the following criteria:

18 **SECTION 1455.** 60.63 (3) of the statutes is amended to read:

19 60.63 (3) A foster home ~~or a treatment foster home~~ that is the primary domicile
20 of a foster parent ~~or treatment foster parent~~ and that is licensed under s. 48.62 or an
21 adult family home certified under s. 50.032 (1m) (b) shall be a permitted use in all
22 residential areas and is not subject to subs. (1) and (2) except that foster homes ~~and~~
23 ~~treatment foster homes~~ operated by corporations, child welfare agencies, churches,
24 associations, or public agencies shall be subject to subs. (1) and (2).

25 **SECTION 1456.** 60.85 (6) (am) of the statutes is created to read:

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1 60.85 **(6)** (am) With regard to each district for which the department of revenue
2 authorizes the allocation of a tax increment under par. (a), the department shall
3 charge the town that created the district an annual administrative fee of \$150 that
4 the town shall pay to the department no later than May 15.

5 **SECTION 1457.** 62.23 (7) (i) (intro.) of the statutes is amended to read:

6 62.23 **(7)** (i) *Community and other living arrangements.* (intro.) For purposes
7 of this section, the location of a community living arrangement for adults, as defined
8 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
9 55(1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined
10 in s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any
11 city shall be subject to the following criteria:

12 **SECTION 1458.** 62.23 (7) (i) (intro.) of the statutes, as affected by 2009 Wisconsin
13 Act (this act), is amended to read:

14 62.23 **(7)** (i) *Community and other living arrangements.* (intro.) For purposes
15 of this section, the location of a community living arrangement for adults, as defined
16 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
17 (1), a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in~~
18 ~~s. 48.02 (17q)~~, or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any city
19 shall be subject to the following criteria:

20 **SECTION 1459.** 62.23 (7) (i) 2m. of the statutes is amended to read:

21 62.23 **(7)** (i) 2m. A foster home ~~or treatment foster home~~ that is the primary
22 domicile of a foster parent ~~or treatment foster parent~~ and that is licensed under s.
23 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted
24 use in all residential areas and is not subject to subds. 1. and 2. except that foster

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1 homes and treatment foster homes operated by corporations, child welfare agencies,
2 churches, associations, or public agencies shall be subject to subds. 1. and 2.

3 **SECTION 1460.** 62.62 of the statutes is created to read:

4 **62.62 Appropriation bonds for payment of employee retirement**
5 **system liability in 1st class cities. (1) DEFINITIONS.** In this section:

6 (a) “Appropriation bond” means a bond issued by a city to evidence its
7 obligation to repay a certain amount of borrowed money that is payable from all of
8 the following:

9 1. Moneys annually appropriated by law for debt service due with respect to
10 such appropriation bond in that year.

11 2. Proceeds of the sale of such appropriation bonds.

12 3. Payments received for that purpose under agreements and ancillary
13 arrangements described in s. 62.621.

14 4. Investment earnings on amounts in subds. 1. to 3.

15 (b) “Bond” means any bond, note, or other obligation of a city issued under this
16 section.

17 (c) “City” means a 1st class city.

18 (d) “Common Council” means the common council of a city.

19 (e) “Refunding bond” means an appropriation bond issued to fund or refund all
20 or any part of one or more outstanding pension-related bonds.

21 **(1m) LEGISLATIVE FINDING AND DETERMINATION.** Recognizing that a city, by
22 prepaying part or all of the city’s unfunded prior service liability with respect to an
23 employee retirement system of the city, may reduce its costs and better ensure the
24 timely and full payment of retirement benefits to participants and their beneficiaries
25 under the employee retirement system, the legislature finds and determines that it

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1 is in the public interest for the city to issue appropriation bonds to obtain proceeds
2 to pay its unfunded prior service liability.

3 **(2) AUTHORIZATION OF APPROPRIATION BONDS.** (a) A common council shall have
4 all powers necessary and convenient to carry out its duties, and to exercise its
5 authority, under this section.

6 (b) Subject to pars. (c) and (d), a common council may issue appropriation bonds
7 under this section to pay all or any part of the city's unfunded prior service liability
8 with respect to an employee retirement system of the city, or to fund or refund
9 outstanding appropriation bonds issued under this section. A city may use proceeds
10 of appropriation bonds to pay issuance or administrative expenses, to make deposits
11 to reserve funds, to pay accrued or funded interest, to pay the costs of credit
12 enhancement, to make payments under other agreements entered into under s.
13 62.621, or to make deposits to stabilization funds established under s. 62.621.

14 (c) Other than refunding bonds issued under sub. (6), all bonds must be issued
15 simultaneously.

16 (d) 1. Before a city may issue appropriation bonds under par. (b), its common
17 council shall enact an ordinance that establishes a 5-year strategic and financial
18 plan related to the payment of all or any part of the city's unfunded prior service
19 liability with respect to an employee retirement system of the city. The strategic and
20 financial plan shall provide that future annual pension liabilities are funded on a
21 current basis. The strategic and financial plan shall contain quantifiable
22 benchmarks to measure compliance with the plan. The common council shall make
23 a determination that the ordinance meets the requirements of this subdivision and,
24 absent manifest error, the common council's determination shall be conclusive. The
25 common council shall submit to the governor and to the chief clerk of each house of

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1 the legislature, for distribution to the legislature under s. 13.172 (2), a copy of the
2 strategic and financial plan.

3 2. Annually, the city shall submit to the governor, the department of revenue,
4 and the department of administration, and to the chief clerk of each house of the
5 legislature, for distribution to the legislature under s. 13.172 (2), a report that
6 includes all of the following:

7 a. The city's progress in meeting the benchmarks in the strategic and financial
8 plan.

9 b. Any proposed modifications to the plan.

10 c. The status of any stabilization fund that is established under s. 62.622 (3).

11 d. The most current actuarial report related to the city's employee retirement
12 system.

13 e. The amount, if any, by which the city's contributions to the employee
14 retirement system for the prior year is less than the normal cost contribution for that
15 year as specified in the initial actuarial report for the city's employee retirement
16 system for that year.

17 f. The amount that the actuary determines is the city's required contribution
18 to the employee retirement system for that year.

19 **(2m)** PENALTY FOR INADEQUATE CONTRIBUTION. If the city's contributions to the
20 employee retirement system for the prior year is less than the lower of the required
21 contribution for that year, as described in sub. (2) (d) 2. f., or the normal cost for that
22 year, the department of revenue shall reduce and withhold the amount of the shared
23 revenue payments to the city under subch. I of ch. 79, in the following year, by an
24 amount equal to the difference between the required cost contribution for that prior
25 year and the city's actual contribution in that prior year. The department of revenue

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1 shall deposit the amount of the reduced and withheld shared revenue payment into
2 the city's employee retirement system.

3 **(3) TERMS.** (a) A city may borrow moneys and issue appropriation bonds in
4 evidence of the borrowing pursuant to one or more written authorizing resolutions
5 under sub. (4). Unless otherwise provided in an authorizing resolution, the city may
6 issue appropriation bonds at any time, in any specific amounts, at any rates of
7 interest, for any term, payable at any intervals, at any place, in any manner, and
8 having any other terms or conditions that the common council considers necessary
9 or desirable. Appropriation bonds may bear interest at variable or fixed rates, bear
10 no interest, or bear interest payable only at maturity or upon redemption prior to
11 maturity.

12 (b) The common council may authorize appropriation bonds having any
13 provisions for prepayment the common council considers necessary or desirable,
14 including the payment of any premium.

15 (c) Interest shall cease to accrue on an appropriation bond on the date that the
16 appropriation bond becomes due for payment if payment is made or duly provided
17 for.

18 (d) All moneys borrowed by a city that is evidenced by appropriation bonds
19 issued under this section shall be lawful money of the United States, and all
20 appropriation bonds shall be payable in such money.

21 (e) All appropriation bonds owned or held by a fund of the city are outstanding
22 in all respects, and the common council or other governing body controlling the fund
23 shall have the same rights with respect to an appropriation bond as a private party,
24 but if any sinking fund acquires appropriation bonds that gave rise to such fund, the

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1 appropriation bonds are considered paid for all purposes and no longer outstanding
2 and shall be canceled as provided in sub. (7) (d).

3 (f) A city shall not be generally liable on appropriation bonds, and
4 appropriation bonds shall not be a debt of the city for any purpose whatsoever.
5 Appropriation bonds, including the principal thereof and interest thereon, shall be
6 payable only from amounts that the common council may, from year to year,
7 appropriate for the payment thereof.

8 **(4) PROCEDURES.** (a) No appropriation bonds may be issued by a city unless the
9 issuance is pursuant to a written authorizing resolution adopted by a majority of a
10 quorum of the common council. The resolution may be in the form of a resolution or
11 trust indenture, and shall set forth the aggregate principal amount of appropriation
12 bonds authorized thereby, the manner of their sale, and the form and terms thereof.
13 The resolution or trust indenture may establish such funds and accounts, including
14 a reserve fund, as the common council determines.

15 (b) Appropriation bonds may be sold at either public or private sale and may
16 be sold at any price or percentage of par value. All appropriation bonds sold at public
17 sale shall be noticed as provided in the authorizing resolution. Any bid received at
18 public sale may be rejected.

19 **(5) FORM.** (a) As determined by the common council, appropriation bonds may
20 be issued in book-entry form or in certificated form. Notwithstanding s. 403.104 (1),
21 every evidence of appropriation bond is a negotiable instrument.

22 (b) Every appropriation bond shall be executed in the name of and for the city
23 by the president of the common council and city clerk, and shall be sealed with the
24 seal of the city, if any. Facsimile signatures of either officer may be imprinted in lieu
25 of manual signatures, but the signature of at least one such officer shall be manual.

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1 An appropriation bond bearing the manual or facsimile signature of a person in office
2 at the same time the signature was signed or imprinted shall be fully valid
3 notwithstanding that before or after the delivery of such appropriation bond the
4 person ceased to hold such office.

5 (c) Every appropriation bond shall be dated not later than the date it is issued,
6 shall contain a reference by date to the appropriate authorizing resolution, shall
7 state the limitation established in sub. (3) (f), and shall be in accordance with the
8 appropriate authorizing resolution in all respects.

9 (d) An appropriation bond shall be substantially in such form and contain such
10 statements or terms as determined by the common council, and may not conflict with
11 law or with the appropriate authorizing resolution.

12 **(6) REFUNDING BONDS.** (a) 1. A common council may authorize the issuance of
13 refunding appropriation bonds. Refunding appropriation bonds may be issued,
14 subject to any contract rights vested in owners of the appropriation bonds being
15 refunded, to refund all or any part of one or more issues of appropriation bonds
16 notwithstanding that the appropriation bonds may have been issued at different
17 times or issues of general obligation promissory notes under s. 67.12 (12) were issued
18 to pay unfunded prior service liability with respect to an employee retirement
19 system. The principal amount of the refunding appropriation bonds may not exceed
20 the sum of: the principal amount of the appropriation bonds or general obligation
21 promissory notes being refunded; applicable redemption premiums; unpaid interest
22 on the refunded appropriation bonds or general obligation promissory notes to the
23 date of delivery or exchange of the refunding appropriation bonds; in the event the
24 proceeds are to be deposited in trust as provided in par. (c), interest to accrue on the
25 appropriation bonds or general obligation promissory notes to be refunded from the

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1 date of delivery to the date of maturity or to the redemption date selected by the
2 common council, whichever is earlier; and the expenses incurred in the issuance of
3 the refunding appropriation bonds and the payment of the refunded appropriation
4 bonds or general obligation promissory notes.

5 2. A common council may authorize the issuance of general obligation
6 promissory notes under s. 67.12 (12) (a) to refund appropriation bonds,
7 notwithstanding s. 67.01 (9) (intro.).

8 (b) If a common council determines to exchange refunding appropriation bonds,
9 they may be exchanged privately for, and in payment and discharge of, any of the
10 outstanding appropriation bonds being refunded. Refunding appropriation bonds
11 may be exchanged for such principal amount of the appropriation bonds being
12 exchanged therefor as may be determined by the common council to be necessary or
13 desirable. The owners of the appropriation bonds being refunded who elect to
14 exchange need not pay accrued interest on the refunding appropriation bonds if and
15 to the extent that interest is accrued and unpaid on the appropriation bonds being
16 refunded and to be surrendered. If any of the appropriation bonds to be refunded are
17 to be called for redemption, the common council shall determine which redemption
18 dates are to be used, if more than one date is applicable and shall, prior to the
19 issuance of the refunding appropriation bonds, provide for notice of redemption to be
20 given in the manner and at the times required by the resolution authorizing the
21 appropriation bonds to be refunded.

22 (c) 1. The principal proceeds from the sale of any refunding appropriation bonds
23 shall be applied either to the immediate payment and retirement of the
24 appropriation bonds or general obligation promissory notes being refunded or, if the
25 bonds or general obligation promissory notes have not matured and are not presently

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1 redeemable, to the creation of a trust for, and shall be pledged to the payment of, the
2 appropriation bonds or general obligation promissory notes being refunded.

3 2. If a trust is created, a separate deposit shall be made for each issue of
4 appropriation bonds or general obligation promissory notes being refunded. Each
5 deposit shall be with a bank or trust company authorized by the laws of the United
6 States or of a state in which it is located to conduct banking or trust company
7 business. If the total amount of any deposit, including moneys other than sale
8 proceeds but legally available for such purpose, is less than the principal amount of
9 the appropriation bonds or general obligation promissory notes being refunded and
10 for the payment of which the deposit has been created and pledged, together with
11 applicable redemption premiums and interest accrued and to accrue to maturity or
12 to the date of redemption, then the application of the sale proceeds shall be legally
13 sufficient only if the moneys deposited are invested in securities issued by the United
14 States or one of its agencies, or securities fully guaranteed by the United States, and
15 only if the principal amount of the securities at maturity and the income therefrom
16 to maturity will be sufficient and available, without the need for any further
17 investment or reinvestment, to pay at maturity or upon redemption the principal
18 amount of the appropriation bonds or general obligation promissory notes being
19 refunded together with applicable redemption premiums and interest accrued and
20 to accrue to maturity or to the date of redemption. The income from the principal
21 proceeds of the securities shall be applied solely to the payment of the principal of
22 and interest and redemption premiums on the appropriation bonds or general
23 obligation promissory notes being refunded, but provision may be made for the
24 pledging and disposition of any surplus.

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1 3. Nothing in this paragraph may be construed as a limitation on the duration
2 of any deposit in trust for the retirement of appropriation bonds or general obligation
3 promissory notes being refunded that have not matured and that are not presently
4 redeemable. Nothing in this paragraph may be constructed to prohibit reinvestment
5 of the income of a trust if the reinvestments will mature at such times that sufficient
6 moneys will be available to pay interest, applicable premiums, and principal on the
7 appropriation bonds or general obligation promissory notes being refunded.

8 **(7) FISCAL REGULATIONS.** (a) All appropriation bonds shall be registered by the
9 city clerk or city treasurer of the city issuing the appropriation bonds, or such other
10 officers or agents, including fiscal agents, as the common council may determine.
11 After registration, no transfer of an appropriation bond is valid unless made by the
12 registered owner's duly authorized attorney, on the records of the city and similarly
13 noted on the appropriation bond. The city may treat the registered owner as the
14 owner of the appropriation bond for all purposes. Payments of principal and interest
15 shall be by electronic funds transfer, check, share draft, or other draft to the
16 registered owner at the owner's address as it appears on the register, unless the
17 common council has otherwise provided. Information in the register is not available
18 for inspection and copying under s. 19.35 (1). The common council may make any
19 other provision respecting registration as it considers necessary or desirable.

20 (b) The common council may appoint one or more trustees or fiscal agents for
21 each issue of appropriation bonds. The city treasurer may be designated as the
22 trustee and the sole fiscal agent or as cofiscal agent for any issue of appropriation
23 bonds. Every other fiscal agent shall be an incorporated bank or trust company
24 authorized by the laws of the United States or of the state in which it is located to
25 conduct banking or trust company business. There may be deposited with a trustee,

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1 in a special account, moneys to be used only for the purposes expressly provided in
2 the resolution authorizing the issuance of appropriation bonds or an agreement
3 between the city and the trustee. The common council may make other provisions
4 respecting trustees and fiscal agents as the common council considers necessary or
5 desirable and may enter into contracts with any trustee or fiscal agent containing
6 such terms, including compensation, and conditions in regard to the trustee or fiscal
7 agent as the common council considers necessary or desirable.

8 (c) If any appropriation bond is destroyed, lost, or stolen, the city shall execute
9 and deliver a new appropriation bond, upon filing with the common council evidence
10 satisfactory to the common council that the appropriation bond has been destroyed,
11 lost, or stolen, upon providing proof of ownership thereof, and upon furnishing the
12 common council with indemnity satisfactory to it and complying with such other
13 rules of the city and paying any expenses that the city may incur. The common
14 council shall cancel the appropriation bond surrendered to the city.

15 (d) Unless otherwise directed by the common council, every appropriation bond
16 paid or otherwise retired shall be marked “canceled” and delivered to the city
17 treasurer, or to such other fiscal agent as applicable with respect to the appropriation
18 bond, who shall destroy them and deliver a certificate to that effect to the city clerk.

19 **(8) APPROPRIATION BONDS AS LEGAL INVESTMENTS.** Any of the following may
20 legally invest any sinking funds, moneys, or other funds belonging to them or under
21 their control in any appropriation bonds issued under this section:

22 (a) The state, the investment board, public officers, municipal corporations,
23 political subdivisions, and public bodies.

24 (b) Banks and bankers, savings and loan associations, credit unions, trust
25 companies, savings banks and institutions, investment companies, insurance

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1 companies, insurance associations, and other persons carrying on a banking or
2 insurance business.

3 (c) Personal representatives, guardians, trustees, and other fiduciaries.

4 **(9) MORAL OBLIGATION PLEDGE.** If the common council considers it necessary or
5 desirable to do so, it may express in a resolution authorizing appropriation bonds its
6 expectation and aspiration to make timely appropriations sufficient to pay the
7 principal and interest due with respect to such appropriation bonds, to make
8 deposits into a reserve fund created under sub. (4) (a) with respect to such
9 appropriation bonds, to make payments under any agreement or ancillary
10 arrangement entered into under s. 62.621 with respect to such appropriation bonds,
11 to make deposits into any stabilization fund established or continued under s. 62.622
12 with respect to such appropriation bonds, or to pay related issuance or
13 administrative expenses.

14 **(10) APPLICABILITY.** This section does not apply if a city does not issue
15 appropriation bonds as authorized under sub. (2).

16 **SECTION 1461.** 62.621 of the statutes is created to read:

17 **62.621 Agreements and ancillary arrangements for certain notes and**
18 **appropriation bonds.** At the time of issuance or in anticipation of the issuance of
19 appropriation bonds under s. 62.62, or general obligation promissory notes under s.
20 67.12 (12), to pay unfunded prior service liability with respect to an employee
21 retirement system, or at any time thereafter so long as the appropriation bonds or
22 general obligation promissory notes are outstanding, a 1st class city may enter into
23 agreements or ancillary arrangements relating to the appropriation bonds or general
24 obligation promissory notes, including trust indentures, liquidity facilities,
25 remarketing or dealer agreements, letters of credit, insurance policies, guaranty

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1 agreements, reimbursement agreements, indexing agreements, and interest
2 exchange agreements. Any payments made or amounts received with respect to any
3 such agreement or ancillary arrangement shall be made from or deposited as
4 provided in the agreement or ancillary arrangement.

5 **SECTION 1462.** 62.622 of the statutes is created to read:

6 **62.622 Employee retirement system liability financing in 1st class**
7 **cities; additional powers. (1) DEFINITIONS.** In this section:

8 (a) “City” means a 1st class city.

9 (b) “Common council” means the common council of a city.

10 (c) “Pension funding plan” means a strategic and financial plan related to the
11 payment of all or part of a city’s unfunded prior service liability with respect to an
12 employee retirement system.

13 (d) “Trust” means a common law trust organized under the laws of this state,
14 by the city, as settlor, pursuant to a formal, written, declaration of trust.

15 **(2) SPECIAL FINANCING ENTITIES, FUNDS, AND ACCOUNTS.** (a) To facilitate a pension
16 funding plan and in furtherance thereof, a common council may create one or more
17 of the following:

18 1. A trust.

19 2. A nonstock corporation under ch. 181.

20 3. A limited liability company under ch. 183.

21 4. A special fund or account of the city.

22 (b) An entity described under par. (a) has all of the powers provided to it under
23 applicable law and the documents pursuant to which it is created and established.
24 The powers shall be construed broadly in favor of effectuating the purposes for which
25 the entity is created. A city may appropriate funds to such entities and to such funds

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1 and accounts, under terms and conditions established by the common council,
2 consistent with the purposes for which they are created and established.

3 **(3) STABILIZATION FUNDS.** (a) To facilitate a pension funding plan a common
4 council may establish a stabilization fund. Any such fund may be created as a trust,
5 a special fund or account of the city established by a separate resolution or ordinance,
6 or a fund or account created under an authorizing resolution or trust indenture in
7 connection with the authorization and issuance of appropriation bonds under s.
8 62.62 or general obligation promissory notes under s. 67.12 (12). A city may
9 appropriate funds for deposit to a stabilization fund established under this
10 subsection.

11 (b) Moneys in a stabilization fund established under this subsection may be
12 used, subject to annual appropriation by the common council, solely to pay principal
13 or interest on appropriation bonds issued under s. 62.62 and general obligation
14 promissory notes under s. 67.12 (12) issued in connection with a pension funding
15 plan, for the redemption or repurchase of such appropriation bonds or general
16 obligation promissory notes, to make payments under any agreement or ancillary
17 arrangement entered into under s. 62.621 with respect to such appropriation bonds
18 or general obligation promissory notes, or to pay annual pension costs other than
19 normal costs. Moneys on deposit in a stabilization fund may not be subject to any
20 claims, demands, or actions by, or transfers or assignments to, any creditor of the city,
21 any beneficiary of the city's employee retirement system, or any other person, on
22 terms other than as may be established in the resolution or ordinance creating the
23 stabilization fund. Moneys on deposit in a stabilization fund established under this
24 subsection may be invested and reinvested in the manner directed by the common

ASSEMBLY BILL 75**SECTION 1462**

1 council or pursuant to delegation by the common council as provided under s. 66.0603
2 (5).

3 **SECTION 1463.** 62.67 of the statutes is amended to read:

4 **62.67 Uninsured motorist coverage; 1st class cities.** A 1st class city shall
5 provide uninsured motorist motor vehicle liability insurance coverage for motor
6 vehicles owned by the city and operated by city employees in the course of
7 employment. The coverage required by this section shall have at least the limits
8 prescribed for uninsured motorist coverage under s. 632.32 (4) (a) 1.

9 **SECTION 1464.** 66.0137 (5) of the statutes is renumbered 66.0137 (5) (b) and
10 amended to read:

11 66.0137 **(5)** (b) The state or a local governmental unit may provide for the
12 payment of premiums for hospital, surgical and other health and accident insurance
13 and life insurance for employees and officers ~~and, their spouses and dependent~~
14 ~~children, and their domestic partner under ch. 770 and dependent children.~~ A local
15 governmental unit may also provide for the payment of premiums for hospital and
16 surgical care for its retired employees. In addition, a local governmental unit may,
17 by ordinance or resolution, elect to offer to all of its employees a health care coverage
18 plan through a program offered by the group insurance board under ch. 40. A local
19 governmental unit that elects to participate under s. 40.51 (7) is subject to the
20 applicable sections of ch. 40 instead of this subsection.

21 **SECTION 1465.** 66.0137 (5) (a) of the statutes is created to read:

22 66.0137 **(5)** (a) In this subsection, “local governmental unit” includes the school
23 district operating under ch. 119.

24 **SECTION 1466.** 66.0301 (1) (a) of the statutes is amended to read:

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66.0301 **(1)** (a) Except as provided in pars. (b) and (c), in this section “municipality” means the state or any department or agency thereof, or any city, village, town, county, school district, public library system, public inland lake protection and rehabilitation district, sanitary district, farm drainage district, metropolitan sewerage district, sewer utility district, solid waste management system created under s. 59.70 (2), local exposition district created under subch. II of ch. 229, local professional baseball park district created under subch. III of ch. 229, local professional football stadium district created under subch. IV of ch. 229, ~~a~~ local cultural arts district created under subch. V of ch. 229, transit authority created under s. 66.1039, long-term care district under s. 46.2895, water utility district, mosquito control district, municipal electric company, county or city transit commission, commission created by contract under this section, taxation district, regional planning commission, or city-county health department.

SECTION 1467. 66.0307 (7m) of the statutes is amended to read:

66.0307 **(7m)** ZONING IN TOWN TERRITORY. If a town is a party to a cooperative plan with a city or village, the town and city or village may agree, as part of the cooperative plan, to authorize the town, city or village to adopt a zoning ordinance under s. 60.61, 61.35 or 62.23 for all or a portion of the town territory covered by the plan. The exercise of zoning authority by a town under this subsection is not subject to s. 60.61 (3) or 60.62 (3). If a county zoning ordinance applies to the town territory covered by the plan, that ordinance and amendments to it continue until a zoning ordinance is adopted under this subsection. If a zoning ordinance is adopted under this subsection, that zoning ordinance continues in effect after the planning period ceases until a different zoning ordinance for the territory is adopted under other

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1 applicable law. This subsection does not affect zoning ordinances adopted under ss.
2 s. 59.692, or 87.30 or 91.71 to 91.78 ch. 91.

3 **SECTION 1468.** 66.0602 (1) (b) of the statutes is amended to read:

4 66.0602 **(1)** (b) “Penalized excess” means the levy, in an amount that is at least
5 \$500 over the limit under sub. (2) for the political subdivision, not including any
6 amount that is excepted from the limit under subs. (3), (4), and (5).

7 **SECTION 1469.** 66.0602 (1) (d) of the statutes is amended to read:

8 66.0602 **(1)** (d) “Valuation factor” means a percentage equal to the greater of
9 either 2 3 percent or the percentage change in the political subdivision's January 1
10 equalized value due to new construction less improvements removed between the
11 previous year and the current year. ~~Except as provided, no political subdivision may~~
12 ~~increase its levy in any year by a percentage that exceeds the political subdivision's~~
13 ~~valuation factor. In determining its levy in any year, a city, village, or town shall~~
14 ~~subtract any tax increment that is calculated under s. 60.85 (1) (L) or 66.1105 (2) (i).~~

15 **SECTION 1470.** 66.0602 (2) of the statutes is amended to read:

16 66.0602 **(2)** LEVY LIMIT. ~~Except as provided, no political subdivision may~~
17 ~~increase its levy in 2007 by a percentage that exceeds the political subdivision's~~
18 ~~valuation factor or 3.86 in subs. (3), (4), and (5), no political subdivision may increase~~
19 its levy in any year by a percentage that exceeds the political subdivision's valuation
20 factor. The base amount in any year, to which the limit under this section applies,
21 shall be the maximum allowable levy for the immediately preceding year. In
22 determining its levy in any year, a city, village, or town shall subtract any tax
23 increment that is calculated under s. 59.57 (3) (a), 60.85 (1) (L), or 66.1105 (2) (i).

24 **SECTION 1471.** 66.0602 (3) (d) 5. of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 1471**

1 66.0602 **(3)** (d) 5. The limit otherwise applicable under this section does not
2 apply to amounts levied by a 1st class city for the payment of debt service on
3 appropriation bonds issued under s. 62.62, including debt service on appropriation
4 bonds issued to fund or refund outstanding appropriation bonds of the city, to pay
5 related issuance costs or redemption premiums, or to make payments with respect
6 to agreements or ancillary arrangements authorized under s. 62.621.

7 **SECTION 1472.** 66.0602 (4) (a) of the statutes is amended to read:

8 66.0602 **(4)** (a) A political subdivision may exceed the levy increase limit under
9 sub. (2) if its governing body adopts a resolution to that effect and if the resolution
10 is approved in a referendum. The resolution shall specify the proposed amount of
11 increase in the levy beyond the amount that is allowed under sub. (2), and shall
12 specify whether the proposed amount of increase is for the next fiscal year only or if
13 it will apply on an ongoing basis. With regard to a referendum relating to the 2005
14 levy, or any levy in an odd-numbered year thereafter, the political subdivision may
15 call a special referendum for the purpose of submitting the resolution to the electors
16 of the political subdivision for approval or rejection. With regard to a referendum
17 relating to the 2006 levy, or any levy in an even-numbered year thereafter, the
18 referendum shall be held at the next succeeding spring primary or election or
19 September primary or general election.

20 **SECTION 1473.** 66.0602 (6) (c) of the statutes is amended to read:

21 66.0602 **(6)** (c) Ensure that the amount of the penalized excess is not included
22 in determining the limit described under sub. (2) for the political subdivision for the
23 following year.

24 **SECTION 1474.** 66.0602 (7) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 1474**

1 66.0602 **(7)** SUNSET. This section does not apply to a political subdivision's levy
2 that is imposed after December 2010.

3 **SECTION 1475.** 66.0603 (1m) (f) of the statutes is created to read:

4 66.0603 **(1m)** (f) Subject to s. 67.11 (2) with respect to funds on deposit in a debt
5 service fund for general obligation promissory notes issued under s. 67.12 (12), a 1st
6 class city, or a person to whom the city has delegated investment authority under sub.
7 (5), may invest and reinvest in the same manner as is authorized for investments and
8 reinvestments under s. 881.01, any of the following:

9 1. Moneys held in any stabilization fund established under s. 62.622 (3).

10 2. Moneys held in a fund or account, including any reserve fund, created in
11 connection with the issuance of appropriation bonds under s. 62.62 or general
12 obligation promissory notes under s. 67.12 (12) issued to provide funds for the
13 payment of all or a part of the city's unfunded prior service liability.

14 3. Moneys appropriated or held by the city to pay debt service on appropriation
15 bonds or general obligation promissory notes under s. 67.12 (12).

16 4. Moneys constituting proceeds of appropriation bonds or general obligation
17 promissory notes described in subd. 2. that are available for investment until they
18 are spent.

19 5. Moneys held in an employee retirement system of the city.

20 **SECTION 1476.** 66.0603 (5) (intro.) and (a) of the statutes are amended to read:

21 66.0603 **(5)** DELEGATION OF INVESTMENT AUTHORITY IN CONNECTION WITH PENSION
22 FINANCING IN POPULOUS CITIES AND COUNTIES. (intro.) The governing ~~board~~ body of a
23 county having a population of 500,000 or more, or a 1st class city, may delegate
24 investment authority over any of the moneys described in sub. (1m) (e) or (f) to any
25 of the following persons, which shall be responsible for the general administration

ASSEMBLY BILL 75**SECTION 1476**

1 and proper operation of the county's or city's employee retirement system, subject to
2 the board's governing body's finding that such person has expertise in the field of
3 investments:

4 (a) A public board that is organized for such purpose under county or city
5 ordinances.

6 **SECTION 1477.** 66.0721 (1) (a) of the statutes is amended to read:

7 66.0721 **(1)** (a) "Agricultural use" has the meaning given in s. 91.01 ~~(1)~~ (2) and
8 includes any additional agricultural uses of land, as determined by the town sanitary
9 district or town.

10 **SECTION 1478.** 66.0721 (1) (b) of the statutes is amended to read:

11 66.0721 **(1)** (b) "Eligible farmland" means ~~a parcel of 35 or more acres of~~
12 ~~contiguous land which is devoted exclusively to agricultural use which during the~~
13 ~~year preceding the year in which the land is subject to a special assessment under~~
14 ~~this section produced gross farm profits, as defined in s. 71.58 (4), of not less than~~
15 ~~\$6,000 or which, during the 3 years preceding the year in which the land is subject~~
16 ~~to a special assessment under this section, produced gross farm profits, as defined~~
17 ~~in s. 71.58 (4), of not less than \$18,000~~ that is eligible for farmland preservation tax
18 credits under ss. 71.58 to 71.61 or 71.613.

19 **SECTION 1479.** 66.0903 (1) (e) of the statutes is repealed.

20 **SECTION 1480.** 66.0903 (1) (i) of the statutes is repealed.

21 **SECTION 1481.** 66.0903 (3) (av) of the statutes is amended to read:

22 66.0903 **(3)** (av) In determining prevailing wage rates under par. (am) or (ar),
23 the department may not use data from projects that are subject to this section, s.
24 66.0904, 103.49, or 103.50 or 40 USC 276a 3142 unless the department determines
25 that there is insufficient wage data in the area to determine those prevailing wage

ASSEMBLY BILL 75**SECTION 1481**

1 rates, in which case the department may use data from projects that are subject to
2 this section, s. 66.0904, 103.49, or 103.50 or 40 USC 276a 3142.

3 **SECTION 1482.** 66.0903 (5) of the statutes is amended to read:

4 66.0903 **(5)** NONAPPLICABILITY. This section does not apply to any ~~single=trade~~
5 public works project, including a highway, street or bridge construction project, for
6 which the estimated project cost of completion is below \$30,000 ~~or an amount~~
7 ~~determined by the department under this subsection or to any multiple=trade public~~
8 ~~works project, including a highway, street or bridge construction project, for which~~
9 ~~the estimated project cost of completion is below \$150,000 or an amount determined~~
10 ~~by the department under this subsection. The department shall adjust those dollar~~
11 ~~amounts every year, the first adjustment to be made not sooner than~~
12 ~~December 1, 1997. The adjustments shall be in proportion to any change in~~
13 ~~construction costs since the effective date of the dollar amounts established under~~
14 ~~this subsection~~ \$2,000.

15 **SECTION 1483.** 66.0903 (10) (a) of the statutes is amended to read:

16 66.0903 **(10)** (a) Each contractor, subcontractor, or contractor's or
17 subcontractor's agent performing work on a project that is subject to this section
18 shall keep full and accurate records clearly indicating the name and trade or
19 occupation of every person performing the work described in sub. (4) and an accurate
20 record of the number of hours worked by each of those persons and the actual wages
21 paid for the hours worked. By no later than the end of the week following a week in
22 which a contractor, subcontractor, or contractor's or subcontractor's agent performs
23 work on a project that is subject to this section, the contractor, subcontractor, or agent
24 shall submit to the contracting local governmental unit a certified record of the
25 information specified in the preceding sentence for that preceding week.

ASSEMBLY BILL 75**SECTION 1484**

1 **SECTION 1484.** 66.0903 (10) (c) of the statutes is amended to read:

2 66.0903 **(10)** (c) If requested by any person, the department shall inspect the
3 payroll records of any contractor, subcontractor, or agent performing work on a
4 project that is subject to this section to ensure compliance with this section. ~~If In the~~
5 ~~case of a request made by a person performing the work specified in sub. (4), if the~~
6 ~~department finds that~~ the contractor, subcontractor, or agent subject to the
7 inspection is found to be in compliance and if the person making the request is a
8 person performing the work specified in sub. (4) ~~that the request is frivolous~~, the
9 department shall charge the person making the request the actual cost of the
10 inspection. ~~If In the case of a request made by a person not performing the work~~
11 ~~specified in sub. (4), if the department finds that~~ the contractor, subcontractor, or
12 agent subject to the inspection is found to be in compliance and if the person making
13 the request is not a person performing the work specified in sub. (4) ~~that the request~~
14 ~~is frivolous~~, the department shall charge the person making the request \$250 or the
15 actual cost of the inspection, whichever is greater. In order to find that a request is
16 frivolous, the department must find that the person making the request made the
17 request in bad faith, solely for the purpose of harassing or maliciously injuring the
18 contractor, subcontractor, or agent subject to the inspection, or that the person
19 making the request knew, or should have known, that there was no reasonable basis
20 for believing that a violation of this section had been committed.

21 **SECTION 1485.** 66.0903 (11) (b) 4. of the statutes is amended to read:

22 66.0903 **(11)** (b) 4. Whoever induces any person who seeks to be or is employed
23 on any project that is subject to this section to permit any part of the wages to which
24 the person is entitled under the contract governing the project to be deducted from
25 the person's pay is guilty of an offense under s. 946.15 (3), unless the deduction would

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1 be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that
2 is subject to 40 USC 276e 3142.

3 **SECTION 1486.** 66.0903 (11) (b) 5. of the statutes is amended to read:

4 66.0903 **(11)** (b) 5. Any person employed on a project that is subject to this
5 section who knowingly permits any part of the wages to which he or she is entitled
6 under the contract governing the project to be deducted from his or her pay is guilty
7 of an offense under s. 946.15 (4), unless the deduction would be permitted under 29
8 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC
9 276e 3142.

10 **SECTION 1487.** 66.0904 of the statutes is created to read:

11 **66.0904 Wage rates; publicly funded private construction projects. (1)**

12 DEFINITIONS. In this section:

13 (a) “Area” means the county in which a proposed publicly funded private
14 construction project that is subject to this section is located or, if the department
15 determines that there is insufficient wage data in that county, “area” means those
16 counties that are contiguous to that county or, if the department determines that
17 there is insufficient wage data in those counties, “area” means those counties that
18 are contiguous to those counties or, if the department determines that there is
19 insufficient wage data in those counties, “area” means the entire state or, if the
20 department is requested to review a determination under sub. (4) (e), “area” means
21 the city, village, or town in which a proposed publicly funded private construction
22 project that is subject to this section is located.

23 (b) “Department” means the department of workforce development.

24 (c) “Financial assistance” means any grant, cooperative agreement, loan,
25 contract, other than a public works contract, a supply procurement contract, a

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1 contract of insurance or guaranty, or a collective bargaining agreement, or any other
2 arrangement by which a local governmental unit provides or otherwise makes
3 available assistance in any of the following forms:

4 1. Funding.

5 2. A transfer or lease of real or personal property of the local governmental unit
6 or of any interest in or permission to use, other than on a casual or transient basis,
7 that property for less than fair market value or for reduced consideration.

8 3. Proceeds from a subsequent transfer or lease of real or personal property
9 transferred or leased from the local governmental unit, if the local governmental
10 unit's share of the fair market value of the property is not returned to the local
11 governmental unit.

12 4. A redevelopment contract, economic development agreement, revenue
13 agreement under s. 66.1103, contract under s. 66.1105 (3) or 66.1333 (5), or
14 assistance provided under s. 66.1109.

15 (d) "Hourly basic rate of pay" has the meaning given in s. 103.49 (1) (b).

16 (e) "Insufficient wage data" has the meaning given in s. 103.49 (1) (bg).

17 (f) "Local governmental unit" has the meaning given in s. 66.0903 (1) (d).

18 (g) "Prevailing hours of labor" has the meaning given in s. 103.49 (1) (c).

19 (h) 1. Except as provided in subd. 2., "prevailing wage rate" for any trade or
20 occupation engaged in the erection, construction, remodeling, repairing, or
21 demolition of any publicly funded private construction project in any area means the
22 hourly basic rate of pay, plus the hourly contribution for health insurance benefits,
23 vacation benefits, pension benefits, and any other bona fide economic benefit, paid
24 directly or indirectly, for a majority of the hours worked in the trade or occupation
25 on projects in the area.

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1 2. If there is no rate at which a majority of the hours worked in the trade or
2 occupation on projects in the area is paid, “prevailing wage rate” for any trade or
3 occupation engaged in the erection, construction, remodeling, repairing, or
4 demolition of any publicly funded private construction project in any area means the
5 average hourly basic rate of pay, weighted by the number of hours worked, plus the
6 average hourly contribution, weighted by the number of hours worked, for health
7 insurance benefits, vacation benefits, pension benefits, and any other bona fide
8 economic benefit, paid directly or indirectly for all hours worked at the hourly basic
9 rate of pay of the highest-paid 51 percent of hours worked in that trade or occupation
10 on projects in that area.

11 (i) “Publicly funded private construction project” means a construction project,
12 other than a project of public works, that receives financial assistance from a local
13 governmental unit.

14 (j) “Truck driver” has the meaning given in s. 103.49 (1) (g).

15 **(2) PREVAILING WAGE RATES AND HOURS OF LABOR.** (a) Any owner or developer of
16 real property who enters into a contract for the erection, construction, remodeling,
17 repairing, or demolition of any publicly funded private construction project on that
18 real property shall include in the contract a stipulation that no person performing
19 the work described in sub. (3) may be permitted to work a greater number of hours
20 per day or per week than the prevailing hours of labor, except that any such person
21 may be permitted or required to work more than the prevailing hours of labor per day
22 and per week if he or she is paid for all hours worked in excess of the prevailing hours
23 of labor at a rate of at least 1.5 times his or her hourly basic rate of pay; nor may he
24 or she be paid less than the prevailing wage rate determined under sub. (4) in the

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1 same or most similar trade or occupation in the area in which the publicly funded
2 private construction project is situated.

3 (b) A reference to the prevailing wage rates determined under sub. (4) and the
4 prevailing hours of labor shall be published in any notice issued for the purpose of
5 securing bids for the publicly funded private construction project. If any contract or
6 subcontract for a publicly funded private construction project that is subject to this
7 section is entered into, the prevailing wage rates determined under sub. (4) and the
8 prevailing hours of labor shall be physically incorporated into and made a part of the
9 contract or subcontract, except that for a minor subcontract, as determined by the
10 department, the department shall prescribe by rule the method of notifying the
11 minor subcontractor of the prevailing wage rates and prevailing hours of labor
12 applicable to the minor subcontract. The prevailing wage rates and prevailing hours
13 of labor applicable to a contract or subcontract may not be changed during the time
14 that the contract or subcontract is in force.

15 **(3) COVERED EMPLOYEES.** (a) Subject to par. (b), all of the following employees
16 shall be paid the prevailing wage rate determined under sub. (4) and may not be
17 permitted to work a greater number of hours per day or per week than the prevailing
18 hours of labor, unless they are paid for all hours worked in excess of the prevailing
19 hours of labor at a rate of at least 1.5 times their hourly basic rate of pay:

20 1. All laborers, workers, mechanics, and truck drivers employed on the site of
21 a publicly funded private construction project that is subject to this section.

22 2. All laborers, workers, mechanics, and truck drivers employed in the
23 manufacturing or furnishing of materials, articles, supplies, or equipment on the site
24 of a publicly funded private construction project that is subject to this section or from
25 a facility dedicated exclusively, or nearly so, to a publicly funded private construction

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1 project that is subject to this section by a contractor, subcontractor, agent, or other
2 person performing any work on the site of the project.

3 (b) Notwithstanding par. (a) 1., a laborer, worker, mechanic, or truck driver who
4 is regularly employed to process, manufacture, pick up, or deliver materials or
5 products from a commercial establishment that has a fixed place of business from
6 which the establishment regularly supplies processed or manufactured materials or
7 products is not entitled to receive the prevailing wage rate determined under sub.
8 (4) or to receive at least 1.5 times his or her hourly basic rate of pay for all hours
9 worked in excess of the prevailing hours of labor unless any of the following apply:

10 1. The laborer, worker, mechanic, or truck driver is employed to go to the source
11 of mineral aggregate such as sand, gravel, or stone that is to be immediately
12 incorporated into the work, and not stockpiled or further transported by truck, pick
13 up that mineral aggregate, and deliver that mineral aggregate to the site of a publicly
14 funded private construction project that is subject to this section by depositing the
15 material substantially in place, directly or through spreaders from the transporting
16 vehicle.

17 2. The laborer, worker, mechanic, or truck driver is employed to go to the site
18 of a publicly funded private construction project that is subject to this section, pick
19 up excavated material or spoil from the site of the project, and transport that
20 excavated material or spoil away from the site of the project.

21 (c) A truck driver who is an owner-operator of a truck shall be paid separately
22 for his or her work and for the use of his or her truck.

23 **(4) INVESTIGATION; DETERMINATION.** (a) Before the owner or developer of any
24 publicly funded private construction project enters into a contract or solicits bids on
25 a contract for the performance of any work to which this section applies, the owner

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1 or developer shall apply to the department to determine the prevailing wage rate for
2 each trade or occupation required in the work under contemplation in the area in
3 which the work is to be done. The department shall conduct investigations and hold
4 public hearings as necessary to define the trades or occupations that are commonly
5 employed on publicly funded private construction projects that are subject to this
6 section and to inform itself as to the prevailing wage rates in all areas of the state
7 for those trades or occupations in order to determine the prevailing wage rate for
8 each trade or occupation. The department shall issue its determination within 30
9 days after receiving the request and shall file the determination with the owner or
10 developer applying for the determination and with the local governmental unit
11 providing financial assistance for the project. For the information of the employees
12 working on the project, the prevailing wage rates determined by the department, the
13 prevailing hours of labor, and the provisions of subs. (2) and (9) shall be kept posted
14 by the owner or developer in at least one conspicuous and easily accessible place on
15 the site of the project.

16 (b) The department shall, by January 1 of each year, compile the prevailing
17 wage rates for each trade or occupation in each area. The compilation shall, in
18 addition to the current prevailing wage rates, include future prevailing wage rates
19 when those prevailing wage rates can be determined for any trade or occupation in
20 any area and shall specify the effective date of those future prevailing wage rates.
21 If a publicly funded private construction project that is subject to this section extends
22 into more than one area there shall be but one standard of prevailing wage rates for
23 the entire private construction project.

24 (c) In determining prevailing wage rates under par. (a) or (b), the department
25 may not use data from projects that are subject to this section, s. 66.0903, 103.49, or

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1 103.50 or 40 USC 3142 unless the department determines that there is insufficient
2 wage data in the area to determine those prevailing wage rates, in which case the
3 department may use data from projects that are subject to this section, s. 66.0903,
4 103.49, or 103.50 or 40 USC 3142.

5 (d) Any person may request a recalculation of any portion of an initial
6 determination within 30 days after the initial determination date if the person
7 submits evidence with the request showing that the prevailing wage rate for any
8 given trade or occupation included in the initial determination does not represent the
9 prevailing wage rate for that trade or occupation in the area. The evidence shall
10 include wage rate information reflecting work performed by persons working in the
11 contested trade or occupation in the area during the current survey period. The
12 department shall affirm or modify the initial determination within 15 days after the
13 date on which the department receives the request for recalculation.

14 (e) In addition to the recalculation under par. (d), the owner or developer that
15 requested the determination under this subsection may request a review of any
16 portion of the determination within 30 days after the date of issuance of the
17 determination if the owner or developer submits evidence with the request showing
18 that the prevailing wage rate for any given trade or occupation included in the
19 determination does not represent the prevailing wage rate for that trade or
20 occupation in the city, village, or town in which the proposed publicly funded private
21 construction project is located. That evidence shall include wage rate information
22 for the contested trade or occupation on at least 3 similar projects located in the city,
23 village, or town where the proposed publicly funded private construction project is
24 located on which some work has been performed during the current survey period
25 and which were considered by the department in issuing its most recent compilation

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1 under par. (b). The department shall affirm or modify the determination within 15
2 days after the date on which the department receives the request for review.

3 **(5) NONAPPLICABILITY.** This section does not apply to any publicly funded
4 private construction project for which the estimated cost of completion is less than
5 \$2,000.

6 **(6) EXEMPTIONS.** The department, upon petition of any owner or developer
7 contracting for a publicly funded private construction project that is subject to this
8 section, shall issue an order exempting the owner or developer from applying to the
9 department for a determination under sub. (4) when it is shown that the project is
10 also subject to an ordinance or other enactment of a local governmental unit that sets
11 forth standards, policy, procedure, and practice resulting in standards as high or
12 higher than those under this section.

13 **(7) COMPLIANCE.** (a) When the department finds that an owner or developer
14 has not requested a determination under sub. (4) (a) or that an owner, developer,
15 contractor, or subcontractor has not physically incorporated a determination into a
16 contract or subcontract as required under sub. (2) (b) or has not notified a minor
17 subcontractor of a determination in the manner prescribed by the department by
18 rule promulgated under sub. (2) (b), the department shall notify the owner,
19 developer, contractor, or subcontractor of the noncompliance and shall file the
20 determination with the owner, developer, contractor, or subcontractor within 30 days
21 after the notice.

22 (b) Upon completion of a publicly funded private construction project that is
23 subject to this section and before receiving final payment for his or her work on the
24 private construction project, each agent or subcontractor shall furnish the contractor
25 with an affidavit stating that the agent or subcontractor has complied fully with the

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1 requirements of this section. A contractor may not authorize final payment until the
2 affidavit is filed in proper form and order.

3 (c) Upon completion of a publicly funded private construction project that is
4 subject to this section and before receiving final payment for his or her work on the
5 project, each contractor shall file with the owner or developer contracting for the
6 work an affidavit stating that the contractor has complied fully with the
7 requirements of this section and that the contractor has received an affidavit under
8 par. (b) from each of the contractor's agents and subcontractors. An owner or
9 developer may not authorize a final payment until the affidavit is filed in proper form
10 and order. If an owner or developer authorizes a final payment before the affidavit
11 is filed in proper form and order or if the department determines, based on the
12 greater weight of the credible evidence, that any person performing the work
13 specified in sub. (3) has been or may have been paid less than the prevailing wage
14 rate or less than 1.5 times the hourly basic rate of pay for all hours worked in excess
15 of the prevailing hours of labor and requests that the owner or developer withhold
16 all or part of the final payment, but the owner or developer fails to do so, the owner
17 or developer is liable for all back wages payable up to the amount of the final
18 payment.

19 **(8) RECORDS; INSPECTION; ENFORCEMENT.** (a) Each contractor, subcontractor, or
20 agent performing work on a publicly funded private construction project that is
21 subject to this section shall keep full and accurate records clearly indicating the
22 name and trade or occupation of every person performing the work described in sub.
23 (3) and an accurate record of the number of hours worked by each of those persons
24 and the actual wages paid for the hours worked. By no later than the end of the week
25 following a week in which a contractor, subcontractor, or contractor's or

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1 subcontractor's agent performs work on a project that is subject to this section, the
2 contractor, subcontractor, or agent shall submit to the contracting owner or
3 developer a certified record of the information specified in the preceding sentence for
4 that preceding week.

5 (b) The department or the local governmental unit providing financial
6 assistance for a publicly funded private construction project may demand and
7 examine, and every contractor, subcontractor, and contractor's or subcontractor's
8 agent shall keep, and furnish upon request by the department or local governmental
9 unit, copies of payrolls and other records and information relating to the wages paid
10 to persons performing the work described in sub. (3) for work to which this section
11 applies. The department may inspect records in the manner provided in ch. 103.
12 Every contractor, subcontractor, or agent performing work on a publicly funded
13 private construction project that is subject to this section is subject to the
14 requirements of ch. 103 relating to the examination of records. Section 111.322 (2m)
15 applies to discharge and other discriminatory acts arising in connection with any
16 proceeding under this section.

17 (c) If requested by any person, the department shall inspect the payroll records
18 of any contractor, subcontractor, or contractor's or subcontractor's agent performing
19 work on a publicly funded private construction project that is subject to this section
20 to ensure compliance with this section. In the case of a request made by a person
21 performing the work specified in sub. (3), if the department finds that the contractor,
22 subcontractor, or agent subject to the inspection is in compliance and that the request
23 is frivolous, the department shall charge the person making the request the actual
24 cost of the inspection. In the case of a request made by a person not performing the
25 work specified in sub. (3), if the department finds that the contractor, subcontractor,

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1 or agent subject to the inspection is in compliance and that the request is frivolous,
2 the department shall charge the person making the request \$250 or the actual cost
3 of the inspection, whichever is greater. In order to find that a request is frivolous,
4 the department must find that the person making the request made the request in
5 bad faith, solely for the purpose of harassing or maliciously injuring the contractor,
6 subcontractor, or agent subject to the inspection, or that the person making the
7 request knew, or should have known, that there was no reasonable basis for believing
8 that a violation of this section had been committed.

9 (d) Section 103.005 (5) (f), (11), (12), and (13) applies to this section, except that
10 s. 103.005 (12) (a) does not apply to any person who fails to provide any information
11 to the department to assist the department in determining prevailing wage rates
12 under sub. (4) (a) or (b). Section 111.322 (2m) applies to discharge and other
13 discriminatory acts arising in connection with any proceeding under this section,
14 including proceedings under sub. (9) (a).

15 **(9) LIABILITY AND PENALTIES.** (a) Any contractor, subcontractor, or contractor's
16 or subcontractor's agent who fails to pay the prevailing wage rate determined by the
17 department under sub. (4) or who pays less than 1.5 times the hourly basic rate of
18 pay for all hours worked in excess of the prevailing hours of labor is liable to any
19 affected employee in the amount of his or her unpaid wages or his or her unpaid
20 overtime compensation and in an additional equal amount as liquidated damages.
21 An action to recover the liability may be maintained in any court of competent
22 jurisdiction by any employee for and in behalf of that employee and other employees
23 similarly situated. No employee may be a party plaintiff to the action unless the
24 employee consents in writing to become a party and the consent is filed in the court
25 in which the action is brought. Notwithstanding s. 814.04 (1), the court shall, in

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1 addition to any judgment awarded to the plaintiff, allow reasonable attorney fees
2 and costs to be paid by the defendant.

3 (b) 1. Except as provided in subds. 2., 4., and 6., any contractor, subcontractor,
4 or contractor's or subcontractor's agent who violates this section may be fined not
5 more than \$200 or imprisoned for not more than 6 months or both. Each day that
6 any violation continues is considered a separate offense.

7 2. Whoever induces any person who seeks to be or is employed on any publicly
8 funded private construction project that is subject to this section to give up, waive,
9 or return any part of the wages to which the person is entitled under the contract
10 governing the project, or who reduces the hourly basic rate of pay normally paid to
11 a person for work on a project that is not subject to this section during a week in which
12 the person works both on a project that is subject to this section and on a project that
13 is not subject to this section, by threat not to employ, by threat of dismissal from
14 employment, or by any other means is guilty of an offense under s. 946.15 (1).

15 3. Any person employed on a publicly funded private construction project that
16 is subject to this section who knowingly permits a contractor, subcontractor, or
17 contractor's or subcontractor's agent to pay him or her less than the prevailing wage
18 rate set forth in the contract governing the project, who gives up, waives, or returns
19 any part of the compensation to which he or she is entitled under the contract, or who
20 gives up, waives, or returns any part of the compensation to which he or she is
21 normally entitled for work on a project that is not subject to this section during a
22 week in which the person works both on a project that is subject to this section and
23 on a project that is not subject to this section, is guilty of an offense under s. 946.15
24 (2).

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1 4. Whoever induces any person who seeks to be or is employed on any publicly
2 funded private construction project that is subject to this section to permit any part
3 of the wages to which the person is entitled under the contract governing the project
4 to be deducted from the person's pay is guilty of an offense under s. 946.15 (3), unless
5 the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is
6 working on a project that is subject to 40 USC 3142.

7 5. Any person employed on a publicly funded private construction project that
8 is subject to this section who knowingly permits any part of the wages to which he
9 or she is entitled under the contract governing the project to be deducted from his or
10 her pay is guilty of an offense under s. 946.15 (4), unless the deduction would be
11 permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is
12 subject to 40 USC 3142.

13 6. Subdivision 1. does not apply to any person who fails to provide any
14 information to the department to assist the department in determining prevailing
15 wage rates under sub. (4) (a) or (b).

16 **(10) DEBARMENT.** (a) Except as provided under pars. (b) and (c), the department
17 shall notify any owner or developer applying for a determination under sub. (4) and
18 any owner or developer that is exempt under sub. (6) of the names of all persons
19 whom the department has found to have failed to pay the prevailing wage rate
20 determined under sub. (4) or has found to have paid less than 1.5 times the hourly
21 basic rate of pay for all hours worked in excess of the prevailing hours of labor at any
22 time in the preceding 3 years. The department shall include with each name the
23 address of the person and shall specify when the person failed to pay the prevailing
24 wage rate and when the person paid less than 1.5 times the hourly basic rate of pay
25 for all hours worked in excess of the prevailing hours of labor. An owner or developer

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1 may not award any contract to the person unless otherwise recommended by the
2 department or unless 3 years have elapsed from the date on which the department
3 issued its findings or date of final determination by a court of competent jurisdiction,
4 whichever is later.

5 (b) The department may not include in a notification under par. (a) the name
6 of any person on the basis of having let work to a person whom the department has
7 found to have failed to pay the prevailing wage rate determined under sub. (4) or has
8 found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked
9 in excess of the prevailing hours of labor.

10 (c) This subsection does not apply to any contractor, subcontractor, or
11 contractor's or subcontractor's or agent that in good faith commits a minor violation
12 of this section, as determined on a case-by-case basis through administrative
13 hearings with all rights to due process afforded to all parties or that has not
14 exhausted or waived all appeals.

15 (d) Any person submitting a bid or negotiating a contract on a publicly funded
16 private construction project that is subject to this section shall, on the date on which
17 the person submits the bid, identify any construction business in which the person,
18 or a shareholder, officer, or partner of the person, if the person is a business, owns,
19 or has owned at least a 25 percent interest on the date the person submits the bid or
20 at any other time within 3 years preceding the date on which the person submits the
21 bid or negotiates the contract, if the business has been found to have failed to pay the
22 prevailing wage rate determined under sub. (4) or to have paid less than 1.5 times
23 the hourly basic rate of pay for all hours worked in excess of the prevailing hours of
24 labor.

25 (e) The department shall promulgate rules to administer this subsection.

ASSEMBLY BILL 75**SECTION 1488**

1 **SECTION 1488.** 66.1039 of the statutes is created to read:

2 **66.1039 Transit authorities. (1) DEFINITIONS.** In this section:

3 (a) “Authority” means a transit authority created under this section.

4 (b) “Bonds” means any bonds, interim certificates, notes, debentures, or other
5 obligations of an authority issued under this section.

6 (c) “Common carrier” means any of the following:

7 1. A common motor carrier, as defined in s. 194.01 (1).

8 2. A contract motor carrier, as defined in s. 194.01 (2).

9 3. A railroad subject to ch. 195, as described in s. 195.02 (1) and (3).

10 4. A water carrier, as defined in s. 195.02 (5).

11 (d) “Comprehensive unified local transportation system” means a
12 transportation system that is comprised of motor bus lines and any other local public
13 transportation facilities, the major portion of which is located within, or the major
14 portion of the service of which is supplied to the inhabitants of, the jurisdictional area
15 of the authority.

16 (e) “Madison metropolitan planning area” means the metropolitan planning
17 area, as defined in 23 USC 134 (b) (1), that includes the city of Madison.

18 (f) “Municipality” means any city, village, or town.

19 (g) “Participating political subdivision” means a political subdivision that is a
20 member of an authority, either from the time of creation of the authority or by later
21 joining the authority.

22 (h) “Political subdivision” means a municipality or county.

23 (i) “Transportation system” means all land, shops, structures, equipment,
24 property, franchises, and rights of whatever nature required for transportation of
25 passengers within the jurisdictional area of the authority and, only to the extent

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1 specifically authorized under this section, outside the jurisdictional area of the
2 authority. “Transportation system” includes elevated railroads, subways,
3 underground railroads, motor vehicles, motor buses, and any combination thereof,
4 and any other form of mass transportation, but does not include transportation
5 excluded from the definition of “common motor carrier” under s. 194.01 (1) or charter
6 or contract operations to, from, or between points that are outside the jurisdictional
7 area of the authority.

8 (j) “Urbanized Fox Cities metropolitan planning area” means the urbanized
9 area, as defined in 23 USC 134 (b) (6), of the metropolitan planning area, as defined
10 in 23 USC 134 (b) (1), that includes the city of Appleton.

11 **(2) CREATION OF TRANSIT AUTHORITIES.** (a) *Southeast regional transit authority.*

12 1. The southeast regional transit authority, a public body corporate and politic and
13 a separate governmental entity, is created if the governing body of Milwaukee
14 County or Kenosha County, or of any municipality located in whole or in part within
15 that portion of Racine County east of I 94, adopts a resolution authorizing the county
16 or municipality to become a member of the authority. Once created, this authority
17 may transact business and exercise any powers granted to it under this section.

18 2. After an authority is created under subd. 1., any of the counties of Kenosha,
19 Milwaukee, and Racine, and any municipality located in whole or in part within that
20 portion of Racine County east of I 94, if the county or municipality is not already a
21 member of the authority as provided under subd. 1., may join the authority created
22 under subd. 1. if the governing body of the county or municipality adopts a resolution
23 to join the authority.

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1 3. If Milwaukee County or Kenosha County adopts a resolution under subd. 1.
2 or 2., any municipality located in whole or in part within Milwaukee County or
3 Kenosha County, respectively, shall be a member of the authority.

4 4. Any of the counties of Waukesha, Ozaukee, and Washington may join the
5 authority created under subd. 1. if the governing body of the county adopts a
6 resolution to join the authority.

7 5. Any municipality located in whole or in part within Waukesha County,
8 Ozaukee County, or Washington County may join the authority created under subd.
9 1. if the governing body of the municipality adopts a resolution to join the authority
10 and the board of directors of the authority approves the municipality's joinder.

11 6. The jurisdictional area of the authority created under this paragraph is the
12 geographic area formed by the combined territorial boundaries of any county or
13 municipality that adopts a resolution under subd. 1., 2., 4., or 5.

14 (b) *Dane County regional transit authority.* 1. The Dane County regional
15 transit authority, a public body corporate and politic and a separate governmental
16 entity, is created if the governing body of Dane County adopts a resolution
17 authorizing the county to become a member of the authority. Once created, this
18 authority may transact business and exercise any powers granted to it under this
19 section.

20 2. If Dane County adopts a resolution under subd. 1., any municipality located
21 in whole or in part within the Madison metropolitan planning area shall be a member
22 of the authority.

23 3. Any municipality located in whole or in part within Dane County that is not
24 located in whole or in part within the Madison metropolitan planning area may join
25 the authority created under subd. 1. if the governing body of the municipality adopts

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1 a resolution to join the authority and the board of directors of the authority approves
2 the municipality's joinder.

3 4. The jurisdictional area of the authority created under this paragraph is the
4 geographic area formed by the Madison metropolitan planning area combined with
5 the territorial boundaries of all municipalities that join the authority under subd. 3.

6 (c) *Fox Cities regional transit authority.* 1. There is created the Fox Cities
7 regional transit authority, a public body corporate and politic and a separate
8 governmental entity, consisting of the counties of Outagamie, Calumet, and
9 Winnebago and any municipality located in whole or in part within the urbanized
10 Fox Cities metropolitan planning area. This authority may transact business and
11 exercise any powers granted to it under this section.

12 2. Any municipality located in whole or in part within Outagamie County,
13 Calumet County, or Winnebago County that is not located in whole or in part within
14 the urbanized Fox Cities metropolitan planning area may join the authority created
15 under subd. 1. if the governing body of the municipality adopts a resolution to join
16 the authority and the board of directors of the authority approves the municipality's
17 joinder.

18 3. The jurisdictional area of the authority created under this paragraph is the
19 geographic area formed by the urbanized Fox Cities metropolitan planning area
20 combined with the territorial boundaries of all municipalities that join the authority
21 under subd. 2.

22 **(3) TRANSIT AUTHORITY GOVERNANCE.** (a) The powers of an authority shall be
23 vested in its board of directors. Directors shall be appointed for 4-year terms. A
24 majority of the board of directors' full authorized membership constitutes a quorum
25 for the purpose of conducting the authority's business and exercising its powers.

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1 Action may be taken by the board of directors upon a vote of a majority of the directors
2 present and voting, unless the bylaws of the authority require a larger number.

3 (b) If an authority is created under sub. (2) (a), the board of directors of the
4 authority consists of the following members:

5 1. If Kenosha County adopts a resolution under sub. (2) (a) 1. or 2., one member
6 from Kenosha County, appointed by the county executive and approved by the county
7 board, and one member from the city of Kenosha, appointed by the mayor and
8 approved by the common council.

9 2. If Milwaukee County adopts a resolution under sub. (2) (a) 1. or 2., one
10 member from Milwaukee County, appointed by the county executive and approved
11 by the county board, and one member from the city of Milwaukee, appointed by the
12 mayor and approved by the common council.

13 3. If the city of Racine adopts a resolution under sub. (2) (a) 1. or 2., one member
14 from the city of Racine, appointed by the mayor and approved by the common council.

15 4. Two members from the jurisdictional area of the authority, by the governor
16 appointed. If Milwaukee County adopts a resolution under sub. (2) (a) 1. or 2., one
17 of the members appointed by the governor under this subdivision shall be from
18 Milwaukee County, for any term commencing after Milwaukee County has adopted
19 the resolution.

20 5. One member from each county that joins the authority under sub. (2) (a) 4.,
21 appointed by the county executive of the county and approved by the county board
22 except that, if the county does not have an elected county executive, the member shall
23 be appointed by the county board chairperson and approved by the county board.

24 6. One member from each city with a population of more than 60,000 that either
25 adopts a resolution under sub. (2) (a) 5. or is located in a county that has joined the

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1 authority under sub. (2) (a) 4., appointed by the mayor of each such city and approved
2 by the common council.

3 (c) If an authority is created under sub. (2) (b), the board of directors of the
4 authority consists of the following members:

5 1. Two members from the Madison metropolitan planning area, appointed by
6 the county executive and approved by the county board.

7 2. Two members appointed by the mayor of the city of Madison and approved
8 by the common council.

9 3. One member appointed by the governor.

10 4. One member from each city with a population of more than 20,000 located
11 in Dane County, appointed by the mayor of each such city and approved by the
12 common council.

13 (d) The board of directors of the authority created under sub. (2) (c) consists of
14 the following members:

15 1. Three members, one each from the counties of Outagamie, Calumet, and
16 Winnebago, appointed by the county executive of each county and approved by the
17 county board except that, if the county does not have an elected county executive, the
18 member shall be appointed by the county board chairperson and approved by the
19 county board.

20 2. Two members, one each from the cities of Appleton and Neenah, appointed
21 by the mayor of each such city and approved by the common council.

22 3. One member from the town of Grand Chute, appointed by the town board
23 chairperson and approved by the town board.

24 4. One member appointed by the governor.

25 5. One member appointed as provided in par. (e).

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1 6. One member appointed as provided in par. (f).

2 (e) 1. Board membership under par. (d) 5. shall follow a rotating order of
3 succession, commencing as specified in subds. 2. and 3. and, after June 30, 2017,
4 repeating in the same order and by the same selection process.

5 2. For the term commencing on the effective date of this subdivision and
6 expiring on June 30, 2013, the member specified in par. (d) 5. shall be from the town
7 of Menasha and shall be appointed by the town board chairperson and approved by
8 the town board.

9 3. For the term commencing on July 1, 2013 and expiring on June 30, 2017, the
10 member specified in par. (d) 5. shall be from the city of Menasha and shall be
11 appointed by the mayor of the city and approved by the common council.

12 (f) 1. Board membership under par. (d) 6. shall follow a rotating order of
13 succession, commencing as specified in subds. 2. to 5. and, after June 30, 2025,
14 repeating in the same order and by the same selection process.

15 2. For the term commencing on the effective date of this subdivision and
16 expiring on June 30, 2013, the member specified in par. (d) 6. shall be from the city
17 of Kaukauna and shall be appointed by the mayor of the city and approved by the
18 common council.

19 3. For the term commencing on July 1, 2013 and expiring on June 30, 2017, the
20 member specified in par. (d) 6. shall be from the village of Kimberly and shall be
21 appointed by the village president and approved by the village board.

22 4. For the term commencing on July 1, 2017 and expiring on June 30, 2021, the
23 member specified in par. (d) 6. shall be from the village of Little Chute and shall be
24 appointed by the village president and approved by the village board.

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1 5. For the term commencing on July 1, 2021 and expiring on June 30, 2025, the
2 member specified in par. (d) 6. shall be from the town of Buchanan and shall be
3 appointed by the town board chairperson and approved by the town board.

4 (g) The bylaws of an authority shall govern its management, operations, and
5 administration, consistent with the provisions of this section, and shall include
6 provisions specifying all of the following:

7 1. The functions or services to be provided by the authority.

8 2. The powers, duties, and limitations of the authority.

9 3. The maximum rate of the taxes that may be imposed by the authority under
10 sub. (4) (s), not to exceed the maximum rate specified in s. 77.708 (1).

11 **(4) POWERS.** Notwithstanding s. 59.84 (2) and any other provision of this
12 chapter or ch. 59 or 85, an authority may do all of the following, to the extent
13 authorized in the authority's bylaws:

14 (a) Establish, maintain, and operate a comprehensive unified local
15 transportation system primarily for the transportation of persons.

16 (b) Acquire a comprehensive unified local transportation system and provide
17 funds for the operation and maintenance of the system. Upon the acquisition of a
18 comprehensive unified local transportation system, the authority may:

19 1. Operate and maintain it or lease it to an operator or contract for its use by
20 an operator.

21 2. Contract for superintendence of the system with an organization that has
22 personnel with the requisite experience and skill.

23 3. Delegate responsibility for the operation and maintenance of the system to
24 an appropriate administrative officer, board, or commission of a participating
25 political subdivision.

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1 4. Maintain and improve railroad rights-of-way and improvements on these
2 rights-of-way for future use.

3 (c) Contract with a public or private organization to provide transportation
4 services in lieu of directly providing these services.

5 (d) Purchase and lease transportation facilities to public or private transit
6 companies that operate within and outside the jurisdictional area.

7 (e) Apply for federal aids to purchase transportation facilities considered
8 essential for the authority's operation.

9 (f) Coordinate specialized transportation services, as defined in s. 85.21 (2) (g),
10 for residents who reside within the jurisdictional area and who are disabled or aged
11 60 or older, including services funded under 42 USC 3001 to 3057n, 42 USC 5001, and
12 42 USC 5011 (b), under ss. 49.43 to 49.499 and 85.21, and under other public funds
13 administered by the county. An authority may contract with a county that is a
14 participating political subdivision for the authority to provide specialized
15 transportation services, but an authority is not an eligible applicant under s. 85.21
16 (2) (e) and may not receive payments directly from the department of transportation
17 under s. 85.21.

18 (g) Acquire, own, hold, use, lease as lessor or lessee, sell or otherwise dispose
19 of, mortgage, pledge, or grant a security interest in any real or personal property or
20 service.

21 (h) Acquire property by condemnation using the procedure under s. 32.05 for
22 the purposes set forth in this section.

23 (i) Enter upon any state, county, or municipal street, road, or alley, or any public
24 highway for the purpose of installing, maintaining, and operating the authority's
25 facilities. Whenever the work is to be done in a state, county, or municipal highway,

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1 street, road, or alley, the public authority having control thereof shall be duly
2 notified, and the highway, street, road, or alley shall be restored to as good a condition
3 as existed before the commencement of the work with all costs incident to the work
4 to be borne by the authority.

5 (j) Fix, maintain, and revise fees, rates, rents, and charges for functions,
6 facilities, and services provided by the authority.

7 (k) Make, and from time to time amend and repeal, bylaws, rules, and
8 regulations to carry into effect the powers and purposes of the authority.

9 (L) Sue and be sued in its own name.

10 (m) Have and use a corporate seal.

11 (n) Employ agents, consultants, and employees, engage professional services,
12 and purchase such furniture, stationery, and other supplies and materials as are
13 reasonably necessary to perform its duties and exercise its powers.

14 (o) Incur debts, liabilities, or obligations including the borrowing of money and
15 the issuance of bonds under subs. (7) and (10).

16 (p) Invest any funds held in reserve or sinking funds, or any funds not required
17 for immediate disbursement, including the proceeds from the sale of any bonds, in
18 such obligations, securities, and other investments as the authority deems proper in
19 accordance with s. 66.0603 (1m).

20 (q) Do and perform any acts and things authorized by this section under,
21 through, or by means of an agent or by contracts with any person.

22 (r) Exercise any other powers that the board of directors considers necessary
23 and convenient to effectuate the purposes of the authority, including providing for
24 passenger safety.

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1 (s) Impose, by the adoption of a resolution by the board of directors, the taxes
2 under subch. V of ch. 77 in the authority's jurisdictional area. If an authority adopts
3 a resolution to impose the taxes, it shall deliver a certified copy of the resolution to
4 the department of revenue at least 120 days before its effective date. The authority
5 may, by adoption of a resolution by the board of directors, repeal the imposition of
6 taxes under subch. V of ch. 77 and shall deliver a certified copy of the repeal
7 resolution to the department of revenue at least 120 days before its effective date.

8 **(5) LIMITATIONS ON AUTHORITY POWERS.** (a) Notwithstanding sub. (4) (a), (b), (c),
9 (d), (q), and (r), no authority, and no public or private organization with which an
10 authority has contracted for service, may provide service outside the jurisdictional
11 area of the authority unless the authority receives financial support for the service
12 under a contract with a public or other private organization for the service or unless
13 it is necessary in order to provide service to connect residents within the authority's
14 jurisdictional area to transit systems in adjacent counties.

15 (b) Whenever the proposed operations of an authority would be competitive
16 with the operations of a common carrier in existence prior to the time the authority
17 commences operations, the authority shall coordinate proposed operations with the
18 common carrier to eliminate adverse financial impact for the carrier. This
19 coordination may include route overlapping, transfers, transfer points, schedule
20 coordination, joint use of facilities, lease of route service, and acquisition of route and
21 corollary equipment. If this coordination does not result in mutual agreement, the
22 proposals of the authority and the common carrier shall be submitted to the
23 department of transportation for arbitration.

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1 (c) In exercising its powers under sub. (4), an authority shall consider any plan
2 of a metropolitan planning organization under 23 USC 134 that covers any portion
3 of the authority's jurisdictional area.

4 **(6) AUTHORITY OBLIGATIONS TO EMPLOYEES OF MASS TRANSPORTATION SYSTEMS.** (a)
5 An authority acquiring a comprehensive unified local transportation system for the
6 purpose of the authority's operation of the system shall assume all of the employer's
7 obligations under any contract between the employees and management of the
8 system to the extent allowed by law.

9 (b) An authority acquiring, constructing, controlling, or operating a
10 comprehensive unified local transportation system shall negotiate an agreement
11 with the representative of the labor organization that covers the employees affected
12 by the acquisition, construction, control, or operation to protect the interests of
13 employees affected. This agreement shall include all of the provisions identified in
14 s. 59.58 (4) (b) 1. to 8. and may include provisions identified in s. 59.58 (4) (c). An
15 affected employee has all the rights and the same status under subch. IV of ch. 111
16 that he or she enjoyed immediately before the acquisition, construction, control, or
17 operation and may not be required to serve a probationary period if he or she attained
18 permanent status before the acquisition, construction, control, or operation.

19 (c) In all negotiations under this subsection, a senior executive officer of the
20 authority shall be a member of the authority's negotiating body.

21 **(7) BONDS; GENERALLY.** (a) An authority may issue bonds, the principal and
22 interest on which are payable exclusively from all or a portion of any revenues
23 received by the authority. The authority may secure its bonds by a pledge of any
24 income or revenues from any operations, rent, aids, grants, subsidies, contributions,
25 or other source of moneys whatsoever.

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1 (b) An authority may issue bonds in such principal amounts as the authority
2 deems necessary.

3 (c) 1. Neither the members of the board of directors of an authority nor any
4 person executing the bonds is personally liable on the bonds by reason of the issuance
5 of the bonds.

6 2. The bonds of an authority are not a debt of the participating political
7 subdivisions. Neither the participating political subdivisions nor the state are liable
8 for the payment of the bonds. The bonds of any authority shall be payable only out
9 of funds or properties of the authority. The bonds of the authority shall state the
10 restrictions contained in this paragraph on the face of the bonds.

11 **(8) ISSUANCE OF BONDS.** (a) Bonds of an authority shall be authorized by
12 resolution of the board of directors. The bonds may be issued under such a resolution
13 or under a trust indenture or other security instrument. The bonds may be issued
14 in one or more series and may be in the form of coupon bonds or registered bonds
15 under s. 67.09. The bonds shall bear the dates, mature at the times, bear interest
16 at the rates, be in the denominations, have the rank or priority, be executed in the
17 manner, be payable in the medium of payment and at the places, and be subject to
18 the terms of redemption, with or without premium, as the resolution, trust
19 indenture, or other security instrument provides. Bonds of an authority are issued
20 for an essential public and governmental purpose and are public instrumentalities
21 and, together with interest and income, are exempt from taxes.

22 (b) The authority may sell the bonds at public or private sales at the price or
23 prices determined by the authority.

24 (c) If an officer whose signatures appear on any bonds or coupons ceases to be
25 an officer of the authority before the delivery of the bonds or coupons, the officer's

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1 signature shall, nevertheless, be valid for all purposes as if the officer had remained
2 in office until delivery of the bonds or coupons.

3 **(9) COVENANTS.** An authority may do all of the following in connection with the
4 issuance of bonds:

5 (a) Covenant as to the use of any or all of its property, real or personal.

6 (b) Redeem the bonds, or covenant for the redemption of the bonds, and provide
7 the terms and conditions of the redemption.

8 (c) Covenant as to charge fees, rates, rents, and charges sufficient to meet
9 operating and maintenance expenses, renewals, and replacements of any
10 transportation system, principal and debt service on bonds creation and
11 maintenance of any reserves required by a bond resolution, trust indenture, or other
12 security instrument and to provide for any margins or coverages over and above debt
13 service on the bonds that the board of directors considers desirable for the
14 marketability of the bonds.

15 (d) Covenant as to the events of default on the bonds and the terms and
16 conditions upon which the bonds shall become or may be declared due before
17 maturity, as to the terms and conditions upon which this declaration and its
18 consequences may be waived, and as to the consequences of default and the remedies
19 of bondholders.

20 (e) Covenant as to the mortgage or pledge of, or the grant of a security interest
21 in, any real or personal property and all or any part of the revenues of the authority
22 to secure the payment of bonds, subject to any agreements with the bondholders.

23 (f) Covenant as to the custody, collection, securing, investment, and payment
24 of any revenues, assets, moneys, funds, or property with respect to which the
25 authority may have any rights or interest.

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1 (g) Covenant as to the purposes to which the proceeds from the sale of any bonds
2 may be applied, and as to the pledge of such proceeds to secure the payment of the
3 bonds.

4 (h) Covenant as to limitations on the issuance of any additional bonds, the
5 terms upon which additional bonds may be issued and secured, and the refunding
6 of outstanding bonds.

7 (i) Covenant as to the rank or priority of any bonds with respect to any lien or
8 security.

9 (j) Covenant as to the procedure by which the terms of any contract with or for
10 the benefit of the holders of bonds may be amended or abrogated, the amount of
11 bonds, the holders of which must consent thereto, and the manner in which such
12 consent may be given.

13 (k) Covenant as to the custody and safekeeping of any of its properties or
14 investments, the insurance to be carried on the property or investments, and the use
15 and disposition of insurance proceeds.

16 (L) Covenant as to the vesting in one or more trustees, within or outside the
17 state, of those properties, rights, powers, and duties in trust as the authority
18 determines.

19 (m) Covenant as to the appointing of, and providing for the duties and
20 obligations of, one or more paying agent or other fiduciaries within or outside the
21 state.

22 (n) Make all other covenants and do any act that may be necessary or
23 convenient or desirable in order to secure its bonds or, in the absolute discretion of
24 the authority, tend to make the bonds more marketable.

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1 (o) Execute all instruments necessary or convenient in the exercise of the
2 powers granted under this section or in the performance of covenants or duties,
3 which may contain such covenants and provisions as a purchaser of the bonds of the
4 authority may reasonably require.

5 **(10) REFUNDING BONDS.** An authority may issue refunding bonds for the
6 purpose of paying any of its bonds at or prior to maturity or upon acceleration or
7 redemption. An authority may issue refunding bonds at such time prior to the
8 maturity or redemption of the refunded bonds as the authority deems to be in the
9 public interest. The refunding bonds may be issued in sufficient amounts to pay or
10 provide the principal of the bonds being refunded, together with any redemption
11 premium on the bonds, any interest accrued or to accrue to the date of payment of
12 the bonds, the expenses of issue of the refunding bonds, the expenses of redeeming
13 the bonds being refunded, and such reserves for debt service or other capital or
14 current expenses from the proceeds of such refunding bonds as may be required by
15 the resolution, trust indenture, or other security instruments. To the extent
16 applicable, refunding bonds are subject to subs. (8) and (9).

17 **(11) BONDS ELIGIBLE FOR INVESTMENT.** (a) Any of the following may invest funds,
18 including capital in their control or belonging to them, in bonds of the authority:

- 19 1. Public officers and agencies of the state.
- 20 2. Local governmental units, as defined in s. 19.42 (7u).
- 21 3. Insurance companies.
- 22 4. Trust companies.
- 23 5. Banks.
- 24 6. Savings banks.
- 25 7. Savings and loan associations.

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1 8. Investment companies.

2 9. Personal representatives.

3 10. Trustees.

4 11. Other fiduciaries not listed in this paragraph.

5 (b) The authority's bonds are securities that may be deposited with and
6 received by any officer or agency of the state or any local governmental unit, as
7 defined in s. 19.42 (7u), for any purpose for which the deposit of bonds or obligations
8 of the state or any local governmental unit is authorized by law.

9 **(12) BUDGETS; RATES AND CHARGES; AUDIT.** The board of directors of an authority
10 shall annually prepare a budget for the authority. Rates and other charges received
11 by the authority shall be used only for the general expenses and capital expenditures
12 of the authority, to pay interest, amortization, and retirement charges on bonds, and
13 for specific purposes of the authority and may not be transferred to any political
14 subdivision. The authority shall maintain an accounting system in accordance with
15 generally accepted accounting principles and shall have its financial statements and
16 debt covenants audited annually by an independent certified public accountant.

17 **(13) WITHDRAWAL FROM AUTHORITY.** (a) A participating political subdivision that
18 joined an authority under sub. (2) (a) 1., 2., 4., or 5., (b) 3., or (c) 2. may withdraw from
19 an authority if all of the following conditions are met:

20 1. The governing body of the political subdivision adopts a resolution
21 requesting withdrawal of the political subdivision from the authority.

22 2. The political subdivision has paid, or made provision for the payment of, all
23 obligations of the political subdivision to the authority.

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1 (b) A municipality that becomes a member of an authority under sub. (2) (a) 3.
2 shall withdraw from the authority if the county in which the municipality is located
3 withdraws from the authority under par. (a).

4 **(14) DUTY TO PROVIDE TRANSIT SERVICE.** An authority shall provide, or contract
5 for the provision of, transit service within the authority's jurisdictional area.

6 **(16) REQUIRED APPLICATION OF THE SOUTHEAST REGIONAL TRANSIT AUTHORITY.** No
7 later than one year after its creation under sub. (2) (a) 1., the southeast regional
8 transit authority shall submit to the federal transit administration in the U.S.
9 department of transportation an application to enter the preliminary engineering
10 phase of the federal new starts grant program for the Kenosha–Racine–Milwaukee
11 commuter rail link.

12 **(17) OTHER STATUTES.** This section does not limit the powers of political
13 subdivisions to enter into intergovernmental cooperation or contracts or to establish
14 separate legal entities under s. 66.0301 or 66.1021 or any other applicable law, or
15 otherwise to carry out their powers under applicable statutory provisions. Section
16 66.0803 (2) does not apply to an authority.

17 **SECTION 1489.** 66.1105 (6) (ae) of the statutes is created to read:

18 66.1105 **(6)** (ae) With regard to each district for which the department of
19 revenue authorizes the allocation of a tax increment under par. (a), the department
20 shall charge the city that created the district an annual administrative fee of \$150
21 that the city shall pay to the department no later than May 15.

22 **SECTION 1490.** 66.1106 (7) (am) of the statutes is created to read:

23 66.1106 **(7)** (am) With regard to each district for which the department
24 authorizes the allocation of a tax increment under par. (a), the department shall
25 charge the political subdivision that created the district an annual administrative

ASSEMBLY BILL 75**SECTION 1490**

1 fee of \$150 that the political subdivision shall pay to the department no later than
2 May 15.

3 **SECTION 1491.** 66.1113 (1) (a) of the statutes is amended to read:

4 66.1113 **(1)** (a) “Infrastructure expenses” means the costs of purchasing,
5 constructing, or improving parking lots; access ways; transportation facilities,
6 including roads and bridges; sewer and water facilities; exposition center facilities
7 used primarily for conventions, expositions, trade shows, musical or dramatic
8 events, or other events involving educational, cultural, recreational, sporting, or
9 commercial activities; parks, boat ramps, beaches, and other recreational facilities;
10 fire fighting equipment; police vehicles; ambulances; and other equipment or
11 materials dedicated to public safety or public works.

12 **SECTION 1492.** 66.1305 (2) (a) 2. of the statutes is repealed and recreated to
13 read:

14 66.1305 **(2)** (a) 2. “Technology-based incubator” means a facility that provides
15 a new or expanding technically-oriented business with all of the following:

- 16 a. Office and laboratory space.
17 b. Shared clerical and other support service.
18 c. Managerial and technical assistance.

19 **SECTION 1493.** 66.1305 (2) (c) 3. of the statutes is repealed.

20 **SECTION 1494.** 66.1333 (2m) (d) 8. of the statutes is amended to read:

21 66.1333 **(2m)** (d) 8. Studying the feasibility of an initial design for a
22 technology-based incubator, and developing and operating a technology-based
23 incubator ~~and applying for a grant under s. 560.14 (3) in connection with a~~
24 ~~technology-based incubator.~~

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1 **SECTION 1495.** 66.1333 (2m) (t) of the statutes is repealed and recreated to
2 read:

3 66.1333 **(2m)** (t) “Technology-based incubator” means a facility that provides
4 a new or expanding technically-oriented business with all of the following:

- 5 1. Office and laboratory space.
- 6 2. Shared clerical and other support service.
- 7 3. Managerial and technical assistance.

8 **SECTION 1496.** 67.01 (5) of the statutes is amended to read:

9 67.01 **(5)** “Municipality” means any of the following which is authorized to levy
10 a tax: a county, city, village, town, school district, board of park commissioners,
11 technical college district, metropolitan sewerage district created under ss. 200.01 to
12 200.15 or 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, transit
13 authority created under s. 66.1039, public inland lake protection and rehabilitation
14 district established under s. 33.23, 33.235, or 33.24, and any other public body
15 empowered to borrow money and issue obligations to repay the money out of public
16 funds or revenues. “Municipality” does not include the state.

17 **SECTION 1497.** 67.01 (9) (intro.) of the statutes is amended to read:

18 67.01 **(9)** (intro.) This chapter is not applicable to appropriation bonds issued
19 by a county under s. 59.85 or by a 1st class city under s. 62.62 and, except ss. 67.08
20 (1), 67.09 and 67.10, is not applicable:

21 **SECTION 1498.** 67.05 (5) (b) of the statutes is amended to read:

22 67.05 **(5)** (b) No city or village may issue bonds for any purposes other than for
23 water systems, lighting works, gas works, bridges, street lighting, street
24 improvements, street improvement funding, hospitals, airports, harbor
25 improvements, river improvements, breakwaters and protection piers, sewerage,

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1 garbage disposal, rubbish or refuse disposal, any combination of sewage, garbage or
2 refuse or rubbish disposal, parks and public grounds, swimming pools and band
3 shells, veterans housing projects, paying the municipality's portion of the cost of
4 abolishing grade crossings, for the construction of police facilities and combined fire
5 and police safety buildings, for the purchase of sites for engine houses, for fire
6 engines and other equipment of the fire department, for construction of engine
7 houses, and for pumps, water mains, reservoirs and all other reasonable facilities for
8 fire protection apparatus or equipment for fire protection, for parking lots or other
9 parking facilities, for school purposes, for libraries, for buildings for the housing of
10 machinery and equipment, for acquiring and developing sites for industry and
11 commerce as will expand the municipal tax base, for financing the cost of
12 low-interest mortgage loans under s. 62.237, for providing financial assistance to
13 blight elimination, slum clearance, community development, redevelopment and
14 urban renewal programs and projects under ss. 66.1105, 66.1301 to 66.1329 and
15 66.1331 to 66.1337, to issue appropriation bonds under s. 62.62 to pay unfunded prior
16 service liability with respect to an employee retirement system, or for University of
17 Wisconsin System college campuses, as defined in s. 36.05 (6m), until the proposition
18 for their issue for the special purpose has been submitted to the electors of the city
19 or village and adopted by a majority vote. Except as provided under sub. (15), if the
20 common council of a city or the village board of a village declares its purpose to raise
21 money by issuing bonds for any purpose other than those specified in this subsection,
22 it shall direct by resolution, which shall be recorded at length in the record of its
23 proceedings, the clerk to call a special election for the purpose of submitting the
24 question of bonding to the city or village electors. If a number of electors of a city or
25 village equal to at least 15% of the votes cast for governor at the last general election

ASSEMBLY BILL 75**SECTION 1498**

1 in their city or village sign and file a petition conforming to the requirements of s. 8.40
2 with the city or village clerk requesting submission of the resolution, the city or
3 village may not issue bonds for financing the cost of low-interest mortgage loans
4 under s. 62.237 without calling a special election to submit the question of bonding
5 to the city or village electors for their approval.

6 **SECTION 1499.** 67.05 (6m) (a) of the statutes is amended to read:

7 67.05 **(6m)** (a) An initial resolution adopted by a technical college district board
8 for an issue of bonds in an amount of money not exceeding ~~\$1,000,000~~ \$1,500,000 for
9 building remodeling or improvement need not be submitted to the electors of the
10 district for approval unless within 30 days after the initial resolution is adopted there
11 is filed with the technical college district secretary a petition conforming to the
12 requirements of s. 8.40 requesting a referendum thereon. Such a petition shall be
13 signed by electors from each county lying wholly or partially within the district. The
14 number of electors from each county shall equal at least 1.5% of the population of the
15 county as determined under s. 16.96 (2) (c). If a county lies in more than one district,
16 the technical college system board shall apportion the county's population as
17 determined under s. 16.96 (2) (c) to the districts involved and the petition shall be
18 signed by electors equal to the appropriate percentage of the apportioned population.
19 Any initial resolution adopted under sub. (1) in an amount of money not exceeding
20 ~~\$1,000,000~~ \$1,500,000 at the discretion of the district board, may be submitted to the
21 electors without waiting for the filing of a petition. All initial resolutions adopted
22 under sub. (1) in an amount of money in excess of ~~\$1,000,000~~ \$1,500,000 or more for
23 building remodeling or improvement shall be submitted to the electors of the district
24 for approval. If a referendum is duly petitioned or required under this subsection,
25 bonds may not be issued until the electors of the district have approved the issue.

ASSEMBLY BILL 75**SECTION 1500**

1 **SECTION 1500.** 67.12 (12) (a) of the statutes is amended to read:

2 67.12 **(12)** (a) Any municipality may issue promissory notes as evidence of
3 indebtedness for any public purpose, as defined in s. 67.04 (1) (b), including but not
4 limited to paying any general and current municipal expense, and refunding any
5 municipal obligations, including interest on them. Each note, plus interest if any,
6 shall be repaid within 10 years after the original date of the note, except that notes
7 issued under this section for purposes of ss. 119.498, 145.245 (12m), 281.58, 281.59,
8 281.60, 281.61, and 292.72 issued to raise funds to pay a portion of the capital costs
9 of a metropolitan sewerage district, or issued by a 1st class city or a county having
10 a population of 500,000 or more, to pay unfunded prior service liability with respect
11 to an employee retirement system, shall be repaid within 20 years after the original
12 date of the note.

13 **SECTION 1501.** 67.12 (12) (e) 5. of the statutes is amended to read:

14 67.12 **(12)** (e) 5. Within 10 days of the adoption by a technical college district
15 board of a resolution under subd. 1. to issue a promissory note for a purpose under
16 s. 38.16 (2), the secretary of the district board shall publish a notice of such adoption
17 as a class 1 notice, under ch. 985. The notice need not set forth the full contents of
18 the resolution, but shall state the amount proposed to be borrowed, the method of
19 borrowing, the purpose thereof, that the resolution was adopted under this
20 subsection and the place where and the hours during which the resolution is
21 available for public inspection. If the amount proposed to be borrowed is for building
22 remodeling or improvement and does not exceed ~~\$1,000,000~~ \$1,500,000 or is for
23 movable equipment, the district board need not submit the resolution to the electors
24 for approval unless, within 30 days after the publication or posting, a petition
25 conforming to the requirements of s. 8.40 is filed with the secretary of the district

ASSEMBLY BILL 75**SECTION 1501**

1 board requesting a referendum at a special election to be called for that purpose.
2 Such petition shall be signed by electors from each county lying wholly or partially
3 within the district. The number of electors from each county shall equal at least 1.5%
4 of the population of the county as determined under s. 16.96 (2) (c). If a county lies
5 in more than one district, the technical college system board shall apportion the
6 county's population as determined under s. 16.96 (2) (c) to the districts involved and
7 the petition shall be signed by electors equal to the appropriate percentage of the
8 apportioned population. In lieu of a special election, the district board may specify
9 that the referendum shall be held at the next succeeding spring primary or election
10 or September primary or general election. Any resolution to borrow amounts of
11 money in excess of ~~\$1,000,000~~ \$1,500,000 for building remodeling or improvement
12 shall be submitted to the electors of the district for approval. If a referendum is held
13 or required under this subdivision, no promissory note may be issued until the
14 issuance is approved by a majority of the district electors voting at such referendum.
15 The referendum shall be noticed, called and conducted under s. 67.05 (6a) insofar as
16 applicable, except that the notice of special election and ballot need not embody a
17 copy of the resolution and the question which shall appear on the ballot shall be
18 "Shall (name of district) be authorized to borrow the sum of \$.... for (state purpose)
19 by issuing its general obligation promissory note (or notes) under section 67.12 (12)
20 of the Wisconsin Statutes?".

21 **SECTION 1502.** 69.22 (1) (a) of the statutes, as affected by 2007 Wisconsin Act
22 20, Section 1918h, is amended to read:

23 69.22 **(1)** (a) Except as provided under par. (c), ~~\$7~~ \$20 for issuing one certified
24 copy of a vital record and \$3 for any additional certified copy of the same vital record
25 issued at the same time.

ASSEMBLY BILL 75**SECTION 1503**

1 **SECTION 1503.** 69.22 (1) (b) of the statutes, as affected by 2007 Wisconsin Act
2 20, Section 1918j, is amended to read:

3 69.22 **(1)** (b) Except as provided under par. (c), \$20 for issuing an uncertified
4 copy of a vital record issued under s. 69.21 (2) (a) or (b), ~~or \$7~~ for verifying information
5 about the event submitted by a requester without issuance of a copy, ~~\$7~~, and \$3 for
6 any additional copy of the same vital record issued at the same time.

7 **SECTION 1504.** 69.22 (1) (c) of the statutes is amended to read:

8 69.22 **(1)** (c) ~~Twenty~~ Twenty-two dollars for issuing an uncertified copy of a
9 birth certificate or a certified copy of a birth certificate, \$7 of which shall be forwarded
10 to the secretary of administration as provided in sub. (1m) and credited to the
11 appropriations under s. 20.433 (1) (g) and (h); and ~~\$3~~ \$5 for issuing any additional
12 certified or uncertified copy of the same birth certificate issued at the same time.

13 **SECTION 1505.** 69.22 (1) (c) of the statutes, as affected by 2007 Wisconsin Act
14 20, section 1918L, and 2009 Wisconsin Act ... (this act), is repealed and recreated to
15 read:

16 69.22 **(1)** (c) Twenty-two dollars for issuing an uncertified copy of a birth
17 certificate or a certified copy of a birth certificate, and \$5 for issuing any additional
18 certified or uncertified copy of the same birth certificate issued at the same time.

19 **SECTION 1506.** 69.22 (1) (d) of the statutes, as affected by 2007 Wisconsin Act
20 20, Section 1918n, is amended to read:

21 69.22 **(1)** (d) In addition to other fees under this subchapter, ~~\$10~~ \$20 for
22 expedited service in issuing a vital record.

23 **SECTION 1507.** 69.22 (1m) of the statutes, as affected by 2007 Wisconsin Act 20,
24 is amended to read:

ASSEMBLY BILL 75**SECTION 1507**

69.22 **(1m)** The state registrar and any local registrar acting under this subchapter shall, for each copy of a birth certificate for which a fee under sub. (1) (c) is charged that is issued during a calendar quarter, forward to the secretary of administration for deposit in the ~~appropriations~~ appropriation accounts under s. 20.433 (1) (g) and (h) ~~the amounts specified in sub. (1) (c) \$7~~ by the 15th day of the first month following the end of the calendar quarter.

SECTION 1508. 69.22 (1p) (c) of the statutes is amended to read:

69.22 **(1p)** (c) For any copy of a birth certificate that is issued before July 1, 2010, for which a fee of ~~\$20~~ \$22 under sub. (1) (c) is charged, \$8.

SECTION 1509. 69.22 (1q) of the statutes is created to read:

69.22 **(1q)** The state registrar and any local registrar acting under this subchapter shall forward to the secretary of administration for deposit in the appropriation account under s. 20.435 (1) (gm) all of the following:

(a) For any certified copy of a vital record for which a fee of \$20 under sub. (1) (a) is charged, \$13.

(b) For any uncertified copy of a vital record for which a fee of \$20 under sub. (1) (b) is charged, \$13.

(c) For any copy of a birth certificate for which a fee of \$20 under sub. (1) (c) is charged, \$8.

(d) For expedited service in issuing a vital record, \$10.

SECTION 1510. 69.22 (5) (b) 2. of the statutes is amended to read:

69.22 **(5)** (b) 2. The filing of a birth certificate under s. 69.14 (2) (b) 5. The fee under this subdivision includes the search for the birth certificate and the first copy of the certificate except that the state registrar shall add to the \$20 fee, ~~the \$5 fee required under sub. (1) (c).~~

ASSEMBLY BILL 75**SECTION 1511**

1 **SECTION 1511.** 70.05 (5) (a) 3. of the statutes is amended to read:

2 70.05 **(5)** (a) 3. “Major class of property” means any class of property that
3 includes more than 5% 10 percent of the full value of the taxation district.

4 **SECTION 1512.** 70.05 (5) (d) of the statutes is amended to read:

5 70.05 **(5)** (d) If the department of revenue determines that the assessed value
6 of each major class of property of a taxation district, including 1st class cities, has not
7 been established within 10% of the full value of the same major class of property
8 during the same year at least once during the 4-year period consisting of the current
9 year and the 3 preceding years, the department shall notify the clerk of the taxation
10 district of its intention to proceed under par. ~~(f)~~ **(em)** if the taxation district’s assessed
11 value of each major class of property for the subsequent year is not within 10% of the
12 full value of the same major class of property. The department’s notice shall be in
13 writing and mailed to the clerk of the taxation district on or before November 1 of the
14 year of the determination.

15 **SECTION 1513.** 70.05 (5) (em) of the statutes is created to read:

16 70.05 **(5)** (em) If, in the year after the year in which the taxation district clerk
17 receives notice from the department of revenue under par. (d), the department
18 determines that the assessed value of each major class of property of a taxation
19 district, including 1st class cities, is not within 10 percent of the full value of the same
20 major class of property, the department shall order special supervision under s. 70.75
21 (3) for that taxation district for the succeeding year’s assessment. The order shall
22 be in writing and the department shall mail it to the taxation district clerk on or
23 before November 1 of the year of the determination.

24 **SECTION 1514.** 70.05 (5) (f) of the statutes is repealed.

25 **SECTION 1515.** 70.05 (5) (g) of the statutes is repealed.

ASSEMBLY BILL 75**SECTION 1516**

SECTION 1516. 70.11 (2) of the statutes is amended to read:

70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION.

Property owned by any county, city, village, town, school district, technical college district, public inland lake protection and rehabilitation district, metropolitan sewerage district, municipal water district created under s. 198.22, joint local water authority created under s. 66.0823, transit authority created under s. 66.1039, long-term care district under s. 46.2895 or town sanitary district; lands belonging to cities of any other state used for public parks; land tax-deeded to any county or city before January 2; but any residence located upon property owned by the county for park purposes that is rented out by the county for a nonpark purpose shall not be exempt from taxation. Except as to land acquired under s. 59.84 (2) (d), this exemption shall not apply to land conveyed after August 17, 1961, to any such governmental unit or for its benefit while the grantor or others for his or her benefit are permitted to occupy the land or part thereof in consideration for the conveyance. Leasing the property exempt under this subsection, regardless of the lessee and the use of the leasehold income, does not render that property taxable.

SECTION 1517. 70.11 (27m) of the statutes is created to read:

70.11 (27m) RESEARCH MACHINERY AND EQUIPMENT. (a) In this subsection:

1. “Biotechnology” means the application of biotechnologies, including recombinant deoxyribonucleic acid techniques, biochemistry, molecular and cellular biology, genetics, genetic engineering, biological cell fusion, and other bioprocesses, that use living organisms or parts of an organism to produce or modify products to improve plants or animals or improve animal health, develop microorganisms for specific uses, identify targets for small molecule pharmaceutical development, or transform biological systems into useful processes and products.

ASSEMBLY BILL 75**SECTION 1517**

1 2. “Machinery” has the meaning given in sub. (27) (a) 2.

2 3. “Manufacturing” has the meaning given in sub. (27) (a) 3.

3 4. “Primarily” means more than 50 percent.

4 5. “Qualified research” means qualified research as defined under section 41
5 (d) (1) of the Internal Revenue Code.

6 6. “Used exclusively” has the meaning given in sub. (27) (a) 8.

7 (b) If the owner of the property fulfills the requirements under s. 70.35,
8 machinery and equipment, including attachments, parts, and accessories, used by
9 persons who are engaged primarily in manufacturing or biotechnology in this state
10 and are used exclusively and directly in qualified research.

11 **SECTION 1518.** 70.11 (41s) of the statutes is created to read:

12 70.11 **(41s)** WISCONSIN QUALITY HOME CARE AUTHORITY. All property owned by
13 the Wisconsin Quality Home Care Authority, provided that use of the property is
14 primarily related to the purposes of the authority.

15 **SECTION 1519.** 70.111 (27) of the statutes is created to read:

16 70.111 **(27)** RESEARCH PROPERTY. (a) In this subsection:

17 1. “Biotechnology” means the application of biotechnologies, including
18 recombinant deoxyribonucleic acid techniques, biochemistry, molecular and cellular
19 biology, genetics, genetic engineering, biological cell fusion, and other bioprocesses,
20 that use living organisms or parts of an organism to produce or modify products to
21 improve plants or animals or improve animal health, develop microorganisms for
22 specific uses, identify targets for small molecule pharmaceutical development, or
23 transform biological systems into useful processes and products.

24 2. “Manufacturing” has the meaning given in s. 70.11 (27) (a) 3.

25 3. “Primarily” means more than 50 percent.

ASSEMBLY BILL 75**SECTION 1519**

1 4. “Qualified research” means qualified research as defined under section 41
2 (d) (1) of the Internal Revenue Code.

3 5. “Used exclusively” has the meaning given in s. 70.11 (27) (a) 8.

4 (b) If the owner of the property fulfills the requirements under s. 70.35, tangible
5 personal property used by persons who are engaged primarily in manufacturing or
6 biotechnology in this state, if the tangible personal property is consumed or
7 destroyed or loses its identity while being used exclusively and directly in qualified
8 research.

9 **SECTION 1520.** 70.119 (3) (b) of the statutes is amended to read:

10 70.119 **(3)** (b) “Department” means the department of ~~administration~~ revenue.

11 **SECTION 1521.** 70.35 (1) of the statutes is amended to read:

12 70.35 **(1)** To determine the amount and value of any personal property for
13 which any person, firm or corporation should be assessed, any assessor may examine
14 such person or the managing agent or officer of any firm or corporation under oath
15 as to all such items of personal property, the taxable value thereof as defined in s.
16 70.34 if the property is taxable and the fair market value if the property is exempt
17 under s. 70.11 (27m), (39), or (39m) or 70.111 (27). In the alternative the assessor may
18 require such person, firm or corporation to submit a return of such personal property
19 and of the taxable value thereof. There shall be annexed to such return the
20 declaration of such person or of the managing agent or officer of such firm or
21 corporation that the statements therein contained are true.

22 **SECTION 1522.** 70.35 (2) of the statutes is amended to read:

23 70.35 **(2)** The return shall be made and all the information therein requested
24 given by such person on a form prescribed by the assessor with the approval of the
25 department of revenue which shall provide suitable schedules for such information

ASSEMBLY BILL 75**SECTION 1522**

1 bearing on value as the department deems necessary to enable the assessor to
2 determine the true cash value of the taxable personal property, and of the personal
3 property that is exempt under ~~s. ss. 70.11 (27m), (39), and (39m) and 70.111 (27)~~, that
4 is owned or in the possession of such person on January 1 as provided in s. 70.10.
5 The return may contain methods of deriving assessable values from book values and
6 for the conversion of book values to present values, and a statement as to the
7 accounting method used. No person shall be required to take detailed physical
8 inventory for the purpose of making the return required by this section.

9 **SECTION 1523.** 70.36 (1m) of the statutes is amended to read:

10 70.36 **(1m)** Any person, firm or corporation that fails to include information on
11 property that is exempt under ~~s. ss. 70.11 (27m), (39), and (39m) and 70.111 (27)~~ on
12 the report under s. 70.35 shall forfeit \$10 for every \$100 or major fraction thereof that
13 is not reported.

14 **SECTION 1524.** 70.995 (12r) of the statutes is amended to read:

15 70.995 **(12r)** The department of revenue shall calculate the value of property
16 that is used in manufacturing, as defined in this section, and that is exempt under
17 ~~s. ss. 70.11 (27m), (39), and (39m) and 70.111 (27)~~.

18 **SECTION 1525.** 71.01 (1ap) of the statutes is created to read:

19 71.01 **(1ap)** “Air carrier” means a person who provides or offers to provide air
20 transportation and who has control over the operational functions performed in
21 providing that transportation.

22 **SECTION 1526.** 71.01 (6) (n) of the statutes is repealed.

23 **SECTION 1527.** 71.01 (6) (o) of the statutes is amended to read:

24 71.01 **(6)** (o) For taxable years that begin after December 31, 1999, and before
25 January 1, 2003, for natural persons and fiduciaries, except fiduciaries of nuclear

ASSEMBLY BILL 75**SECTION 1527**

1 decommissioning trust or reserve funds, “Internal Revenue Code” means the federal
2 Internal Revenue Code as amended to December 31, 1999, excluding sections 103,
3 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
4 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
5 104-188, and as amended by P.L. 106-230, P.L. 106-554, excluding sections 162 and
6 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16,
7 P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101, 301
8 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358,
9 P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121,
10 excluding section 109 of P.L. 108-121, P.L. 108-218, P.L. 108-311, excluding sections
11 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections
12 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-7,
13 P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
14 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding sections 101, 105, 201
15 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
16 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L.
17 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172,
18 excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, and as
19 indirectly affected by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L.
20 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-280, P.L. 101-508, P.L. 102-90, P.L.
21 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L.
22 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and
23 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L.
24 104-117, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
25 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L.

ASSEMBLY BILL 75**SECTION 1527**

105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L.
106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16,
excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L.
107-147, excluding sections 101, 301 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L.
107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and
202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-218,
108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L.
108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
of P.L. 108-357, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310,
1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135,
excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
(j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections 811 and 844
of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L.
110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L.
110-458. The Internal Revenue Code applies for Wisconsin purposes at the same
time as for federal purposes. Amendments to the federal Internal Revenue Code
enacted after December 31, 1999, do not apply to this paragraph with respect to
taxable years beginning after December 31, 1999, and before January 1, 2003,
except that changes to the Internal Revenue Code made by P.L. 106-230, P.L.
106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16,
excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L.
107-147, excluding sections 101, 301 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L.
107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and
202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-218,
P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311,

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P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1528. 71.01 (6) (p) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1528**

71.01 **(6)** (p) For taxable years that begin after December 31, 2002, and before January 1, 2004, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, “Internal Revenue Code” means the federal Internal Revenue Code as amended to December 31, 2002, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, and sections 101 and 301 (a) of P.L. 107–147, and as amended by P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L. 102–90, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–117, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605

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(d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 2002, do not apply to this paragraph with respect to taxable years beginning after December 31, 2002, and before January 1, 2004, except that changes to the Internal Revenue Code made by P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,

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909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1529. 71.01 (6) (q) of the statutes is amended to read:

71.01 **(6)** (q) For taxable years that begin after December 31, 2003, and before January 1, 2005, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, “Internal Revenue Code” means the federal Internal Revenue Code as amended to December 31, 2003, excluding sections 103,

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1 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
2 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
3 104–188, P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section
4 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and
5 202 of P.L. 108–27, section 109 of P.L. 108–121, and section 1201 of P.L. 108–173, and
6 as amended by P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307,
7 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201,
8 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L.
9 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323,
10 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding
11 section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
12 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L.
13 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L.
14 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172,
15 excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, and as
16 indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L.
17 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L. 102–90, P.L.
18 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L.
19 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and
20 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L.
21 104–117, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
22 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
23 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
24 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,
25 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.

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107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 2003, do not apply to this paragraph with respect to taxable years beginning after December 31, 2003, and before January 1, 2005, except that changes to the Internal Revenue Code made by P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-227, and P.L. 109-280,

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1 excluding sections 811 and 844 of P.L. 109–280, P.L. 110–28, excluding sections 8212,
2 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and
3 (g) of P.L. 110–172, and P.L. 110–458, and changes that indirectly affect the
4 provisions applicable to this subchapter made by P.L. 108–203, P.L. 108–218, P.L.
5 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L.
6 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
7 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding
8 sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351
9 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135,
10 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
11 (j), and (q), and 405 of P.L. 109–135, P.L. 109–227, and P.L. 109–280, excluding
12 sections 811 and 844 of P.L. 109–280, P.L. 110–28, excluding sections 8212, 8221,
13 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and (g) of
14 P.L. 110–172, and P.L. 110–458, apply for Wisconsin purposes at the same time as for
15 federal purposes.

16 **SECTION 1530.** 71.01 (6) (r) of the statutes is amended to read:

17 71.01 **(6)** (r) For taxable years that begin after December 31, 2004, and before
18 January 1, 2006, for natural persons and fiduciaries, except fiduciaries of nuclear
19 decommissioning trust or reserve funds, “Internal Revenue Code” means the federal
20 Internal Revenue Code as amended to December 31, 2004, excluding sections 103,
21 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
22 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
23 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554,
24 P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147,
25 sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306,

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1 308, 316, 401, and 403 (a) of P.L. 108–311, and sections 101, 201, 211, 242, 244, 336,
2 337, 422, 847, 909, and 910 of P.L. 108–357, and as amended by P.L. 109–7, P.L.
3 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
4 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L.
5 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section
6 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L.
7 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
8 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L.
9 109–432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204,
10 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, P.L. 110–28,
11 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding
12 section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, and as indirectly affected
13 by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179,
14 P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L. 102–90, P.L. 102–227, excluding
15 sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66,
16 excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,
17 P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–117, P.L. 104–188,
18 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
19 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
20 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
21 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
22 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections
23 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.
24 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
25 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.

ASSEMBLY BILL 75**SECTION 1530**

1 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.
2 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
3 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58,
4 excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,
5 and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L.
6 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
7 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding
8 sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L.
9 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 109–432, excluding
10 sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304,
11 305, 307, 401, 404, 417, and 425 of P.L. 109–432, P.L. 110–28, excluding sections
12 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e),
13 and (g) of P.L. 110–172, and P.L. 110–458. The Internal Revenue Code applies for
14 Wisconsin purposes at the same time as for federal purposes. Amendments to the
15 federal Internal Revenue Code enacted after December 31, 2004, do not apply to this
16 paragraph with respect to taxable years beginning after December 31, 2004, and
17 before January 1, 2006, except that changes to the Internal Revenue Code made by
18 P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
19 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
20 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
21 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151,
22 P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
23 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L.
24 109–432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204,
25 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, P.L. 110–28,

ASSEMBLY BILL 75**SECTION 1530**

1 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding
2 section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, and changes that
3 indirectly affect the provisions applicable to this subchapter made by P.L. 109-7, P.L.
4 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
5 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-73, excluding section 301 of P.L.
6 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section
7 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L.
8 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L.
9 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L.
10 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204,
11 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28,
12 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding
13 section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, apply for Wisconsin
14 purposes at the same time as for federal purposes.

15 **SECTION 1531.** 71.01 (6) (s) of the statutes is amended to read:

16 71.01 **(6)** (s) For taxable years that begin after December 31, 2005, and before
17 January 1, 2007, for natural persons and fiduciaries, except fiduciaries of nuclear
18 decommissioning trust or reserve funds, “Internal Revenue Code” means the federal
19 Internal Revenue Code as amended to December 31, 2005, excluding sections 103,
20 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
21 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
22 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554,
23 P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147,
24 sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306,
25 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337,

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1 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310,
2 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of
3 P.L. 109–59, section 301 of P.L. 109–73, and sections 101, 105, 201 (a) as it relates
4 to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and as
5 amended by P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.
6 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
7 109–280, P.L. 109–432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120,
8 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, P.L.
9 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–141,
10 P.L. 110–142, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and
11 P.L. 110–458, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647,
12 P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508,
13 P.L. 102–90, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
14 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),
15 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
16 104–7, P.L. 104–117, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),
17 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.
18 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.
19 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,
20 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.
21 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L.
22 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections
23 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201
24 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306,
25 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201,

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211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 2005, do not apply to this paragraph with respect to taxable years beginning after December 31, 2005, and before January 1, 2007, except that changes to the Internal Revenue Code made by P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, and P.L. 109-280,

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1 excluding sections 811 and 844 of P.L. 109–280, P.L. 109–432, excluding sections 101,
2 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401,
3 404, 417, and 425 of P.L. 109–432, P.L. 110–28, excluding sections 8212, 8221, 8233,
4 and 8235 of P.L. 110–28, P.L. 110–141, P.L. 110–142, P.L. 110–172, excluding section
5 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, apply for Wisconsin purposes
6 at the same time as for federal purposes.

7 **SECTION 1532.** 71.01 (6) (t) of the statutes is amended to read:

8 71.01 **(6)** (t) For taxable years that begin after December 31, 2006, and before
9 January 1, 2008, for natural persons and fiduciaries, except fiduciaries of nuclear
10 decommissioning trust or reserve funds, “Internal Revenue Code” means the federal
11 Internal Revenue Code as amended to December 31, 2006, excluding sections 103,
12 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
13 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
14 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554,
15 P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147,
16 sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306,
17 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337,
18 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310,
19 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of
20 P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to
21 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101,
22 207, 209, 503, 512, and 513 of P.L. 109–222, sections 811 and 844 of P.L. 109–280, and
23 sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304,
24 305, 307, 401, 404, 417, and 425 of P.L. 109–432, and as amendeded by P.L. 110–28,
25 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–141, P.L.

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110-142, P.L. 110-166, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, P.L. 110-234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and 113 of P.L. 110-245, P.L. 110-289, excluding sections 3081 and 3082 of P.L. 110-289, P.L. 110-343, excluding sections 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B, and sections 202, 203, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110-343, and P.L. 110-458, and as indirectly affected by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-280, P.L. 101-508, P.L. 102-90, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-117, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections

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1 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
2 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding
3 section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
4 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L.
5 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.
6 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
7 109–280, P.L. 109–432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120,
8 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, P.L.
9 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–141,
10 P.L. 110–142, P.L. 110–166, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L.
11 110–172, P.L. 110–234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L.
12 110–234, P.L. 110–245, excluding sections 110 and 113 of P.L. 110–245, P.L. 110–289,
13 excluding sections 3081 and 3082 of P.L. 110–289, P.L. 110–343, excluding sections
14 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and
15 401 of division B, and sections 202, 203, 303, 304, 305, 306, 307, 311, 312, 315, 317,
16 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N
17 (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of
18 P.L. 110–343, and P.L. 110–458. The Internal Revenue Code applies for Wisconsin
19 purposes at the same time as for federal purposes. Amendments to the federal
20 Internal Revenue Code enacted after December 31, 2006, do not apply to this
21 paragraph with respect to taxable years beginning after December 31, 2006, and
22 before January 1, 2008, except that changes to the Internal Revenue Code made by
23 P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L.
24 110–141, P.L. 110–142, P.L. 110–166, P.L. 110–172, excluding section 11 (b), (e), and
25 (g) of P.L. 110–172, P.L. 110–234, excluding sections 15344 and 15345 (a) (1) to (3) and

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(6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and 113 of P.L. 110-245, P.L. 110-289, excluding sections 3081 and 3082 of P.L. 110-289, P.L. 110-343, excluding sections 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B, and sections 202, 203, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110-343, and P.L. 110-458, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, P.L. 110-234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and 113 of P.L. 110-245, P.L. 110-289, excluding sections 3081 and 3082 of P.L. 110-289, P.L. 110-343, excluding sections 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B, and sections 202, 203, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110-343, and P.L. 110-458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1533. 71.01 (6) (u) of the statutes is created to read:

71.01 **(6)** (u) For taxable years that begin after December 31, 2007, and before January 1, 2009, for natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or reserve funds, “Internal Revenue Code” means the federal Internal Revenue Code as amended to December 31, 2007, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.

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1 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554,
2 P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147,
3 sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306,
4 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337,
5 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310,
6 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of
7 P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to
8 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101,
9 207, 209, 503, and 513 of P.L. 109–222, section 844 of P.L. 109–280, sections 101, 104,
10 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404,
11 417, and 425 of P.L. 109–432, sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L.
12 110–140, and section 11 (b), (e), and (g) of P.L. 110–172, and as amendeded by P.L.
13 110–234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110–234, P.L.
14 110–245, excluding sections 110 and 113 of P.L. 110–245, P.L. 110–289, excluding
15 sections 3081 and 3082 of P.L. 110–289, P.L. 110–317, P.L. 110–343, excluding
16 sections 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308,
17 and 401 of division B of P.L. 110–343, and sections 202, 203 as it relates to taxable
18 years beginning in 2008, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322,
19 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal
20 Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110–343, P.L.
21 110–351, and P.L. 110–458, and as indirectly affected by P.L. 99–514, P.L. 100–203,
22 P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280,
23 P.L. 101–508, P.L. 102–90, P.L. 102–227, excluding sections 103, 104, and 110 of P.L.
24 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150
25 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L.

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1 103–465, P.L. 104–7, P.L. 104–117, P.L. 104–188, excluding sections 1123 (b), 1202
2 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L.
3 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L.
4 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554,
5 P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L.
6 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L.
7 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
8 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173,
9 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,
10 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
11 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
12 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections
13 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
14 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding
15 section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
16 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L.
17 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, and 513 of P.L.
18 109–222, P.L. 109–227, P.L. 109–280, excluding section 844 of P.L. 109–280, P.L.
19 109–432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204,
20 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, P.L. 110–28,
21 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–141, P.L.
22 110–142, P.L. 110–166, and P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L.
23 110–172. The Internal Revenue Code applies for Wisconsin purposes at the same
24 time as for federal purposes. Amendments to the federal Internal Revenue Code
25 enacted after December 31, 2007, do not apply to this paragraph with respect to

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1 taxable years beginning after December 31, 2007, and before January 1, 2009,
2 except that changes to the Internal Revenue Code made by P.L. 110-234, excluding
3 sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L. 110-245, excluding
4 sections 110 and 113 of P.L. 110-245, P.L. 110-289, excluding sections 3081 and 3082
5 of P.L. 110-289, P.L. 110-317, P.L. 110-343, excluding sections 301 and 302 of
6 division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division
7 B of P.L. 110-343, and sections 202, 203 as it relates to taxable years beginning in
8 2008, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505,
9 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code,
10 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110-343, P.L. 110-351, and P.L.
11 110-458, and changes that indirectly affect the provisions applicable to this
12 subchapter made by 110-234, excluding sections 15344 and 15345 (a) (1) to (3) and
13 (6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and 113 of P.L. 110-245, P.L.
14 110-289, excluding sections 3081 and 3082 of P.L. 110-289, P.L. 110-317, P.L.
15 110-343, excluding sections 301 and 302 of division A, sections 109, 116, 201, 208,
16 209, 210, 303, 306, 308, and 401 of division B of P.L. 110-343, and sections 202, 203
17 as it relates to taxable years beginning in 2008, 303, 304, 305, 306, 307, 311, 312, 315,
18 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N
19 (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of
20 P.L. 110-343, P.L. 110-351, and P.L. 110-458, apply for Wisconsin purposes at the
21 same time as for federal purposes.

22 **SECTION 1534.** 71.01 (6) (um) of the statutes is created to read:

23 71.01 **(6)** (um) For taxable years that begin after December 31, 2008, for
24 natural persons and fiduciaries, except fiduciaries of nuclear decommissioning trust
25 or reserve funds, “Internal Revenue Code” means the federal Internal Revenue Code

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as amended to December 31, 2008, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, and 513 of P.L. 109–222, section 844 of P.L. 109–280, sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–140, section 11 (b), (e), and (g) of P.L. 110–172, P.L. 110–185, sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110–234, P.L. 110–245, excluding sections 110 and 113 of P.L. 110–245, sections 3081 and 3082 of P.L. 110–289, sections 301 and 302 of division A of P.L. 110–343, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B of P.L. 110–343, and sections 202, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110–343, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L. 102–90, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),

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1 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
2 104–7, P.L. 104–117, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),
3 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.
4 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.
5 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,
6 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.
7 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L.
8 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections
9 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201
10 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections
11 sections 301 and 302 of division A of P.L. 110–343, sections 109, 116, 201, 208, 209,
12 210, 303, 306, 308, and 401 of division B of P.L. 110–343, and sections 202, 303, 304,
13 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 306, 308, 316,
14 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 102, 201, 211,
15 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476,
16 P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
17 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146
18 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135,
19 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
20 (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections
21 101, 207, 209, 503, and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280, excluding
22 section 844 of P.L. 109–280, P.L. 109–432, excluding sections 101, 104, 108, 109, 112,
23 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425
24 of P.L. 109–432, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L.
25 110–28, P.L. 110–141, P.L. 110–142, P.L. 110–166, P.L. 110–172, excluding section 11

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(b), (e), and (g) of P.L. 110–172, P.L. 110–234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110–234, P.L. 110–245, excluding sections 110 and 113 of P.L. 110–245, P.L. 110–289, excluding sections 3081 and 3082 of P.L. 110–289, P.L. 110–317, P.L. 110–343, excluding sections 301 and 302 of division A of P.L. 110–343, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B of P.L. 110–343, and sections 202, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110–343, P.L. 110–351, and P.L. 110–458, The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 2008, do not apply to this paragraph with respect to taxable years beginning after December 31, 2008.

SECTION 1535. 71.01 (13) of the statutes is amended to read:

71.01 **(13)** “Wisconsin adjusted gross income” means federal adjusted gross income, with the modifications prescribed in s. 71.05 (6) to (12), (19) ~~and~~, (20), and (24).

SECTION 1536. 71.03 (7) (f) of the statutes is created to read:

71.03 **(7)** (f) For taxable years beginning after December 31, 2008, for persons who qualify for a federal extension of time to file under 26 USC 7508A due to a presidentially declared disaster or terroristic or military action.

SECTION 1537. 71.04 (7) (a) of the statutes is amended to read:

71.04 **(7)** (a) The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the tax period, and the denominator of which is the total sales of the taxpayer everywhere during the tax period. For sales of tangible personal property, the numerator of the sales factor is the sales of the

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1 taxpayer during the tax period under par. (b) 1. and 2. plus 50% 100 percent of the
2 sales of the taxpayer during the tax period under pars. (b) 2m. and 3. and (c).

3 **SECTION 1538.** 71.04 (7) (df) 3. of the statutes is amended to read:

4 71.04 **(7)** (df) 3. If the taxpayer is not subject to income tax in the state in which
5 the gross receipts are considered received under this paragraph, but the taxpayer's
6 commercial domicile is in this state, 50 100 percent of those gross receipts shall be
7 included in the numerator of the sales factor.

8 **SECTION 1539.** 71.04 (7) (dh) 4. of the statutes is amended to read:

9 71.04 **(7)** (dh) 4. If the taxpayer is not subject to income tax in the state in which
10 the benefit of the service is received, the benefit of the service is received in this state
11 to the extent that the taxpayer's employees or representatives performed services
12 from a location in this state. ~~Fifty~~ One hundred percent of the taxpayer's receipts
13 that are considered received in this state under this paragraph shall be included in
14 the numerator of the sales factor.

15 **SECTION 1540.** 71.05 (6) (a) 15. of the statutes is amended to read:

16 71.05 **(6)** (a) 15. The amount of the credits computed under s. 71.07 (2dd), (2de),
17 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (2dy), (3g), (3h), (3n), (3p), (3q), (3r), (3s),
18 (3t), (3w), (5e), (5f), (5h), (5i), (5j), ~~and (5k), and (8r)~~ and not passed through by a
19 partnership, limited liability company, or tax-option corporation that has added that
20 amount to the partnership's, company's, or tax-option corporation's income under s.
21 71.21 (4) or 71.34 (1k) (g).

22 **SECTION 1541.** 71.05 (6) (a) 21. of the statutes is amended to read:

23 71.05 **(6)** (a) 21. ~~Any~~ For taxable years beginning after December 31, 2007, and
24 before January 1, 2009, any amount deducted as income attributable to domestic
25 production activities under section 199 of the Internal Revenue Code if the

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1 individual claiming the deduction is a nonresident or part-year resident of this state
2 and if the domestic production activities income is not attributable to a trade or
3 business that is taxable by this state.

4 **SECTION 1542.** 71.05 (6) (a) 22. of the statutes is amended to read:

5 71.05 **(6)** (a) 22. If For taxable years beginning after December 31, 2007, and
6 before January 1, 2009, if an individual is a nonresident or part-year resident of this
7 state and a portion of the amount the individual deducted as income attributable to
8 domestic production activities under section 199 of the Internal Revenue Code is
9 attributable to a trade or business that is taxable by this state, the amount deducted
10 under section 199 for federal income tax purposes and in excess of that amount,
11 multiplied by a fraction, the numerator of which is the individual's net earnings from
12 the trade or business that is taxable by this state and the denominator of which is
13 the individual's total net earnings from the trade or business to which the deduction
14 under section 199 of the Internal Revenue Code applies.

15 **SECTION 1543.** 71.05 (6) (b) 9. of the statutes is amended to read:

16 71.05 **(6)** (b) 9. On assets held more than one year and on all assets acquired
17 from a decedent, ~~60%~~ 40 percent of the capital gain as computed under the internal
18 revenue code, not including capital gains for which the federal tax treatment is
19 determined under section 406 of P.L. 99-514; not including amounts treated as
20 ordinary income for federal income tax purposes because of the recapture of
21 depreciation or any other reason; and not including amounts treated as capital gain
22 for federal income tax purposes from the sale or exchange of a lottery prize. For
23 purposes of this subdivision, the capital gains and capital losses for all assets shall
24 be netted before application of the percentage.

25 **SECTION 1544.** 71.05 (24) of the statutes is created to read:

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1 71.05 **(24)** INCOME TAX DEFERRAL; LONG-TERM CAPITAL ASSETS. (a) In this
2 subsection:

3 1. “Claimant” means an individual; an individual partner or member of a
4 partnership, limited liability company, or limited liability partnership; or an
5 individual shareholder of a tax-option corporation.

6 2. “Financial institution” has the meaning given in s. 69.30 (1) (b).

7 3. “Long-term capital gain” means the gain realized from the sale of any capital
8 asset held more than one year that is treated as a long-term gain under the Internal
9 Revenue Code.

10 4. “Qualified new business venture” means a business certified by the
11 department of commerce under s. 560.208.

12 (b) For taxable years beginning after December 31, 2010, a claimant may
13 subtract from federal adjusted gross income any amount, up to \$10,000,000, of a
14 long-term capital gain if the claimant does all of the following:

15 1. Deposits the gain into a segregated account in a financial institution.

16 2. Within 180 days after the sale of the asset that generated the gain, invests
17 all of the proceeds in the account described under subd. 1. in a qualified new business
18 venture.

19 3. After making the investment as described under subd. 2., notifies the
20 department, on a form prepared by the department, that the claimant will not
21 declare on the claimant's income tax return the gain described under subd. 1. because
22 the claimant has reinvested the capital gain as described under subd. 2. The form
23 shall be sent to the department along with the claimant's income tax return for the
24 year to which the claim relates.

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1 (c) The basis of the investment described in par. (b) 2. shall be calculated by
2 subtracting the gain described in par. (b) 1. from the amount of the investment
3 described in par. (b) 2.

4 (d) If a claimant defers the payment of income taxes on a capital gain under this
5 subsection, the claimant may not use the gain described under par. (b) 1. to net
6 capital gains and losses, as described under sub. (10) (c).

7 **SECTION 1545.** 71.06 (1p) (d) of the statutes is amended to read:

8 71.06 **(1p)** (d) On all taxable income exceeding \$112,500 but not exceeding
9 \$225,000, 6.75%.

10 **SECTION 1546.** 71.06 (1p) (e) of the statutes is created to read:

11 71.06 **(1p)** (e) On all taxable income exceeding \$225,000, 7.75 percent.

12 **SECTION 1547.** 71.06 (2) (g) 4. of the statutes is amended to read:

13 71.06 **(2)** (g) 4. On all taxable income exceeding \$150,000 but not exceeding
14 \$300,000, 6.75%.

15 **SECTION 1548.** 71.06 (2) (g) 5. of the statutes is created to read:

16 71.06 **(2)** (g) 5. On all taxable income exceeding \$300,000, 7.75 percent.

17 **SECTION 1549.** 71.06 (2) (h) 4. of the statutes is amended to read:

18 71.06 **(2)** (h) 4. On all taxable income exceeding \$75,000 but not exceeding
19 \$150,000, 6.75%.

20 **SECTION 1550.** 71.06 (2) (h) 5. of the statutes is created to read:

21 71.06 **(2)** (h) 5. On all taxable income exceeding \$150,000, 7.75 percent.

22 **SECTION 1551.** 71.06 (2e) of the statutes is renumbered 71.06 (2e) (a) and
23 amended to read:

24 71.06 **(2e)** (a) For taxable years beginning after December 31, 1998, and before
25 January 1, 2000, the maximum dollar amount in each tax bracket, and the

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1 corresponding minimum dollar amount in the next bracket, under subs. (1m) and (2)
2 (c) and (d), and for taxable years beginning after December 31, 1999, the maximum
3 dollar amount in each tax bracket, and the corresponding minimum dollar amount
4 in the next bracket, under subs. (1n), (1p) (a) to (c), and (2) (e), (f), (g) 1. to 3., and (h)
5 1. to 3., shall be increased each year by a percentage equal to the percentage change
6 between the U.S. consumer price index for all urban consumers, U.S. city average,
7 for the month of August of the previous year and the U.S. consumer price index for
8 all urban consumers, U.S. city average, for the month of August 1997, as determined
9 by the federal department of labor, except that for taxable years beginning after
10 December 31, 2000, and before January 1, 2002, the dollar amount in the top bracket
11 under subs. (1p) (c) and (d), (2) (g) 3. and 4. and (h) 3. and 4. shall be increased by a
12 percentage equal to the percentage change between the U.S. consumer price index
13 for all urban consumers, U.S. city average, for the month of August of the previous
14 year and the U.S. consumer price index for all urban consumers, U.S. city average,
15 for the month of August 1999, as determined by the federal department of labor.
16 Each amount that is revised under this ~~subsection~~ paragraph shall be rounded to the
17 nearest multiple of \$10 if the revised amount is not a multiple of \$10 or, if the revised
18 amount is a multiple of \$5, such an amount shall be increased to the next higher
19 multiple of \$10. The department of revenue shall annually adjust the changes in
20 dollar amounts required under this ~~subsection~~ paragraph and incorporate the
21 changes into the income tax forms and instructions.

22 **SECTION 1552.** 71.06 (2e) (b) of the statutes is created to read:

23 71.06 **(2e)** (b) For taxable years beginning after December 31, 2009, the
24 maximum dollar amount in each tax bracket, and the corresponding minimum dollar
25 amount in the next bracket, under subs. (1p) (d) and (2) (g) 4. and (h) 4., and the dollar

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1 amount in the top bracket under subs. (1p) (e) and (2) (g) 5. and (h) 5., shall be
2 increased each year by a percentage equal to the percentage change between the U.S.
3 consumer price index for all urban consumers, U.S. city average, for the month of
4 August of the previous year and the U.S. consumer price index for all urban
5 consumers, U.S. city average, for the month of August 2008, as determined by the
6 federal department of labor. Each amount that is revised under this paragraph shall
7 be rounded to the nearest multiple of \$10 if the revised amount is not a multiple of
8 \$10 or, if the revised amount is a multiple of \$5, such an amount shall be increased
9 to the next higher multiple of \$10. The department of revenue shall annually adjust
10 the changes in dollar amounts required under this paragraph and incorporate the
11 changes into the income tax forms and instructions.

12 **SECTION 1553.** 71.07 (2dy) of the statutes is created to read:

13 71.07 **(2dy)** ECONOMIC DEVELOPMENT TAX CREDIT. (a) *Definition.* In this
14 subsection, “claimant” means a person who files a claim under this subsection and
15 is certified under s. 560.701 (2) and authorized to claim tax benefits under s. 560.703.

16 (b) *Filing claims.* Subject to the limitations under this subsection and ss.
17 560.701 to 560.706, for taxable years beginning after December 31, 2008, a claimant
18 may claim as a credit against the tax imposed under s. 71.02 or 71.08, up to the
19 amount of the tax, the amount authorized for the claimant under s. 560.703.

20 (c) *Limitations.* 1. No credit may be allowed under this subsection unless the
21 claimant includes with the claimant’s return a copy of the claimant’s certification
22 under s. 560.701 (2) and a copy of the claimant’s notice of eligibility to receive tax
23 benefits under s. 560.703 (3).

24 2. 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,

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1 the credit are based on their authorization to claim tax benefits under s. 560.703.
2 A partnership, limited liability company, or tax-option corporation shall compute
3 the amount of credit that each of its partners, members, or shareholders may claim
4 and shall provide that information to each of them. Partners, members of limited
5 liability companies, and shareholders of tax-option corporations may claim the
6 credit in proportion to their ownership interests.

7 (d) *Administration.* 1. Except as provided in subd. 2., s. 71.28 (4) (e) and (f),
8 as it applies to the credit under s. 71.28 (4), applies to the credit under this
9 subsection.

10 2. If a claimant's certification is revoked under s. 560.705, or if a claimant
11 becomes ineligible for tax benefits under s. 560.702, the claimant may not claim
12 credits under this subsection for the taxable year that includes the day on which the
13 certification is revoked; the taxable year that includes the day on which the claimant
14 becomes ineligible for tax benefits; or succeeding taxable years and the claimant may
15 not carry over unused credits from previous years to offset the tax imposed under s.
16 71.02 or 71.08 for the taxable year that includes the day on which certification is
17 revoked; the taxable year that includes the day on which the claimant becomes
18 ineligible for tax benefits; or succeeding taxable years.

19 3. 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 1554.** 71.07 (2fd) of the statutes is repealed.

22 **SECTION 1555.** 71.07 (3m) (a) 1. (intro.) of the statutes is amended to read:

23 71.07 (3m) (a) 1. (intro.) "Claimant" means an owner of farmland, as defined
24 in s. 91.01 (9), 2007 stats., of farmland domiciled in this state during the entire year
25 for which a credit under this subsection is claimed, except as follows:

ASSEMBLY BILL 75**SECTION 1556**

1 **SECTION 1556.** 71.07 (3m) (a) 3. of the statutes is amended to read:

2 71.07 **(3m)** (a) 3. “Farmland” means 35 or more acres of real property, exclusive
3 of improvements, in this state, in agricultural use, as defined in s. 91.01 (1), 2007
4 stats., and owned by the claimant or any member of the claimant’s household during
5 the taxable year for which a credit under this subsection is claimed if the farm of
6 which the farmland is a part, during that year, produced not less than \$6,000 in gross
7 farm profits resulting from agricultural use, as defined in s. 91.01 (1), 2007 stats., or
8 if the farm of which the farmland is a part, during that year and the 2 years
9 immediately preceding that year, produced not less than \$18,000 in such profits, or
10 if at least 35 acres of the farmland, during all or part of that year, was enrolled in the
11 conservation reserve program under 16 USC 3831 to 3836.

12 **SECTION 1557.** 71.07 (3m) (a) 4. of the statutes is amended to read:

13 71.07 **(3m)** (a) 4. “Gross farm profits” means gross receipts, excluding rent,
14 from agricultural use, as defined in s. 91.01 (1), 2007 stats., including the fair market
15 value at the time of disposition of payments in kind for placing land in federal
16 programs or payments from the federal dairy termination program under 7 USC
17 1446 (d), less the cost or other basis of livestock or other items purchased for resale
18 which are sold or otherwise disposed of during the taxable year.

19 **SECTION 1558.** 71.07 (3m) (e) of the statutes is created to read:

20 71.07 **(3m)** (e) *Sunset.* No new claim may be filed under this subsection for a
21 taxable year that begins after December 31, 2009.

22 **SECTION 1559.** 71.07 (3p) (a) 1m. of the statutes is created to read:

23 71.07 **(3p)** (a) 1m. “Dairy cooperative” means a business organized under ch.
24 185 or 193 for the purpose of obtaining or processing milk.

25 **SECTION 1560.** 71.07 (3p) (a) 3. (intro.) of the statutes is amended to read:

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1 71.07 **(3p)** (a) 3. (intro.) “Dairy manufacturing modernization or expansion”
2 means constructing, improving, or acquiring buildings or facilities, or acquiring
3 equipment, for dairy manufacturing, including the following, if used exclusively for
4 dairy manufacturing and if acquired and placed in service in this state during
5 taxable years that begin after December 31, 2006, and before January 1, 2015, or, in
6 the case of dairy cooperatives, if acquired and placed in service in this state during
7 taxable years that begin after December 31, 2008, and before January 1, 2017:

8 **SECTION 1561.** 71.07 (3p) (b) of the statutes is amended to read:

9 71.07 **(3p)** (b) *Filing claims.* Subject to the limitations provided in this
10 subsection and s. 560.207, except as provided in par. (c) 5., for taxable years
11 beginning after December 31, 2006, and before January 1, 2015, a claimant may
12 claim as a credit against the taxes imposed under s. 71.02 or 71.08, up to the amount
13 of the tax, an amount equal to 10 percent of the amount the claimant paid in the
14 taxable year for dairy manufacturing modernization or expansion related to the
15 claimant's dairy manufacturing operation.

16 **SECTION 1562.** 71.07 (3p) (c) 2m. b. of the statutes is amended to read:

17 71.07 **(3p)** (c) 2m. b. The maximum amount of the credits that may be claimed
18 by all claimants, other than members of dairy cooperatives, under this subsection
19 and ss. 71.28 (3p) and 71.47 (3p) in fiscal year 2008–09, and in each fiscal year
20 thereafter, is \$700,000, as allocated under s. 560.207.

21 **SECTION 1563.** 71.07 (3p) (c) 2m. bm. of the statutes is created to read:

22 71.07 **(3p)** (c) 2m. bm. The maximum amount of the credits that may be claimed
23 by members of dairy cooperatives under this subsection and ss. 71.28 (3p) and 71.47
24 (3p) in fiscal year 2009–10 is \$600,000, as allocated under s. 560.207, and the
25 maximum amount of the credits that may be claimed by members of dairy

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1 cooperatives under this subsection and ss. 71.28 (3p) and 71.47 (3p) in fiscal year
2 2010–11, and in each fiscal year thereafter, is \$700,000, as allocated under s.
3 560.207.

4 **SECTION 1564.** 71.07 (3p) (c) 3. of the statutes is amended to read:

5 71.07 **(3p)** (c) 3. Partnerships, limited liability companies, and tax-option
6 corporations, and dairy cooperatives may not claim the credit under this subsection,
7 but the eligibility for, and the amount of, the credit are based on their payment of
8 expenses under par. (b), except that the aggregate amount of credits that the entity
9 may compute shall not exceed \$200,000 for each of the entity's dairy manufacturing
10 facilities. A partnership, limited liability company, ~~or~~ tax-option corporation, or
11 dairy cooperative shall compute the amount of credit that each of its partners,
12 members, or shareholders may claim and shall provide that information to each of
13 them. Partners, members of limited liability companies, and shareholders of
14 tax-option corporations may claim the credit in proportion to their ownership
15 interest. Members of a dairy cooperative may claim the credit in proportion to the
16 amount of milk that each member delivers to the dairy cooperative, as determined
17 by the dairy cooperative.

18 **SECTION 1565.** 71.07 (3p) (c) 5. of the statutes is created to read:

19 71.07 **(3p)** (c) 5. A claimant who is a member of a dairy cooperative may claim
20 the credit, based on amounts described under par. (b) that are paid by the dairy
21 cooperative, for taxable years beginning after December 31, 2008, and before
22 January 1, 2017.

23 **SECTION 1566.** 71.07 (3p) (c) 6. of the statutes is created to read:

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1 71.07 **(3p)** (c) 6. No credit may be allowed under this subsection unless the
2 claimant submits with the claimant's return a copy of the claimant's credit
3 certification and allocation under s. 560.207.

4 **SECTION 1567.** 71.07 (3p) (d) 2. of the statutes is amended to read:

5 71.07 **(3p)** (d) 2. If Except as provided in subd. 3., if the allowable amount of
6 the claim under par. (b) exceeds the tax otherwise due under s. 71.02 or 71.08 ~~or no~~
7 ~~tax is due under s. 71.02 or 71.08~~, the amount of the claim not used to offset the tax
8 due shall be certified by the department of revenue to the department of
9 administration for payment by check, share draft, or other draft drawn from the
10 appropriation account under s. 20.835 (2) (bn).

11 **SECTION 1568.** 71.07 (3p) (d) 3. of the statutes is created to read:

12 71.07 **(3p)** (d) 3. With regard to claims that are based on amounts described
13 under par. (b) that are paid by a dairy cooperative, if the allowable amount of the
14 claim under par. (b) exceeds the tax otherwise due under s. 71.02 or 71.08, the
15 amount of the claim not used to offset the tax due shall be certified by the department
16 of revenue to the department of administration for payment by check, share draft,
17 or other draft drawn from the appropriation account under s. 20.835 (2) (bp).

18 **SECTION 1569.** 71.07 (3q) of the statutes is created to read:

19 71.07 **(3q)** JOBS TAX CREDIT. (a) *Definitions.* In this subsection:

20 1. "Claimant" means a person certified to receive tax benefits under s. 560.2055
21 (2).

22 2. "Eligible employee" means an eligible employee under s. 560.2055 (1) (b) who
23 satisfies the wage requirements under s. 560.2055 (3) (a) or (b).

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1 (b) *Filing claims.* Subject to the limitations provided in this subsection and s.
2 560.2055, for taxable years beginning after December 31, 2011, a claimant may claim
3 as a credit against the taxes imposed under s. 71.02 any of the following.

4 1. The amount of wages that the claimant paid to an eligible employee in the
5 taxable year, not to exceed 10 percent of such wages, as determined by the
6 department of commerce under s. 560.2055.

7 2. The amount of the costs incurred by the claimant in the taxable year, as
8 determined under s. 560.2055, to undertake the training activities described under
9 s. 560.2055 (3) (c).

10 (c) *Limitations.* 1. Partnerships, limited liability companies, and tax-option
11 corporations may not claim the credit under this subsection, but the eligibility for,
12 and the amount of, the credit are based on their payment of amounts under par. (b).
13 A partnership, limited liability company, or tax-option corporation shall compute
14 the amount of credit that each of its partners, members, or shareholders may claim
15 and shall provide that information to each of them. Partners, members of limited
16 liability companies, and shareholders of tax-option corporations may claim the
17 credit in proportion to their ownership interests.

18 2. No credit may be allowed under this subsection unless the claimant includes
19 with the claimant's return a copy of the claimant's certification for tax benefits under
20 s. 560.2055 (2).

21 (d) *Administration.* 1. Section 71.28 (4) (e), (g), and (h), as it applies to the
22 credit under s. 71.28 (4), applies to the credit under this subsection.

23 2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise
24 due under s. 71.02, the amount of the claim not used to offset the tax due shall be
25 certified by the department of revenue to the department of administration for

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1 payment by check, share draft, or other draft drawn from the appropriation account
2 under s. 20.835 (2) (bb).

3 **SECTION 1570.** 71.07 (3r) of the statutes is created to read:

4 71.07 **(3r)** MEAT PROCESSING FACILITY INVESTMENT CREDIT. (a) *Definitions.* In this
5 subsection:

6 1. “Claimant” means a person who files a claim under this subsection.

7 2. “Meat processing” means processing livestock into meat products or
8 processing meat products for sale commercially.

9 3. “Meat processing modernization or expansion” means constructing,
10 improving, or acquiring buildings or facilities, or acquiring equipment, for meat
11 processing, including the following, if used exclusively for meat processing and if
12 acquired and placed in service in this state during taxable years that begin after
13 December 31, 2008, and before January 1, 2017:

14 a. Building construction, including livestock handling, product intake, storage,
15 and warehouse facilities.

16 b. Building additions.

17 c. Upgrades to utilities, including water, electric, heat, refrigeration, freezing,
18 and waste facilities.

19 d. Livestock intake and storage equipment.

20 e. Processing and manufacturing equipment, including cutting equipment,
21 mixers, grinders, sausage stuffers, meat smokers, curing equipment, cooking
22 equipment, pipes, motors, pumps, and valves.

23 f. Packaging and handling equipment, including sealing, bagging, boxing,
24 labeling, conveying, and product movement equipment.

25 g. Warehouse equipment, including storage and curing racks.

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1 h. Waste treatment and waste management equipment, including tanks,
2 blowers, separators, dryers, digesters, and equipment that uses waste to produce
3 energy, fuel, or industrial products.

4 i. Computer software and hardware used for managing the claimant's meat
5 processing operation, including software and hardware related to logistics,
6 inventory management, production plant controls, and temperature monitoring
7 controls.

8 4. "Used exclusively" means used to the exclusion of all other uses except for
9 use not exceeding 5 percent of total use.

10 (b) *Filing claims.* Subject to the limitations provided in this subsection and s.
11 560.209, for taxable years beginning after December 31, 2008, and before January
12 1, 2017, a claimant may claim as a credit against the taxes imposed under s. 71.02
13 or 71.08, up to the amount of the tax, an amount equal to 10 percent of the amount
14 the claimant paid in the taxable year for meat processing modernization or
15 expansion related to the claimant's meat processing operation.

16 (c) *Limitations.* 1. No credit may be allowed under this subsection for any
17 amount that the claimant paid for expenses described under par. (b) that the
18 claimant also claimed as a deduction under section 162 of the Internal Revenue Code.

19 2. The aggregate amount of credits that a claimant may claim under this
20 subsection is \$200,000.

21 3. a. The maximum amount of the credits that may be allocated under this
22 subsection and ss. 71.28 (3r) and 71.47 (3r) in fiscal year 2009–10 is \$300,000, as
23 allocated under s. 560.209.

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1 b. The maximum amount of the credits that may be allocated under this
2 subsection and ss. 71.28 (3r) and 71.47 (3r) in fiscal year 2010–11, and in each fiscal
3 year thereafter, is \$700,000, as allocated under s. 560.209.

4 4. Partnerships, limited liability companies, and tax-option corporations may
5 not claim the credit under this subsection, but the eligibility for, and the amount of,
6 the credit are based on their payment of expenses under par. (b), except that the
7 aggregate amount of credits that the entity may compute shall not exceed \$200,000.
8 A partnership, limited liability company, or tax-option corporation shall compute
9 the amount of credit that each of its partners, members, or shareholders may claim
10 and shall provide that information to each of them. Partners, members of limited
11 liability companies, and shareholders of tax-option corporations may claim the
12 credit in proportion to their ownership interest.

13 5. If 2 or more persons own and operate the meat processing operation, each
14 person may claim a credit under par. (b) in proportion to his or her ownership
15 interest, except that the aggregate amount of the credits claimed by all persons who
16 own and operate the meat processing operation shall not exceed \$200,000.

17 6. No credit may be allowed under this subsection unless the claimant submits
18 with the claimant's return a copy of the claimant's credit certification and allocation
19 under s. 560.209.

20 (d) *Administration.* 1. Section 71.28 (4) (e), (g), and (h), as it applies to the
21 credit under s. 71.28 (4), applies to the credit under this subsection.

22 2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise
23 due under s. 71.02 or 71.08, the amount of the claim not used to offset the tax due
24 shall be certified by the department of revenue to the department of administration

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1 for payment by check, share draft, or other draft drawn from the appropriation
2 account under s. 20.835 (2) (bd).

3 **SECTION 1571.** 71.07 (3s) (a) 1. of the statutes is amended to read:

4 71.07 **(3s)** (a) 1. “Manufacturing” has the meaning given in s. 77.54 (6m), 2007
5 stats.

6 **SECTION 1572.** 71.07 (5) (a) 3. of the statutes is amended to read:

7 71.07 **(5)** (a) 3. Casualty and theft deductions under section 165 (c) (3) of the
8 internal revenue code, except for casualty losses that are directly related to a
9 presidentially declared disaster under 26 USC 7508A.

10 **SECTION 1573.** 71.07 (5b) (c) 1. of the statutes is repealed.

11 **SECTION 1574.** 71.07 (5b) (c) 2. of the statutes is renumbered 71.07 (5b) (c).

12 **SECTION 1575.** 71.07 (5b) (d) 3. of the statutes is created to read:

13 71.07 **(5b)** (d) 3. For calendar years beginning after December 31, 2007, if an
14 investment for which a claimant claims a credit under par. (b) is held by the claimant
15 for less than 3 years, the claimant shall pay to the department, in the manner
16 prescribed by the department, the amount of the credit that the claimant received
17 related to the investment.

18 **SECTION 1576.** 71.07 (5d) (b) of the statutes is renumbered 71.07 (5d) (b) (intro.)
19 and amended to read:

20 71.07 **(5d)** (b) *Filing claims.* (intro.) Subject to the limitations provided in this
21 subsection and in s. 560.205, a claimant may claim as a credit against the tax
22 imposed under s. 71.02 or 71.08, up to the amount of those taxes, the following:

23 1. For taxable years beginning before January 1, 2008, in each taxable year for
24 2 consecutive years, beginning with the taxable year as certified by the department

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1 of commerce, an amount equal to 12.5 percent of the claimant's bona fide angel
2 investment made directly in a qualified new business venture.

3 **SECTION 1577.** 71.07 (5d) (b) 2. of the statutes is created to read:

4 71.07 **(5d)** (b) 2. For taxable years beginning after December 31, 2007, for the
5 taxable year certified by the department of commerce, an amount equal to 25 percent
6 of the claimant's bona fide angel investment made directly in a qualified new
7 business venture.

8 **SECTION 1578.** 71.07 (5d) (c) 2. of the statutes is amended to read:

9 71.07 **(5d)** (c) 2. ~~The~~ For taxable years beginning before January 1, 2008, the
10 maximum amount of a claimant's investment that may be used as the basis for a
11 credit under this subsection is \$2,000,000 for each investment made directly in a
12 business certified under s. 560.205 (1).

13 **SECTION 1579.** 71.07 (5d) (d) 1. of the statutes is amended to read:

14 71.07 **(5d)** (d) 1. ~~If~~ For calendar years beginning after December 31, 2007, if an
15 investment for which a claimant claims a credit under par. (b) is held by the claimant
16 for less than ~~one year~~ 3 years, the claimant shall pay to the department, in the
17 manner prescribed by the department, the amount of the credit that the claimant
18 received related to the investment.

19 **SECTION 1580.** 71.07 (5f) (e) of the statutes is created to read:

20 71.07 **(5f)** (e) *Sunset.* No credit may be claimed under this subsection for
21 taxable years beginning after December 31, 2008. Credits under par. (b) 1. for
22 taxable years beginning before January 1, 2009, may be carried forward to taxable
23 years beginning after December 31, 2008.

24 **SECTION 1581.** 71.07 (5h) (e) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 1581**

1 71.07 **(5h)** (e) *Sunset*. No credit may be claimed under this subsection for
2 taxable years beginning after December 31, 2008. Credits under this subsection for
3 taxable years beginning before January 1, 2009, may be carried forward to taxable
4 years beginning after December 31, 2008.

5 **SECTION 1582.** 71.07 (5i) (b) of the statutes is amended to read:

6 71.07 **(5i)** (b) *Filing claims*. Subject to the limitations provided in this
7 subsection, for taxable years beginning after December 31, ~~2009~~ 2011, a claimant
8 may claim as a credit against the taxes imposed under ~~s. ss. 71.02 and 71.08~~, up to
9 the amount of those taxes, an amount equal to 50 percent of the amount the claimant
10 paid in the taxable year for information technology hardware or software that is used
11 to maintain medical records in electronic form, if the claimant is a health care
12 provider, as defined in s. 146.81 (1).

13 **SECTION 1583.** 71.07 (5j) (b) of the statutes is amended to read:

14 71.07 **(5j)** (b) *Filing claims*. Subject to the limitations provided in this
15 subsection, for taxable years beginning after December 31, 2007, and before January
16 1, 2018, a claimant may claim as a credit against the taxes imposed under ~~s. ss. 71.02~~
17 and 71.08, up to the amount of the taxes, an amount that is equal to 25 percent of the
18 amount that the claimant paid in the taxable year to install or retrofit pumps located
19 in this state that dispense motor vehicle fuel consisting of at least 85 percent ethanol
20 or at least 20 percent biodiesel fuel.

21 **SECTION 1584.** 71.07 (8r) of the statutes is created to read:

22 71.07 **(8r)** BEGINNING FARMER AND FARM ASSET OWNER TAX CREDIT. (a) *Definitions*.
23 In this subsection:

24 1. “Agricultural assets” means machinery, equipment, facilities, or livestock
25 that is used in farming.

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1 2. “Beginning farmer” means a person who meets the conditions specified in s.
2 93.53 (2).

3 3. “Claimant” means a beginning farmer who files a claim under this subsection
4 or an established farmer who files a claim under this subsection.

5 4. “Educational institution” means the Wisconsin Technical College System,
6 the University of Wisconsin–Extension, the University of Wisconsin–Madison, or
7 any other institution that is approved by the department of agriculture, trade and
8 consumer protection under s. 93.53 (6) (a).

9 5. “Established farmer” means a person who meets the conditions specified in
10 s. 93.53 (3).

11 6. “Farming” has the meaning given in section 464 (e) (1) of the Internal
12 Revenue Code.

13 7. “Financial management program” means a course in farm financial
14 management that is offered by an educational institution.

15 8. “Lease amount” is the amount of the cash payment paid by a beginning
16 farmer to an established farmer each year for leasing the established farmer’s
17 agricultural assets.

18 (b) *Filing claims.* 1. For taxable years beginning after December 31, 2010, and
19 subject to the limitations provided in this subsection, a beginning farmer may claim
20 as a credit against the tax imposed under s. 71.02 or 71.08, on a one-time basis, the
21 amount paid by the beginning farmer to enroll in a financial management program
22 in the year to which the claim relates. If the allowable amount of the claim exceeds
23 the income taxes otherwise due on the beginning farmer’s income, the amount of the
24 claim not used as an offset against those taxes shall be certified by the department

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1 of revenue to the department of administration for payment to the claimant by check,
2 share draft, or other draft from the appropriation under s. 20.835 (2) (en).

3 2. For taxable years beginning after December 31, 2010, and subject to the
4 limitations provided in this subsection, an established farmer may claim as a credit
5 against the tax imposed under s. 71.02 or 71.08 15 percent of the lease amount
6 received by the established farmer in the year to which the claim relates. If the
7 allowable amount of the claim exceeds the income taxes otherwise due on the
8 established farmer's income, the amount of the claim not used as an offset against
9 those taxes shall be certified by the department of revenue to the department of
10 administration for payment to the claimant by check, share draft, or other draft from
11 the appropriation under s. 20.835 (2) (en).

12 (c) *Limitations.* 1. An established farmer may only claim the credit under this
13 subsection for the first 3 years of any lease of the established farmer's agricultural
14 assets to a beginning farmer.

15 2. No credit may be allowed under this subsection unless it is claimed within
16 the time period under s. 71.75 (2).

17 3. Along with a claimant's income tax return, a claimant shall submit to the
18 department certificate of eligibility provided under s. 93.53 (5) (b) or (c).

19 4. No credit may be claimed under this subsection by a part-year resident or
20 a nonresident of this state.

21 5. The right to file a claim under this subsection is personal to the claimant and
22 does not survive the claimant's death. When a claimant dies after having filed a
23 timely claim the amount thereof shall be disbursed under s. 71.75 (10). The right to
24 file a claim under this subsection may be exercised on behalf of a living claimant by
25 the claimant's legal guardian or attorney-in-fact.

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1 6. The maximum credit that a beginning farmer may claim under this
2 subsection is \$500.

3 7. Partnerships, limited liability companies, and tax-option corporations may
4 not claim the credit under this subsection, but the eligibility for, and the amount of,
5 the credit are based on the amounts received by the entities under par. (b) 2. A
6 partnership, limited liability company, or tax-option corporation shall compute the
7 amount of credit that each of its partners, members, or shareholders may claim and
8 shall provide that information to each of them. Partners, members of limited liability
9 companies, and shareholders of tax-option corporations may claim the credit in
10 proportion to their ownership interests.

11 (d) *Administration.* Subsection (9e) (d), to the extent that it applies to the credit
12 under that subsection, applies to the credit under this subsection.

13 **SECTION 1585.** 71.07 (9m) (c) of the statutes is amended to read:

14 71.07 **(9m)** (c) No person may claim the credit under this subsection unless the
15 claimant includes with the claimant's return evidence that the rehabilitation was
16 approved recommended by the state historic preservation officer for approval by the
17 secretary of the interior under 36 CFR 67.6 before the physical work of construction,
18 or destruction in preparation for construction, began and that the rehabilitation was
19 approved by the secretary of the interior under 36 CFR 67.6.

20 **SECTION 1586.** 71.07 (9m) (cm) of the statutes is created to read:

21 71.07 **(9m)** (cm) Any credit claimed under this subsection for Wisconsin
22 purposes shall be claimed at the same time as for federal purposes.

23 **SECTION 1587.** 71.07 (9m) (f) of the statutes is amended to read:

24 71.07 **(9m)** (f) A partnership, limited liability company, or tax-option
25 corporation may not claim the credit under this subsection. The individual partners

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1 of a partnership, members in of a limited liability company, or shareholders in a
2 tax-option corporation may claim the credit under this subsection based on eligible
3 costs incurred by the partnership, company, or tax-option corporation, in proportion
4 to the ownership interest of each partner, member or shareholder. The partnership,
5 limited liability company, or tax-option corporation shall calculate the amount of the
6 credit which may be claimed by each partner, member, or shareholder and shall
7 provide that information to the partner, member, or shareholder. For shareholders
8 of a tax-option corporation, the credit may be allocated in proportion to the
9 ownership interest of each shareholder. Credits computed by a partnership or
10 limited liability company may be claimed in proportion to the ownership interests
11 of the partners or members or allocated to partners or members as provided in a
12 written agreement among the partners or members that is entered into no later than
13 the last day of the taxable year of the partnership or limited liability company, for
14 which the credit is claimed. For a partnership or limited liability company that
15 places property in service after June 29, 2008, and before January 1, 2009, the credit
16 attributable to such property may be allocated, at the election of the partnership or
17 limited liability company, to partners or members for a taxable year of the
18 partnership or limited liability company that ends after June 29, 2008, and before
19 January 1, 2010. Any partner or member who claims the credit as provided under
20 this paragraph shall attach a copy of the agreement, if applicable, to the tax return
21 on which the credit is claimed. A person claiming the credit as provided under this
22 paragraph is solely responsible for any tax liability arising from a dispute with the
23 department of revenue related to claiming the credit.

24 **SECTION 1588.** 71.07 (9m) (g) of the statutes is created to read:

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1 71.07 **(9m)** (g) 1. If a person who claims the credit under this subsection elects
2 to claim the credit based on claiming amounts for expenditures as the expenditures
3 are paid, rather than when the rehabilitation work is completed, the person shall file
4 an election form with the department, in the manner prescribed by the department.

5 2. Notwithstanding s. 71.77, the department may adjust or disallow the credit
6 claimed under this subsection within 4 years after the date that the state historical
7 society notifies the department that the expenditures for which the credit was
8 claimed do not comply with the standards for certification promulgated under s.
9 44.02 (24).

10 **SECTION 1589.** 71.08 (1) (intro.) of the statutes is amended to read:

11 71.08 **(1)** IMPOSITION. (intro.) If the tax imposed on a natural person, married
12 couple filing jointly, trust, or estate under s. 71.02, not considering the credits under
13 ss. 71.07 (1), (2dd), (2de), (2di), (2dj), (2dL), (2dr), (2ds), (2dx), ~~(2fd)~~, ~~(2dy)~~, (3m), (3n),
14 (3p), ~~(3r)~~, (3s), (3t), (3w), (5b), (5d), (5e), (5f), ~~(5i)~~, ~~(5j)~~, (6), (6e), ~~(8r)~~, and (9e), 71.28
15 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), ~~(1fd)~~, ~~(1dy)~~, (2m), (3), (3n), (3t), and (3w),
16 and 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), ~~(1fd)~~, ~~(1dy)~~, (2m), (3), (3n), (3t),
17 and (3w), and ~~subchs. 71.57 to 71.61, and 71.613 and subch. VIII and IX~~ and
18 payments to other states under s. 71.07 (7), is less than the tax under this section,
19 there is imposed on that natural person, married couple filing jointly, trust or estate,
20 instead of the tax under s. 71.02, an alternative minimum tax computed as follows:

21 **SECTION 1590.** 71.09 (11) (e) of the statutes is created to read:

22 71.09 **(11)** (e) For taxable years beginning after December 31, 2008, the
23 taxpayer qualifies for a federal extension of time to file under 26 USC 7508A due to
24 a presidentially declared disaster or terroristic or military action.

25 **SECTION 1591.** 71.09 (11) (f) of the statutes is created to read:

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1 71.09 **(11)** (f) The taxpayer has underpaid the taxpayer's estimated taxes due
2 to the change in brackets under s. 71.06 (1p) (e) and (2) (g) 5. and (h) 5. This
3 paragraph applies only in the first taxable year to which these bracket changes apply.

4 **SECTION 1592.** 71.10 (4) (gv) of the statutes is created to read:

5 71.10 **(4)** (gv) Economic development tax credit under s. 71.07 (2dy).

6 **SECTION 1593.** 71.10 (4) (i) of the statutes is amended to read:

7 71.10 **(4)** (i) The total of claim of right credit under s. 71.07 (1), farmland
8 preservation credit under ~~subch. IX ss. 71.57 to 71.61, farmland preservation credit,~~
9 2010 and beyond under s. 71.613, homestead credit under subch. VIII, farmland tax
10 relief credit under s. 71.07 (3m), ~~farmers' drought property tax credit under s. 71.07~~
11 ~~(2fd),~~ dairy manufacturing facility investment credit under s. 71.07 (3p), jobs tax
12 credit under s. 71.07 (3q), meat processing facility investment credit under s. 71.07
13 (3r), film production services credit under s. 71.07 (5f) (b) 2., veterans and surviving
14 spouses property tax credit under s. 71.07 (6e), enterprise zone jobs credit under s.
15 71.07 (3w), beginning farmer and farm asset owner tax credit under s. 71.07 (8r),
16 earned income tax credit under s. 71.07 (9e), estimated tax payments under s. 71.09,
17 and taxes withheld under subch. X.

18 **SECTION 1594.** 71.13 (1m) of the statutes is created to read:

19 71.13 **(1m)** SCHEDULES TO BENEFICIARIES. Every fiduciary who is required to file
20 a return under sub. (1) shall, on or before the due date of the return, including
21 extensions, provide a schedule to each beneficiary whose share of income,
22 deductions, credits, or other items of the fiduciary may affect the beneficiary's tax
23 liability under this chapter. The schedule shall separately indicate the beneficiary's
24 share of each item.

25 **SECTION 1595.** 71.20 (1m) of the statutes is created to read:

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1 71.20 **(1m)** Every partnership that is required to file a return under sub. (1)
2 shall, on or before the due date of the return, including extensions, provide a schedule
3 to each partner whose share of income, deductions, credits, or other items of the
4 partnership may affect the partner's tax liability under this chapter. The schedule
5 shall separately indicate the partner's share of each item.

6 **SECTION 1596.** 71.20 (3) of the statutes is created to read:

7 71.20 **(3)** Any extension granted by law or by the Internal Revenue Service for
8 the filing of the federal return that corresponds to the return required under sub. (1)
9 extends the time for filing under this section.

10 **SECTION 1597.** 71.21 (3) of the statutes is amended to read:

11 71.21 **(3)** The credits under s. 71.28 (4), (4m), and (5) may not be claimed by a
12 partnership or by partners, including partners of a publicly traded partnership.

13 **SECTION 1598.** 71.21 (4) of the statutes is amended to read:

14 71.21 **(4)** Credits computed by a partnership under s. 71.07 (2dd), (2de), (2di),
15 (2dj), (2dL), (2dm), (2ds), (2dx), (2dy), (3g), (3h), (3n), (3p), (3q), (3r), (3s), (3t), (3w),
16 (5e), (5f), (5g), (5h), (5i), (5j), ~~and (5k)~~, and (8r) and passed through to partners shall
17 be added to the partnership's income.

18 **SECTION 1599.** 71.22 (1bd) of the statutes is created to read:

19 71.22 **(1bd)** "Air carrier" means a person who provides or offers to provide air
20 transportation and who has control over the operational functions performed in
21 providing that transportation.

22 **SECTION 1600.** 71.22 (4) (n) of the statutes is repealed.

23 **SECTION 1601.** 71.22 (4) (o) of the statutes is amended to read:

24 71.22 **(4)** (o) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34
25 (1g) and 71.42 (2), "Internal Revenue Code", for taxable years that begin after

ASSEMBLY BILL 75**SECTION 1601**

December 31, 1999, and before January 1, 2003, means the federal Internal Revenue Code as amended to December 31, 1999, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as amended by P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101, 301 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202

ASSEMBLY BILL 75**SECTION 1601**

(c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101, 301 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1999, do not apply to this paragraph with respect to taxable years beginning after December 31, 1999, and before January 1, 2003, except that changes to the Internal Revenue Code made by P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101, 301 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding

ASSEMBLY BILL 75**SECTION 1601**

1 section 109 of P.L. 108–121, P.L. 108–218, P.L. 108–311, excluding sections 306, 307,
2 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201,
3 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L.
4 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
5 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201
6 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
7 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L.
8 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172,
9 excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, and changes
10 that indirectly affect the provisions applicable to this subchapter made by P.L.
11 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,
12 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.
13 107–134, P.L. 107–147, excluding sections 101, 301 (a), and 406 of P.L. 107–147, P.L.
14 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections
15 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121,
16 P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a)
17 of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337,
18 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–58, excluding sections
19 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
20 109–58, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section
21 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280,
22 excluding sections 811 and 844 of P.L. 109–280, P.L. 110–28, excluding sections 8212,
23 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and
24 (g) of P.L. 110–172, and P.L. 110–458, apply for Wisconsin purposes at the same time
25 as for federal purposes.

ASSEMBLY BILL 75**SECTION 1602**

SECTION 1602. 71.22 (4) (p) of the statutes is amended to read:

71.22 **(4)** (p) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34 (1g), and 71.42 (2), “Internal Revenue Code,” for taxable years that begin after December 31, 2002, and before January 1, 2004, means the federal Internal Revenue Code as amended to December 31, 2002, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, and sections 101 and 301 (a) of P.L. 107–147, and as amended by P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections

ASSEMBLY BILL 75**SECTION 1602**

13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 2002, do not apply to this paragraph with respect to taxable years beginning after December 31, 2002, and before January 1, 2004, except that changes to the Internal Revenue Code made by P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173, excluding

ASSEMBLY BILL 75**SECTION 1602**

1 section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding
2 sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding
3 sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L.
4 108-375, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323,
5 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding
6 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
7 (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L.
8 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28,
9 P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458,
10 and changes that indirectly affect the provisions applicable to this subchapter made
11 by P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121,
12 excluding section 109 of P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L.
13 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308,
14 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211,
15 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 109-7,
16 P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
17 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding sections 101, 105, 201
18 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
19 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L.
20 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172,
21 excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, apply for
22 Wisconsin purposes at the same time as for federal purposes.

23 **SECTION 1603.** 71.22 (4) (q) of the statutes is amended to read:

24 71.22 **(4)** (q) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34
25 (1g), and 71.42 (2), “Internal Revenue Code,” for taxable years that begin after

ASSEMBLY BILL 75**SECTION 1603**

December 31, 2003, and before January 1, 2005, means the federal Internal Revenue Code as amended to December 31, 2003, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and 202 of P.L. 108-27, section 109 of P.L. 108-121, and section 1201 of P.L. 108-173, and as amendeded by P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L.

ASSEMBLY BILL 75**SECTION 1603**

1 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L.
2 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554,
3 P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L.
4 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L.
5 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27,
6 excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section
7 109 of P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L.
8 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and
9 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336,
10 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7,
11 P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
12 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-73, excluding section 301 of P.L.
13 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section
14 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-227, and P.L.
15 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding
16 sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section
17 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458. The Internal Revenue Code
18 applies for Wisconsin purposes at the same time as for federal purposes.
19 Amendments to the federal Internal Revenue Code enacted after December 31, 2003,
20 do not apply to this paragraph with respect to taxable years beginning after
21 December 31, 2003, and before January 1, 2005, except that changes to the Internal
22 Revenue Code made by P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections
23 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections
24 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L.
25 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309,

ASSEMBLY BILL 75**SECTION 1603**

1 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73,
2 excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201
3 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
4 109–135, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
5 109–280, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28,
6 P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458,
7 and changes that indirectly affect the provisions applicable to this subchapter made
8 by P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316,
9 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242,
10 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L.
11 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
12 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
13 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
14 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–227,
15 and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 110–28,
16 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding
17 section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, apply for Wisconsin
18 purposes at the same time as for federal purposes.

19 **SECTION 1604.** 71.22 (4) (r) of the statutes is amended to read:

20 71.22 **(4)** (r) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34
21 (1g), and 71.42 (2), “Internal Revenue Code,” for taxable years that begin after
22 December 31, 2004, and before January 1, 2006, means the federal Internal Revenue
23 Code as amended to December 31, 2004, excluding sections 103, 104, and 110 of P.L.
24 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,
25 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3,

ASSEMBLY BILL 75**SECTION 1604**

1 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section
2 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and
3 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403
4 (a) of P.L. 108–311, and sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and
5 910 of P.L. 108–357, and as amendeded by P.L. 109–7, P.L. 109–58, excluding sections
6 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
7 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding
8 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
9 (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207,
10 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding
11 sections 811 and 844 of P.L. 109–280, P.L. 109–432, excluding sections 101, 104, 108,
12 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417,
13 and 425 of P.L. 109–432, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235
14 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and
15 P.L. 110–458, and as indirectly affected in the provisions applicable to this
16 subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, excluding sections 803 (d) (2)
17 (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008
18 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L.
19 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
20 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),
21 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
22 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
23 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
24 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
25 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,

ASSEMBLY BILL 75**SECTION 1604**

1 excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L.
2 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L.
3 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and
4 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L.
5 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 308, 316,
6 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242,
7 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L.
8 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
9 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-73, excluding section 301
10 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to
11 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151,
12 P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L.
13 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L.
14 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204,
15 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28,
16 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding
17 section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458. The Internal Revenue
18 Code applies for Wisconsin purposes at the same time as for federal purposes.
19 Amendments to the federal Internal Revenue Code enacted after December 31, 2004,
20 do not apply to this paragraph with respect to taxable years beginning after
21 December 31, 2004, and before January 1, 2006, except that changes to the Internal
22 Revenue Code made by P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309,
23 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-73,
24 excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201
25 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.

ASSEMBLY BILL 75**SECTION 1604**

109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1605. 71.22 (4) (s) of the statutes is amended to read:

71.22 **(4)** (s) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34 (1g), and 71.42 (2), “Internal Revenue Code,” for taxable years that begin after December 31, 2005, and before January 1, 2007, means the federal Internal Revenue Code as amended to December 31, 2005, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3,

ASSEMBLY BILL 75**SECTION 1605**

4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301 of P.L. 109–73, and sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and as amendeded by P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 109–432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–141, P.L. 110–142, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.

ASSEMBLY BILL 75**SECTION 1605**

107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 2005, do not apply to this paragraph with respect to taxable years beginning after December 31, 2005, and before January 1, 2007, except that changes to the Internal Revenue Code made by P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204,

ASSEMBLY BILL 75**SECTION 1605**

1 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28,
2 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L.
3 110-142, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L.
4 110-458, and changes that indirectly affect the provisions applicable to this
5 subchapter made by P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513
6 of P.L. 109-222, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844 of
7 P.L. 109-280, P.L. 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118,
8 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432,
9 P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L.
10 110-141, P.L. 110-142, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L.
11 110-172, and P.L. 110-458, apply for Wisconsin purposes at the same time as for
12 federal purposes.

13 **SECTION 1606.** 71.22 (4) (t) of the statutes is amended to read:

14 71.22 **(4)** (t) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34
15 (1g), and 71.42 (2), “Internal Revenue Code,” for taxable years that begin after
16 December 31, 2006, and before January 1, 2008, means the federal Internal Revenue
17 Code as amended to December 31, 2006, excluding sections 103, 104, and 110 of P.L.
18 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66,
19 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3,
20 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section
21 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and
22 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403
23 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
24 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,
25 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301

ASSEMBLY BILL 75**SECTION 1606**

1 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403
2 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, 512, and 513 of
3 P.L. 109–222, sections 811 and 844 of P.L. 109–280, and sections 101, 104, 108, 109,
4 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and
5 425 of P.L. 109–432, and as amendeded by P.L. 110–28, excluding sections 8212, 8221,
6 8233, and 8235 of P.L. 110–28, P.L. 110–141, P.L. 110–142, P.L. 110–166, P.L.
7 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, P.L. 110–234, excluding
8 sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110–234, P.L. 110–245, excluding
9 sections 110 and 113 of P.L. 110–245, P.L. 110–289, excluding sections 3081 and 3082
10 of P.L. 110–289, P.L. 110–343, excluding sections 301 and 302 of division A, sections
11 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B, and sections 202,
12 203, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512,
13 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d)
14 (6), 707, 708, 710, and 711 of division C of P.L. 110–343, and P.L. 110–458, and as
15 indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L.
16 100–203, P.L. 100–647, excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821
17 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L.
18 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
19 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
20 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
21 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
22 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
23 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
24 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
25 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.

ASSEMBLY BILL 75**SECTION 1606**

107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, P.L. 110-234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and 113 of P.L. 110-245, P.L. 110-289, excluding sections 3081 and 3082 of P.L. 110-289, P.L. 110-343, excluding sections 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B, and sections 202, 203, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110-343, and P.L. 110-458. The Internal Revenue Code

ASSEMBLY BILL 75**SECTION 1606**

1 applies for Wisconsin purposes at the same time as for federal purposes.
2 Amendments to the federal Internal Revenue Code enacted after December 31, 2006,
3 do not apply to this paragraph with respect to taxable years beginning after
4 December 31, 2006, and before January 1, 2008, except that changes to the Internal
5 Revenue Code made by P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235
6 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, excluding
7 section 11 (b), (e), and (g) of P.L. 110-172, P.L. 110-234, excluding sections 15344 and
8 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and
9 113 of P.L. 110-245, P.L. 110-289, excluding sections 3081 and 3082 of P.L. 110-289,
10 P.L. 110-343, excluding sections 301 and 302 of division A, sections 109, 116, 201,
11 208, 209, 210, 303, 306, 308, and 401 of division B, and sections 202, 203, 303, 304,
12 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1)
13 (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707,
14 708, 710, and 711 of division C of P.L. 110-343, and P.L. 110-458, and changes that
15 indirectly affect the provisions applicable to this subchapter made by P.L. 110-28,
16 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L.
17 110-142, P.L. 110-166, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L.
18 110-172, P.L. 110-234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L.
19 110-234, P.L. 110-245, excluding sections 110 and 113 of P.L. 110-245, P.L. 110-289,
20 excluding sections 3081 and 3082 of P.L. 110-289, P.L. 110-343, excluding sections
21 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and
22 401 of division B, and sections 202, 203, 303, 304, 305, 306, 307, 311, 312, 315, 317,
23 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N
24 (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of

ASSEMBLY BILL 75**SECTION 1606**

1 P.L. 110-343, and P.L. 110-458, apply for Wisconsin purposes at the same time as for
2 federal purposes.

3 **SECTION 1607.** 71.22 (4) (u) of the statutes is created to read:

4 71.22 **(4)** (u) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34
5 (1g), and 71.42 (2), “Internal Revenue Code,” for taxable years that begin after
6 December 31, 2007, and before January 1, 2009, means the federal Internal Revenue
7 Code as amended to December 31, 2007, excluding sections 103, 104, and 110 of P.L.
8 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66,
9 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3,
10 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section
11 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and
12 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403
13 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
14 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,
15 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301
16 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403
17 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, and 513 of P.L.
18 109-222, section 844 of P.L. 109-280, sections 101, 104, 108, 109, 112, 113, 116, 118,
19 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432,
20 sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-140, and section 11 (b),
21 (e), and (g) of P.L. 110-172, and as amendeded by P.L. 110-234, excluding sections
22 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L. 110-245, excluding sections
23 110 and 113 of P.L. 110-245, P.L. 110-289, excluding sections 3081 and 3082 of P.L.
24 110-289, P.L. 110-317, P.L. 110-343, excluding sections 301 and 302 of division A,
25 sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B of P.L.

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110–343, and sections 202, 203 as it relates to taxable years beginning in 2008, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110–343, P.L. 110–351, and P.L. 110–458, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101,

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105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280, excluding section 844 of P.L. 109-280, P.L. 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-166, and P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 2007, do not apply to this paragraph with respect to taxable years beginning after December 31, 2007, and before January 1, 2009, except that changes to the Internal Revenue Code made by P.L. 110-234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and 113 of P.L. 110-245, P.L. 110-289, excluding sections 3081 and 3082 of P.L. 110-289, P.L. 110-317, P.L. 110-343, excluding sections 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B of P.L. 110-343, and sections 202, 203 as it relates to taxable years beginning in 2008, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110-343, P.L. 110-351, and P.L. 110-458, and changes that indirectly affect the provisions applicable to this subchapter made by 110-234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and 113 of P.L. 110-245, P.L. 110-289, excluding sections 3081 and 3082 of P.L. 110-289, P.L. 110-317, P.L. 110-343, excluding sections 301 and 302 of division A, sections 109, 116, 201, 208,

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209, 210, 303, 306, 308, and 401 of division B of P.L. 110–343, and sections 202, 203 as it relates to taxable years beginning in 2008, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110–343, P.L. 110–351, and P.L. 110–458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1608. 71.22 (4) (um) of the statutes is created to read:

71.22 **(4)** (um) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34 (1g), and 71.42 (2), “Internal Revenue Code,” for taxable years that begin after December 31, 2008, means the federal Internal Revenue Code as amended to December 31, 2008, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, and 513 of P.L. 109–222, section 844 of P.L. 109–280, sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–140, section 11 (b), (e), and (g) of P.L. 110–172, P.L. 110–185, sections 15344 and 15345 (a) (1) to (3) and (6)

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1 of P.L. 110–234, sections 110 and 113 of P.L. 110–245, sections 3081 and 3082 of P.L.
2 110–289, sections 301 and 302 of division A of P.L. 110–343, sections 109, 116, 201,
3 208, 209, 210, 303, 306, 308, and 401 of division B of P.L. 110–343, and sections 202,
4 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702
5 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6),
6 707, 708, 710, and 711 of division C of P.L. 110–343, and as indirectly affected in the
7 provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647,
8 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2)
9 of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L.
10 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and
11 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections
12 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L.
13 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202
14 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L.
15 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L.
16 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554,
17 P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L.
18 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L.
19 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
20 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173,
21 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,
22 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
23 excluding sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of
24 P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections
25 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.

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109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280, excluding section 844 of P.L. 109–280, P.L. 109–432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–141, P.L. 110–142, P.L. 110–166, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, P.L. 110–234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110–234, P.L. 110–245, excluding sections 110 and 113 of P.L. 110–245, P.L. 110–289, excluding sections 3081 and 3082 of P.L. 110–289, P.L. 110–317, P.L. 110–343, excluding sections 301 and 302 of division A of P.L. 110–343, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B of P.L. 110–343, and sections 202, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110–343, P.L. 110–351, and P.L. 110–458. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 2008, do not apply to this paragraph with respect to taxable years beginning after December 31, 2008.

SECTION 1609. 71.22 (4m) (L) of the statutes is repealed.

SECTION 1610. 71.22 (4m) (m) of the statutes is amended to read:

71.22 **(4m)** (m) For taxable years that begin after December 31, 1999, and before January 1, 2003, “Internal Revenue Code”, for corporations that are subject

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1 to a tax on unrelated business income under s. 71.26 (1) (a), means the federal
2 Internal Revenue Code as amended to December 31, 1999, excluding sections 103,
3 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
4 (d) of P.L. 103-66, and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
5 104-188, and as amended by P.L. 106-230, P.L. 106-554, excluding sections 162 and
6 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16,
7 P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101, 301
8 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358,
9 P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121,
10 excluding section 109 of P.L. 108-121, P.L. 108-218, P.L. 108-311, excluding sections
11 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections
12 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-7,
13 P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
14 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding sections 101, 105, 201
15 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
16 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L.
17 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172,
18 excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, and as
19 indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L.
20 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L.
21 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L.
22 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d),
23 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L.
24 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
25 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L.

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1 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L.
2 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16,
3 excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L.
4 107-147, excluding sections 101, 301 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L.
5 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and
6 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-218,
7 P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311,
8 P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and
9 910 of P.L. 108-357, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309,
10 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L.
11 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
12 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections
13 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and
14 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172,
15 and P.L. 110-458. The Internal Revenue Code applies for Wisconsin purposes at the
16 same time as for federal purposes. Amendments to the Internal Revenue Code
17 enacted after December 31, 1999, do not apply to this paragraph with respect to
18 taxable years beginning after December 31, 1999, and before January 1, 2003,
19 except that changes to the Internal Revenue Code made by P.L. 106-230, P.L.
20 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16,
21 excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L.
22 107-147, excluding sections 101, 301 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L.
23 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and
24 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-218,
25 P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311,

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P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101, 301 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1611. 71.22 (4m) (n) of the statutes is amended to read:

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1 71.22 **(4m)** (n) For taxable years that begin after December 31, 2002, and
2 before January 1, 2004, “Internal Revenue Code,” for corporations that are subject
3 to a tax on unrelated business income under s. 71.26 (1) (a), means the federal
4 Internal Revenue Code as amended to December 31, 2002, excluding sections 103,
5 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
6 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
7 104–188, P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section
8 431 of P.L. 107–16, and sections 101 and 301 (a) of P.L. 107–147, and as amended by
9 P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121,
10 excluding section 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L.
11 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308,
12 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211,
13 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 109–7,
14 P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
15 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201
16 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
17 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L.
18 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172,
19 excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, and as
20 indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L.
21 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L.
22 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
23 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),
24 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
25 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605

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(d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the Internal Revenue Code enacted after December 31, 2002, do not apply to this paragraph with respect to taxable years beginning after December 31, 2002, and before January 1, 2004, except that changes to the Internal Revenue Code made by P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,

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1 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 109-7, P.L. 109-58, excluding
2 sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351
3 of P.L. 109-58, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to
4 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L.
5 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding
6 sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section
7 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, and changes that indirectly
8 affect the provisions applicable to this subchapter made by P.L. 108-27, excluding
9 sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L.
10 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L.
11 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L.
12 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
13 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 109-7, P.L. 109-58, excluding
14 sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351
15 of P.L. 109-58, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to
16 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L.
17 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding
18 sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section
19 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, apply for Wisconsin purposes
20 at the same time as for federal purposes.

21 **SECTION 1612.** 71.22 (4m) (o) of the statutes is amended to read:

22 71.22 **(4m)** (o) For taxable years that begin after December 31, 2003, and
23 before January 1, 2005, “Internal Revenue Code,” for corporations that are subject
24 to a tax on unrelated business income under s. 71.26 (1) (a), means the federal
25 Internal Revenue Code as amended to December 31, 2003, excluding sections 103,

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104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 109 of P.L. 108–121, and section 1201 of P.L. 108–173, and as amendeded by P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.

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107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the Internal Revenue Code enacted after December 31, 2003, do not apply to this paragraph with respect to taxable years beginning after December 31, 2003, and before January 1, 2005, except that changes to the Internal Revenue Code made by P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-227, and P.L. 109-280, excluding sections 811

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1 and 844 of P.L. 109–280, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235
2 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and
3 P.L. 110–458, and changes that indirectly affect the provisions applicable to this
4 subchapter made by P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections
5 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections
6 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L.
7 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309,
8 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73,
9 excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201
10 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
11 109–135, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
12 109–280, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28,
13 P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458,
14 apply for Wisconsin purposes at the same time as for federal purposes.

15 **SECTION 1613.** 71.22 (4m) (p) of the statutes is amended to read:

16 71.22 **(4m)** (p) For taxable years that begin after December 31, 2004, and
17 before January 1, 2006, “Internal Revenue Code,” for corporations that are subject
18 to a tax on unrelated business income under s. 71.26 (1) (a), means the federal
19 Internal Revenue Code as amended to December 31, 2004, excluding sections 103,
20 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
21 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
22 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554,
23 P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147,
24 sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306,
25 308, 316, 401, and 403 (a) of P.L. 108–311, and sections 101, 201, 211, 242, 244, 336,

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1 337, 422, 847, 909, and 910 of P.L. 108–357, and as amended by P.L. 109–7, P.L.
2 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
3 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L.
4 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section
5 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L.
6 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
7 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L.
8 109–432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204,
9 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, P.L. 110–28,
10 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding
11 section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, and as indirectly affected
12 in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L.
13 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L.
14 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L.
15 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and
16 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L.
17 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
18 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L.
19 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554,
20 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding
21 section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147,
22 excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L.
23 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L.
24 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L.
25 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403

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(a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 109–432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the Internal Revenue Code enacted after December 31, 2004, do not apply to this paragraph with respect to taxable years beginning after December 31, 2004, and before January 1, 2006, except that changes to the Internal Revenue Code made by P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 109–432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28,

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1 P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458,
2 and changes that indirectly affect the provisions applicable to this subchapter made
3 by P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324,
4 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-73, excluding section
5 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to
6 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151,
7 P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L.
8 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L.
9 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204,
10 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28,
11 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding
12 section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, apply for Wisconsin
13 purposes at the same time as for federal purposes.

14 **SECTION 1614.** 71.22 (4m) (q) of the statutes is amended to read:

15 71.22 **(4m)** (q) For taxable years that begin after December 31, 2005, and
16 before January 1, 2007, “Internal Revenue Code,” for corporations that are subject
17 to a tax on unrelated business income under s. 71.26 (1) (a), means the federal
18 Internal Revenue Code as amended to December 31, 2005, excluding sections 103,
19 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
20 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
21 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554,
22 P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147,
23 sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306,
24 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337,
25 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310,

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1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301 of P.L. 109–73, and sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and as amended by P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 109–432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–141, P.L. 110–142, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.

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1 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections
2 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
3 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding
4 section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it
5 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L.
6 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.
7 109-222, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L.
8 109-280, P.L. 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120,
9 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L.
10 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141,
11 P.L. 110-142, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and
12 P.L. 110-458. The Internal Revenue Code applies for Wisconsin purposes at the same
13 time as for federal purposes. Amendments to the Internal Revenue Code enacted
14 after December 31, 2005, do not apply to this paragraph with respect to taxable years
15 beginning after December 31, 2005, and before January 1, 2007, except that changes
16 to the Internal Revenue Code made by P.L. 109-222, excluding sections 101, 207,
17 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, and P.L. 109-280, excluding
18 sections 811 and 844 of P.L. 109-280, P.L. 109-432, excluding sections 101, 104, 108,
19 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417,
20 and 425 of P.L. 109-432, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235
21 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-172, excluding section 11 (b), (e),
22 and (g) of P.L. 110-172, and P.L. 110-458, and changes that indirectly affect the
23 provisions applicable to this subchapter made by P.L. 109-222, excluding sections
24 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, and P.L. 109-280,
25 excluding sections 811 and 844 of P.L. 109-280, P.L. 109-432, excluding sections 101,

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1 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401,
2 404, 417, and 425 of P.L. 109-432, P.L. 110-28, excluding sections 8212, 8221, 8233,
3 and 8235 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-172, excluding section
4 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, apply for Wisconsin purposes
5 at the same time as for federal purposes.

6 **SECTION 1615.** 71.22 (4m) (r) of the statutes is amended to read:

7 71.22 **(4m)** (r) For taxable years that begin after December 31, 2006, and
8 before January 1, 2008, “Internal Revenue Code,” for corporations that are subject
9 to a tax on unrelated business income under s. 71.26 (1) (a), means the federal
10 Internal Revenue Code as amended to December 31, 2006, excluding sections 103,
11 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
12 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
13 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554,
14 P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147,
15 sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306,
16 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337,
17 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310,
18 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of
19 P.L. 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to
20 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101,
21 207, 209, 503, 512, and 513 of P.L. 109-222, sections 811 and 844 of P.L. 109-280, and
22 sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304,
23 305, 307, 401, 404, 417, and 425 of P.L. 109-432, and as amendeded by P.L. 110-28,
24 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L.
25 110-142, P.L. 110-166, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L.

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1 110–172, P.L. 110–234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L.
2 110–234, P.L. 110–245, excluding sections 110 and 113 of P.L. 110–245, P.L. 110–289,
3 excluding sections 3081 and 3082 of P.L. 110–289, P.L. 110–343, excluding sections
4 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and
5 401 of division B, and sections 202, 203, 303, 304, 305, 306, 307, 311, 312, 315, 317,
6 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N
7 (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of
8 P.L. 110–343, and P.L. 110–458, and as indirectly affected in the provisions
9 applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L.
10 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
11 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
12 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
13 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
14 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
15 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
16 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
17 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
18 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections
19 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.
20 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
21 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.
22 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.
23 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
24 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58,
25 excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,

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1 and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L.
2 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101,
3 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of
4 P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512,
5 and 513 of P.L. 109-222, P.L. 109-227, and P.L. 109-280, excluding sections 811 and
6 844 of P.L. 109-280, P.L. 109-432, excluding sections 101, 104, 108, 109, 112, 113,
7 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L.
8 109-432, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28,
9 P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, excluding section 11 (b), (e),
10 and (g) of P.L. 110-172, P.L. 110-234, excluding sections 15344 and 15345 (a) (1) to
11 (3) and (6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and 113 of P.L.
12 110-245, P.L. 110-289, excluding sections 3081 and 3082 of P.L. 110-289, P.L.
13 110-343, excluding sections 301 and 302 of division A, sections 109, 116, 201, 208,
14 209, 210, 303, 306, 308, and 401 of division B, and sections 202, 203, 303, 304, 305,
15 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as
16 it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710,
17 and 711 of division C of P.L. 110-343, and P.L. 110-458. The Internal Revenue Code
18 applies for Wisconsin purposes at the same time as for federal purposes.
19 Amendments to the Internal Revenue Code enacted after December 31, 2006, do not
20 apply to this paragraph with respect to taxable years beginning after
21 December 31, 2006, and before January 1, 2008, except that changes to the Internal
22 Revenue Code made by P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235
23 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, excluding
24 section 11 (b), (e), and (g) of P.L. 110-172, P.L. 110-234, excluding sections 15344 and
25 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and

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113 of P.L. 110-245, and P.L. 110-289, excluding sections 3081 and 3082 of P.L. 110-289, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, P.L. 110-234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and 113 of P.L. 110-245, P.L. 110-289, excluding sections 3081 and 3082 of P.L. 110-289, and P.L. 110-343, excluding sections 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B, and sections 202, 203, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110-343, and P.L. 110-458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1616. 71.22 (4m) (s) of the statutes is created to read:

71.22 **(4m)** (s) For taxable years that begin after December 31, 2007, and before January 1, 2009, “Internal Revenue Code,” for corporations that are subject to a tax on unrelated business income under s. 71.26 (1) (a), means the federal Internal Revenue Code as amended to December 31, 2007, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310,

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1 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of
2 P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to
3 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101,
4 207, 209, 503, and 513 of P.L. 109–222, section 844 of P.L. 109–280, sections 101, 104,
5 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404,
6 417, and 425 of P.L. 109–432, sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L.
7 110–140, and section 11 (b), (e), and (g) of P.L. 110–172, and as amendeded by P.L.
8 110–234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110–234, P.L.
9 110–245, excluding sections 110 and 113 of P.L. 110–245, P.L. 110–289, excluding
10 sections 3081 and 3082 of P.L. 110–289, P.L. 110–317, P.L. 110–343, excluding
11 sections 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308,
12 and 401 of division B of P.L. 110–343, and sections 202, 203 as it relates to taxable
13 years beginning in 2008, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322,
14 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal
15 Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110–343, P.L.
16 110–351, and P.L. 110–458, and as indirectly affected in the provisions applicable to
17 this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L.
18 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections
19 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding
20 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L.
21 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections
22 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L.
23 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L.
24 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of
25 P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L.

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1 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a)
2 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27,
3 excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173,
4 excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311,
5 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357,
6 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
7 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections
8 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
9 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding
10 section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it
11 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L.
12 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, and 513 of P.L.
13 109-222, P.L. 109-227, and P.L. 109-280, excluding section 844 of P.L. 109-280, P.L.
14 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204,
15 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28,
16 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L.
17 110-142, P.L. 110-166, and P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L.
18 110-172. The Internal Revenue Code applies for Wisconsin purposes at the same
19 time as for federal purposes. Amendments to the Internal Revenue Code enacted
20 after December 31, 2007, do not apply to this paragraph with respect to taxable years
21 beginning after December 31, 2007, and before January 1, 2009, except that changes
22 to the Internal Revenue Code made by P.L. 110-234, excluding sections 15344 and
23 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and
24 113 of P.L. 110-245, P.L. 110-289, excluding sections 3081 and 3082 of P.L. 110-289,
25 and P.L. 110-343, excluding sections 301 and 302 of division A, sections 109, 116, 201,

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208, 209, 210, 303, 306, 308, and 401 of division B of P.L. 110-343, and sections 202, 203 as it relates to taxable years beginning in 2008, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110-343, P.L. 110-351, and P.L. 110-458, and changes that indirectly affect the provisions applicable to this subchapter made by 110-234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and 113 of P.L. 110-245, P.L. 110-289, excluding sections 3081 and 3082 of P.L. 110-289, P.L. 110-317, P.L. 110-343, excluding sections 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B of P.L. 110-343, and sections 202, 203 as it relates to taxable years beginning in 2008, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110-343, P.L. 110-351, and P.L. 110-458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1617. 71.22 (4m) (sm) of the statutes is created to read:

71.22 **(4m)** (sm) For taxable years that begin after December 31, 2008, “Internal Revenue Code,” for corporations that are subject to a tax on unrelated business income under s. 71.26 (1) (a), means the federal Internal Revenue Code as amended to December 31, 2008, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403 (a) of

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1 P.L. 108–311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
2 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,
3 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301
4 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403
5 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, and 513 of P.L.
6 109–222, section 844 of P.L. 109–280, sections 101, 104, 108, 109, 112, 113, 116, 118,
7 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432,
8 sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–140, section 11 (b), (e),
9 and (g) of P.L. 110–172, P.L. 110–185 sections 15344 and 15345 (a) (1) to (3) and (6)
10 of P.L. 110–234, sections 110 and 113 of P.L. 110–245, sections 3081 and 3082 of P.L.
11 110–289, sections 301 and 302 of division A of P.L. 110–343, sections 109, 116, 201,
12 208, 209, 210, 303, 306, 308, and 401 of division B of P.L. 110–343, and sections 202,
13 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702
14 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6),
15 707, 708, 710, and 711 of division C of P.L. 110–343, and as indirectly affected in the
16 provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647,
17 P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
18 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
19 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
20 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
21 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
22 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
23 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
24 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
25 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections

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1 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L.
2 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L.
3 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L.
4 108-218, P.L. 108-311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.
5 108-311, P.L. 108-357, excluding sections 101, 102, 201, 211, 242, 244, 336, 337, 422,
6 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L.
7 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
8 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L.
9 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding
10 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
11 (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207,
12 209, 503, and 513 of P.L. 109-222, P.L. 109-227, and P.L. 109-280, excluding section
13 844 of P.L. 109-280, P.L. 109-432, excluding sections 101, 104, 108, 109, 112, 113,
14 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L.
15 109-432, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28,
16 P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, excluding section 11 (b), (e),
17 and (g) of P.L. 110-172, P.L. 110-234, excluding sections 15344 and 15345 (a) (1) to
18 (3) and (6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and 113 of P.L.
19 110-245, P.L. 110-289, excluding sections 3081 and 3082 of P.L. 110-289, and P.L.
20 110-343, excluding sections 301 and 302 of division A of P.L. 110-343, sections 109,
21 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B of P.L. 110-343, and
22 sections 202, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502,
23 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue
24 Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110-343, P.L. 110-351,
25 and P.L. 110-458. The Internal Revenue Code applies for Wisconsin purposes at the

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1 same time as for federal purposes. Amendments to the Internal Revenue Code
2 enacted after December 31, 2008, do not apply to this paragraph with respect to
3 taxable years beginning after December 31, 2008.

4 **SECTION 1618.** 71.24 (7) of the statutes is renumbered 71.24 (7) (a) and
5 amended to read:

6 71.24 **(7)** (a) In the case of a corporation required to file a return, the
7 department of revenue shall allow an automatic extension of 7 months or until the
8 original due date of the corporation's corresponding federal return, whichever is
9 later. Any extension of time granted by law or by the internal revenue service for the
10 filing of corresponding federal returns shall extend the time for filing under this
11 subchapter to 30 days after the federal due date if the corporation reports the
12 extension in the manner specified by the department on the return. Except for
13 payments of estimated taxes, income or franchise taxes payable upon the filing of the
14 tax return shall not become delinquent during such extension period, but shall,
15 except as provided in par. (b), be subject to interest at the rate of 12% per year during
16 such period.

17 **SECTION 1619.** 71.25 (9) (a) of the statutes is amended to read:

18 71.25 **(9)** (a) The sales factor is a fraction, the numerator of which is the total
19 sales of the taxpayer in this state during the tax period, and the denominator of
20 which is the total sales of the taxpayer everywhere during the tax period. For sales
21 of tangible personal property, the numerator of the sales factor is the sales of the
22 taxpayer during the tax period under par. (b) 1. and 2. plus 50% 100 percent of the
23 sales of the taxpayer during the tax period under pars. (b) 2m. and 3. and (c).

24 **SECTION 1620.** 71.25 (9) (df) 3. of the statutes is amended to read:

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1 71.25 **(9)** (df) 3. If the taxpayer is not subject to income tax in the state in which
2 the gross receipts are considered received under this paragraph, but the taxpayer's
3 commercial domicile is in this state, ~~50~~ 100 percent of those gross receipts shall be
4 included in the numerator of the sales factor.

5 **SECTION 1621.** 71.25 (9) (dh) 4. of the statutes is amended to read:

6 71.25 **(9)** (dh) 4. If the taxpayer is not subject to income tax in the state in which
7 the benefit of the service is received, the benefit of the service is received in this state
8 to the extent that the taxpayer's employees or representatives performed services
9 from a location in this state. ~~Fifty~~ One hundred percent of the taxpayer's receipts
10 that are considered received in this state under this paragraph shall be included in
11 the numerator of the sales factor.

12 **SECTION 1622.** 71.26 (1) (b) of the statutes is amended to read:

13 71.26 **(1)** (b) *Political units.* Income received by the United States, the state
14 and all counties, cities, villages, towns, school districts, technical college districts,
15 joint local water authorities created under s. 66.0823, transit authorities created
16 under s. 66.1039, long-term care districts under s. 46.2895 or other political units
17 of this state.

18 **SECTION 1623.** 71.26 (1) (be) of the statutes is amended to read:

19 71.26 **(1)** (be) *Certain authorities.* Income of the University of Wisconsin
20 Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan
21 Authority, of the Wisconsin Quality Home Care Authority, and of the Fox River
22 Navigational System Authority, and of the Wisconsin Aerospace Authority.

23 **SECTION 1624.** 71.26 (2) (a) 2. of the statutes is amended to read:

24 71.26 **(2)** (a) 2. Plus the amount of credit computed under s. 71.28 (1), (3), (4),
25 ~~(4m)~~, and (5).

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SECTION 1625. 71.26 (2) (a) 4. of the statutes is amended to read:

71.26 **(2)** (a) 4. Plus the amount of the credit computed under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), ~~(1dy)~~, (3g), (3h), (3n), (3p), ~~(3q), (3r)~~, (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j), ~~and (5k), and (8r)~~ and not passed through by a partnership, limited liability company, or tax-option corporation that has added that amount to the partnership's, limited liability company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1k) (g).

SECTION 1626. 71.26 (2) (b) 14. of the statutes is repealed.

SECTION 1627. 71.26 (2) (b) 15. of the statutes is amended to read:

71.26 **(2)** (b) 15. For taxable years that begin after December 31, 1999, and before January 1, 2003, for a corporation, conduit or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit, real estate investment trust or financial asset securitization investment trust under the Internal Revenue Code as amended to December 31, 1999, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as amended by P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101, 301 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310,

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1 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135,
2 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
3 (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844
4 of P.L. 109–280, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L.
5 110–28, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L.
6 110–458, and as indirectly affected in the provisions applicable to this subchapter by
7 P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179,
8 P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L.
9 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150
10 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L.
11 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),
12 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.
13 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.
14 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,
15 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.
16 107–134, P.L. 107–147, excluding sections 101, 301 (a), and 406 of P.L. 107–147, P.L.
17 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections
18 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121,
19 P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a)
20 of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337,
21 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–58, excluding sections
22 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
23 109–58, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section
24 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280,
25 excluding sections 811 and 844 of P.L. 109–280, P.L. 110–28, excluding sections 8212,

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1 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and
2 (g) of P.L. 110-172, and P.L. 110-458, “net income” means the federal regulated
3 investment company taxable income, federal real estate mortgage investment
4 conduit taxable income, federal real estate investment trust or financial asset
5 securitization investment trust taxable income of the corporation, conduit or trust
6 as determined under the Internal Revenue Code as amended to December 31, 1999,
7 excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171
8 (d), 13174, and 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311,
9 and 1605 (d) of P.L. 104-188, and as amended by P.L. 106-230, P.L. 106-554,
10 excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding
11 section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147,
12 excluding sections 101, 301 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L. 107-210,
13 P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L.
14 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-218, P.L.
15 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L.
16 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
17 of P.L. 108-357, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310,
18 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135,
19 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
20 (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections 811 and 844
21 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L.
22 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L.
23 110-458, and as indirectly affected in the provisions applicable to this subchapter by
24 P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179,
25 P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.

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102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150
(d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L.
103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f),
1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L.
105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L.
106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15,
P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L.
107-134, P.L. 107-147, excluding sections 101, 301 (a), and 406 of P.L. 107-147, P.L.
107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections
106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121,
P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a)
of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337,
422, 847, 909, and 910 of P.L. 108-357, P.L. 109-7, P.L. 109-58, excluding sections
1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
109-58, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section
1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280,
excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212,
8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and
(g) of P.L. 110-172, and P.L. 110-458, except that property that, under s. 71.02 (1) (c)
8. to 11., 1985 stats., is required to be depreciated for taxable years 1983 to 1986
under the Internal Revenue Code as amended to December 31, 1980, shall continue
to be depreciated under the Internal Revenue Code as amended to
December 31, 1980, and except that the appropriate amount shall be added or
subtracted to reflect differences between the depreciation or adjusted basis for
federal income tax purposes and the depreciation or adjusted basis under this

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chapter of any property disposed of during the taxable year. The Internal Revenue Code as amended to December 31, 1999, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as amended by P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101, 301 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L.

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1 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections
2 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L.
3 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections
4 101, 301 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L.
5 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L.
6 108-121, excluding section 109 of P.L. 108-121, P.L. 108-218, P.L. 108-311,
7 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357,
8 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
9 108-357, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323,
10 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding
11 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
12 (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L.
13 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28,
14 P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458,
15 applies for Wisconsin purposes at the same time as for federal purposes.
16 Amendments to the Internal Revenue Code enacted after December 31, 1999, do not
17 apply to this subdivision with respect to taxable years that begin after
18 December 31, 1999, and before January 1, 2003, except that changes to the Internal
19 Revenue Code made by P.L. 106-230, P.L. 106-554, excluding sections 162 and 165
20 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L.
21 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101, 301 (a),
22 and 406 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L.
23 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding
24 section 109 of P.L. 108-121, P.L. 108-218, P.L. 108-311, excluding sections 306, 307,
25 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201,

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211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101, 301 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1628. 71.26 (2) (b) 16. of the statutes is amended to read:

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1 71.26 **(2)** (b) 16. For taxable years that begin after December 31, 2002, and
2 before January 1, 2004, for a corporation, conduit, or common law trust which
3 qualifies as a regulated investment company, real estate mortgage investment
4 conduit, real estate investment trust, or financial asset securitization investment
5 trust under the Internal Revenue Code as amended to December 31, 2002, excluding
6 sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d),
7 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and
8 1605 (d) of P.L. 104-188, P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L.
9 106-573, section 431 of P.L. 107-16, and sections 101 and 301 (a) of P.L. 107-147, and
10 as amended by P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L.
11 108-121, excluding section 109 of P.L. 108-121, P.L. 108-173, excluding section 1201
12 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306,
13 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101,
14 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375,
15 P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
16 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding sections
17 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405
18 of P.L. 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280,
19 P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L.
20 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, and
21 as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514,
22 P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239,
23 P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L.
24 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d),
25 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L.

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104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, “net income” means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income, federal real estate investment trust or financial asset securitization investment trust taxable income of the corporation, conduit, or trust as determined under the Internal Revenue Code as amended to December 31, 2002, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section

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431 of P.L. 107-16, and sections 101 and 301 (a) of P.L. 107-147, and as amended by P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-173,

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1 excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311,
2 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357,
3 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
4 108-357, P.L. 108-375, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309,
5 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L.
6 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
7 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections
8 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and
9 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172,
10 and P.L. 110-458, except that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats.,
11 is required to be depreciated for taxable years 1983 to 1986 under the Internal
12 Revenue Code as amended to December 31, 1980, shall continue to be depreciated
13 under the Internal Revenue Code as amended to December 31, 1980, and except that
14 the appropriate amount shall be added or subtracted to reflect differences between
15 the depreciation or adjusted basis for federal income tax purposes and the
16 depreciation or adjusted basis under this chapter of any property disposed of during
17 the taxable year. The Internal Revenue Code as amended to December 31, 2002,
18 excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171
19 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and
20 1605 (d) of P.L. 104-188, P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L.
21 106-573, section 431 of P.L. 107-16, and sections 101 and 301 (a) of P.L. 107-147, and
22 as amended by P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L.
23 108-121, excluding section 109 of P.L. 108-121, P.L. 108-173, excluding section 1201
24 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306,
25 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101,

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201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L.

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109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the Internal Revenue Code enacted after December 31, 2002, do not apply to this subdivision with respect to taxable years that begin after December 31, 2002, and before January 1, 2004, except that changes to the Internal Revenue Code made by P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 109–7,

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1 P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
2 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201
3 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
4 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L.
5 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172,
6 excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, apply for
7 Wisconsin purposes at the same time as for federal purposes.

8 **SECTION 1629.** 71.26 (2) (b) 17. of the statutes is amended to read:

9 71.26 **(2)** (b) 17. For taxable years that begin after December 31, 2003, and
10 before January 1, 2005, for a corporation, conduit, or common law trust which
11 qualifies as a regulated investment company, real estate mortgage investment
12 conduit, real estate investment trust, or financial asset securitization investment
13 trust under the Internal Revenue Code as amended to December 31, 2003, excluding
14 sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d),
15 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and
16 1605 (d) of P.L. 104–188, P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L.
17 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections
18 106, 201, and 202 of P.L. 108–27, section 109 of P.L. 108–121, and section 1201 of P.L.
19 108–173, and as amended by P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding
20 sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding
21 sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L.
22 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309,
23 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73,
24 excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201
25 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.

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1 109-135, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L.
2 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28,
3 P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458,
4 and as indirectly affected in the provisions applicable to this subchapter by P.L.
5 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L.
6 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.
7 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150
8 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L.
9 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f),
10 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L.
11 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L.
12 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15,
13 P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L.
14 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L.
15 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections
16 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121,
17 P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218,
18 P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311,
19 P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and
20 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding
21 sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351
22 of P.L. 109-58, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135,
23 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
24 (j), and (q), and 405 of P.L. 109-135, P.L. 109-227, and P.L. 109-280, excluding
25 sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221,

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1 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of
2 P.L. 110-172, and P.L. 110-458, “net income” means the federal regulated
3 investment company taxable income, federal real estate mortgage investment
4 conduit taxable income, federal real estate investment trust or financial asset
5 securitization investment trust taxable income of the corporation, conduit, or trust
6 as determined under the Internal Revenue Code as amended to December 31, 2003,
7 excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171
8 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and
9 1605 (d) of P.L. 104-188, P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L.
10 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections
11 106, 201, and 202 of P.L. 108-27, section 109 of P.L. 108-121, and section 1201 of P.L.
12 108-173, and as amended by P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding
13 sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding
14 sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L.
15 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309,
16 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-73,
17 excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201
18 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
19 109-135, P.L. 109-227, ~~and~~ P.L. 109-280, excluding sections 811 and 844 of P.L.
20 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28,
21 P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458,
22 and as indirectly affected in the provisions applicable to this subchapter by P.L.
23 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L.
24 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.
25 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150

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(d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, except that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats., is required to be depreciated for taxable years 1983 to 1986 under the Internal Revenue Code as amended to December 31, 1980, shall continue to be depreciated under the Internal Revenue Code as amended to December 31, 1980, and except that the appropriate amount shall be added or subtracted to reflect differences between the depreciation or adjusted basis for federal income tax

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1 purposes and the depreciation or adjusted basis under this chapter of any property
2 disposed of during the taxable year. The Internal Revenue Code as amended to
3 December 31, 2003, excluding sections 103, 104, and 110 of P.L. 102-227, sections
4 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b),
5 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 106-519, sections 162 and
6 165 of P.L. 106-554, P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301
7 (a) of P.L. 107-147, sections 106, 201, and 202 of P.L. 108-27, section 109 of P.L.
8 108-121, and section 1201 of P.L. 108-173, and as amended by P.L. 108-203, P.L.
9 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L.
10 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
11 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58,
12 excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,
13 and 1351 of P.L. 109-58, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L.
14 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
15 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-227, and P.L. 109-280,
16 excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212,
17 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and
18 (g) of P.L. 110-172, and P.L. 110-458, and as indirectly affected in the provisions
19 applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L.
20 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227,
21 excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L.
22 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
23 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188,
24 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L.
25 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L.

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1 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections
2 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L.
3 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections
4 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L.
5 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L.
6 108-121, excluding section 109 of P.L. 108-121, P.L. 108-173, excluding section 1201
7 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306,
8 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101,
9 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375,
10 P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310,
11 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-73,
12 excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201
13 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
14 109-135, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L.
15 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28,
16 P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458,
17 applies for Wisconsin purposes at the same time as for federal purposes.
18 Amendments to the Internal Revenue Code enacted after December 31, 2003, do not
19 apply to this subdivision with respect to taxable years that begin after
20 December 31, 2003, and before January 1, 2005, except that changes to the Internal
21 Revenue Code made by P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections
22 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections
23 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L.
24 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309,
25 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-73,

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1 excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201
2 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
3 109-135, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L.
4 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28,
5 P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458,
6 and changes that indirectly affect the provisions applicable to this subchapter made
7 by P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316,
8 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242,
9 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L.
10 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
11 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-73, excluding section 301
12 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to
13 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-227,
14 and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28,
15 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding
16 section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, apply for Wisconsin
17 purposes at the same time as for federal purposes.

18 **SECTION 1630.** 71.26 (2) (b) 18. of the statutes is amended to read:

19 71.26 **(2)** (b) 18. For taxable years that begin after December 31, 2004, and
20 before January 1, 2006, for a corporation, conduit, or common law trust which
21 qualifies as a regulated investment company, real estate mortgage investment
22 conduit, real estate investment trust, or financial asset securitization investment
23 trust under the Internal Revenue Code as amended to December 31, 2004, excluding
24 sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d),
25 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and

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1 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165
2 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of
3 P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173,
4 sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, and sections 101, 201, 211,
5 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, and as amendeded by P.L.
6 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
7 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
8 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
9 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151,
10 P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
11 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L.
12 109–432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204,
13 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, P.L. 110–28,
14 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding
15 section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, and as indirectly affected
16 in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L.
17 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L.
18 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L.
19 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and
20 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L.
21 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
22 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L.
23 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554,
24 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding
25 section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147,

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1 excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L.
2 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L.
3 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L.
4 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403
5 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337,
6 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L.
7 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
8 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L.
9 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section
10 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L.
11 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
12 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L.
13 109–432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204,
14 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, P.L. 110–28,
15 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding
16 section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, “net income” means the
17 federal regulated investment company taxable income, federal real estate mortgage
18 investment conduit taxable income, federal real estate investment trust or financial
19 asset securitization investment trust taxable income of the corporation, conduit, or
20 trust as determined under the Internal Revenue Code as amended to December 31,
21 2004, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d),
22 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f),
23 1311, and 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections
24 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, sections 101
25 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201

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1 of P.L. 108–173, sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, and sections
2 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, and as
3 amended by P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323,
4 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding
5 section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
6 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L.
7 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.
8 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
9 109–280, P.L. 109–432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120,
10 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, P.L.
11 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172,
12 excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, and as
13 indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L.
14 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L.
15 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
16 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),
17 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
18 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
19 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
20 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
21 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,
22 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.
23 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L.
24 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and
25 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L.

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108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, except that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats., is required to be depreciated for taxable years 1983 to 1986 under the Internal Revenue Code as amended to December 31, 1980, shall continue to be depreciated under the Internal Revenue Code as amended to December 31, 1980, and except that the appropriate amount shall be added or subtracted to reflect differences between the depreciation or adjusted basis for federal income tax purposes and the depreciation or adjusted basis under this chapter of any property disposed of during the taxable year. The Internal Revenue Code as amended to December 31, 2004, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections

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1 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316,
2 401, and 403 (a) of P.L. 108–311, and sections 101, 201, 211, 242, 244, 336, 337, 422,
3 847, 909, and 910 of P.L. 108–357, and as amended by P.L. 109–7, P.L. 109–58,
4 excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,
5 and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L.
6 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
7 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding
8 sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L.
9 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 109–432, excluding
10 sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304,
11 305, 307, 401, 404, 417, and 425 of P.L. 109–432, P.L. 110–28, excluding sections
12 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e),
13 and (g) of P.L. 110–172, and P.L. 110–458, and as indirectly affected in the provisions
14 applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L.
15 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
16 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
17 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
18 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
19 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
20 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
21 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
22 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
23 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections
24 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.
25 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.

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108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L.
108-218, P.L. 108-311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.
108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58,
excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,
and 1351 of P.L. 109-58, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L.
109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
(e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding
sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, and P.L.
109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 109-432, excluding
sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304,
305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28, excluding sections
8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e),
and (g) of P.L. 110-172, and P.L. 110-458, applies for Wisconsin purposes at the same
time as for federal purposes. Amendments to the Internal Revenue Code enacted
after December 31, 2004, do not apply to this subdivision with respect to taxable
years that begin after December 31, 2004, and before January 1, 2006, except that
changes to the Internal Revenue Code made by P.L. 109-7, P.L. 109-58, excluding
sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351
of P.L. 109-58, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135,
excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
(j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections
101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, and P.L. 109-280,
excluding sections 811 and 844 of P.L. 109-280, P.L. 109-432, excluding sections 101,
104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401,

ASSEMBLY BILL 75**SECTION 1630**

1 404, 417, and 425 of P.L. 109-432, P.L. 110-28, excluding sections 8212, 8221, 8233,
2 and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L.
3 110-172, and P.L. 110-458, and changes that indirectly affect the provisions
4 applicable to this subchapter made by P.L. 109-7, P.L. 109-58, excluding sections
5 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
6 109-58, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding
7 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
8 (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207,
9 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, and P.L. 109-280, excluding
10 sections 811 and 844 of P.L. 109-280, P.L. 109-432, excluding sections 101, 104, 108,
11 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417,
12 and 425 of P.L. 109-432, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235
13 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and
14 P.L. 110-458, apply for Wisconsin purposes at the same time as for federal purposes.

15 **SECTION 1631.** 71.26 (2) (b) 19. of the statutes is amended to read:

16 71.26 **(2)** (b) 19. For taxable years that begin after December 31, 2005, and
17 before January 1, 2007, for a corporation, conduit, or common law trust which
18 qualifies as a regulated investment company, real estate mortgage investment
19 conduit, real estate investment trust, or financial asset securitization investment
20 trust under the Internal Revenue Code as amended to December 31, 2005, excluding
21 sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d),
22 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and
23 1605 (d) of P.L. 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165
24 of P.L. 106-554, P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of
25 P.L. 107-147, sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173,

ASSEMBLY BILL 75**SECTION 1631**

1 sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242,
2 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308,
3 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58,
4 section 11146 of P.L. 109–59, section 301 of P.L. 109–73, and sections 101, 105, 201
5 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
6 109–135, and as amendeded by P.L. 109–222, excluding sections 101, 207, 209, 503,
7 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811
8 and 844 of P.L. 109–280, P.L. 109–432, excluding sections 101, 104, 108, 109, 112, 113,
9 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L.
10 109–432, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28,
11 P.L. 110–141, P.L. 110–142, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L.
12 110–172, and P.L. 110–458, and as indirectly affected in the provisions applicable to
13 this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L.
14 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections
15 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding
16 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L.
17 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections
18 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L.
19 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L.
20 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of
21 P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L.
22 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a)
23 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
24 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173,
25 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,

ASSEMBLY BILL 75**SECTION 1631**

1 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
2 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
3 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections
4 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
5 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding
6 section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
7 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L.
8 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.
9 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
10 109–280, P.L. 109–432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120,
11 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, P.L.
12 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–141,
13 P.L. 110–142, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and
14 P.L. 110–458, “net income” means the federal regulated investment company taxable
15 income, federal real estate mortgage investment conduit taxable income, federal real
16 estate investment trust or financial asset securitization investment trust taxable
17 income of the corporation, conduit, or trust as determined under the Internal
18 Revenue Code as amended to December 31, 2005, excluding sections 103, 104, and
19 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
20 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188,
21 sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L.
22 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections
23 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316,
24 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
25 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324,

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1 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59,
2 section 301 of P.L. 109–73, and sections 101, 105, 201 (a) as it relates to section 1400S
3 (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and as amended by P.L.
4 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
5 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L.
6 109–432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204,
7 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, P.L. 110–28,
8 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–141, P.L.
9 110–142, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L.
10 110–458, and as indirectly affected in the provisions applicable to this subchapter by
11 P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179,
12 P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L.
13 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150
14 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L.
15 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),
16 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.
17 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.
18 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,
19 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.
20 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L.
21 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections
22 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201
23 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306,
24 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201,
25 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L.

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1 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323,
2 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding
3 section 11146 of P.L. 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L.
4 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
5 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding
6 sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, 109-227, P.L. 109-227, and
7 P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 109-432,
8 excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302,
9 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28, excluding
10 sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L.
11 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458,
12 except that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats., is required to
13 be depreciated for taxable years 1983 to 1986 under the Internal Revenue Code as
14 amended to December 31, 1980, shall continue to be depreciated under the Internal
15 Revenue Code as amended to December 31, 1980, and except that the appropriate
16 amount shall be added or subtracted to reflect differences between the depreciation
17 or adjusted basis for federal income tax purposes and the depreciation or adjusted
18 basis under this chapter of any property disposed of during the taxable year. The
19 Internal Revenue Code as amended to December 31, 2005, excluding sections 103,
20 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
21 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
22 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554,
23 P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147,
24 sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306,
25 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337,

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1 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310,
2 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of
3 P.L. 109–59, section 301 of P.L. 109–73, and sections 101, 105, 201 (a) as it relates
4 to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and as
5 amended by P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.
6 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
7 109–280, P.L. 109–432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120,
8 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, P.L.
9 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–141,
10 P.L. 110–142, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and
11 P.L. 110–458, and as indirectly affected in the provisions applicable to this
12 subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140,
13 P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104,
14 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections
15 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L.
16 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202
17 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L.
18 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L.
19 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554,
20 P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L.
21 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L.
22 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
23 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173,
24 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,
25 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,

ASSEMBLY BILL 75**SECTION 1631**

1 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
2 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections
3 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
4 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding
5 section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
6 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L.
7 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.
8 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
9 109–280, P.L. 109–432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120,
10 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, P.L.
11 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–141,
12 P.L. 110–142, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and
13 P.L. 110–458, applies for Wisconsin purposes at the same time as for federal
14 purposes. Amendments to the Internal Revenue Code enacted after December 31,
15 2005, do not apply to this subdivision with respect to taxable years that begin after
16 December 31, 2005, and before January 1, 2007, except that changes to the Internal
17 Revenue Code made by P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and
18 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844
19 of P.L. 109–280, P.L. 109–432, excluding sections 101, 104, 108, 109, 112, 113, 116,
20 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L.
21 109–432, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28,
22 P.L. 110–141, P.L. 110–142, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L.
23 110–172, and P.L. 110–458, and changes that indirectly affect the provisions
24 applicable to this subchapter made by P.L. 109–222, excluding sections 101, 207, 209,
25 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding sections

ASSEMBLY BILL 75**SECTION 1631**

1 811 and 844 of P.L. 109–280, P.L. 109–432, excluding sections 101, 104, 108, 109, 112,
2 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425
3 of P.L. 109–432, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L.
4 110–28, P.L. 110–141, P.L. 110–142, P.L. 110–172, excluding section 11 (b), (e), and
5 (g) of P.L. 110–172, and P.L. 110–458, apply for Wisconsin purposes at the same time
6 as for federal purposes.

7 **SECTION 1632.** 71.26 (2) (b) 20. of the statutes is amended to read:

8 71.26 **(2)** (b) 20. For taxable years that begin after December 31, 2006, and
9 before January 1, 2008, for a corporation, conduit, or common law trust which
10 qualifies as a regulated investment company, real estate mortgage investment
11 conduit, real estate investment trust, or financial asset securitization investment
12 trust under the Internal Revenue Code as amended to December 31, 2006, excluding
13 sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d),
14 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and
15 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165
16 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of
17 P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173,
18 sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242,
19 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308,
20 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58,
21 section 11146 of P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as
22 it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135,
23 sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, sections 811 and 844 of P.L.
24 109–280, and sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209,
25 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, and as amendeded by

ASSEMBLY BILL 75**SECTION 1632**

1 P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L.
2 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, excluding section 11 (b), (e), and
3 (g) of P.L. 110-172, P.L. 110-234, excluding sections 15344 and 15345 (a) (1) to (3) and
4 (6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and 113 of P.L. 110-245, P.L.
5 110-289, excluding sections 3081 and 3082 of P.L. 110-289, P.L. 110-343, excluding
6 excluding sections 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210,
7 303, 306, 308, and 401 of division B, and sections 202, 203, 303, 304, 305, 306, 307,
8 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates
9 to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711
10 of division C of P.L. 110-343, and P.L. 110-458, and as indirectly affected in the
11 provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647,
12 P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227,
13 excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L.
14 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
15 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188,
16 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L.
17 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L.
18 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections
19 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L.
20 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections
21 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L.
22 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L.
23 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L.
24 108-218, P.L. 108-311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.
25 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,

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909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, P.L. 110-234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and 113 of P.L. 110-245, P.L. 110-289, excluding sections 3081 and 3082 of P.L. 110-289, P.L. 110-343, excluding sections 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B, and sections 202, 203, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110-343, and P.L. 110-458, “net income” means the federal regulated investment company taxable income, federal real estate mortgage investment conduit taxable income, federal real estate investment trust or financial asset securitization investment trust taxable income of the corporation, conduit, or trust as determined under the Internal Revenue Code as amended to December 31, 2006, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f),

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1311, and 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, sections 811 and 844 of P.L. 109–280, and sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, and as amendeded by P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–141, P.L. 110–142, P.L. 110–166, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, P.L. 110–234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110–234, P.L. 110–245, excluding sections 110 and 113 of P.L. 110–245, P.L. 110–289, excluding sections 3081 and 3082 of P.L. 110–289, P.L. 110–343, excluding sections 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B, and sections 202, 203, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110–343, and P.L. 110–458, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and

ASSEMBLY BILL 75**SECTION 1632**

1 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L.
2 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
3 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L.
4 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554,
5 excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding
6 section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147,
7 excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L.
8 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L.
9 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L.
10 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 308, 316, 401, and 403
11 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337,
12 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L.
13 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
14 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L.
15 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding
16 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
17 (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207,
18 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, and P.L. 109-280, excluding
19 sections 811 and 844 of P.L. 109-280, P.L. 109-432, excluding sections 101, 104, 108,
20 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417,
21 and 425 of P.L. 109-432, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235
22 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, excluding
23 section 11 (b), (e), and (g) of P.L. 110-172, P.L. 110-234, excluding sections 15344 and
24 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and
25 113 of P.L. 110-245, P.L. 110-289, excluding sections 3081 and 3082 of P.L. 110-289,

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1 P.L. 110–343, excluding sections 301 and 302 of division A, sections 109, 116, 201,
2 208, 209, 210, 303, 306, 308, and 401 of division B, and sections 202, 203, 303, 304,
3 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1)
4 (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707,
5 708, 710, and 711 of division C of P.L. 110–343, and P.L. 110–458, except that property
6 that, under s. 71.02 (1) (c) 8. to 11., 1985 stats., is required to be depreciated for
7 taxable years 1983 to 1986 under the Internal Revenue Code as amended to
8 December 31, 1980, shall continue to be depreciated under the Internal Revenue
9 Code as amended to December 31, 1980, and except that the appropriate amount
10 shall be added or subtracted to reflect differences between the depreciation or
11 adjusted basis for federal income tax purposes and the depreciation or adjusted basis
12 under this chapter of any property disposed of during the taxable year. The Internal
13 Revenue Code as amended to December 31, 2006, excluding sections 103, 104, and
14 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
15 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188,
16 sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L.
17 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections
18 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316,
19 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
20 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324,
21 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59,
22 section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a),
23 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, 512,
24 and 513 of P.L. 109–222, sections 811 and 844 of P.L. 109–280, and sections 101, 104,
25 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404,

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1 417, and 425 of P.L. 109-432, and as amended by P.L. 110-28, excluding sections
2 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-166,
3 P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, P.L. 110-234,
4 excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L. 110-245,
5 excluding sections 110 and 113 of P.L. 110-245, P.L. 110-289, excluding sections 3081
6 and 3082 of P.L. 110-289, P.L. 110-343, excluding sections 301 and 302 of division
7 A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B, and
8 sections 202, 203, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324,
9 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue
10 Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110-343, and P.L.
11 110-458, and as indirectly affected in the provisions applicable to this subchapter by
12 P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179,
13 P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.
14 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150
15 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L.
16 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f),
17 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L.
18 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L.
19 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15,
20 P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L.
21 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L.
22 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections
23 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201
24 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306,
25 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201,

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211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, P.L. 110-234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and 113 of P.L. 110-245, P.L. 110-289, excluding sections 3081 and 3082 of P.L. 110-289, P.L. 110-343, excluding sections 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B, and sections 202, 203, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110-343, and P.L. 110-458, applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the Internal Revenue Code enacted after December 31, 2006, do not apply to this subdivision with respect to taxable years that begin after December 31, 2006, and before January 1, 2008, except that changes to the Internal Revenue Code made by P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, excluding section 11 (b), (e), and

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(g) of P.L. 110-172, P.L. 110-234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and 113 of P.L. 110-245, and P.L. 110-289, excluding sections 3081 and 3082 of P.L. 110-289, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, P.L. 110-234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and 113 of P.L. 110-245, P.L. 110-289, excluding sections 3081 and 3082 of P.L. 110-289, P.L. 110-343, excluding sections 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B, and sections 202, 203, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110-343, and P.L. 110-458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1633. 71.26 (2) (b) 21. of the statutes is created to read:

71.26 **(2)** (b) 21. For taxable years that begin after December 31, 2007, and before January 1, 2009, for a corporation, conduit, or common law trust which qualifies as a regulated investment company, real estate mortgage investment conduit, real estate investment trust, or financial asset securitization investment trust under the Internal Revenue Code as amended to December 31, 2007, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of

ASSEMBLY BILL 75**SECTION 1633**

1 P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173,
2 sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242,
3 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308,
4 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58,
5 section 11146 of P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as
6 it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135,
7 sections 101, 207, 209, 503, and 513 of P.L. 109–222, section 844 of P.L. 109–280,
8 sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304,
9 305, 307, 401, 404, 417, and 425 of P.L. 109–432, sections 8212, 8221, 8233, and 8235
10 of P.L. 110–28, P.L. 110–140, and section 11 (b), (e), and (g) of P.L. 110–172, and as
11 amended by P.L. 110–234, excluding sections 15344 and 15345 (a) (1) to (3) and (6)
12 of P.L. 110–234, P.L. 110–245, excluding sections 110 and 113 of P.L. 110–245, P.L.
13 110–289, excluding sections 3081 and 3082 of P.L. 110–289, P.L. 110–317, P.L.
14 110–343, excluding sections 301 and 302 of division A, sections 109, 116, 201, 208,
15 209, 210, 303, 306, 308, and 401 of division B of P.L. 110–343, and sections 202, 203
16 as it relates to taxable years beginning in 2008, 303, 304, 305, 306, 307, 311, 312, 315,
17 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N
18 (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of
19 P.L. 110–343, P.L. 110–351, and P.L. 110–458, and as indirectly affected in the
20 provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647,
21 P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
22 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
23 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
24 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
25 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.

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104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections
101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.
107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.
108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.
108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58,
excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,
and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L.
109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101,
105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of
P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, and
513 of P.L. 109–222, P.L. 109–227, P.L. 109–280, excluding section 844 of P.L.
109–280, P.L. 109–432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120,
123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, P.L.
110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–141,
P.L. 110–142, P.L. 110–166, and P.L. 110–172, excluding section 11 (b), (e), and (g) of
P.L. 110–172, “net income” means the federal regulated investment company taxable
income, federal real estate mortgage investment conduit taxable income, federal real
estate investment trust or financial asset securitization investment trust taxable
income of the corporation, conduit, or trust as determined under the Internal
Revenue Code as amended to December 31, 2007, excluding sections 103, 104, and

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110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, and 513 of P.L. 109–222, section 844 of P.L. 109–280, sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–140, and section 11 (b), (e), and (g) of P.L. 110–172, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.

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107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280, excluding section 844 of P.L. 109-280, P.L. 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-166, and P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, except that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats., is required to be depreciated for taxable years 1983 to 1986 under the Internal Revenue Code as amended to December 31, 1980, shall continue to be depreciated under the Internal Revenue Code as amended to December 31, 1980, and except that the appropriate amount shall be added or subtracted to reflect differences between the depreciation or adjusted basis for federal income tax purposes and the depreciation or adjusted basis under this chapter of any property disposed of during the taxable year. The Internal Revenue Code as amended to December 31, 2007, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and

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1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, and 513 of P.L. 109–222, section 844 of P.L. 109–280, sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–140, and section 11 (b), (e), and (g) of P.L. 110–172, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L.

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1 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 308, 316,
2 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242,
3 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L.
4 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
5 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146
6 of P.L. 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135,
7 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
8 (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections
9 101, 207, 209, 503, and 513 of P.L. 109-222, P.L. 109-227, P.L. 109-280, excluding
10 section 844 of P.L. 109-280, P.L. 109-432, excluding sections 101, 104, 108, 109, 112,
11 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425
12 of P.L. 109-432, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L.
13 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-166, and P.L. 110-172, excluding
14 section 11 (b), (e), and (g) of P.L. 110-172, applies for Wisconsin purposes at the same
15 time as for federal purposes. Amendments to the Internal Revenue Code enacted
16 after December 31, 2007, do not apply to this subdivision with respect to taxable
17 years that begin after December 31, 2007, and before January 1, 2009, except that
18 changes to the Internal Revenue Code made by P.L. 110-234, excluding sections
19 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L. 110-245, excluding sections
20 110 and 113 of P.L. 110-245, P.L. 110-289, excluding sections 3081 and 3082 of P.L.
21 110-289, and P.L. 110-343, excluding sections 301 and 302 of division A, sections
22 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B of P.L. 110-343, and
23 sections 202, 203 as it relates to taxable years beginning in 2008, 303, 304, 305, 306,
24 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it
25 relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710,

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1 and 711 of division C of P.L. 110–343, P.L. 110–351, and P.L. 110–458, and changes
2 that indirectly affect the provisions applicable to this subchapter made by 110–234,
3 excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110–234, P.L. 110–245,
4 excluding sections 110 and 113 of P.L. 110–245, P.L. 110–289, excluding sections 3081
5 and 3082 of P.L. 110–289, P.L. 110–317, P.L. 110–343, excluding sections 301 and 302
6 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division
7 B of P.L. 110–343, and sections 202, 203 as it relates to taxable years beginning in
8 2008, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505,
9 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code,
10 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110–343, P.L. 110–351, and P.L.
11 110–458, apply for Wisconsin purposes at the same time as for federal purposes.

12 **SECTION 1634.** 71.26 (2) (b) 22. of the statutes is created to read:

13 71.26 **(2)** (b) 22. For taxable years that begin after December 31, 2008, for a
14 corporation, conduit, or common law trust which qualifies as a regulated investment
15 company, real estate mortgage investment conduit, real estate investment trust, or
16 financial asset securitization investment trust under the Internal Revenue Code as
17 amended to December 31, 2008, excluding sections 103, 104, and 110 of P.L. 102–227,
18 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections
19 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3, 4, and
20 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of
21 P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of
22 P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403 (a) of
23 P.L. 108–311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
24 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,
25 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301

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1 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403
2 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, and 513 of P.L.
3 109–222, section 844 of P.L. 109–280, sections 101, 104, 108, 109, 112, 113, 116, 118,
4 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432,
5 sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–140, section 11 (b), (e),
6 and (g) of P.L. 110–172, P.L. 110–185 sections 15344 and 15345 (a) (1) to (3) and (6)
7 of P.L. 110–234, sections 110 and 113 of P.L. 110–245, sections 3081 and 3082 of P.L.
8 110–289, sections 301 and 302 of division A of P.L. 110–343, sections 109, 116, 201,
9 208, 209, 210, 303, 306, 308, and 401 of division B of P.L. 110–343, and sections 202,
10 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702
11 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6),
12 707, 708, 710, and 711 of division C of P.L. 110–343, and as indirectly affected in the
13 provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647,
14 P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
15 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
16 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
17 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
18 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
19 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
20 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
21 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
22 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections
23 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.
24 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
25 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.

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1 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.
2 108–311, P.L. 108–357, excluding sections 101, 102, 201, 211, 242, 244, 336, 337, 422,
3 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L.
4 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
5 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L.
6 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding
7 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
8 (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207,
9 209, 503, and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280, excluding section 844
10 of P.L. 109–280, P.L. 109–432, excluding sections 101, 104, 108, 109, 112, 113, 116,
11 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L.
12 109–432, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28,
13 P.L. 110–141, P.L. 110–142, P.L. 110–166, P.L. 110–172, excluding section 11 (b), (e),
14 and (g) of P.L. 110–172, P.L. 110–234, excluding sections 15344 and 15345 (a) (1) to
15 (3) and (6) of P.L. 110–234, P.L. 110–245, excluding sections 110 and 113 of P.L.
16 110–245, P.L. 110–289, excluding sections 3081 and 3082 of P.L. 110–289, and P.L.
17 110–343, excluding sections 301 and 302 of division A of P.L. 110–343, sections 109,
18 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B of P.L. 110–343, and
19 sections 202, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502,
20 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue
21 Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110–343, P.L. 110–351,
22 and P.L. 110–458, “net income” means the federal regulated investment company
23 taxable income, federal real estate mortgage investment conduit taxable income,
24 federal real estate investment trust or financial asset securitization investment
25 trust taxable income of the corporation, conduit, or trust as determined under the

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1 Internal Revenue Code as amended to December 31, 2008, excluding sections 103,
2 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
3 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
4 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554,
5 P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147,
6 sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306,
7 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 102, 201, 211, 242, 244, 336,
8 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309,
9 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section
10 11146 of P.L. 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates
11 to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101,
12 207, 209, 503, and 513 of P.L. 109-222, section 844 of P.L. 109-280, sections 101, 104,
13 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404,
14 417, and 425 of P.L. 109-432, sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L.
15 110-140, section 11 (b), (e), and (g) of P.L. 110-172, P.L. 110-185, sections 15344 and
16 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and
17 113 of P.L. 110-245, P.L. 110-289, excluding sections 3081 and 3082 of P.L. 110-289,
18 P.L. 110-317, P.L. 110-343, excluding sections 301 and 302 of division A of P.L.
19 110-343, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B
20 of P.L. 110-343, and sections 202, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321,
21 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the
22 Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L.
23 110-343, and as indirectly affected in the provisions applicable to this subchapter by
24 P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179,
25 P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.

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1 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150
2 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L.
3 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),
4 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.
5 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.
6 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,
7 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.
8 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L.
9 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections
10 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201
11 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306,
12 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 102,
13 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375,
14 P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310,
15 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59,
16 excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L.
17 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section
18 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L.
19 109–222, excluding sections 101, 207, 209, 503, and 513 of P.L. 109–222, P.L.
20 109–227, P.L. 109–280, excluding section 844 of P.L. 109–280, P.L. 109–432,
21 excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302,
22 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, P.L. 110–28, excluding
23 sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–141, P.L. 110–142, P.L.
24 110–166, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110.172, P.L.
25 110–234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110–234, P.L.

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110-245, excluding sections 110 and 113 of P.L. 110-245, P.L. 110-289, excluding sections 3081 and 3082 of P.L. 110-289, and P.L. 110-343, excluding sections 301 and 302 of division A of P.L. 110-343, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B of P.L. 110-343, and sections 202, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110-343, P.L. 110-351, and P.L. 110-458, except that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats., is required to be depreciated for taxable years 1983 to 1986 under the Internal Revenue Code as amended to December 31, 1980, shall continue to be depreciated under the Internal Revenue Code as amended to December 31, 1980, and except that the appropriate amount shall be added or subtracted to reflect differences between the depreciation or adjusted basis for federal income tax purposes and the depreciation or adjusted basis under this chapter of any property disposed of during the taxable year. The Internal Revenue Code as amended to December 31, 2008, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209,

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1 503, and 513 of P.L. 109–222, section 844 of P.L. 109–280, sections 101, 104, 108, 109,
2 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and
3 425 of P.L. 109–432, sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–140,
4 section 11 (b), (e), and (g) of P.L. 110–172, P.L. 110–185, sections 15344 and 15345 (a)
5 (1) to (3) and (6) of P.L. 110–234, P.L. 110–245, excluding sections 110 and 113 of P.L.
6 110–245, P.L. 110–289, excluding sections 3081 and 3082 of P.L. 110–289, P.L.
7 110–317, P.L. 110–343, excluding sections 301 and 302 of division A of P.L. 110–343,
8 sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B of P.L.
9 110–343, and sections 202, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322,
10 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal
11 Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110–343, and
12 as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514,
13 P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239,
14 P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
15 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),
16 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
17 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
18 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
19 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
20 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,
21 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.
22 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L.
23 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and
24 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L.
25 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316,

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401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280, excluding section 844 of P.L. 109–280, P.L. 109–432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–141, P.L. 110–142, P.L. 110–166, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, P.L. 110–234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110–234, P.L. 110–245, excluding sections 110 and 113 of P.L. 110–245, P.L. 110–289, excluding sections 3081 and 3082 of P.L. 110–289, and P.L. 110–343, excluding sections 301 and 302 of division A of P.L. 110–343, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B of P.L. 110–343, and sections 202, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110–343, P.L. 110–351, and P.L. 110–458, applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the Internal Revenue Code enacted after December 31, 2008, do not apply to this subdivision with respect to taxable years that begin after December 31, 2008.

SECTION 1635. 71.26 (3) (n) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1635**

1 71.26 **(3)** (n) Sections 381, 382 and 383 (relating to carry-overs in certain
2 corporate acquisitions) are modified so that they apply to losses under sub. (4) and
3 credits under s. 71.28 (1di), (1dL), (1dm), (1dx), (3), (4), (4m), and (5) instead of to
4 federal credits and federal net operating losses.

5 **SECTION 1636.** 71.27 (7) (b) of the statutes is created to read:

6 71.27 **(7)** (b) For taxable years beginning after December 31, 2008, for persons
7 who qualify for a federal extension of time to file under 26 USC 7508A due to a
8 presidentially declared disaster or terroristic or military action, income or franchise
9 taxes payable upon the filing of the tax return are not subject to interest as otherwise
10 provided under par. (a).

11 **SECTION 1637.** 71.28 (1dy) of the statutes is created to read:

12 71.28 **(1dy)** ECONOMIC DEVELOPMENT TAX CREDIT. (a) *Definition.* In this
13 subsection, “claimant” means a person who files a claim under this subsection and
14 is certified under s. 560.701 (2) and authorized to claim tax benefits under s. 560.703.

15 (b) *Filing claims.* Subject to the limitations under this subsection and ss.
16 560.701 to 560.706, for taxable years beginning after December 31, 2008, a claimant
17 may claim as a credit against the tax imposed under s. 71.23, up to the amount of the
18 tax, the amount authorized for the claimant under s. 560.703.

19 (c) *Limitations.* 1. No credit may be allowed under this subsection unless the
20 claimant includes with the claimant’s return a copy of the claimant’s certification
21 under s. 560.701 (2) and a copy of the claimant’s notice of eligibility to receive tax
22 benefits under s. 560.703 (3).

23 2. Partnerships, limited liability companies, and tax-option corporations may
24 not claim the credit under this subsection, but the eligibility for, and the amount of,
25 the credit are based on their authorization to claim tax benefits under s. 560.703.

ASSEMBLY BILL 75**SECTION 1637**

1 A partnership, limited liability company, or tax-option corporation shall compute
2 the amount of credit that each of its partners, members, or shareholders may claim
3 and shall provide that information to each of them. Partners, members of limited
4 liability companies, and shareholders of tax-option corporations may claim the
5 credit in proportion to their ownership interests.

6 (d) *Administration.* 1. Except as provided in subd. 2., sub. (4) (e) and (f), as it
7 applies to the credit under sub. (4), applies to the credit under this subsection.

8 2. If a claimant's certification is revoked under s. 560.705, or if a claimant
9 becomes ineligible for tax benefits under s. 560.702, the claimant may not claim
10 credits 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 claimant
12 becomes ineligible for tax benefits; or succeeding taxable years and the claimant may
13 not carry over unused credits from previous years to offset the tax imposed under s.
14 71.23 for the taxable year that includes the day on which certification is revoked; the
15 taxable year that includes the day on which the claimant becomes ineligible for tax
16 benefits; or succeeding taxable years.

17 3. Subsection (4) (g) and (h), as it applies to the credit under sub. (4), applies
18 to the credit under this subsection.

19 **SECTION 1638.** 71.28 (1fd) of the statutes is repealed.

20 **SECTION 1639.** 71.28 (2m) (a) 1. (intro.) of the statutes is amended to read:

21 71.28 (2m) (a) 1. (intro.) "Claimant" means an owner of farmland, as defined
22 in s. 91.01 (9), 2007 stats., of farmland domiciled in this state during the entire year
23 for which a credit under this subsection is claimed, except as follows:

24 **SECTION 1640.** 71.28 (2m) (a) 3. of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1640**

1 71.28 **(2m)** (a) 3. “Farmland” means 35 or more acres of real property, exclusive
2 of improvements, in this state, in agricultural use, as defined in s. 91.01 (1), 2007
3 stats., and owned by the claimant or any member of the claimant’s household during
4 the taxable year for which a credit under this subsection is claimed if the farm of
5 which the farmland is a part, during that year, produced not less than \$6,000 in gross
6 farm profits resulting from agricultural use, as defined in s. 91.01 (1), 2007 stats., or
7 if the farm of which the farmland is a part, during that year and the 2 years
8 immediately preceding that year, produced not less than \$18,000 in such profits, or
9 if at least 35 acres of the farmland, during all or part of that year, was enrolled in the
10 conservation reserve program under 16 USC 3831 to 3836.

11 **SECTION 1641.** 71.28 (2m) (a) 4. of the statutes is amended to read:

12 71.28 **(2m)** (a) 4. “Gross farm profits” means gross receipts, excluding rent,
13 from agricultural use, as defined in s. 91.01 (1), 2007 stats., including the fair market
14 value at the time of disposition of payments in kind for placing land in federal
15 programs or payments from the federal dairy termination program under 7 USC
16 1446 (d), less the cost or other basis of livestock or other items purchased for resale
17 which are sold or otherwise disposed of during the taxable year.

18 **SECTION 1642.** 71.28 (2m) (e) of the statutes is created to read:

19 71.28 **(2m)** (e) *Sunset.* No new claim may be filed under this subsection for a
20 taxable year that begins after December 31, 2009.

21 **SECTION 1643.** 71.28 (3) (a) 1. of the statutes is amended to read:

22 71.28 **(3)** (a) 1. “Manufacturing” has the meaning given in s. 77.54 (6m), 2007
23 stats.

24 **SECTION 1644.** 71.28 (3p) (a) 1m. of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 1644**

1 71.28 **(3p)** (a) 1m. “Dairy cooperative” means a business organized under ch.
2 185 or 193 for the purpose of obtaining or processing milk.

3 **SECTION 1645.** 71.28 (3p) (a) 3. (intro.) of the statutes is amended to read:

4 71.28 **(3p)** (a) 3. (intro.) “Dairy manufacturing modernization or expansion”
5 means constructing, improving, or acquiring buildings or facilities, or acquiring
6 equipment, for dairy manufacturing, including the following, if used exclusively for
7 dairy manufacturing and if acquired and placed in service in this state during
8 taxable years that begin after December 31, 2006, and before January 1, 2015, or, in
9 the case of dairy cooperatives, if acquired and placed in service in this state during
10 taxable years that begin after December 31, 2008, and before January 1, 2017:

11 **SECTION 1646.** 71.28 (3p) (b) of the statutes is amended to read:

12 71.28 **(3p)** (b) *Filing claims.* Subject to the limitations provided in this
13 subsection and s. 560.207, except as provided in par. (c) 5., for taxable years
14 beginning after December 31, 2006, and before January 1, 2015, a claimant may
15 claim as a credit against the taxes imposed under s. 71.23, up to the amount of the
16 tax, an amount equal to 10 percent of the amount the claimant paid in the taxable
17 year for dairy manufacturing modernization or expansion related to the claimant’s
18 dairy manufacturing operation.

19 **SECTION 1647.** 71.28 (3p) (c) 2m. b. of the statutes is amended to read:

20 71.28 **(3p)** (c) 2m. b. The maximum amount of the credits that may be claimed
21 by all claimants, other than members of dairy cooperatives, under this subsection
22 and ss. 71.07 (3p) and 71.47 (3p) in fiscal year 2008–09, and in each fiscal year
23 thereafter, is \$700,000, as allocated under s. 560.207.

24 **SECTION 1648.** 71.28 (3p) (c) 2m. bm. of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 1648**

1 71.28 **(3p)** (c) 2m. bm. The maximum amount of the credits that may be claimed
2 by members of dairy cooperatives under this subsection and ss. 71.07 (3p) and 71.47
3 (3p) in fiscal year 2009–10 is \$600,000, as allocated under s. 560.207, and the
4 maximum amount of the credits that may be claimed by members of dairy
5 cooperatives under this subsection and ss. 71.07 (3p) and 71.47 (3p) in fiscal year
6 2010–11, and in each fiscal year thereafter, is \$700,000, as allocated under s.
7 560.207.

8 **SECTION 1649.** 71.28 (3p) (c) 3. of the statutes is amended to read:

9 71.28 **(3p)** (c) 3. Partnerships, limited liability companies, and tax-option
10 corporations, and dairy cooperatives may not claim the credit under this subsection,
11 but the eligibility for, and the amount of, the credit are based on their payment of
12 expenses under par. (b), except that the aggregate amount of credits that the entity
13 may compute shall not exceed \$200,000 for each of the entity's dairy manufacturing
14 facilities. A partnership, limited liability company, ~~or~~ tax-option corporation, or
15 dairy cooperative shall compute the amount of credit that each of its partners,
16 members, or shareholders may claim and shall provide that information to each of
17 them. Partners, members of limited liability companies, and shareholders of
18 tax-option corporations may claim the credit in proportion to their ownership
19 interest. Members of a dairy cooperative may claim the credit in proportion to the
20 amount of milk that each member delivers to the dairy cooperative, as determined
21 by the dairy cooperative.

22 **SECTION 1650.** 71.28 (3p) (c) 5. of the statutes is created to read:

23 71.28 **(3p)** (c) 5. A claimant who is a member of a dairy cooperative may claim
24 the credit, based on amounts described under par. (b) that are paid by the dairy

ASSEMBLY BILL 75**SECTION 1650**

1 cooperative, for taxable years beginning after December 31, 2008, and before
2 January 1, 2017.

3 **SECTION 1651.** 71.28 (3p) (c) 6. of the statutes is created to read:

4 71.28 **(3p)** (c) 6. No credit may be allowed under this subsection unless the
5 claimant submits with the claimant's return a copy of the claimant's credit
6 certification and allocation under s. 560.207.

7 **SECTION 1652.** 71.28 (3p) (d) 2. of the statutes is amended to read:

8 71.28 **(3p)** (d) 2. If Except as provided in subd. 3., if the allowable amount of
9 the claim under par. (b) exceeds the tax otherwise due under s. 71.23 ~~or no tax is due~~
10 ~~under s. 71.23~~, the amount of the claim not used to offset the tax due shall be certified
11 by the department of revenue to the department of administration for payment by
12 check, share draft, or other draft drawn from the appropriation account under s.
13 20.835 (2) (bn).

14 **SECTION 1653.** 71.28 (3p) (d) 3. of the statutes is created to read:

15 71.28 **(3p)** (d) 3. With regard to claims that are based on amounts described
16 under par. (b) that are paid by a dairy cooperative, if the allowable amount of the
17 claim under par. (b) exceeds the tax otherwise due under s. 71.23, the amount of the
18 claim not used to offset the tax due shall be certified by the department of revenue
19 to the department of administration for payment by check, share draft, or other draft
20 drawn from the appropriation account under s. 20.835 (2) (bp).

21 **SECTION 1654.** 71.28 (3q) of the statutes is created to read:

22 71.28 **(3q)** JOBS TAX CREDIT. (a) *Definitions.* In this subsection:

23 1. "Claimant" means a person certified to receive tax benefits under s. 560.2055
24 (2).

ASSEMBLY BILL 75**SECTION 1654**

1 2. “Eligible employee” means an eligible employee under s. 560.2055 (1) (b) who
2 satisfies the wage requirements under s. 560.2055 (3) (a) or (b).

3 (b) *Filing claims.* Subject to the limitations provided in this subsection and s.
4 560.2055, for taxable years beginning after December 31, 2011, a claimant may claim
5 as a credit against the taxes imposed under s. 71.23 any of the following:

6 1. The amount of wages that the claimant paid to an eligible employee in the
7 taxable year, not to exceed 10 percent of such wages, as determined by the
8 department of commerce under s. 560.2055.

9 2. The amount of the costs incurred by the claimant in the taxable year, as
10 determined under s. 560.2055, to undertake the training activities described under
11 s. 560.2055 (3) (c).

12 (c) *Limitations.* 1. Partnerships, limited liability companies, and tax-option
13 corporations may not claim the credit under this subsection, but the eligibility for,
14 and the amount of, the credit are based on their payment of amounts under par. (b).
15 A partnership, limited liability company, or tax-option corporation shall compute
16 the amount of credit that each of its partners, members, or shareholders may claim
17 and shall provide that information to each of them. Partners, members of limited
18 liability companies, and shareholders of tax-option corporations may claim the
19 credit in proportion to their ownership interests.

20 2. No credit may be allowed under this subsection unless the claimant includes
21 with the claimant's return a copy of the claimant's certification for tax benefits under
22 s. 560.2055 (2).

23 (d) *Administration.* 1. Subsection (4) (e), (g), and (h), as it applies to the credit
24 under sub. (4), applies to the credit under this subsection.

ASSEMBLY BILL 75**SECTION 1654**

1 2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise
2 due under s. 71.23, the amount of the claim not used to offset the tax due shall be
3 certified by the department of revenue to the department of administration for
4 payment by check, share draft, or other draft drawn from the appropriation account
5 under s. 20.835 (2) (bb).

6 **SECTION 1655.** 71.28 (3r) of the statutes is created to read:

7 71.28 **(3r)** MEAT PROCESSING FACILITY INVESTMENT CREDIT. (a) *Definitions.* In this
8 subsection:

9 1. “Claimant” means a person who files a claim under this subsection.

10 2. “Meat processing” means processing livestock into meat products or
11 processing meat products for sale commercially.

12 3. “Meat processing modernization or expansion” means constructing,
13 improving, or acquiring buildings or facilities, or acquiring equipment, for meat
14 processing, including the following, if used exclusively for meat processing and if
15 acquired and placed in service in this state during taxable years that begin after
16 December 31, 2008, and before January 1, 2017:

17 a. Building construction, including livestock handling, product intake, storage,
18 and warehouse facilities.

19 b. Building additions.

20 c. Upgrades to utilities, including water, electric, heat, refrigeration, freezing,
21 and waste facilities.

22 d. Livestock intake and storage equipment.

23 e. Processing and manufacturing equipment, including cutting equipment,
24 mixers, grinders, sausage stuffers, meat smokers, curing equipment, cooking
25 equipment, pipes, motors, pumps, and valves.

ASSEMBLY BILL 75**SECTION 1655**

1 f. Packaging and handling equipment, including sealing, bagging, boxing,
2 labeling, conveying, and product movement equipment.

3 g. Warehouse equipment, including storage and curing racks.

4 h. Waste treatment and waste management equipment, including tanks,
5 blowers, separators, dryers, digesters, and equipment that uses waste to produce
6 energy, fuel, or industrial products.

7 i. Computer software and hardware used for managing the claimant's meat
8 processing operation, including software and hardware related to logistics,
9 inventory management, production plant controls, and temperature monitoring
10 controls.

11 4. "Used exclusively" means used to the exclusion of all other uses except for
12 use not exceeding 5 percent of total use.

13 (b) *Filing claims.* Subject to the limitations provided in this subsection and s.
14 560.209, for taxable years beginning after December 31, 2008, and before January
15 1, 2017, a claimant may claim as a credit against the taxes imposed under s. 71.23,
16 up to the amount of the tax, an amount equal to 10 percent of the amount the
17 claimant paid in the taxable year for meat processing modernization or expansion
18 related to the claimant's meat processing operation.

19 (c) *Limitations.* 1. No credit may be allowed under this subsection for any
20 amount that the claimant paid for expenses described under par. (b) that the
21 claimant also claimed as a deduction under section 162 of the Internal Revenue Code.

22 2. The aggregate amount of credits that a claimant may claim under this
23 subsection is \$200,000.

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1 3. a. The maximum amount of the credits that may be allocated under this
2 subsection and ss. 71.07 (3r) and 71.47 (3r) in fiscal year 2009–10 is \$300,000, as
3 allocated under s. 560.209.

4 b. The maximum amount of the credits that may be allocated under this
5 subsection and ss. 71.07 (3r) and 71.47 (3r) in fiscal year 2010–11, and in each fiscal
6 year thereafter, is \$700,000, as allocated under s. 560.209.

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 their payment of expenses under par. (b), except that the
10 aggregate amount of credits that the entity may compute shall not exceed \$200,000.
11 A partnership, limited liability company, or tax-option corporation shall compute
12 the amount of credit that each of its partners, members, or shareholders may claim
13 and shall provide that information to each of them. Partners, members of limited
14 liability companies, and shareholders of tax-option corporations may claim the
15 credit in proportion to their ownership interest.

16 5. If 2 or more persons own and operate the meat processing operation, each
17 person may claim a credit under par. (b) in proportion to his or her ownership
18 interest, except that the aggregate amount of the credits claimed by all persons who
19 own and operate the meat processing operation shall not exceed \$200,000.

20 6. No credit may be allowed under this subsection unless the claimant submits
21 with the claimant's return a copy of the claimant's credit certification and allocation
22 under s. 560.209.

23 (d) *Administration.* 1. Subsection (4) (e), (g), and (h), as it applies to the credit
24 under sub. (4), applies to the credit under this subsection.

ASSEMBLY BILL 75**SECTION 1655**

1 2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise
2 due under s. 71.23, the amount of the claim not used to offset the tax due shall be
3 certified by the department of revenue to the department of administration for
4 payment by check, share draft, or other draft drawn from the appropriation account
5 under s. 20.835 (2) (bd).

6 **SECTION 1656.** 71.28 (4m) of the statutes is created to read:

7 71.28 **(4m)** SUPER RESEARCH AND DEVELOPMENT CREDIT. (a) *Definition.* In this
8 subsection, “qualified research expenses” means qualified research expenses as
9 defined in section 41 of the Internal Revenue Code, except that “qualified research
10 expenses” includes only expenses incurred by the claimant for research conducted
11 in this state for the taxable year and except that “qualified research expenses” do not
12 include compensation used in computing the credits under subs. (1dj) and (1dx).

13 (b) *Credit.* Subject to the limitations provided under this subsection, for
14 taxable years beginning on or after January 1, 2011, a corporation may claim as a
15 credit against the tax imposed under s. 71.23, up to the amount of those taxes, an
16 amount equal to the amount of qualified research expenses paid or incurred by the
17 corporation in the taxable year that exceeds the amount calculated as follows:

18 1. Determine the average amount of the qualified research expenses paid or
19 incurred by the corporation in the 3 taxable years immediately preceding the taxable
20 year for which a credit is claimed under this subsection.

21 2. Multiply the amount determined under subd. 1. by 1.25.

22 (c) *Limitations.* Subsection (4) (b) to (d) and (i), as it applies to the credit under
23 sub. (4), applies to the credit under this subsection.

24 (d) *Administration.* 1. Subsection (4) (e), (g), and (h), as it applies to the credit
25 under sub. (4), applies to the credit under this subsection.

ASSEMBLY BILL 75**SECTION 1656**

1 2. If a credit computed under this subsection is not entirely offset against
2 Wisconsin income or franchise taxes otherwise due, the unused balance may be
3 carried forward and credited against Wisconsin income or franchise taxes otherwise
4 due for the following 5 taxable years to the extent not offset by these taxes otherwise
5 due in all intervening years between the year in which the expense was incurred and
6 the year in which the carry-forward credit is claimed.

7 **SECTION 1657.** 71.28 (5b) (c) 1. of the statutes is repealed.

8 **SECTION 1658.** 71.28 (5b) (c) 2. of the statutes is renumbered 71.28 (5b) (c).

9 **SECTION 1659.** 71.28 (5b) (d) 3. of the statutes is created to read:

10 71.28 **(5b)** (d) 3. For calendar years beginning after December 31, 2007, if an
11 investment for which a claimant claims a credit under par. (b) is held by the claimant
12 for less than 3 years, the claimant shall pay to the department, in the manner
13 prescribed by the department, the amount of the credit that the claimant received
14 related to the investment.

15 **SECTION 1660.** 71.28 (5f) (e) of the statutes is created to read:

16 71.28 **(5f)** (e) *Sunset.* No credit may be claimed under this subsection for
17 taxable years beginning after December 31, 2008. Credits under par. (b) 1. for
18 taxable years beginning before January 1, 2009, may be carried forward to taxable
19 years beginning after December 31, 2008.

20 **SECTION 1661.** 71.28 (5h) (e) of the statutes is created to read:

21 71.28 **(5h)** (e) *Sunset.* No credit may be claimed under this subsection for
22 taxable years beginning after December 31, 2008. Credits under this subsection for
23 taxable years beginning before January 1, 2009, may be carried forward to taxable
24 years beginning after December 31, 2008.

25 **SECTION 1662.** 71.28 (5i) (b) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1662**

1 71.28 **(5i)** (b) *Filing claims.* Subject to the limitations provided in this
2 subsection, for taxable years beginning after December 31, 2009 2011, a claimant
3 may claim as a credit against the taxes imposed under s. 71.23, up to the amount of
4 those taxes, an amount equal to 50 percent of the amount the claimant paid in the
5 taxable year for information technology hardware or software that is used to
6 maintain medical records in electronic form, if the claimant is a health care provider,
7 as defined in s. 146.81 (1).

8 **SECTION 1663.** 71.28 (6) (c) of the statutes is amended to read:

9 71.28 **(6)** (c) No person may claim the credit under this subsection unless the
10 claimant includes with the claimant's return evidence that the rehabilitation was
11 approved recommended by the state historic preservation officer for approval by the
12 secretary of the interior under 36 CFR 67.6 before the physical work of construction,
13 or destruction in preparation for construction, began and that the rehabilitation was
14 approved by the secretary of the interior under 36 CFR 67.6.

15 **SECTION 1664.** 71.28 (6) (cm) of the statutes is created to read:

16 71.28 **(6)** (cm) Any credit claimed under this subsection for Wisconsin purposes
17 shall be claimed at the same time as for federal purposes.

18 **SECTION 1665.** 71.28 (6) (f) of the statutes is amended to read:

19 71.28 **(6)** (f) A partnership, limited liability company, or tax-option corporation
20 may not claim the credit under this section subsection. The individual partners of
21 a partnership, members of a limited liability company, or shareholders in a
22 tax-option corporation may claim the credit under this subsection based on eligible
23 costs incurred by the partnership, limited liability company, or tax-option
24 corporation, ~~in proportion to the ownership interest of each partner, member or~~
25 ~~shareholder~~. The partnership, limited liability company, or tax-option corporation

ASSEMBLY BILL 75**SECTION 1665**

1 shall calculate the amount of the credit which may be claimed by each partner,
2 member, or shareholder and shall provide that information to the partner, member,
3 or shareholder. For shareholders of a tax-option corporation, the credit may be
4 allocated in proportion to the ownership interest of each shareholder. Credits
5 computed by a partnership or limited liability company may be claimed in proportion
6 to the ownership interests of the partners or members or allocated to partners or
7 members as provided in a written agreement among the partners or members that
8 is entered into no later than the last day of the taxable year of the partnership or
9 limited liability company, for which the credit is claimed. For a partnership or
10 limited liability company that places property in service after June 29, 2008, and
11 before January 1, 2009, the credit attributable to such property may be allocated, at
12 the election of the partnership or limited liability company, to partners or members
13 for a taxable year of the partnership or limited liability company that ends after June
14 29, 2008, and before January 1, 2010. Any partner or member who claims the credit
15 as provided under this paragraph shall attach a copy of the agreement, if applicable,
16 to the tax return on which the credit is claimed. A person claiming the credit as
17 provided under this paragraph is solely responsible for any tax liability arising from
18 a dispute with the department of revenue related to claiming the credit.

19 **SECTION 1666.** 71.28 (6) (g) of the statutes is created to read:

20 71.28 **(6)** (g) 1. If a person who claims the credit under this subsection elects
21 to claim the credit based on claiming amounts for expenditures as the expenditures
22 are paid, rather than when the rehabilitation work is completed, the person shall file
23 an election form with the department, in the manner prescribed by the department.

24 2. Notwithstanding s. 71.77, the department may adjust or disallow the credit
25 claimed under this subsection within 4 years after the date that the state historical

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1 society notifies the department that the expenditures for which the credit was
2 claimed do not comply with the standards for certification promulgated under s.
3 44.02 (24).

4 **SECTION 1667.** 71.28 (8r) of the statutes is created to read:

5 71.28 **(8r)** BEGINNING FARMER AND FARM ASSET OWNER TAX CREDIT. (a) *Definitions.*

6 In this subsection:

7 1. “Agricultural assets” means machinery, equipment, facilities, or livestock
8 that is used in farming.

9 2. “Beginning farmer” means a person who meets the conditions specified in s.
10 93.53 (2).

11 3. “Claimant” means an established farmer who files a claim under this
12 subsection.

13 4. “Established farmer” means a person who meets the conditions specified in
14 s. 93.53 (3).

15 5. “Farming” has the meaning given in section 464 (e) (1) of the Internal
16 Revenue Code.

17 6. “Lease amount” is the amount of the cash payment paid by a beginning
18 farmer to an established farmer each year for leasing the established farmer’s
19 agricultural assets.

20 (b) *Filing claims.* For taxable years beginning after December 31, 2010, and
21 subject to the limitations provided in this subsection, a claimant may claim as a
22 credit against the tax imposed under s. 71.23 an amount equal to 15 percent of the
23 lease amount received by the claimant in the taxable year. If the allowable amount
24 of the claim exceeds the taxes otherwise due on the claimant’s income, the amount
25 of the claim not used as an offset against those taxes shall be certified by the

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1 department of revenue to the department of administration for payment to the
2 claimant by check, share draft, or other draft from the appropriation under s. 20.835
3 (2) (en).

4 (c) *Limitations.* 1. A claimant may only claim the credit under this subsection
5 for the first 3 years of any lease of the claimant's agricultural assets to a beginning
6 farmer.

7 2. Along with a claimant's income tax return, a claimant shall submit to the
8 department a certificate of eligibility provided under s. 93.53 (5) (c).

9 3. 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 the amounts received by the entities under par. (b). A
12 partnership, limited liability company, or tax-option corporation shall compute the
13 amount of credit that each of its partners, members, or shareholders may claim and
14 shall provide that information to each of them. Partners, members of limited liability
15 companies, and shareholders of tax-option corporations may claim the credit in
16 proportion to their ownership interests.

17 (d) *Administration.* Subsection (4) (e), (g), and (h), as it applies to the credit
18 under that sub. (4), applies to the credit under this subsection.

19 **SECTION 1668.** 71.29 (7) (c) of the statutes is created to read:

20 71.29 (7) (c) For taxable years beginning after December 31, 2008, the taxpayer
21 qualifies for a federal extension of time to file under 26 USC 7508A due to a
22 presidentially declared disaster or terroristic or military action.

23 **SECTION 1669.** 71.30 (3) (db) of the statutes is created to read:

24 71.30 (3) (db) Super research and development credit under s. 71.28 (4m).

25 **SECTION 1670.** 71.30 (3) (ed) of the statutes is renumbered 71.30 (3) (ds).

ASSEMBLY BILL 75**SECTION 1671**

SECTION 1671. 71.30 (3) (em) of the statutes is renumbered 71.30 (3) (eh).

SECTION 1672. 71.30 (3) (ema) of the statutes is created to read:

71.30 **(3)** (ema) Economic development tax credit under s. 71.28 (1dy).

SECTION 1673. 71.30 (3) (emb) of the statutes is renumbered 71.30 (3) (ei).

SECTION 1674. 71.30 (3) (en) of the statutes is renumbered 71.30 (3) (ej).

SECTION 1675. 71.30 (3) (eo) of the statutes is renumbered 71.30 (3) (ek).

SECTION 1676. 71.30 (3) (eom) of the statutes is renumbered 71.30 (3) (eL).

SECTION 1677. 71.30 (3) (f) of the statutes is amended to read:

71.30 **(3)** (f) The total of farmers' drought property tax credit under s. 71.28 (1fd), farmland preservation credit under subch. IX, farmland tax relief credit under s. 71.28 (2m), dairy manufacturing facility investment credit under s. 71.28 (3p), jobs created under s. 71.28 (3q), meat processing facility investment credit under s. 71.28 (3r), enterprise zone jobs credit under s. 71.28 (3w), film production services credit under s. 71.28 (5f) (b) 2., beginning farmer and farm asset owner tax credit under s. 71.28 (8r), and estimated tax payments under s. 71.29.

SECTION 1678. 71.30 (8) (b) of the statutes is amended to read:

71.30 **(8)** (b) For the purpose of this chapter, if a corporation which is required to file an income or franchise tax return is affiliated with or related to any other corporation through stock ownership by the same interests or as parent or subsidiary corporations or has income that is regulated through contract or other arrangement, the department of revenue may require such consolidated statements as in its opinion are necessary in order to determine the taxable income received by any one of the affiliated or related corporations or to determine whether the corporations are a unitary business.

SECTION 1679. 71.34 (1g) (n) of the statutes is repealed.

ASSEMBLY BILL 75**SECTION 1680**

SECTION 1680. 71.34 (1g) (o) of the statutes is amended to read:

71.34 **(1g)** (o) “Internal Revenue Code” for tax-option corporations, for taxable years that begin after December 31, 1999, and before January 1, 2003, means the federal Internal Revenue Code as amended to December 31, 1999, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, and as amended by P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107.22, P.L. 107.116, P.L. 107–134, P.L. 107–147, excluding sections 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L.

ASSEMBLY BILL 75**SECTION 1680**

102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101, 301 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, except that section 1366 (f) (relating to pass-through of items to shareholders) is modified by substituting the tax under s. 71.35 for the taxes under sections 1374 and 1375. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 1999, do not apply to this paragraph with respect to taxable years beginning after December 31, 1999, and before January 1, 2003, except that changes to the Internal Revenue Code made by P.L. 106-230, P.L.

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1 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16,
2 excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L.
3 107-147, excluding sections 101, 301 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L.
4 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and
5 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-218,
6 P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311,
7 P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and
8 910 of P.L. 108-357, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309,
9 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L.
10 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
11 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections
12 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and
13 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172,
14 and P.L. 110-458, and changes that indirectly affect the provisions applicable to this
15 subchapter made by P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of
16 P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L.
17 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101, 301 (a),
18 and 406 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L.
19 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding
20 section 109 of P.L. 108-121, P.L. 108-218, P.L. 108-311, excluding sections 306, 307,
21 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201,
22 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-7, P.L.
23 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
24 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding sections 101, 105, 201
25 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.

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1 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L.
2 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172,
3 excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, apply for
4 Wisconsin purposes at the same time as for federal purposes.

5 **SECTION 1681.** 71.34 (1g) (p) of the statutes is amended to read:

6 71.34 **(1g)** (p) “Internal Revenue Code” for tax-option corporations, for taxable
7 years that begin after December 31, 2002, and before January 1, 2004, means the
8 federal Internal Revenue Code as amended to December 31, 2002, excluding sections
9 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and
10 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
11 104-188, P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section
12 431 of P.L. 107-16, and sections 101 and 301 (a) of P.L. 107-147, and as amended by
13 P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121,
14 excluding section 109 of P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L.
15 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308,
16 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211,
17 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 109-7,
18 P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
19 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding sections 101, 105, 201
20 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
21 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L.
22 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172,
23 excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, and as
24 indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L.
25 100-203, P.L. 100-647, excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821

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(b) (2), and 823 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, except that section 1366 (f) (relating to pass-through of items to shareholders) is modified by substituting the tax under s. 71.35 for the taxes under sections 1374 and 1375. The Internal Revenue Code applies for Wisconsin purposes at the same time

ASSEMBLY BILL 75**SECTION 1681**

1 as for federal purposes. Amendments to the federal Internal Revenue Code enacted
2 after December 31, 2002, do not apply to this paragraph with respect to taxable years
3 beginning after December 31, 2002, and before January 1, 2004, except that changes
4 to the Internal Revenue Code made by P.L. 108-27, excluding sections 106, 201, and
5 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-173,
6 excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311,
7 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357,
8 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
9 108-357, P.L. 108-375, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309,
10 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L.
11 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
12 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections
13 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and
14 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172,
15 and P.L. 110-458, and changes that indirectly affect the provisions applicable to this
16 subchapter made by P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27,
17 P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-173, excluding section
18 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections
19 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections
20 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L.
21 108-375, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323,
22 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135, excluding
23 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
24 (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L.
25 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28,

ASSEMBLY BILL 75**SECTION 1681**

1 P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458,
2 apply for Wisconsin purposes at the same time as for federal purposes.

3 **SECTION 1682.** 71.34 (1g) (q) of the statutes is amended to read:

4 71.34 **(1g)** (q) “Internal Revenue Code” for tax-option corporations, for taxable
5 years that begin after December 31, 2003, and before January 1, 2005, means the
6 federal Internal Revenue Code as amended to December 31, 2003, excluding sections
7 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and
8 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
9 104-188, P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section
10 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and
11 202 of P.L. 108-27, section 109 of P.L. 108-121, and section 1201 of P.L. 108-173, and
12 as amended by P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 307,
13 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201,
14 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L.
15 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323,
16 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-73, excluding
17 section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it
18 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L.
19 109-227, ~~and~~ P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L.
20 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172,
21 excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, and as
22 indirectly affected in the provisions applicable to this subchapter by P.L. 99-514, P.L.
23 100-203, P.L. 100-647, excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821
24 (b) (2), and 823 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L. 100-647, P.L.
25 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227,

ASSEMBLY BILL 75**SECTION 1682**

1 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
2 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
3 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
4 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
5 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
6 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
7 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
8 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections
9 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.
10 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
11 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173, excluding section 1201
12 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306,
13 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101,
14 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375,
15 P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310,
16 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73,
17 excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201
18 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
19 109–135, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
20 109–280, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28,
21 P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458,
22 except that section 1366 (f) (relating to pass-through of items to shareholders) is
23 modified by substituting the tax under s. 71.35 for the taxes under sections 1374 and
24 1375. The Internal Revenue Code applies for Wisconsin purposes at the same time
25 as for federal purposes. Amendments to the federal Internal Revenue Code enacted

ASSEMBLY BILL 75**SECTION 1682**

1 after December 31, 2003, do not apply to this paragraph with respect to taxable years
2 beginning after December 31, 2003, and before January 1, 2005, except that changes
3 to the Internal Revenue Code made by P.L. 108-203, P.L. 108-218, P.L. 108-311,
4 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357,
5 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
6 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections
7 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
8 109-58, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding
9 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
10 (q), and 405 of P.L. 109-135, P.L. 109-227, and P.L. 109-280, excluding sections 811
11 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235
12 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and
13 P.L. 110-458, and changes that indirectly affect the provisions applicable to this
14 subchapter made by P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections
15 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections
16 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L.
17 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309,
18 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-73,
19 excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201
20 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
21 109-135, P.L. 109-227, and P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221,
22 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of
23 P.L. 110-172, and P.L. 110-458, excluding sections 811 and 844 of P.L. 109-280, apply
24 for Wisconsin purposes at the same time as for federal purposes.

25 **SECTION 1683.** 71.34 (1g) (r) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1683**

1 71.34 **(1g)** (r) “Internal Revenue Code” for tax-option corporations, for taxable
2 years that begin after December 31, 2004, and before January 1, 2006, means the
3 federal Internal Revenue Code as amended to December 31, 2004, excluding sections
4 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and
5 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
6 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554,
7 P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147,
8 sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306,
9 308, 316, 401, and 403 (a) of P.L. 108-311, and sections 101, 201, 211, 242, 244, 336,
10 337, 422, 847, 909, and 910 of P.L. 108-357, and as amendeded by P.L. 109-7, P.L.
11 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
12 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-73, excluding section 301 of P.L.
13 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section
14 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L.
15 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L.
16 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L.
17 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204,
18 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28,
19 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding
20 section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, and as indirectly affected
21 in the provisions applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L.
22 100-647, excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823
23 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L. 100-647, P.L. 101-73, P.L.
24 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections
25 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding

ASSEMBLY BILL 75**SECTION 1683**

1 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L.
2 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections
3 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L.
4 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L.
5 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of
6 P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L.
7 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a)
8 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
9 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173,
10 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,
11 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
12 excluding sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of
13 P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections
14 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
15 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding
16 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
17 (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207,
18 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding
19 sections 811 and 844 of P.L. 109–280, P.L. 109–432, excluding sections 101, 104, 108,
20 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417,
21 and 425 of P.L. 109–432, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235
22 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and
23 P.L. 110–458, except that section 1366 (f) (relating to pass-through of items to
24 shareholders) is modified by substituting the tax under s. 71.35 for the taxes under
25 sections 1374 and 1375. The Internal Revenue Code applies for Wisconsin purposes

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1 at the same time as for federal purposes. Amendments to the federal Internal
2 Revenue Code enacted after December 31, 2004, do not apply to this paragraph with
3 respect to taxable years beginning after December 31, 2004, and before January 1,
4 2006, except that changes to the Internal Revenue Code made by P.L. 109-7, P.L.
5 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
6 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-73, excluding section 301 of P.L.
7 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section
8 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L.
9 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L.
10 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L.
11 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204,
12 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28,
13 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding
14 section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, and changes that
15 indirectly affect the provisions applicable to this subchapter made by P.L. 109-7, P.L.
16 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
17 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-73, excluding section 301 of P.L.
18 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section
19 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L.
20 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L.
21 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L.
22 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204,
23 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28,
24 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, and P.L. 110-172,

ASSEMBLY BILL 75**SECTION 1683**

1 excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, apply for
2 Wisconsin purposes at the same time as for federal purposes.

3 **SECTION 1684.** 71.34 (1g) (s) of the statutes is amended to read:

4 71.34 **(1g)** (s) “Internal Revenue Code” for tax-option corporations, for taxable
5 years that begin after December 31, 2005, and before January 1, 2007, means the
6 federal Internal Revenue Code as amended to December 31, 2005, excluding sections
7 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and
8 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
9 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554,
10 P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147,
11 sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306,
12 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337,
13 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310,
14 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of
15 P.L. 109-59, section 301 of P.L. 109-73, and sections 101, 105, 201 (a) as it relates
16 to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and as
17 amended by P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.
18 109-222, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L.
19 109-280, P.L. 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120,
20 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L.
21 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141,
22 P.L. 110-142, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and
23 P.L. 110-458, and as indirectly affected in the provisions applicable to this
24 subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, excluding sections 803 (d) (2)
25 (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99-514 and section 1008

ASSEMBLY BILL 75**SECTION 1684**

(g) (5) of P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-172, excluding section

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1 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, except that section 1366 (f)
2 (relating to pass-through of items to shareholders) is modified by substituting the
3 tax under s. 71.35 for the taxes under sections 1374 and 1375. The Internal Revenue
4 Code applies for Wisconsin purposes at the same time as for federal purposes.
5 Amendments to the federal Internal Revenue Code enacted after December 31, 2005,
6 do not apply to this paragraph with respect to taxable years beginning after
7 December 31, 2005, and before January 1, 2007, except that changes to the Internal
8 Revenue Code made by P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and
9 513 of P.L. 109-222, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844
10 of P.L. 109-280, P.L. 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116,
11 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L.
12 109-432, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28,
13 P.L. 110-141, P.L. 110-142, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L.
14 110-172, and P.L. 110-458, and changes that indirectly affect the provisions
15 applicable to this subchapter made by P.L. 109-222, excluding sections 101, 207, 209,
16 503, 512, and 513 of P.L. 109-222, P.L. 109-227, and P.L. 109-280, excluding sections
17 811 and 844 of P.L. 109-280, P.L. 109-432, excluding sections 101, 104, 108, 109, 112,
18 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425
19 of P.L. 109-432, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L.
20 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-172, excluding section 11 (b), (e), and
21 (g) of P.L. 110-172, and P.L. 110-458, apply for Wisconsin purposes at the same time
22 as for federal purposes.

23 **SECTION 1685.** 71.34 (1g) (t) of the statutes is amended to read:

24 71.34 **(1g)** (t) “Internal Revenue Code” for tax-option corporations, for taxable
25 years that begin after December 31, 2006, and before January 1, 2008, means the

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1 federal Internal Revenue Code as amended to December 31, 2006, excluding sections
2 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and
3 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
4 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554,
5 P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147,
6 sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306,
7 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337,
8 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310,
9 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of
10 P.L. 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to
11 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101,
12 207, 209, 503, 512, and 513 of P.L. 109-222, sections 811 and 844 of P.L. 109-280, and
13 sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304,
14 305, 307, 401, 404, 417, and 425 of P.L. 109-432, and as amendeded by P.L. 110-28,
15 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L.
16 110-142, P.L. 110-166, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L.
17 110-172, P.L. 110-234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L.
18 110-234, P.L. 110-245, excluding sections 110 and 113 of P.L. 110-245, P.L. 110-289,
19 excluding sections 3081 and 3082 of P.L. 110-289, P.L. 110-343, excluding sections
20 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and
21 401 of division B, and sections 202, 203, 303, 304, 305, 306, 307, 311, 312, 315, 317,
22 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N
23 (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of
24 P.L. 110-343, and P.L. 110-458, and as indirectly affected in the provisions
25 applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, excluding

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1 sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514
2 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L.
3 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L.
4 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150
5 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L.
6 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),
7 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.
8 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.
9 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,
10 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.
11 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L.
12 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections
13 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201
14 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306,
15 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201,
16 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L.
17 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323,
18 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding
19 section 11146 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L.
20 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
21 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding
22 sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L.
23 109–280, excluding sections 811 and 844 of P.L. 109–280, and P.L. 109–432,
24 excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302,
25 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, and as amended by P.L.

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1 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141,
2 P.L. 110-142, P.L. 110-166, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L.
3 110-172, P.L. 110-234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L.
4 110-234, P.L. 110-245, excluding sections 110 and 113 of P.L. 110-245, P.L. 110-289,
5 excluding sections 3081 and 3082 of P.L. 110-289, P.L. 110-343, excluding sections
6 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and
7 401 of division B, and sections 202, 203, 303, 304, 305, 306, 307, 311, 312, 315, 317,
8 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N
9 (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of
10 P.L. 110-343, and P.L. 110-458, except that section 1366 (f) (relating to pass-through
11 of items to shareholders) is modified by substituting the tax under s. 71.35 for the
12 taxes under sections 1374 and 1375. The Internal Revenue Code applies for
13 Wisconsin purposes at the same time as for federal purposes. Amendments to the
14 federal Internal Revenue Code enacted after December 31, 2006, do not apply to this
15 paragraph with respect to taxable years beginning after December 31, 2006, and
16 before January 1, 2008, except that changes to the Internal Revenue Code made by
17 P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L.
18 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, excluding section 11 (b), (e), and
19 (g) of P.L. 110-172, P.L. 110-234, excluding sections 15344 and 15345 (a) (1) to (3) and
20 (6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and 113 of P.L. 110-245, P.L.
21 110-289, excluding sections 3081 and 3082 of P.L. 110-289, P.L. 110-343, excluding
22 sections 109, 201, 209, 210, 303, 306, and 308 of division B, and sections 202, 203, 305,
23 311, 312, 315, 317, 318, 502 (a) and (b), 505, 702 (a) (1) (A) as it relates to section
24 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division
25 C of P.L. 110-343, and P.L. 110-458, and changes that indirectly affect the provisions

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applicable to this subchapter made by P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, P.L. 110-234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and 113 of P.L. 110-245, P.L. 110-289, excluding sections 3081 and 3082 of P.L. 110-289, P.L. 110-343, excluding sections 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B, and sections 202, 203, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110-343, and P.L. 110-458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1686. 71.34 (1g) (u) of the statutes is created to read:

71.34 **(1g)** (u) “Internal Revenue Code” for tax-option corporations, for taxable years that begin after December 31, 2007, and before January 1, 2009, means the federal Internal Revenue Code as amended to December 31, 2007, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, sections 101,

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207, 209, 503, and 513 of P.L. 109–222, section 844 of P.L. 109–280, sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–140, and section 11 (b), (e), and (g) of P.L. 110–172, and as amendeded by P.L. 110–234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110–234, P.L. 110–245, excluding sections 110 and 113 of P.L. 110–245, P.L. 110–289, excluding sections 3081 and 3082 of P.L. 110–289, P.L. 110–317, P.L. 110–343, excluding sections 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B of P.L. 110–343, and sections 202, 203 as it relates to taxable years beginning in 2008, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110–343, P.L. 110–351, and P.L. 110–458, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L.

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1 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and
2 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L.
3 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316,
4 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242,
5 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L.
6 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
7 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146
8 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135,
9 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
10 (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections
11 101, 207, 209, 503, and 513 of P.L. 109–222, P.L. 109–227, P.L. 109–280, excluding
12 section 844 of P.L. 109–280, P.L. 109–432, excluding sections 101, 104, 108, 109, 112,
13 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425
14 of P.L. 109–432, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L.
15 110–28, P.L. 110–141, P.L. 110–142, P.L. 110–166, and P.L. 110–172, excluding
16 section 11 (b), (e), and (g) of P.L. 110–172, except that section 1366 (f) (relating to
17 pass-through of items to shareholders) is modified by substituting the tax under s.
18 71.35 for the taxes under sections 1374 and 1375. The Internal Revenue Code applies
19 for Wisconsin purposes at the same time as for federal purposes. Amendments to the
20 federal Internal Revenue Code enacted after December 31, 2007, do not apply to this
21 paragraph with respect to taxable years beginning after December 31, 2007, and
22 before January 1, 2009, except that changes to the Internal Revenue Code made by
23 P.L. 110–234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110–234,
24 P.L. 110–245, excluding sections 110 and 113 of P.L. 110–245, P.L. 110–289, excluding
25 sections 3081 and 3082 of P.L. 110–289, P.L. 110–317, P.L. 110–343, excluding

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sections 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B of P.L. 110–343, and sections 202, 203 as it relates to taxable years beginning in 2008, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110–343, P.L. 110–351, and P.L. 110–458, and changes that indirectly affect the provisions applicable to this subchapter made by 110–234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110–234, P.L. 110–245, excluding sections 110 and 113 of P.L. 110–245, P.L. 110–289, excluding sections 3081 and 3082 of P.L. 110–289, P.L. 110–317, P.L. 110–343, excluding sections 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B of P.L. 110–343, and sections 202, 203 as it relates to taxable years beginning in 2008, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110–343, P.L. 110–351, and P.L. 110–458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1687. 71.34 (1g) (um) of the statutes is created to read:

71.34 **(1g)** (um) “Internal Revenue Code” for tax-option corporations, for taxable years that begin after December 31, 2008, means the federal Internal Revenue Code as amended to December 31, 2008, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316,

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401, and 403 (a) of P.L. 108–311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, and 513 of P.L. 109–222, section 844 of P.L. 109–280, sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–140, section 11 (b), (e), and (g) of P.L. 110–172, P.L. 110–185, sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110–234, sections 110 and 113 of P.L. 110–245, sections 3081 and 3082 of P.L. 110–289, sections 301 and 302 of division A of P.L. 110–343, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B of P.L. 110–343, and sections 202, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110–343, and as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of

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1 P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L.
2 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a)
3 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27,
4 excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173,
5 excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311,
6 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357,
7 excluding sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of
8 P.L. 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections
9 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
10 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding
11 section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it
12 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L.
13 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, and 513 of P.L.
14 109-222, P.L. 109-227, P.L. 109-280, excluding section 844 of P.L. 109-280, P.L.
15 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204,
16 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28,
17 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L.
18 110-142, P.L. 110-166, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L.
19 110-172, P.L. 110-234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L.
20 110-234, P.L. 110-245, excluding sections 110 and 113 of P.L. 110-245, P.L. 110-289,
21 excluding sections 3081 and 3082 of P.L. 110-289, P.L. 110-317, P.L. 110-343,
22 excluding sections 301 and 302 of division A of P.L. 110-343, sections 109, 116, 201,
23 208, 209, 210, 303, 306, 308, and 401 of division B of P.L. 110-343, and sections 202,
24 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702
25 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6),

ASSEMBLY BILL 75**SECTION 1687**

1 707, 708, 710, and 711 of division C of P.L. 110–343, P.L. 110–351, and P.L. 110–458
2 except that section 1366 (f) (relating to pass-through of items to shareholders) is
3 modified by substituting the tax under s. 71.35 for the taxes under sections 1374 and
4 1375. The Internal Revenue Code applies for Wisconsin purposes at the same time
5 as for federal purposes. Amendments to the federal Internal Revenue Code enacted
6 after December 31, 2008, do not apply to this paragraph with respect to taxable years
7 beginning after December 31, 2008.

8 **SECTION 1688.** 71.34 (1k) (g) of the statutes is amended to read:

9 71.34 **(1k)** (g) An addition shall be made for credits computed by a tax-option
10 corporation under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), ~~(1dy)~~,
11 (3), (3g), (3h), (3n), (3p), ~~(3q), (3r)~~, (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j), ~~and (5k)~~,
12 ~~and (8r)~~ and passed through to shareholders.

13 **SECTION 1689.** 71.36 (4) of the statutes is created to read:

14 71.36 **(4)** Every tax-option corporation that is required to file a return under
15 s. 71.24 (1) shall, on or before the due date of the return, including extensions, provide
16 a schedule to each shareholder whose share of income, deductions, credits, or other
17 items of the tax-option corporation may affect the shareholder's tax liability under
18 this chapter. The schedule shall separately indicate the shareholder's share of each
19 item.

20 **SECTION 1690.** 71.365 (3) of the statutes is amended to read:

21 71.365 **(3)** CREDITS NOT ALLOWED. The credits under s. 71.28 (4), ~~(4m)~~, and (5)
22 may not be claimed by a tax-option corporation or shareholders of a tax-option
23 corporation.

24 **SECTION 1691.** 71.42 (2) (m) of the statutes is repealed.

25 **SECTION 1692.** 71.42 (2) (n) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1692**

1 71.42 (2) (n) For taxable years that begin after December 31, 1999, and before
2 January 1, 2003, “Internal Revenue Code” means the federal Internal Revenue Code
3 as amended to December 31, 1999, excluding sections 103, 104, and 110 of P.L.
4 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66
5 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, and as
6 amended by P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L.
7 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22,
8 P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101, 301 (a), and 406 of
9 P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27,
10 excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section
11 109 of P.L. 108-121, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308,
12 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211,
13 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-7, P.L. 109-58,
14 excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,
15 and 1351 of P.L. 109-58, P.L. 109-135, excluding sections 101, 105, 201 (a) as it
16 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and
17 P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding
18 sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section
19 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, and as indirectly affected by P.L.
20 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L.
21 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.
22 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150
23 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L.
24 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f),
25 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L.

ASSEMBLY BILL 75**SECTION 1692**

1 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L.
2 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15,
3 P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L.
4 107-134, P.L. 107-147, excluding sections 101, 301 (a), and 406 of P.L. 107-147, P.L.
5 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections
6 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121,
7 P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a)
8 of P.L. 108-311, P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337,
9 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-7, P.L. 109-58, excluding sections
10 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
11 109-58, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section
12 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280,
13 excluding sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212,
14 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and
15 (g) of P.L. 110-172, and P.L. 110-458, except that “Internal Revenue Code” does not
16 include section 847 of the federal Internal Revenue Code. The Internal Revenue
17 Code applies for Wisconsin purposes at the same time as for federal purposes.
18 Amendments to the federal Internal Revenue Code enacted after December 31, 1999,
19 do not apply to this paragraph with respect to taxable years beginning after
20 December 31, 1999, and before January 1, 2003, except that changes to the Internal
21 Revenue Code made by P.L. 106-230, P.L. 106-554, excluding sections 162 and 165
22 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L.
23 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101, 301 (a),
24 and 406 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L.
25 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding

ASSEMBLY BILL 75**SECTION 1692**

1 section 109 of P.L. 108–121, P.L. 108–218, P.L. 108–311, excluding sections 306, 307,
2 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201,
3 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L.
4 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
5 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201
6 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
7 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L.
8 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172,
9 excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, and changes
10 that indirectly affect the provisions applicable to this subchapter made by P.L.
11 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,
12 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.
13 107–134, P.L. 107–147, excluding sections 101, 301 (a), and 406 of P.L. 107–147, P.L.
14 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections
15 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121,
16 P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a)
17 of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337,
18 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–58, excluding sections
19 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
20 109–58, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section
21 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280,
22 excluding sections 811 and 844 of P.L. 109–280, P.L. 110–28, excluding sections 8212,
23 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and
24 (g) of P.L. 110–172, and P.L. 110–458, apply for Wisconsin purposes at the same time
25 as for federal purposes.

ASSEMBLY BILL 75**SECTION 1693**

SECTION 1693. 71.42 (2) (o) of the statutes is amended to read:

71.42 **(2)** (o) For taxable years that begin after December 31, 2002, and before January 1, 2004, “Internal Revenue Code” means the federal Internal Revenue Code as amended to December 31, 2002, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, and sections 101 and 301 (a) of P.L. 107–147, and as amended by P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, ~~and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458,~~ and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.

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1 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L.
2 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15,
3 P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L.
4 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L.
5 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections
6 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121,
7 P.L. 108-173, excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218,
8 P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311,
9 P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and
10 910 of P.L. 108-357, P.L. 108-375, P.L. 109-7, P.L. 109-58, excluding sections 1305,
11 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58,
12 P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a),
13 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding
14 sections 811 and 844 of P.L. 109-280, P.L. 110-28, excluding sections 8212, 8221,
15 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e), and (g) of
16 P.L. 110-172, and P.L. 110-458, except that “Internal Revenue Code” does not
17 include section 847 of the federal Internal Revenue Code. The Internal Revenue
18 Code applies for Wisconsin purposes at the same time as for federal purposes.
19 Amendments to the federal Internal Revenue Code enacted after December 31, 2002,
20 do not apply to this paragraph with respect to taxable years beginning after
21 December 31, 2002, and before January 1, 2004, except that changes to the Internal
22 Revenue Code made by P.L. 108-27, excluding sections 106, 201, and 202 of P.L.
23 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-173, excluding
24 section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding
25 sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding

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sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1694. 71.42 (2) (p) of the statutes is amended to read:

71.42 **(2)** (p) For taxable years that begin after December 31, 2003, and before January 1, 2005, “Internal Revenue Code” means the federal Internal Revenue Code as amended to December 31, 2003, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,

ASSEMBLY BILL 75**SECTION 1694**

1 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 106–519,
2 sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16,
3 sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27,
4 section 109 of P.L. 108–121, and section 1201 of P.L. 108–173, and as amendeded by P.L.
5 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and
6 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336,
7 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7,
8 P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
9 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L.
10 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section
11 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–227, and P.L.
12 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 110–28, excluding
13 sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding section
14 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, and as indirectly affected by P.L.
15 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L.
16 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L.
17 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150
18 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L.
19 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),
20 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.
21 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.
22 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,
23 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.
24 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L.
25 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections

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106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, except that “Internal Revenue Code” does not include section 847 of the federal Internal Revenue Code. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 2003, do not apply to this paragraph with respect to taxable years beginning after December 31, 2003, and before January 1, 2005, except that changes to the Internal Revenue Code made by P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.

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109–280, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28,
P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458,
and changes that indirectly affect the provisions applicable to this subchapter made
by P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316,
401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242,
244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L.
109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–227,
and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 110–28,
excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–172, excluding
section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, apply for Wisconsin
purposes at the same time as for federal purposes.

SECTION 1695. 71.42 (2) (q) of the statutes is amended to read:

71.42 **(2)** (q) For taxable years that begin after December 31, 2004, and before
January 1, 2006, “Internal Revenue Code” means the federal Internal Revenue Code
as amended to December 31, 2004, excluding sections 103, 104, and 110 of P.L.
102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,
sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3,
4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section
431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and
202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403
(a) of P.L. 108–311, and sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and
910 of P.L. 108–357, and as amended by P.L. 109–7, P.L. 109–58, excluding sections

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1 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
2 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding
3 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
4 (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207,
5 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding
6 sections 811 and 844 of P.L. 109–280, P.L. 109–432, excluding sections 101, 104, 108,
7 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417,
8 and 425 of P.L. 109–432, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235
9 of P.L. 110–28, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and
10 P.L. 110–458, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647,
11 P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
12 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
13 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
14 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
15 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
16 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
17 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
18 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
19 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections
20 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.
21 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
22 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.
23 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.
24 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
25 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58,

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1 excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,
2 and 1351 of P.L. 109-58, P.L. 109-73, excluding section 301 of P.L. 109-73, P.L.
3 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
4 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L. 109-222, excluding
5 sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L. 109-227, and P.L.
6 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L. 109-432, excluding
7 sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304,
8 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28, excluding sections
9 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding section 11 (b), (e),
10 and (g) of P.L. 110-172, and P.L. 110-458, except that “Internal Revenue Code” does
11 not include section 847 of the federal Internal Revenue Code. The Internal Revenue
12 Code applies for Wisconsin purposes at the same time as for federal purposes.
13 Amendments to the federal Internal Revenue Code enacted after December 31, 2004,
14 do not apply to this paragraph with respect to taxable years beginning after
15 December 31, 2004, and before January 1, 2006, except that changes to the Internal
16 Revenue Code made by P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309,
17 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-73,
18 excluding section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201
19 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
20 109-135, P.L. 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and
21 513 of P.L. 109-222, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844
22 of P.L. 109-280, P.L. 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116,
23 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L.
24 109-432, P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28,
25 P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458,

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1 and changes that indirectly affect the provisions applicable to this subchapter made
2 by P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324,
3 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-73, excluding section
4 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to
5 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151,
6 P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L.
7 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L.
8 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204,
9 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28,
10 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-172, excluding
11 section 11 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, apply for Wisconsin
12 purposes at the same time as for federal purposes.

13 **SECTION 1696.** 71.42 (2) (r) of the statutes is amended to read:

14 71.42 **(2)** (r) For taxable years that begin after December 31, 2005, and before
15 January 1, 2007, “Internal Revenue Code” means the federal Internal Revenue Code
16 as amended to December 31, 2005, excluding sections 103, 104, and 110 of P.L.
17 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66,
18 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3,
19 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section
20 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and
21 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403
22 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
23 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,
24 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301
25 of P.L. 109-73, and sections 101, 105, 201 (a) as it relates to section 1400S (a), 402

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(e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and as amended by P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, P.L. 109–432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, P.L. 110–28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–141, P.L. 110–142, P.L. 110–172, excluding section 11 (b), (e), and (g) of P.L. 110–172, and P.L. 110–458, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding

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1 section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it
2 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L.
3 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.
4 109-222, P.L. 109-227, and P.L. 109-280, P.L. 109-432, excluding sections 101, 104,
5 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404,
6 417, and 425 of P.L. 109-432, P.L. 110-28, excluding sections 8212, 8221, 8233, and
7 8235 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-172, excluding section 11
8 (b), (e), and (g) of P.L. 110-172, and P.L. 110-458, excluding sections 811 and 844 of
9 P.L. 109-280, except that “Internal Revenue Code” does not include section 847 of the
10 federal Internal Revenue Code. The Internal Revenue Code applies for Wisconsin
11 purposes at the same time as for federal purposes. Amendments to the federal
12 Internal Revenue Code enacted after December 31, 2005, do not apply to this
13 paragraph with respect to taxable years beginning after December 31, 2005, and
14 before January 1, 2007, except that changes to the Internal Revenue Code made by
15 P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109-222, P.L.
16 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, P.L.
17 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204,
18 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28,
19 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L.
20 110-142, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, and P.L.
21 110-458, and changes that indirectly affect the provisions applicable to this
22 subchapter made by P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513
23 of P.L. 109-222, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844 of
24 P.L. 109-280, P.L. 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118,
25 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432,

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1 P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L.
2 110-141, P.L. 110-142, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L.
3 110-172, and P.L. 110-458, apply for Wisconsin purposes at the same time as for
4 federal purposes.

5 **SECTION 1697.** 71.42 (2) (s) of the statutes is amended to read:

6 71.42 **(2)** (s) For taxable years that begin after December 31, 2006, and before
7 January 1, 2008, “Internal Revenue Code” means the federal Internal Revenue Code
8 as amended to December 31, 2006, excluding sections 103, 104, and 110 of P.L.
9 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66,
10 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3,
11 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section
12 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and
13 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403
14 (a) of P.L. 108-311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
15 of P.L. 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,
16 1328, 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301
17 of P.L. 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403
18 (e), (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, 512, and 513 of
19 P.L. 109-222, sections 811 and 844 of P.L. 109-280, and sections 101, 104, 108, 109,
20 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and
21 425 of P.L. 109-432, and as amendeded by P.L. 110-28, excluding sections 8212, 8221,
22 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L.
23 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, P.L. 110-234, excluding
24 sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L. 110-245, excluding
25 sections 110 and 113 of P.L. 110-245, P.L. 110-289, excluding sections 3081 and 3082

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1 of P.L. 110-289, P.L. 110-343, excluding sections 301 and 302 of division A, sections
2 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B, and sections 202,
3 203, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512,
4 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d)
5 (6), 707, 708, 710, and 711 of division C of P.L. 110-343, and P.L. 110-458, and as
6 indirectly affected by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L.
7 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections
8 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding
9 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L.
10 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections
11 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L.
12 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L.
13 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of
14 P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L.
15 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a)
16 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27,
17 excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173,
18 excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311,
19 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357,
20 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
21 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections
22 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
23 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding
24 section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it
25 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L.

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1 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.
2 109-222, P.L. 109-227, and P.L. 109-280, excluding sections 811 and 844 of P.L.
3 109-280, P.L. 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120,
4 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L.
5 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141,
6 P.L. 110-142, P.L. 110-166, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L.
7 110-172, P.L. 110-234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L.
8 110-234, P.L. 110-245, excluding sections 110 and 113 of P.L. 110-245, P.L. 110-289,
9 excluding sections 3081 and 3082 of P.L. 110-289, P.L. 110-343, excluding sections
10 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and
11 401 of division B, and sections 202, 203, 303, 304, 305, 306, 307, 311, 312, 315, 317,
12 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N
13 (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of
14 P.L. 110-343, and P.L. 110-458, except that “Internal Revenue Code” does not
15 include section 847 of the federal Internal Revenue Code. The Internal Revenue
16 Code applies for Wisconsin purposes at the same time as for federal purposes.
17 Amendments to the federal Internal Revenue Code enacted after December 31, 2006,
18 do not apply to this paragraph with respect to taxable years beginning after
19 December 31, 2006, and before January 1, 2008, except that changes to the Internal
20 Revenue Code made by P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235
21 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, excluding
22 section 11 (b), (e), and (g) of P.L. 110-172, P.L. 110-234, excluding sections 15344 and
23 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and
24 113 of P.L. 110-245, P.L. 110-289, excluding sections 3081 and 3082 of P.L. 110-289,
25 P.L. 110-343, excluding sections 301 and 302 of division A, sections 109, 116, 201,

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208, 209, 210, 303, 306, 308, and 401 of division B, and sections 202, 203, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110-343, and P.L. 110-458, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 110-28, excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L. 110-166, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, P.L. 110-234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L. 110-245, excluding sections 110 and 113 of P.L. 110-245, P.L. 110-289, excluding sections 3081 and 3082 of P.L. 110-289, P.L. 110-343, excluding sections 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B, and sections 202, 203, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110-343, and P.L. 110-458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1698. 71.42 (2) (t) of the statutes is created to read:

71.42 **(2)** (t) For taxable years that begin after December 31, 2007, and before January 1, 2009, “Internal Revenue Code” means the federal Internal Revenue Code as amended to December 31, 2007, excluding sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, sections 1, 3, 4, and 5 of P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section 431 of P.L. 107-16, sections 101 and 301 (a) of P.L. 107-147, sections 106, 201, and 202 of P.L. 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403

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(a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, and 513 of P.L. 109–222, section 844 of P.L. 109–280, sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109–432, sections 8212, 8221, 8233, and 8235 of P.L. 110–28, P.L. 110–140, and section 11 (b), (e), and (g) of P.L. 110–172, and as amendeded by P.L. 110–234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110–234, P.L. 110–245, excluding sections 110 and 113 of P.L. 110–245, P.L. 110–289, excluding sections 3081 and 3082 of P.L. 110–289, P.L. 110–317, P.L. 110–343, excluding sections 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308, and 401 of division B of P.L. 110–343, and sections 202, 203 as it relates to taxable years beginning in 2008, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110–343, P.L. 110–351, and P.L. 110–458, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of

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1 P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L.
2 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and 301 (a)
3 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27,
4 excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173,
5 excluding section 1201 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311,
6 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357,
7 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
8 108-357, P.L. 108-375, P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections
9 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
10 109-58, P.L. 109-59, excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding
11 section 301 of P.L. 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it
12 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L.
13 109-151, P.L. 109-222, excluding sections 101, 207, 209, 503, and 513 of P.L.
14 109-222, P.L. 109-227, P.L. 109-280, excluding section 844 of P.L. 109-280, P.L.
15 109-432, excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204,
16 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28,
17 excluding sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L.
18 110-142, P.L. 110-166, and P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L.
19 110-172, except that “Internal Revenue Code” does not include section 847 of the
20 federal Internal Revenue Code. The Internal Revenue Code applies for Wisconsin
21 purposes at the same time as for federal purposes. Amendments to the federal
22 Internal Revenue Code enacted after December 31, 2007, do not apply to this
23 paragraph with respect to taxable years beginning after December 31, 2007, and
24 before January 1, 2009, except that changes to the Internal Revenue Code made by
25 P.L. 110-234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110-234,

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1 P.L. 110–245, excluding sections 110 and 113 of P.L. 110–245, P.L. 110–289, excluding
2 sections 3081 and 3082 of P.L. 110–289, P.L. 110–317, P.L. 110–343, excluding
3 sections 301 and 302 of division A, sections 109, 116, 201, 208, 209, 210, 303, 306, 308,
4 and 401 of division B of P.L. 110–343, and sections 202, 203 as it relates to taxable
5 years beginning in 2008, 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322,
6 323, 324, 502, 505, 512, 702 (a) (1) (A) as it relates to section 1400N (k) of the Internal
7 Revenue Code, 702 (d) (6), 707, 708, 710, and 711 of division C of P.L. 110–343, P.L.
8 110–351, and P.L. 110–458, and changes that indirectly affect the provisions
9 applicable to this subchapter made by 110–234, excluding sections 15344 and 15345
10 (a) (1) to (3) and (6) of P.L. 110–234, P.L. 110–245, excluding sections 110 and 113 of
11 P.L. 110–245, P.L. 110–289, excluding sections 3081 and 3082 of P.L. 110–289, P.L.
12 110–317, P.L. 110–343, excluding sections 109, 201, 209, 210, 303, 306, and 308 of
13 division B of P.L. 110–343, and sections 202, 203 as it relates to taxable years
14 beginning in 2008, 305, 311, 312, 315, 317, 318, 502 (a) and (b), 505, 702 (a) (1) (A)
15 as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707, 708,
16 710, and 711 of division C of P.L. 110–343, P.L. 110–351, and P.L. 110–458, apply for
17 Wisconsin purposes at the same time as for federal purposes.

18 **SECTION 1699.** 71.42 (2) (tm) of the statutes is created to read:

19 71.42 **(2)** (tm) For taxable years that begin after December 31, 2008, “Internal
20 Revenue Code” means the federal Internal Revenue Code as amended to
21 December 31, 2008, excluding sections 103, 104, and 110 of P.L. 102–227, sections
22 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b),
23 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L.
24 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L.
25 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of P.L.

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1 108-27, section 1201 of P.L. 108-173, sections 306, 308, 316, 401, and 403 (a) of P.L.
2 108-311, sections 101, 102, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
3 108-357, P.L. 109-1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
4 1329, 1348, and 1351 of P.L. 109-58, section 11146 of P.L. 109-59, section 301 of P.L.
5 109-73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
6 (j), and (q), and 405 of P.L. 109-135, sections 101, 207, 209, 503, and 513 of P.L.
7 109-222, section 844 of P.L. 109-280, sections 101, 104, 108, 109, 112, 113, 116, 118,
8 120, 123 (a), 204, 209, 302, 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432,
9 sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-140, section 11 (b), (e),
10 and (g) of P.L. 110-172, P.L. 110-185, sections 15344 and 15345 (a) (1) to (3) and (6)
11 of P.L. 110-234, sections 110 and 113 of P.L. 110-245, sections 3081 and 3082 of P.L.
12 110-289, sections 301 and 302 of division A of P.L. 110-343, sections 109, 116, 201,
13 208, 209, 210, 303, 306, 308, and 401 of division B of P.L. 110-343, and sections 202,
14 303, 304, 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702
15 (a) (1) (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6),
16 707, 708, 710, and 711 of division C of P.L. 110-343, and as indirectly affected by P.L.
17 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L.
18 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.
19 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150
20 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L.
21 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f),
22 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L.
23 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L.
24 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15,
25 P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L.

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1 107-134, P.L. 107-147, excluding sections 101 and 301 (a) of P.L. 107-147, P.L.
2 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections
3 106, 201, and 202 of P.L. 108-27, P.L. 108-121, P.L. 108-173, excluding section 1201
4 of P.L. 108-173, P.L. 108-203, P.L. 108-218, P.L. 108-311, excluding sections 306,
5 308, 316, 401, and 403 (a) of P.L. 108-311, P.L. 108-357, excluding sections 101, 102,
6 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 108-375,
7 P.L. 108-476, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310,
8 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-59,
9 excluding section 11146 of P.L. 109-59, P.L. 109-73, excluding section 301 of P.L.
10 109-73, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to section
11 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, P.L. 109-151, P.L.
12 109-222, excluding sections 101, 207, 209, 503, and 513 of P.L. 109-222, P.L.
13 109-227, P.L. 109-280, excluding section 844 of P.L. 109-280, P.L. 109-432,
14 excluding sections 101, 104, 108, 109, 112, 113, 116, 118, 120, 123 (a), 204, 209, 302,
15 303, 304, 305, 307, 401, 404, 417, and 425 of P.L. 109-432, P.L. 110-28, excluding
16 sections 8212, 8221, 8233, and 8235 of P.L. 110-28, P.L. 110-141, P.L. 110-142, P.L.
17 110-166, P.L. 110-172, excluding section 11 (b), (e), and (g) of P.L. 110-172, P.L.
18 110-234, excluding sections 15344 and 15345 (a) (1) to (3) and (6) of P.L. 110-234, P.L.
19 110-245, excluding sections 110 and 113 of P.L. 110-245, P.L. 110-289, excluding
20 sections 3081 and 3082 of P.L. 110-289, P.L. 110-317, P.L. 110-343, excluding
21 sections 301 and 302 of division A of P.L. 110-343, sections 109, 116, 201, 208, 209,
22 210, 303, 306, 308, and 401 of division B of P.L. 110-343, and sections 202, 303, 304,
23 305, 306, 307, 311, 312, 315, 317, 318, 321, 322, 323, 324, 502, 505, 512, 702 (a) (1)
24 (A) as it relates to section 1400N (k) of the Internal Revenue Code, 702 (d) (6), 707,
25 708, 710, and 711 of division C of P.L. 110-343, P.L. 110-351, and P.L. 110-458, except

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1 that “Internal Revenue Code” does not include section 847 of the federal Internal
2 Revenue Code. The Internal Revenue Code applies for Wisconsin purposes at the
3 same time as for federal purposes. Amendments to the federal Internal Revenue
4 Code enacted after December 31, 2008, do not apply to this paragraph with respect
5 to taxable years beginning after December 31, 2008.

6 **SECTION 1700.** 71.44 (3) of the statutes is renumbered 71.44 (3) (a) and
7 amended to read:

8 71.44 **(3)** (a) In the case of a corporation required to file a return, the
9 department of revenue shall allow an automatic extension of 7 months or until the
10 original due date of the corporation’s corresponding federal return, whichever is
11 later. Any extension of time granted by law or by the internal revenue service for the
12 filing of corresponding federal returns shall extend the time for filing under this
13 subchapter to 30 days after the federal due date if the corporation reports the
14 extension in the manner specified by the department on the return. Except for
15 payments of estimated taxes, income or franchise taxes payable upon the filing of the
16 tax return shall not become delinquent during such extension period, but shall,
17 except as provided in par. (b), be subject to interest at the rate of 12% per year during
18 such period.

19 **SECTION 1701.** 71.44 (3) (b) of the statutes is created to read:

20 71.44 **(3)** (b) For taxable years beginning after December 31, 2008, for persons
21 who qualify for a federal extension of time to file under 26 USC 7508A due to a
22 presidentially declared disaster or terroristic or military action, income or franchise
23 taxes payable upon the filing of the tax return are not subject to interest as otherwise
24 provided under par. (a).

25 **SECTION 1702.** 71.45 (2) (a) 10. of the statutes is amended to read:

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1 71.45 **(2)** (a) 10. By adding to federal taxable income the amount of credit
2 computed under s. 71.47 (1dd) to ~~(1dx) (1dy), (3g), (3h), (3n), (3p), (3q), (3r), (3w), (5e),~~
3 (5f), (5g), (5h), (5i), (5j), ~~and (5k), and (8r)~~ and not passed through by a partnership,
4 limited liability company, or tax-option corporation that has added that amount to
5 the partnership's, limited liability company's, or tax-option corporation's income
6 under s. 71.21 (4) or 71.34 (1k) (g) and the amount of credit computed under s. 71.47
7 (1), (3), (3t), (4), ~~(4m)~~, and (5).

8 **SECTION 1703.** 71.47 (1dy) of the statutes is created to read:

9 71.47 **(1dy)** ECONOMIC DEVELOPMENT TAX CREDIT. (a) *Definition.* In this
10 subsection, "claimant" means a person who files a claim under this subsection and
11 is certified under s. 560.701 (2) and authorized to claim tax benefits under s. 560.703.

12 (b) *Filing claims.* Subject to the limitations under this subsection and ss.
13 560.701 to 560.706, for taxable years beginning after December 31, 2008, a claimant
14 may claim as a credit against the tax imposed under s. 71.43, up to the amount of the
15 tax, the amount authorized for the claimant under s. 560.703.

16 (c) *Limitations.* 1. No credit may be allowed under this subsection unless the
17 claimant includes with the claimant's return a copy of the claimant's certification
18 under s. 560.701 (2) and a copy of the claimant's notice of eligibility to receive tax
19 benefits under s. 560.703 (3).

20 2. 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 their authorization to claim tax benefits under s. 560.703.
23 A partnership, limited liability company, or tax-option corporation shall compute
24 the amount of credit that each of its partners, members, or shareholders may claim
25 and shall provide that information to each of them. Partners, members of limited

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1 liability companies, and shareholders of tax-option corporations may claim the
2 credit in proportion to their ownership interests.

3 (d) *Administration.* 1. Except as provided in subd. 2., sub. (4) (e) and (f), as it
4 applies to the credit under sub. (4), applies to the credit under this subsection.

5 2. If a claimant's certification is revoked under s. 560.705, or if a claimant
6 becomes ineligible for tax benefits under s. 560.702, the claimant may not claim
7 credits under this subsection for the taxable year that includes the day on which the
8 certification is revoked; the taxable year that includes the day on which the claimant
9 becomes ineligible for tax benefits; or succeeding taxable years and the claimant may
10 not carry over unused credits from previous years to offset the tax imposed under s.
11 71.43 for the taxable year that includes the day on which certification is revoked; the
12 taxable year that includes the day on which the claimant becomes ineligible for tax
13 benefits; or succeeding taxable years.

14 3. Subsection (4) (g) and (h), as it applies to the credit under sub. (4), applies
15 to the credit under this subsection.

16 **SECTION 1704.** 71.47 (1fd) of the statutes is repealed.

17 **SECTION 1705.** 71.47 (2m) (a) 1. (intro.) of the statutes is amended to read:

18 71.47 **(2m)** (a) 1. (intro.) "Claimant" means an owner of farmland, as defined
19 in s. 91.01 (9), 2007 stats., of farmland domiciled in this state during the entire year
20 for which a credit under this subsection is claimed, except as follows:

21 **SECTION 1706.** 71.47 (2m) (a) 3. of the statutes is amended to read:

22 71.47 **(2m)** (a) 3. "Farmland" means 35 or more acres of real property, exclusive
23 of improvements, in this state, in agricultural use, as defined in s. 91.01 (1), 2007
24 stats., and owned by the claimant or any member of the claimant's household during
25 the taxable year for which a credit under this subsection is claimed if the farm of

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1 which the farmland is a part, during that year, produced not less than \$6,000 in gross
2 farm profits resulting from agricultural use, as defined in s. 91.01 (1), 2007 stats., or
3 if the farm of which the farmland is a part, during that year and the 2 years
4 immediately preceding that year, produced not less than \$18,000 in such profits, or
5 if at least 35 acres of the farmland, during all or part of that year, was enrolled in the
6 conservation reserve program under 16 USC 3831 to 3836.

7 **SECTION 1707.** 71.47 (2m) (a) 4. of the statutes is amended to read:

8 71.47 **(2m)** (a) 4. “Gross farm profits” means gross receipts, excluding rent,
9 from agricultural use, as defined in s. 91.01 (1), 2007 stats., including the fair market
10 value at the time of disposition of payments in kind for placing land in federal
11 programs or payments from the federal dairy termination program under 7 USC
12 1446 (d), less the cost or other basis of livestock or other items purchased for resale
13 which are sold or otherwise disposed of during the taxable year.

14 **SECTION 1708.** 71.47 (2m) (e) of the statutes is created to read:

15 71.47 **(2m)** (e) *Sunset.* No new claim may be filed under this subsection for a
16 taxable year that begins after December 31, 2009.

17 **SECTION 1709.** 71.47 (3) (a) 1. of the statutes is amended to read:

18 71.47 **(3)** (a) 1. “Manufacturing” has the meaning given in s. 77.54 (6m), 2007
19 stats.

20 **SECTION 1710.** 71.47 (3p) (a) 1m. of the statutes is created to read:

21 71.47 **(3p)** (a) 1m. “Dairy cooperative” means a business organized under ch.
22 185 or 193 for the purpose of obtaining or processing milk.

23 **SECTION 1711.** 71.47 (3p) (a) 3. (intro.) of the statutes is amended to read:

24 71.47 **(3p)** (a) 3. (intro.) “Dairy manufacturing modernization or expansion”
25 means constructing, improving, or acquiring buildings or facilities, or acquiring

ASSEMBLY BILL 75**SECTION 1711**

1 equipment, for dairy manufacturing, including the following, if used exclusively for
2 dairy manufacturing and if acquired and placed in service in this state during
3 taxable years that begin after December 31, 2006, and before January 1, 2015, or, in
4 the case of dairy cooperatives, if acquired and placed in service in this state during
5 taxable years that begin after December 31, 2008, and before January 1, 2017:

6 **SECTION 1712.** 71.47 (3p) (b) of the statutes is amended to read:

7 71.47 **(3p)** (b) *Filing claims.* Subject to the limitations provided in this
8 subsection and s. 560.207, except as provided in par. (c) 5., for taxable years
9 beginning after December 31, 2006, and before January 1, 2015, a claimant may
10 claim as a credit against the taxes imposed under s. 71.43, up to the amount of the
11 tax, an amount equal to 10 percent of the amount the claimant paid in the taxable
12 year for dairy manufacturing modernization or expansion related to the claimant's
13 dairy manufacturing operation.

14 **SECTION 1713.** 71.47 (3p) (c) 2m. b. of the statutes is amended to read:

15 71.47 **(3p)** (c) 2m. b. The maximum amount of the credits that may be claimed
16 by all claimants, other than members of dairy cooperatives, under this subsection
17 and ss. 71.07 (3p) and 71.28 (3p) in fiscal year 2008–09, and in each fiscal year
18 thereafter, is \$700,000, as allocated under s. 560.207.

19 **SECTION 1714.** 71.47 (3p) (c) 2m. bm. of the statutes is created to read:

20 71.47 **(3p)** (c) 2m. bm. The maximum amount of the credits that may be claimed
21 by members of dairy cooperatives under this subsection and ss. 71.07 (3p) and 71.28
22 (3p) in fiscal year 2009–10 is \$600,000, as allocated under s. 560.207, and the
23 maximum amount of the credits that may be claimed by members of dairy
24 cooperatives under this subsection and ss. 71.07 (3p) and 71.28 (3p) in fiscal year

ASSEMBLY BILL 75**SECTION 1714**

2010–11, and in each fiscal year thereafter, is \$700,000, as allocated under s. 560.207.

SECTION 1715. 71.47 (3p) (c) 3. of the statutes is amended to read:

71.47 **(3p)** (c) 3. Partnerships, limited liability companies, and tax-option corporations, and dairy cooperatives may not claim the credit under this subsection, but the eligibility for, and the amount of, the credit are based on their payment of expenses under par. (b), except that the aggregate amount of credits that the entity may compute shall not exceed \$200,000 for each of the entity's dairy manufacturing facilities. A partnership, limited liability company, ~~or~~ tax-option corporation, or dairy cooperative shall compute the amount of credit that each of its partners, members, or shareholders may claim and shall provide that information to each of them. Partners, members of limited liability companies, and shareholders of tax-option corporations may claim the credit in proportion to their ownership interest. Members of a dairy cooperative may claim the credit in proportion to the amount of milk that each member delivers to the dairy cooperative, as determined by the dairy cooperative.

SECTION 1716. 71.47 (3p) (c) 5. of the statutes is created to read:

71.47 **(3p)** (c) 5. A claimant who is a member of a dairy cooperative may claim the credit, based on amounts described under par. (b) that are paid by the dairy cooperative, for taxable years beginning after December 31, 2008, and before January 1, 2017.

SECTION 1717. 71.47 (3p) (c) 6. of the statutes is created to read:

71.47 **(3p)** (c) 6. No credit may be allowed under this subsection unless the claimant submits with the claimant's return a copy of the claimant's credit certification and allocation under s. 560.207.

ASSEMBLY BILL 75**SECTION 1718**

1 **SECTION 1718.** 71.47 (3p) (d) 2. of the statutes is amended to read:

2 71.47 **(3p)** (d) 2. If Except as provided in subd. 3., if the allowable amount of
3 the claim under par. (b) exceeds the tax otherwise due under s. 71.43 ~~or no tax is due~~
4 ~~under s. 71.43~~, the amount of the claim not used to offset the tax due shall be certified
5 by the department of revenue to the department of administration for payment by
6 check, share draft, or other draft drawn from the appropriation account under s.
7 20.835 (2) (bn).

8 **SECTION 1719.** 71.47 (3p) (d) 3. of the statutes is created to read:

9 71.47 **(3p)** (d) 3. With regard to claims that are based on amounts described
10 under par. (b) that are paid by a dairy cooperative, if the allowable amount of the
11 claim under par. (b) exceeds the tax otherwise due under s. 71.43, the amount of the
12 claim not used to offset the tax due shall be certified by the department of revenue
13 to the department of administration for payment by check, share draft, or other draft
14 drawn from the appropriation account under s. 20.835 (2) (bp).

15 **SECTION 1720.** 71.47 (3q) of the statutes is created to read:

16 71.47 **(3q)** JOBS TAX CREDIT. (a) *Definitions.* In this subsection:

17 1. “Claimant” means a person certified to receive tax benefits under s. 560.2055
18 (2).

19 2. “Eligible employee” means an eligible employee under s. 560.2055 (1) (b) who
20 satisfies the wage requirements under s. 560.2055 (3) (a) or (b).

21 (b) *Filing claims.* Subject to the limitations provided in this subsection and s.
22 560.2055, for taxable years beginning after December 31, 2011, a claimant may claim
23 as a credit against the taxes imposed under s. 71.43 any of the following:

ASSEMBLY BILL 75**SECTION 1720**

1 1. The amount of wages that the claimant paid to an eligible employee in the
2 taxable year, not to exceed 10 percent of such wages, as determined by the
3 department of commerce under s. 560.2055.

4 2. The amount of the costs incurred by the claimant in the taxable year, as
5 determined under s. 560.2055, to undertake the training activities described under
6 s. 560.2055 (3) (c).

7 (c) *Limitations.* 1. Partnerships, limited liability companies, and tax-option
8 corporations may not claim the credit under this subsection, but the eligibility for,
9 and the amount of, the credit are based on their payment of amounts under par. (b).
10 A partnership, limited liability company, or tax-option corporation shall compute
11 the amount of credit that each of its partners, members, or shareholders may claim
12 and shall provide that information to each of them. Partners, members of limited
13 liability companies, and shareholders of tax-option corporations may claim the
14 credit in proportion to their ownership interests.

15 2. No credit may be allowed under this subsection unless the claimant includes
16 with the claimant's return a copy of the claimant's certification for tax benefits under
17 s. 560.2055 (2).

18 (d) *Administration.* 1. Section 71.28 (4) (e), (g), and (h), as it applies to the
19 credit under s. 71.28 (4), applies to the credit under this subsection.

20 2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise
21 due under s. 71.43, the amount of the claim not used to offset the tax due shall be
22 certified by the department of revenue to the department of administration for
23 payment by check, share draft, or other draft drawn from the appropriation account
24 under s. 20.835 (2) (bb).

25 **SECTION 1721.** 71.47 (3r) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 1721**

1 71.47 **(3r)** MEAT PROCESSING FACILITY INVESTMENT CREDIT. (a) *Definitions*. In this
2 subsection:

3 1. “Claimant” means a person who files a claim under this subsection.

4 2. “Meat processing” means processing livestock into meat products or
5 processing meat products for sale commercially.

6 3. “Meat processing modernization or expansion” means constructing,
7 improving, or acquiring buildings or facilities, or acquiring equipment, for meat
8 processing, including the following, if used exclusively for meat processing and if
9 acquired and placed in service in this state during taxable years that begin after
10 December 31, 2008, and before January 1, 2017:

11 a. Building construction, including livestock handling, product intake, storage,
12 and warehouse facilities.

13 b. Building additions.

14 c. Upgrades to utilities, including water, electric, heat, refrigeration, freezing,
15 and waste facilities.

16 d. Livestock intake and storage equipment.

17 e. Processing and manufacturing equipment, including cutting equipment,
18 mixers, grinders, sausage stuffers, meat smokers, curing equipment, cooking
19 equipment, pipes, motors, pumps, and valves.

20 f. Packaging and handling equipment, including sealing, bagging, boxing,
21 labeling, conveying, and product movement equipment.

22 g. Warehouse equipment, including storage and curing racks.

23 h. Waste treatment and waste management equipment, including tanks,
24 blowers, separators, dryers, digesters, and equipment that uses waste to produce
25 energy, fuel, or industrial products.

ASSEMBLY BILL 75**SECTION 1721**

1 i. Computer software and hardware used for managing the claimant's meat
2 processing operation, including software and hardware related to logistics,
3 inventory management, production plant controls, and temperature monitoring
4 controls.

5 4. "Used exclusively" means used to the exclusion of all other uses except for
6 use not exceeding 5 percent of total use.

7 (b) *Filing claims.* Subject to the limitations provided in this subsection and s.
8 560.209, for taxable years beginning after December 31, 2008, and before January
9 1, 2017, a claimant may claim as a credit against the taxes imposed under s. 71.43,
10 up to the amount of the tax, an amount equal to 10 percent of the amount the
11 claimant paid in the taxable year for meat processing modernization or expansion
12 related to the claimant's meat processing operation.

13 (c) *Limitations.* 1. No credit may be allowed under this subsection for any
14 amount that the claimant paid for expenses described under par. (b) that the
15 claimant also claimed as a deduction under section 162 of the Internal Revenue Code.

16 2. The aggregate amount of credits that a claimant may claim under this
17 subsection is \$200,000.

18 3. a. The maximum amount of the credits that may be allocated under this
19 subsection and ss. 71.07 (3r) and 71.28 (3r) in fiscal year 2009–10 is \$300,000, as
20 allocated under s. 560.209.

21 b. The maximum amount of the credits that may be allocated under this
22 subsection and ss. 71.07 (3r) and 71.28 (3r) in fiscal year 2010–11, and in each fiscal
23 year thereafter, is \$700,000, as allocated under s. 560.209.

24 4. 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,

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1 the credit are based on their payment of expenses under par. (b), except that the
2 aggregate amount of credits that the entity may compute shall not exceed \$200,000.
3 A partnership, limited liability company, or tax-option corporation shall compute
4 the amount of credit that each of its partners, members, or shareholders may claim
5 and shall provide that information to each of them. Partners, members of limited
6 liability companies, and shareholders of tax-option corporations may claim the
7 credit in proportion to their ownership interest.

8 5. If 2 or more persons own and operate the meat processing operation, each
9 person may claim a credit under par. (b) in proportion to his or her ownership
10 interest, except that the aggregate amount of the credits claimed by all persons who
11 own and operate the meat processing operation shall not exceed \$200,000.

12 6. No credit may be allowed under this subsection unless the claimant submits
13 with the claimant's return a copy of the claimant's credit certification and allocation
14 under s. 560.209.

15 (d) *Administration.* 1. Section 71.28 (4) (e), (g), and (h), as it applies to the
16 credit under s. 71.28 (4), applies to the credit under this subsection.

17 2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise
18 due under s. 71.43, the amount of the claim not used to offset the tax due shall be
19 certified by the department of revenue to the department of administration for
20 payment by check, share draft, or other draft drawn from the appropriation account
21 under s. 20.835 (2) (bd).

22 **SECTION 1722.** 71.47 (4m) of the statutes is created to read:

23 71.47 (4m) SUPER RESEARCH AND DEVELOPMENT CREDIT. (a) *Definition.* In this
24 subsection, "qualified research expenses" means qualified research expenses as
25 defined in section 41 of the Internal Revenue Code, except that "qualified research

ASSEMBLY BILL 75**SECTION 1722**

1 expenses” includes only expenses incurred by the claimant for research conducted
2 in this state for the taxable year and except that “qualified research expenses” do not
3 include compensation used in computing the credits under subs. (1dj) and (1dx).

4 (b) *Credit.* Subject to the limitations provided under this subsection, for
5 taxable years beginning on or after January 1, 2011, a corporation may claim as a
6 credit against the tax imposed under s. 71.43, up to the amount of those taxes, an
7 amount equal to the amount of qualified research expenses paid or incurred by the
8 corporation in the taxable year that exceeds the amount calculated as follows:

9 1. Determine the average amount of the qualified research expenses paid or
10 incurred by the corporation in the 3 taxable years immediately preceding the taxable
11 year for which a credit is claimed under this subsection.

12 2. Multiply the amount determined under subd. 1. by 1.25.

13 (c) *Limitations.* Section 71.28 (4) (b) to (d) and (i), as it applies to the credit
14 under s. 71.28 (4), applies to the credit under this subsection.

15 (d) *Administration.* 1. Section 71.28 (4) (e), (g), and (h), as it applies to the
16 credit under s. 71.28 (4), applies to the credit under this subsection.

17 2. If a credit computed under this subsection is not entirely offset against
18 Wisconsin income or franchise taxes otherwise due, the unused balance may be
19 carried forward and credited against Wisconsin income or franchise taxes otherwise
20 due for the following 5 taxable years to the extent not offset by these taxes otherwise
21 due in all intervening years between the year in which the expense was incurred and
22 the year in which the carry-forward credit is claimed.

23 **SECTION 1723.** 71.47 (5b) (c) 1. of the statutes is repealed.

24 **SECTION 1724.** 71.47 (5b) (c) 2. of the statutes is renumbered 71.47 (5b) (c).

25 **SECTION 1725.** 71.47 (5b) (d) 3. of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 1725**

1 71.47 **(5b)** (d) 3. For calendar years beginning after December 31, 2007, if an
2 investment for which a claimant claims a credit under par. (b) is held by the claimant
3 for less than 3 years, the claimant shall pay to the department, in the manner
4 prescribed by the department, the amount of the credit that the claimant received
5 related to the investment.

6 **SECTION 1726.** 71.47 (5f) (e) of the statutes is created to read:

7 71.47 **(5f)** (e) *Sunset.* No credit may be claimed under this subsection for
8 taxable years beginning after December 31, 2008. Credits under par. (b) 1. for
9 taxable years beginning before January 1, 2009, may be carried forward to taxable
10 years beginning after December 31, 2008.

11 **SECTION 1727.** 71.47 (5h) (e) of the statutes is created to read:

12 71.47 **(5h)** (e) *Sunset.* No credit may be claimed under this subsection for
13 taxable years beginning after December 31, 2008. Credits under this subsection for
14 taxable years beginning before January 1, 2009, may be carried forward to taxable
15 years beginning after December 31, 2008.

16 **SECTION 1728.** 71.47 (5i) (b) of the statutes is amended to read:

17 71.47 **(5i)** (b) *Filing claims.* Subject to the limitations provided in this
18 subsection, for taxable years beginning after December 31, ~~2009~~ 2011, a claimant
19 may claim as a credit against the taxes imposed under s. 71.43, up to the amount of
20 those taxes, an amount equal to 50 percent of the amount the claimant paid in the
21 taxable year for information technology hardware or software that is used to
22 maintain medical records in electronic form, if the claimant is a health care provider,
23 as defined in s. 146.81 (1).

24 **SECTION 1729.** 71.47 (6) (c) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1729**

1 71.47 (6) (c) No person may claim the credit under this subsection unless the
2 claimant includes with the claimant's return evidence that the rehabilitation was
3 approved recommended by the state historic preservation officer for approval by the
4 secretary of the interior under 36 CFR 67.6 before the physical work of construction,
5 or destruction in preparation for construction, began and that the rehabilitation was
6 approved by the secretary of the interior under 36 CFR 67.6.

7 **SECTION 1730.** 71.47 (6) (cm) of the statutes is created to read:

8 71.47 (6) (cm) Any credit claimed under this subsection for Wisconsin purposes
9 shall be claimed at the same time as for federal purposes.

10 **SECTION 1731.** 71.47 (6) (f) of the statutes is amended to read:

11 71.47 (6) (f) A partnership, limited liability company, or tax-option corporation
12 may not claim the credit under this subsection. The ~~individual~~ partners of a
13 partnership, members of a limited liability company, or shareholders in a tax-option
14 corporation may claim the credit under this subsection based on eligible costs
15 incurred by the partnership, limited liability company, or tax-option corporation, ~~in~~
16 ~~proportion to the ownership interest of each partner, member or shareholder.~~ The
17 partnership, limited liability company, or tax-option corporation shall calculate the
18 amount of the credit which may be claimed by each partner, member, or shareholder
19 and shall provide that information to the partner, member, or shareholder. For
20 shareholders of a tax-option corporation, the credit may be allocated in proportion
21 to the ownership interest of each shareholder. Credits computed by a partnership
22 or limited liability company may be claimed in proportion to the ownership interests
23 of the partners or members or allocated to partners or members as provided in a
24 written agreement among the partners or members that is entered into no later than
25 the last day of the taxable year of the partnership or limited liability company, for

ASSEMBLY BILL 75**SECTION 1731**

1 which the credit is claimed. For a partnership or limited liability company that
2 places property in service after June 29, 2008, and before January 1, 2009, the credit
3 attributable to such property may be allocated, at the election of the partnership or
4 limited liability company, to partners or members for a taxable year of the
5 partnership or limited liability company that ends after June 29, 2008, and before
6 January 1, 2010. Any partner or member who claims the credit as provided under
7 this paragraph shall attach a copy of the agreement, if applicable, to the tax return
8 on which the credit is claimed. A person claiming the credit as provided under this
9 paragraph is solely responsible for any tax liability arising from a dispute with the
10 department of revenue related to claiming the credit.

11 **SECTION 1732.** 71.47 (6) (g) of the statutes is created to read:

12 71.47 **(6)** (g) 1. If a person who claims the credit under this subsection elects
13 to claim the credit based on claiming amounts for expenditures as the expenditures
14 are paid, rather than when the rehabilitation work is completed, the person shall file
15 an election form with the department, in the manner prescribed by the department.

16 2. Notwithstanding s. 71.77, the department may adjust or disallow the credit
17 claimed under this subsection within 4 years after the date that the state historical
18 society notifies the department that the expenditures for which the credit was
19 claimed do not comply with the standards for certification promulgated under s.
20 44.02 (24).

21 **SECTION 1733.** 71.47 (8r) of the statutes is created to read:

22 71.47 **(8r)** BEGINNING FARMER AND FARM ASSET OWNER TAX CREDIT. (a) *Definitions.*
23 In this subsection:

24 1. “Agricultural assets” means machinery, equipment, facilities, or livestock
25 that is used in farming.

ASSEMBLY BILL 75**SECTION 1733**

1 2. “Beginning farmer” means a person who meets the conditions specified in s.
2 93.53 (2).

3 3. “Claimant” means an established farmer who files a claim under this
4 subsection.

5 4. “Established farmer” means a person who meets the conditions specified in
6 s. 93.53 (3).

7 5. “Farming” has the meaning given in section 464 (e) (1) of the Internal
8 Revenue Code.

9 6. “Lease amount” is the amount of the cash payment paid by a beginning
10 farmer to an established farmer each year for leasing the established farmer’s
11 agricultural assets.

12 (b) *Filing claims.* For taxable years beginning after December 31, 2010, and
13 subject to the limitations provided in this subsection, a claimant may claim as a
14 credit against the tax imposed under s. 71.43 an amount equal to 15 percent of the
15 lease amount received by the claimant in the taxable year. If the allowable amount
16 of the claim exceeds the taxes otherwise due on the claimant’s income, the amount
17 of the claim not used as an offset against those taxes shall be certified by the
18 department of revenue to the department of administration for payment to the
19 claimant by check, share draft, or other draft from the appropriation under s. 20.835
20 (2) (en).

21 (c) *Limitations.* 1. A claimant may only claim the credit under this subsection
22 for the first 3 years of any lease of the claimant’s agricultural assets to a beginning
23 farmer.

24 2. Along with a claimant’s income tax return, a claimant shall submit to the
25 department a certificate of eligibility provided under s. 93.53 (5) (c).

ASSEMBLY BILL 75**SECTION 1733**

1 3. 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 the amounts received by the entities under par. (b). A
4 partnership, limited liability company, or tax-option corporation shall compute the
5 amount of credit that each of its partners, members, or shareholders may claim and
6 shall provide that information to each of them. Partners, members of limited liability
7 companies, and shareholders of tax-option corporations may claim the credit in
8 proportion to their ownership interests.

9 (d) *Administration.* Subsection (4) (e), (g), and (h), as it applies to the credit
10 under that sub. (4), applies to the credit under this subsection.

11 **SECTION 1734.** 71.49 (1) (db) of the statutes is created to read:

12 71.49 (1) (db) Super research and development credit under s. 71.47 (4m).

13 **SECTION 1735.** 71.49 (1) (em) of the statutes is renumbered 71.49 (1) (eh).

14 **SECTION 1736.** 71.49 (1) (ema) of the statutes is created to read:

15 71.49 (1) (ema) Economic development tax credit under s. 71.47 (1dy).

16 **SECTION 1737.** 71.49 (1) (emb) of the statutes is renumbered 71.49 (1) (ei).

17 **SECTION 1738.** 71.49 (1) (en) of the statutes is renumbered 71.49 (1) (ej).

18 **SECTION 1739.** 71.49 (1) (eo) of the statutes is renumbered 71.49 (1) (ek).

19 **SECTION 1740.** 71.49 (1) (eom) of the statutes is renumbered 71.49 (1) (eL).

20 **SECTION 1741.** 71.49 (1) (f) of the statutes is amended to read:

21 71.49 (1) (f) ~~The total of farmers' drought property tax credit under s. 71.47~~
22 ~~(1fd),~~ farmland preservation credit under subch. IX, farmland tax relief credit under
23 s. 71.47 (2m), dairy manufacturing facility investment credit under s. 71.47 (3p), job
24 tax credit under s. 71.47 (3q), meat processing facility investment credit under s.
25 71.47 (3r), enterprise zone jobs credit under s. 71.47 (3w), film production services

ASSEMBLY BILL 75**SECTION 1741**

1 credit under s. 71.47 (5f) (b) 2., beginning farmer and farm asset owner tax credit
2 under s. 71.47 (8r), and estimated tax payments under s. 71.48.

3 **SECTION 1742.** 71.54 (2m) of the statutes is created to read:

4 **71.54 (2m)** INDEXING FOR INFLATION; 2010 AND THEREAFTER. (a) For calendar years
5 beginning after December 31, 2009, the dollar amount for the maximum household
6 income under sub. (1) (f) 3. shall be increased each year by a percentage equal to the
7 percentage change between the U.S. consumer price index for all urban consumers,
8 U.S. city average, for the month of August of the previous year and the U.S. consumer
9 price index for all urban consumers, U.S. city average, for the month of August 2008,
10 as determined by the federal department of labor, except that the adjustment may
11 occur only if the percentage is a positive number. The amount that is revised under
12 this paragraph shall be rounded to the nearest multiple of \$10 if the revised amount
13 is not a multiple of \$10 or, if the revised amount is a multiple of \$5, such an amount
14 shall be increased to the next higher multiple of \$10. The department of revenue
15 shall annually adjust the changes in dollar amounts required under this paragraph
16 and incorporate the changes into the income tax forms and instructions.

17 (b) The department of revenue shall annually adjust the slope under sub. (1)
18 (f) 2. such that, as a claimant's income increases from the threshold income under
19 sub. (1) (f) 1. and 2., to an amount that exceeds the maximum household income as
20 calculated under par. (a), the credit that may be claimed is reduced to \$0 and the
21 department of revenue shall incorporate the changes into the income tax forms and
22 instructions.

23 **SECTION 1743.** 71.57 of the statutes is amended to read:

24 **71.57 Purpose.** The purpose of ~~this subchapter~~ ss. 71.58 to 71.61 is to provide
25 credit to owners of farmland which is subject to agricultural use restrictions, through

ASSEMBLY BILL 75**SECTION 1743**

1 a system of income or franchise tax credits and refunds and appropriations from the
2 general fund.

3 **SECTION 1744.** 71.58 (intro.) of the statutes is amended to read:

4 **71.58 Definitions.** (intro.) In ~~this subchapter~~ ss. 71.57 to 71.61:

5 **SECTION 1745.** 71.58 (1) (intro.) of the statutes is amended to read:

6 71.58 **(1)** (intro.) “Claimant” means an owner ~~of farmland~~, as defined in s. 91.01
7 (9), 2007 stats., of farmland, domiciled in this state during the entire year for which
8 a credit under ~~this subchapter~~ ss. 71.57 to 71.61 is claimed, except as follows:

9 **SECTION 1746.** 71.58 (1) (b) of the statutes is amended to read:

10 71.58 **(1)** (b) If any person in a household has claimed or will claim credit under
11 subch. VIII, all persons from that household are ineligible to claim any credit under
12 ~~this subchapter~~ ss. 71.57 to 71.61 for the year to which the credit under subch. VIII
13 pertained.

14 **SECTION 1747.** 71.58 (1) (d) of the statutes is amended to read:

15 71.58 **(1)** (d) For purposes of filing a claim under ~~this subchapter~~ ss. 71.57 to
16 71.61, the personal representative of an estate and the trustee of a trust shall be
17 deemed owners of farmland. “Claimant” does not include the estate of a person who
18 is a nonresident of this state on the person’s date of death, a trust created by a
19 nonresident person, a trust which receives Wisconsin real property from a
20 nonresident person or a trust in which a nonresident settlor retains a beneficial
21 interest.

22 **SECTION 1748.** 71.58 (1) (e) of the statutes is amended to read:

23 71.58 **(1)** (e) For purposes of filing a claim under ~~this subchapter~~ ss. 71.57 to
24 71.61, when land is subject to a land contract, the claimant shall be the vendee under
25 the contract.

ASSEMBLY BILL 75**SECTION 1749**

1 **SECTION 1749.** 71.58 (1) (f) of the statutes is amended to read:

2 71.58 **(1)** (f) For purposes of filing a claim under ~~this subchapter ss. 71.57 to~~
3 71.61, when a guardian has been appointed in this state for a ward who owns the
4 farmland, the claimant shall be the guardian on behalf of the ward.

5 **SECTION 1750.** 71.58 (3) of the statutes is amended to read:

6 71.58 **(3)** “Farmland” means 35 or more acres of real property in this state
7 owned by the claimant or any member of the claimant’s household during the taxable
8 year for which a credit under ~~this subchapter ss. 71.57 to 71.61~~ is claimed if the
9 farmland, during that year, produced not less than \$6,000 in gross farm profits
10 resulting from the farmland’s agricultural use, as defined in s. 91.01 (1), 2007 stats.,
11 or if the farmland, during that year and the 2 years immediately preceding that year,
12 produced not less than \$18,000 in such profits, or if at least 35 acres of the farmland,
13 during all or part of that year, was enrolled in the conservation reserve program
14 under 16 USC 3831 to 3836.

15 **SECTION 1751.** 71.58 (4) of the statutes is amended to read:

16 71.58 **(4)** “Gross farm profits” means gross receipts, excluding rent, from
17 agricultural use, as defined in s. 91.01 (1), 2007 stats., including the fair market
18 value at the time of disposition of payments in kind for placing land in federal
19 programs or payments from the federal dairy termination program under 7 USC
20 1446 (d), less the cost or other basis of livestock or other items purchased for resale
21 which are sold or otherwise disposed of during the taxable year.

22 **SECTION 1752.** 71.58 (8) of the statutes is amended to read:

23 71.58 **(8)** “Property taxes accrued” means property taxes, exclusive of special
24 assessments, delinquent interest and charges for service, levied on the farmland and
25 improvements owned by the claimant or any member of the claimant’s household in

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1 any calendar year under ch. 70, less the tax credit, if any, afforded in respect of the
2 property by s. 79.10. “Property taxes accrued” shall not exceed \$6,000. If farmland
3 is owned by a tax-option corporation, a limited liability company or by 2 or more
4 persons or entities as joint tenants, tenants in common or partners or is marital
5 property or survivorship marital property and one or more such persons, entities or
6 owners is not a member of the claimant’s household, “property taxes accrued” is that
7 part of property taxes levied on the farmland, reduced by the tax credit under s.
8 79.10, that reflects the ownership percentage of the claimant and the claimant’s
9 household. For purposes of this subsection, property taxes are “levied” when the tax
10 roll is delivered to the local treasurer for collection. If farmland is sold during the
11 calendar year of the levy the “property taxes accrued” for the seller is the amount of
12 the tax levy, reduced by the tax credit under s. 79.10, prorated to each in the closing
13 agreement pertaining to the sale of the farmland, except that if the seller does not
14 reimburse the buyer for any part of those property taxes there are no “property taxes
15 accrued” for the seller, and the “property taxes accrued” for the buyer is the property
16 taxes levied on the farmland, reduced by the tax credit under s. 79.10, minus, if the
17 seller reimburses the buyer for part of the property taxes, the amount prorated to the
18 seller in the closing agreement. With the claim for credit under ~~this subchapter ss.~~
19 71.57 to 71.61, the seller shall submit a copy of the closing agreement and the buyer
20 shall submit a copy of the closing agreement and a copy of the property tax bill.

21 **SECTION 1753.** 71.59 (1) (a) of the statutes is amended to read:

22 71.59 **(1)** (a) Subject to the limitations provided in ~~this subchapter ss. 71.57 to~~
23 71.61 and s. 71.80 (3) and (3m), a claimant may claim as a credit against Wisconsin
24 income or franchise taxes otherwise due, the amount derived under s. 71.60. If the
25 allowable amount of claim exceeds the income or franchise taxes otherwise due on

ASSEMBLY BILL 75**SECTION 1753**

1 or measured by the claimant's income or if there are no Wisconsin income or franchise
2 taxes due on or measured by the claimant's income, the amount of the claim not used
3 as an offset against income or franchise taxes shall be certified to the department of
4 administration for payment to the claimant by check, share draft or other draft
5 drawn on the general fund.

6 **SECTION 1754.** 71.59 (1) (b) (intro.) of the statutes is amended to read:

7 71.59 **(1)** (b) (intro.) Every claimant under ~~this subchapter~~ ss. 71.57 to 71.61
8 shall supply, at the request of the department, in support of the claim, all of the
9 following:

10 **SECTION 1755.** 71.59 (1) (b) 4. of the statutes is amended to read:

11 71.59 **(1)** (b) 4. Certification by the claimant that each county land conservation
12 committee with jurisdiction over the farmland has been notified that the claimant
13 intends to submit a claim under ~~this subchapter~~ ss. 71.57 to 71.61.

14 **SECTION 1756.** 71.59 (1) (c) of the statutes is amended to read:

15 71.59 **(1)** (c) A farmland preservation agreement submitted under par. (b) 3.
16 shall contain provisions specified under s. 91.13 (8), 2007 stats., including either a
17 provision requiring farming operations to be conducted in substantial accordance
18 with a soil and water conservation plan prepared under s. 92.104, 2007 stats., or a
19 provision requiring farming operations to be conducted in compliance with
20 reasonable soil and water conservation standards established under s. 92.105, 2007
21 stats.

22 **SECTION 1757.** 71.59 (1) (d) 1. of the statutes is amended to read:

23 71.59 **(1)** (d) 1. That the lands are within the boundaries of an agricultural
24 zoning district which is part of an adopted ordinance meeting the standards of subch.
25 V of ch. 91, 2007 stats., and certified under s. 91.06, 2007 stats.

ASSEMBLY BILL 75**SECTION 1758**

1 **SECTION 1758.** 71.59 (1) (d) 5. of the statutes is amended to read:

2 71.59 **(1)** (d) 5. That soil and water conservation standards applicable to the
3 land are established and approved as required under s. 92.105 (1) to (3), 2007 stats.,
4 and that no notice of noncompliance is in effect under s. 92.105 (5), 2007 stats., with
5 respect to the claimant at the time the certificate is issued.

6 **SECTION 1759.** 71.59 (2) (intro.) of the statutes is amended to read:

7 71.59 **(2)** INELIGIBLE CLAIMS. (intro.) No credit shall be allowed under this
8 subchapter ss. 71.57 to 71.61:

9 **SECTION 1760.** 71.59 (2) (b) of the statutes is amended to read:

10 71.59 **(2)** (b) If a notice of noncompliance with an applicable soil and water
11 conservation plan under s. 92.104, 2007 stats., is in effect with respect to the
12 claimant at the time the claim is filed.

13 **SECTION 1761.** 71.59 (2) (c) of the statutes is amended to read:

14 71.59 **(2)** (c) If a notice of noncompliance with applicable soil and water
15 conservation standards under s. 92.105, 2007 stats., is in effect with respect to the
16 claimant at the time the claim is filed.

17 **SECTION 1762.** 71.59 (2) (d) of the statutes is amended to read:

18 71.59 **(2)** (d) For property taxes accrued on farmland zoned for exclusive
19 agricultural use under an ordinance certified under subch. V of ch. 91, 2007 stats.,
20 which is granted a special exception or conditional use permit for a use which is not
21 an agricultural use, as defined in s. 91.01 (1), 2007 stats.

22 **SECTION 1763.** 71.59 (2) (e) of the statutes is amended to read:

23 71.59 **(2)** (e) If the department determines that ownership of the farmland has
24 been transferred to the claimant primarily for the purpose of maximizing benefits
25 under ~~this subchapter~~ ss. 71.57 to 71.61.

ASSEMBLY BILL 75**SECTION 1764**

1 **SECTION 1764.** 71.60 (1) (b) of the statutes is amended to read:

2 71.60 **(1)** (b) The credit allowed under ~~this subchapter ss. 71.57 to 71.61~~ shall
3 be limited to 90% of the first \$2,000 of excessive property taxes plus 70% of the 2nd
4 \$2,000 of excessive property taxes plus 50% of the 3rd \$2,000 of excessive property
5 taxes. The maximum credit shall not exceed \$4,200 for any claimant. The credit for
6 any claimant shall be the greater of either the credit as calculated under ~~this~~
7 ~~subchapter ss. 71.57 to 71.61~~ as it exists at the end of the year for which the claim
8 is filed or as it existed on the date on which the farmland became subject to a current
9 agreement under subch. II or III of ch. 91, 2007 stats., using for such calculations
10 household income and property taxes accrued of the year for which the claim is filed.

11 **SECTION 1765.** 71.60 (1) (c) 1. of the statutes is amended to read:

12 71.60 **(1)** (c) 1. If the farmland is located in a county which has a certified
13 agricultural preservation plan under subch. IV of ch. 91, 2007 stats., at the close of
14 the year for which credit is claimed and is in an area zoned by a county, city or village
15 for exclusive agricultural use under ch. 91, 2007 stats., at the close of such year, the
16 amount of the claim shall be that as specified in par. (b).

17 **SECTION 1766.** 71.60 (1) (c) 2. of the statutes is amended to read:

18 71.60 **(1)** (c) 2. If the farmland is subject to a transition area agreement under
19 subch. II of ch. 91, 2007 stats., on July 1 of the year for which credit is claimed, or the
20 claimant had applied for such an agreement before July 1 of such year and the
21 agreement has subsequently been executed, and the farmland is located in a city or
22 village which has a certified exclusive agricultural use zoning ordinance under
23 subch. V of ch. 91, 2007 stats., in effect at the close of the year for which credit is
24 claimed, or in a town which is subject to a certified county exclusive agricultural use
25 zoning ordinance under subch. V of ch. 91, 2007 stats., in effect at the close of the year

ASSEMBLY BILL 75**SECTION 1766**

1 for which credit is claimed, the amount of the claim shall be that as specified in par.
2 (b).

3 **SECTION 1767.** 71.60 (1) (c) 3. of the statutes is amended to read:

4 71.60 **(1)** (c) 3. If the claimant or any member of the claimant's household owns
5 farmland which is ineligible for credit under subd. 1. or 2. but was subject to a
6 farmland preservation agreement under subch. III of ch. 91, 2007 stats., on July 1
7 of the year for which credit is claimed, or the owner had applied for such an
8 agreement before July 1 of such year and the agreement has subsequently been
9 executed, and if the owner has applied by the end of the year in which conversion
10 under s. 91.41, 2007 stats., is first possible for conversion of the agreement to a
11 transition area agreement under subch. II of ch. 91, 2007 stats., and the transition
12 area agreement has subsequently been executed, and the farmland is located in a city
13 or village which has a certified exclusive agricultural use zoning ordinance under
14 subch. V of ch. 91, 2007 stats., in effect at the close of the year for which credit is
15 claimed, or in a town which is subject to a certified county exclusive agricultural use
16 zoning ordinance under subch. V of ch. 91, 2007 stats., in effect at the close of the year
17 for which credit is claimed, the amount of the claim shall be that specified in par. (b).

18 **SECTION 1768.** 71.60 (1) (c) 4. of the statutes is amended to read:

19 71.60 **(1)** (c) 4. If the claimant or any member of the claimant's household owns
20 farmland which is ineligible for credit under subd. 1. or 2. but which is subject to a
21 farmland preservation agreement or a transition area agreement under subch. II of
22 ch. 91, 2007 stats., on July 1 of the year for which credit is claimed, or the owner had
23 applied for such an agreement before July 1 of such year and the agreement has
24 subsequently been executed, the amount of the claim shall be limited to 80% of that
25 specified in par. (b).

ASSEMBLY BILL 75**SECTION 1769**

SECTION 1769. 71.60 (1) (c) 5. of the statutes is amended to read:

71.60 **(1)** (c) 5. If the claimant or any member of the claimant's household owns farmland which is ineligible for credit under subds. 1. to 4. but was subject to a farmland preservation agreement under subch. III of ch. 91, 2007 stats., on July 1 of the year for which credit is claimed, or the owner had applied for such an agreement before July 1 of such year and the agreement has subsequently been executed, and if the owner has applied by the end of the year in which conversion under s. 91.41, 2007 stats., is first possible for conversion of the agreement to an agreement under subch. II of ch. 91, 2007 stats., and the agreement under subch. II of ch. 91, 2007 stats., has subsequently been executed, the amount of the claim shall be limited to 80% of that specified in par. (b).

SECTION 1770. 71.60 (1) (c) 6. of the statutes is amended to read:

71.60 **(1)** (c) 6. If the farmland is located in an agricultural district under a certified county agricultural preservation plan under subch. IV of ch. 91, 2007 stats., at the close of the year for which credit is claimed, and is located in an area zoned for exclusive agricultural use under a certified town ordinance under subch. V of ch. 91, 2007 stats., at the close of such year, the amount of the claim shall be the amount specified in par. (b).

SECTION 1771. 71.60 (1) (c) 6m. of the statutes is amended to read:

71.60 **(1)** (c) 6m. If the farmland is located in an agricultural district under a certified county agricultural preservation plan under subch. IV of ch. 91, 2007 stats., at the close of the year for which credit is claimed, and is located in an area zoned for exclusive agricultural use under a certified county or town ordinance under subch. V of ch. 91, 2007 stats., for part of a year but not at the close of that year because the farmland became subject to a city or village extraterritorial zoning ordinance under

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1 s. 62.23 (7a), the amount of the claim shall be equal to the amount that the claim
2 would have been under this section if the farmland were subject to a certified county
3 or town exclusive agricultural use ordinance at the close of the year.

4 **SECTION 1772.** 71.60 (1) (c) 7. of the statutes is amended to read:

5 71.60 **(1)** (c) 7. If the farmland is located in an area zoned for exclusive
6 agricultural use under a certified county, city or village ordinance under subch. V of
7 ch. 91, 2007 stats., at the close of the year for which credit is claimed, but the county
8 in which the farmland is located has not adopted an agricultural preservation plan
9 under subch. IV of ch. 91, 2007 stats., by the close of such year, the amount of the
10 claim shall be limited to 70% of that specified in par. (b).

11 **SECTION 1773.** 71.60 (1) (c) 8. of the statutes is amended to read:

12 71.60 **(1)** (c) 8. If the farmland is subject to a farmland preservation agreement
13 under subch. III of ch. 91, 2007 stats., on July 1 of the year for which credit is claimed
14 or the claimant had applied for such an agreement before July 1 of such year and the
15 agreement has subsequently been executed, the amount of the claim shall be limited
16 to 50% of that specified in par. (b).

17 **SECTION 1774.** 71.60 (2) of the statutes is amended to read:

18 71.60 **(2)** If the farmland is subject to a certified ordinance under subch. V of
19 ch. 91, 2007 stats., or an agreement under subch. II of ch. 91, 2007 stats., in effect
20 at the close of the year for which the credit is claimed, the amount of the claim is 10%
21 of the property taxes accrued or the amount determined under sub. (1), whichever
22 is greater.

23 **SECTION 1775.** 71.61 of the statutes is amended to read:

24 **71.61 General provisions. (1)** DEPARTMENT MAY APPLY CREDIT AGAINST ANY TAX
25 LIABILITY. The amount of any claim otherwise payable under ~~this subchapter~~ ss. 71.57

ASSEMBLY BILL 75**SECTION 1775**

1 to 71.61 may be applied by the department against any amount certified to the
2 department under s. 71.93 or 71.935 or may be credited under s. 71.80 (3) or (3m).

3 **(2)** CREDITS ARE INCOME. All amounts allowed as credits under ~~this subchapter~~
4 ss. 71.57 to 71.61 constitute income for income and franchise tax purposes and are
5 reportable as such in the year of receipt.

6 **(3)** INTEREST NOT ALLOWED. No interest may be allowed on any payment made
7 to a claimant under ~~this subchapter~~ ss. 71.57 to 71.61.

8 **(3m)** ADMINISTRATION. The income tax provisions in this chapter relating to
9 assessments, refunds, appeals and collection apply to the credit under ~~this~~
10 ~~subchapter~~ ss. 71.57 to 71.61.

11 **(4)** PENALTIES. Unless specifically provided in ~~this subchapter~~ ss. 71.57 to
12 71.61, the penalties under subch. XIII apply for failure to comply with ~~this~~
13 ~~subchapter~~ ss. 71.57 to 71.61 unless the context requires otherwise.

14 **(5)** TABLE PREPARED BY DEPARTMENT. The department shall prepare a table under
15 which claims under ~~this subchapter~~ ss. 71.57 to 71.61 shall be determined.

16 **SECTION 1776.** 71.61 (6) of the statutes is created to read:

17 71.61 **(6)** PROHIBITION OF NEW CLAIMS. For taxable years beginning after
18 December 31, 2009, no new claims for a credit may be filed under ss. 71.57 to 71.61,
19 but if an otherwise eligible claimant is subject to a farmland preservation agreement,
20 as defined in s. 91.01 (7), 2007 stats., that is in effect on July 1, 2010, the claimant
21 may continue to file a claim for the credit under ss. 71.57 to 71.61 until the farmland
22 preservation agreement expires, except that no claimant who files a claim under ss.
23 71.57 to 71.61 may file a claim under s. 71.613.

24 **SECTION 1777.** 71.613 of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 1777**

1 **71.613 Farmland preservation credit, 2010 and beyond. (1) DEFINITIONS.**

2 In this section:

3 (a) “Agricultural use” has the meaning given in s. 91.01 (2).

4 (b) “Claimant” means an owner, as defined in s. 91.01 (9), 2007 stats., of
5 farmland, domiciled in this state during the entire taxable year to which the claim
6 under this section relates, who files a claim under this section, except as follows:

7 1. When 2 or more individuals of a household are able to qualify individually
8 as a claimant, they may determine between them who the claimant shall be. If they
9 are unable to agree, the matter shall be referred to the secretary of revenue, whose
10 decision is final.

11 2. If any person in a household has claimed or will claim credit under subch.
12 VIII, all persons from that household are ineligible to claim any credit under this
13 section for the year to which the credit under subch. VIII pertains.

14 3. For partnerships except publicly traded partnerships treated as
15 corporations under s. 71.22 (1k), “claimant” means each individual partner.

16 4. For limited liability companies, except limited liability companies treated as
17 corporations under s. 71.22 (1k), “claimant” means each individual member.

18 5. For purposes of filing a claim under this section, the personal representative
19 of an estate and the trustee of a trust shall be considered owners of farmland.
20 “Claimant” does not include the estate of a person who is a nonresident of this state
21 on the person’s date of death, a trust created by a nonresident person, a trust which
22 receives Wisconsin real property from a nonresident person or a trust in which a
23 nonresident settlor retains a beneficial interest.

24 6. For purposes of filing a claim under this section, when land is subject to a
25 land contract, the claimant shall be the vendee under the contract.

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1 7. For purposes of filing a claim under this section, when a guardian has been
2 appointed in this state for a ward who owns the farmland, the claimant shall be the
3 guardian on behalf of the ward.

4 8. For a tax-option corporation, “claimant” means each individual shareholder.

5 (c) “Department” means the department of revenue.

6 (d) “Farm” means a farm, as defined in s. 91.01 (13), that has produced at least
7 \$6,000 in gross farm revenues during the taxable year to which the claim relates or,
8 in the taxable year to which the claim relates and the 2 immediately preceding
9 taxable years, at least \$18,000 in gross farm revenues.

10 (e) “Farmland preservation agreement” has the meaning given in s. 91.01 (15).

11 (f) “Farmland preservation zoning district” has the meaning given in s. 91.01
12 (18).

13 (g) “Gross farm revenues” means gross receipts from agricultural use of a farm,
14 excluding rent receipts, less the cost or other basis of livestock or other agricultural
15 items purchased for resale which are sold or otherwise disposed of during the taxable
16 year.

17 (ge) “Household” means an individual and his or her spouse and all minor
18 dependents.

19 (h) “Qualifying acres” means the number of acres of a farm that correlate to a
20 claimant’s percentage of ownership interest in a farm to which one of the following
21 applies:

22 1. The farm is wholly or partially covered by a farmland preservation
23 agreement, except that if the farm is only partially covered, the qualifying acres
24 calculation includes only those acres which are covered by a farmland preservation
25 agreement.

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1 2. The farm is located in a farmland preservation zoning district at the end of
2 the taxable year to which the claim relates.

3 3. If the claimant transferred the claimant's ownership interest in the farm
4 during the taxable year to which the claim relates, the farm was wholly or partially
5 covered by a farmland preservation agreement, or the farm was located in a farmland
6 preservation zoning district, on the date on which the claimant transferred the
7 ownership interest. For the purposes of this subdivision, a land contract is a transfer
8 of ownership interest.

9 **(2) FILING CLAIMS.** Subject to the limitations and conditions provided in sub. (3),
10 a claimant may claim as a credit against the tax imposed under s. 71.02, 71.08, 71.23,
11 or 71.43, an amount calculated by multiplying the claimant's qualifying acres by one
12 of the following amounts, and if the allowable amount of the claim exceeds the income
13 taxes otherwise due on the claimant's income or if there are no Wisconsin income
14 taxes due on the claimant's income, the amount of the claim not used as an offset
15 against income taxes shall be certified by the department of revenue to the
16 department of administration for payment to the claimant by check, share draft, or
17 other draft from the appropriations under s. 20.835 (2) (do) and (qb):

18 (a) Ten dollars, if the qualifying acres are located in a farmland preservation
19 zoning district and are also subject to a farmland preservation agreement that is
20 entered into after the effective date of this paragraph [LRB inserts date].

21 (b) Seven dollars and 50 cents, if the qualifying acres are located in a farmland
22 preservation zoning district but are not subject to a farmland preservation
23 agreement that is entered into after the effective date of this paragraph [LRB
24 inserts date].

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1 (c) Five dollars, if the qualifying acres are subject to a farmland preservation
2 agreement that is entered into after the effective date of this paragraph [LRB
3 inserts date], but are not located in a farmland preservation zoning district.

4 **(3) LIMITATIONS AND CONDITIONS.** (a) No credit may be allowed under this section
5 unless all of the following apply:

6 1. The claimant certifies to the department that the claimant has paid, or is
7 legally responsible for paying, the property taxes levied against the qualifying acres
8 to which the claim relates.

9 2. The claimant certifies to the department that at the end of the taxable year
10 to which the claim relates or, on the date on which the person transferred the person's
11 ownership interest in the farm if the transfer occurs during the taxable year to which
12 the claim relates, there was no outstanding notice of noncompliance issued against
13 the farm under s. 91.82 (2).

14 3. The claimant submits to the department a certification of compliance with
15 soil and water conservation standards, as required by s. 91.80, issued by the county
16 land conservation committee unless, in the last preceding year, the claimant received
17 a tax credit under ss. 71.57 to 71.61 or this section for the same farm.

18 (b) If a farm is jointly owned by 2 or more persons who file separate income or
19 franchise tax returns, each person may claim a credit under this section based on the
20 person's ownership interest in the farm.

21 (c) If a person acquires or transfers ownership of a farm during a taxable year
22 for which a claim may be filed under this section, the person may file a claim under
23 this section based on the person's liability for the property taxes levied on the
24 person's qualifying acres for the taxable year to which the claim relates.

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1 (d) A claimant shall claim the credit under this section on a form prepared by
2 the department and shall submit any documentation required by the department.

3 On the claim form, the claimant shall certify all of the following:

4 1. The number of qualifying acres for which the credit is claimed.

5 2. The location and tax parcel number for each parcel on which the qualifying
6 acres are located.

7 4. That the qualifying acres are covered by a farmland preservation agreement
8 or located in a farmland preservation zoning district, or both.

9 5. That the qualifying acres are part of a farm that complies with applicable
10 state soil and water conservation standards, as required by s. 91.80.

11 (e) No credit may be allowed under this section unless it is claimed within the
12 time period under s. 71.75 (2).

13 (f) The maximum amount of the credits that may be claimed under this section
14 in any fiscal year is \$27,280,000. If the total amount of eligible claims exceed this
15 amount, the excess claims shall be paid in the next succeeding fiscal year to ensure
16 that the limit specified in this paragraph is not exceeded.

17 (g) For the 2011–2012 fiscal year, and for every succeeding fiscal year, the
18 department shall prorate the per acre amounts specified in sub. (2) based on the
19 department's estimated amount of eligible claims that will be filed for that fiscal
20 year, and to account for any excess claims from the preceding fiscal year that are
21 required to be paid under par. (f).

22 (h) If the payment to which an eligible claimant is entitled under sub. (2) is
23 delayed because the claim was an excess claim, as described in par. (f), the claimant
24 is not entitled to any interest payment under s. 71.82 with regard to the delayed
25 claim or with regard to any other refund to which the claimant is entitled if that other

ASSEMBLY BILL 75**SECTION 1777**

1 refund claim is claimed on the same income tax return as the credit under this
2 section.

3 **(4) ADMINISTRATION.** The department may enforce the credit under this section
4 and may take any action, conduct any proceeding, and proceed as it is authorized in
5 respect to taxes under this chapter. The income and franchise tax provisions in this
6 chapter relating to assessments, refunds, appeals, collection, interest, and penalties
7 apply to the credit under this section.

8 **SECTION 1778.** 71.65 (5) (b) of the statutes is amended to read:

9 71.65 **(5)** (b) No extension under par. (a) extends the time to deposit with the
10 public depository or pay to the department amounts that are required to be deducted
11 and withheld under this subchapter. The department for good cause may extend for
12 a period, not to exceed one month, the time for making any return or paying any
13 amount required to be paid under this subchapter. The extension may be granted
14 at any time if the extension request is filed with the department within or before the
15 period for which the extension is requested.

16 **SECTION 1779.** 71.74 (6) of the statutes is amended to read:

17 71.74 **(6) CONSOLIDATED STATEMENTS.** For the purpose of this chapter, whenever
18 a corporation which is required to file an income or franchise tax return is affiliated
19 with or related to any other corporation through stock ownership by the same
20 interests or as parent or subsidiary corporations, or whose income is regulated
21 through contract or other arrangement, the department may require such
22 consolidated statements as in its opinion are necessary in order to determine the
23 taxable income received by any one of the affiliated or related corporations or to
24 determine whether the corporations are a unitary business.

25 **SECTION 1780.** 71.775 (4) (a) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1780**

1 71.775 **(4)** (a) (intro.) Each pass-through entity that is subject to the
2 withholding under sub. (2) shall ~~pay the amount of the tax withheld to~~ file an annual
3 return that indicates the withholding amount paid to the state during the
4 pass-through entity's taxable year. The entity shall file the return with the
5 department no later than:

6 **SECTION 1781.** 71.775 (4) (b) of the statutes is repealed.

7 **SECTION 1782.** 71.775 (4) (bm) 1. of the statutes is created to read:

8 71.775 **(4)** (bm) 1. For the return under par. (a), the department shall allow an
9 automatic extension of 7 months or until the corresponding due date of the
10 pass-through entity's federal income tax return or return of partnership income,
11 whichever is later. Except for payments of estimated taxes, and except as provided
12 in subd. 2., withholding taxes payable upon filing the return are not delinquent during
13 the extension period but shall be subject to interest at the rate of 12 percent per year
14 during that period.

15 **SECTION 1783.** 71.775 (4) (bm) 2. of the statutes is created to read:

16 71.775 **(4)** (bm) 2. For taxable years beginning after December 31, 2008, for
17 persons who qualify for a federal extension of time to file under 26 USC 7508A due
18 to a presidentially declared disaster or terroristic or military action, withholding
19 taxes that are otherwise due from a pass-through entity under sub. (2) are not
20 subject to 12 percent interest as otherwise provided under subd. 1. during the
21 extension period and for 30 days after the end of the federal extension period.

22 **SECTION 1784.** 71.775 (4) (bn) of the statutes is created to read:

23 71.775 **(4)** (bn) If a pass-through entity subject to withholding tax under sub.
24 (2) does not file the return under par. (a) on or before the extension date provided in
25 par. (bm), the pass-through entity is liable for the penalty provided in s. 71.83 (1),

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1 in addition to any unpaid tax, interest, and penalty otherwise assessable to a
2 nonresident partner, member, shareholder, or beneficiary on income from the
3 pass-through entity.

4 **SECTION 1785.** 71.775 (4) (c) of the statutes is renumbered 71.775 (4) (i).

5 **SECTION 1786.** 71.775 (4) (cm) of the statutes is created to read:

6 71.775 **(4)** (cm) Except as provided in par. (L), pass-through entities shall make
7 estimated payments of the withholding tax under sub. (2) in 4 installments, on or
8 before the 15th day of each of the following months:

9 1. The 3rd month of the taxable year.

10 2. The 6th month of the taxable year.

11 3. The 9th month of the taxable year.

12 4. The 12th month of the taxable year.

13 **SECTION 1787.** 71.775 (4) (d) of the statutes is renumbered 71.775 (4) (j) and
14 amended to read:

15 71.775 **(4)** (j) A nonresident partner, member, shareholder, or beneficiary of a
16 pass-through entity may claim a credit, as prescribed by the department, on his or
17 her Wisconsin income or franchise tax return for the amount withheld under sub. (2)
18 on his or her behalf for the tax period for which the income of the pass-through entity
19 is reported. ~~For purposes of determining whether interest under s. 71.84 applies to~~
20 ~~a nonresident partner, member, shareholder, or beneficiary, the amount withheld~~
21 ~~under sub. (2) is considered to be paid in 4 equal quarterly installments.~~

22 **SECTION 1788.** 71.775 (4) (dm) of the statutes is created to read:

23 71.775 **(4)** (dm) Section 71.29 (3), (3m), (4), (5), (6), and (11), as it applies to
24 estimated payments of income and franchise taxes for corporations, also applies to

ASSEMBLY BILL 75**SECTION 1788**

1 estimated payments of the withholding tax imposed under sub. (2) for pass-through
2 entities.

3 **SECTION 1789.** 71.775 (4) (e) of the statutes is renumbered 71.775 (4) (k).

4 **SECTION 1790.** 71.775 (4) (em) of the statutes is created to read:

5 71.775 **(4)** (em) Except as provided in par. (fm), in the case of any underpayment
6 of estimated withholding taxes under par. (cm), interest shall be added to the
7 aggregate withholding tax for the taxable year at the rate of 12 percent per year on
8 the amount of the underpayment for the period of the underpayment. In this
9 paragraph, “period of the underpayment” means the time period beginning with the
10 due date of the installment and ending on either the unextended due date of the
11 return under par. (a) or the date of payment, whichever is earlier. If 90 percent of
12 the tax due under sub. (2) for the taxable year is not paid by the unextended due date
13 of the return under par. (a), the difference between that amount and the estimated
14 taxes paid, along with any interest due, shall accrue delinquent interest in the same
15 manner as income and franchise taxes under s. 71.82 (2) (a).

16 **SECTION 1791.** 71.775 (4) (f) of the statutes is repealed.

17 **SECTION 1792.** 71.775 (4) (fm) of the statutes is created to read:

18 71.775 **(4)** (fm) No interest is required under par. (em) for a pass-through entity
19 if any of the following conditions apply:

- 20 1. The amount of withholding tax due under sub. (2) is less than \$500.
- 21 2. The amount of withholding tax due under sub. (2) is less than \$5,000, the
22 pass-through entity had no withholding tax liability under sub. (2) for the preceding
23 taxable year, and the preceding taxable year was 12 months.

24 **SECTION 1793.** 71.775 (4) (g) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 1793**

1 71.775 **(4)** (g) Except as provided under par. (h), the amount of each installment
2 required under par. (cm) is 25 percent of the lesser of the following amounts:

3 1. Ninety percent of the withholding tax under sub. (2) that is due for the
4 taxable year.

5 2. The withholding tax due under sub. (2) for the preceding taxable year, except
6 that this subdivision does not apply if the preceding taxable year was less than 12
7 months or if the pass-through entity did not file a return under par. (a) for the
8 preceding taxable year.

9 **SECTION 1794.** 71.775 (4) (h) of the statutes is created to read:

10 71.775 **(4)** (h) If 22.5 percent for the first installment, 45 percent for the 2nd
11 installment, 67.5 percent for the 3rd installment, and 90 percent for the 4th
12 installment of the tax due under sub. (2) for the taxable year; computed by
13 annualizing, under methods prescribed by the department, the pass-through
14 entity's income for the months in the taxable year ending before the installment's due
15 date; is less than the installment required under par. (g), the pass-through entity
16 may pay the amount under this paragraph, rather than the amount under par. (g).
17 For purposes of computing annualized income under this paragraph, the
18 apportionment percentage computed under s. 71.25 (6), (10), and (12) from the return
19 under par. (a) filed for the previous taxable year may be used if that return was filed
20 with the department on or before the due date of the installment for which the income
21 is being annualized and if the apportionment percentage on that previous year's
22 return was greater than zero. Any pass-through entity that pays an amount
23 calculated under this paragraph shall increase the next installment computed under
24 par. (g) by an amount equal to the difference between the amount paid under this
25 paragraph and the amount that would have been paid under par. (g).

ASSEMBLY BILL 75**SECTION 1795**

1 **SECTION 1795.** 71.775 (4) (L) of the statutes is created to read:

2 71.775 **(4)** (L) The department shall deem timely paid the estimated payments
3 of the withholding tax imposed under sub. (2) that become due during the period
4 beginning on January 1, 2009, and ending on the effective date of this paragraph
5 [LRB inserts date], provided that such estimated tax payments are paid by the next
6 installment due date that follows in sequence following the effective date of this
7 paragraph [LRB inserts date]. However, if the next installment due date following
8 the effective date of this paragraph [LRB inserts date], is less than 45 days after
9 the effective date of this paragraph [LRB inserts date], such estimated payments,
10 in addition to the payment due less than 45 days after the effective date of this
11 paragraph [LRB inserts date], shall be deemed timely paid if paid by the next
12 subsequent installment due date.

13 **SECTION 1796.** 71.80 (9m) of the statutes is created to read:

14 71.80 **(9m)** FAILURE TO PRODUCE RECORDS. A person who fails to produce records
15 or documents, as provided under ss. 71.74 (2) and 73.03 (9), that support amounts
16 or other information shown on any return required under this chapter may be subject
17 to any of the following, as determined by the department:

18 (a) The disallowance of deductions, credits, or exemptions to which the
19 requested records relate.

20 (b) In addition to any penalty imposed under sub. (4), a penalty for each
21 violation of this subsection that is equal to the greater of \$500 or 25 percent of the
22 amount of any adjustment by the department that results from the person's failure
23 to produce the records.

24 **SECTION 1797.** 71.80 (20) of the statutes is repealed and recreated to read:

ASSEMBLY BILL 75**SECTION 1797**

1 71.80 **(20)** ELECTRONIC FILING. If a person is required to file 50 or more wage
2 statements or 50 or more of any one type of information return with the department,
3 the person shall file the statements or the returns electronically, by means prescribed
4 by the department.

5 **SECTION 1798.** 71.80 (24) of the statutes is created to read:

6 71.80 **(24)** THROWBACK TRANSITION. For persons subject to tax under this
7 chapter whose sales factor includes sales under s. 71.04 (7) (a), (df) 3., or (dh) 4. or
8 71.25 (9) (a), (df) 3., or (dh) 4., the department shall deem timely paid the estimated
9 tax payments attributable to the difference between the person's tax liability for the
10 taxable year and the person's tax liability for the taxable year computed under ch.
11 71, 2007 stats., for installments that become due during the period beginning on
12 January 1, 2009, and ending on the effective date of this subsection [LRB inserts
13 date], provided that such estimated tax payments are paid by the next installment
14 due date that follows in sequence following the effective date of this subsection
15 [LRB inserts date]. However, if the next installment due date that follows in
16 sequence following the effective date of this subsection [LRB inserts date], is less
17 than 45 days after the effective date of this subsection [LRB inserts date], such
18 estimated tax payments, in addition to the payment due less than 45 days after the
19 effective date of this subsection [LRB inserts date], shall be deemed timely paid
20 if paid by the next subsequent installment due date.

21 **SECTION 1799.** 71.83 (1) (a) 1m. of the statutes is amended to read:

22 71.83 **(1)** (a) 1m. 'Failure to file information return.' If a person fails to file a
23 return required under subch. XI by the prescribed due date, including any extension,
24 ~~or files an incorrect or incomplete return, or fails to electronically file a statement or~~
25 return as provided under s. 71.80 (20), that person may be subject to a penalty of \$10

ASSEMBLY BILL 75**SECTION 1799**

1 for each violation. A penalty shall be waived if the person shows that a violation is
2 due to reasonable cause and not due to willful neglect.

3 **SECTION 1800.** 71.83 (1) (a) 9. of the statutes is created to read:

4 71.83 **(1)** (a) 9. 'Failure to electronically file an individual income tax return.'
5 If any tax return preparer or tax preparation entity that the department requires,
6 by rule, to electronically file individual income tax returns prepared by the preparer
7 or entity fails to electronically file one or more returns, the tax return preparer or tax
8 preparation entity is subject to a \$50 penalty for each return that is not electronically
9 filed, as provided under this subdivision. The department shall waive a penalty
10 imposed under this subdivision if the tax return preparer or tax preparation entity
11 shows the department that the violation results from a reasonable cause and not
12 willful neglect.

13 **SECTION 1801.** 71.83 (1) (a) 10. of the statutes is created to read:

14 71.83 **(1)** (a) 10. 'Failure to provide schedules.' If a person who is required to
15 provide a schedule under s. 71.13 (1m), 71.20 (1m), or 71.36 (4) fails to provide the
16 schedule by the due date, including any extension, or provides an incorrect or
17 incomplete schedule, the person is subject to a \$50 penalty for each violation, except
18 that the department shall waive the penalty if the person shows the department that
19 a violation resulted from a reasonable cause and not from willful neglect.

20 **SECTION 1802.** 71.83 (3) of the statutes is renumbered 71.83 (3) (a) and
21 amended to read:

22 71.83 **(3)** (a) If any person required under this chapter to file an income or
23 franchise tax return fails to file a return within the time prescribed by law, or as
24 extended under s. 71.03 (7), 71.24 (7) or 71.44 (3), unless the return is filed under such
25 an extension but the person fails to file a copy of the extension that is granted by or

ASSEMBLY BILL 75**SECTION 1802**

1 requested of the internal revenue service, the department shall add to the tax of the
2 person ~~\$30 in the case of corporations and in the case of persons other than~~
3 ~~corporations \$2 when the total normal income tax of the person is less than \$10, \$3~~
4 ~~when the tax is \$10 or more but less than \$20, \$5 when the tax is \$20 or more, except~~
5 ~~that \$30 shall be added to the tax if the return is 60 or more days late~~ \$50 to the
6 person's tax. If no tax is assessed against any such person the amount of this fee shall
7 be collected as income or franchise taxes are collected. If any person who is required
8 under s. 71.65 (3) to file a withholding report and deposit withheld taxes fails timely
9 to do so; unless the person so required dies or the failure is due to a reasonable cause
10 and not due to neglect; the department of revenue shall add ~~\$30~~ \$50 to the amount
11 due.

12 **SECTION 1803.** 71.83 (3) (b) of the statutes is created to read:

13 71.83 **(3)** (b) A partnership that fails to file a statement under s. 71.20 (1) by
14 the due date, including any extension, is subject to a \$50 fee.

15 **SECTION 1804.** 71.91 (8) of the statutes is created to read:

16 71.91 **(8)** FINANCIAL RECORD MATCHING PROGRAM. (a) *Definitions.* In this
17 subsection:

18 1. "Account" means a demand deposit account, checking account, negotiable
19 withdrawal order account, savings account, time deposit account, or money market
20 mutual fund account.

21 2. "Department" means the department of revenue.

22 3. "Financial institution" has the meaning given in s. 49.853 (1) (c).

23 4. "Ownership interest" has the meaning specified by the department by rule.

24 5. "Person" includes any individual, firm, partnership, limited liability
25 company, joint venture, joint stock company, association, public or private

ASSEMBLY BILL 75**SECTION 1804**

1 corporation, estate, trust, receiver, personal representative, and other fiduciary, and
2 the owner of a single-owner entity that is disregarded as a separate entity under this
3 chapter.

4 (b) *Matching program agreements.* The department shall promulgate rules
5 specifying procedures under which the department shall enter into agreements with
6 financial institutions doing business in this state to operate the financial record
7 matching program under this subsection. The agreement shall require the financial
8 institution to participate in the financial record matching program under this
9 subsection by electing either the financial institution matching option under par. (c)
10 or the state matching option under par. (d). The information required under pars.
11 (c) and (d) shall be provided by electronic data exchange in the manner specified by
12 the department by rule or by agreement between the department and the financial
13 institution. If the financial institution requests reimbursement, the department
14 shall reimburse a financial institution for costs associated with participating in the
15 financial record matching program under this subsection in an amount not to exceed
16 \$125 for each calendar quarter that the institution participates in the program.

17 (c) *Financial institution matching option.* If a financial institution with which
18 the department has an agreement under par. (b) elects to use the financial institution
19 matching option, the department shall provide to the financial institution, at least
20 quarterly, the names and social security numbers or federal employer identification
21 numbers of delinquent debtors. The financial institution shall match this
22 information against all accounts maintained at the financial institution. The
23 financial institution shall notify the department of the name, social security or
24 federal employer identification number, address, account number, account type, and
25 account balance of any person with ownership interest in any account that matches

ASSEMBLY BILL 75**SECTION 1804**

1 any name or number provided by the department. The notice shall be provided in
2 a manner specified by the department by rule or by agreement between the
3 department and the financial institution.

4 (d) *State matching option.* If a financial institution with which the department
5 has an agreement under par. (b) elects to use the state matching option, the financial
6 institution shall provide to the department, at least quarterly, the name, social
7 security or federal employer identification number, address, account number,
8 account type, and account balance of all persons who have an ownership interest in
9 all accounts maintained at the financial institution. The department shall match the
10 information provided with its database of delinquent debtors. The department may
11 not disclose or retain information received from the financial institution concerning
12 account holders who are not delinquent debtors.

13 (e) *Confidentiality.* A financial institution participating in the financial
14 institution matching option under par. (c) and the employees, agents, officers, and
15 directors of the financial institution, may use any information provided by the
16 department only for the purpose of administering this subsection and shall be subject
17 to the confidentiality provisions of ss. 71.78 (1) and 77.61 (5) (a). Any person violating
18 this paragraph may be fined not less than \$25 nor more than \$500, or imprisoned in
19 the county jail for not less than 10 days nor more than one year or both.

20 (f) *Financial institution liability.* A financial institution that provides
21 information under par. (c) or (d) is not liable to any person for disclosing information
22 to the department under this subsection or for any other action that the financial
23 institution takes in good faith to comply with this subsection.

24 (g) *Penalty.* A financial institution that fails to provide any information
25 required under par. (c) or (d) within 120 days from either the date that the

ASSEMBLY BILL 75**SECTION 1804**

1 information is due or from the date that the department requests the information
2 may be subject to a \$100 penalty for each occurrence of the financial institution's
3 failure to provide account information about an account holder. The department may
4 commence civil proceedings to enforce this subsection if a financial institution fails
5 to provide any information required under par. (c) or (d) after 120 days from either
6 the date that the information is due or from the date that the department requests
7 the information.

8 **SECTION 1805.** 71.93 (1) (a) 8. of the statutes is created to read:

9 71.93 **(1)** (a) 8. Any amount owed to a state agency and collected pursuant to
10 a written agreement between the department of revenue and the state agency as
11 provided under sub. (8) (b), if the debt has been reduced to a judgment or if the state
12 agency or the department has provided the debtor reasonable notice and an
13 opportunity to be heard with regard to the amount owed.

14 **SECTION 1806.** 71.93 (3) (a) of the statutes is amended to read:

15 71.93 **(3)** (a) ~~In administering this section the department shall first check with~~
16 ~~the state agency certifying the debt to determine whether the debt has been collected~~
17 ~~by other means. If the debt remains uncollected the~~ The department of revenue shall
18 setoff any debt or other amount owed to the department, regardless of the origin of
19 the debt or of the amount, its nature or its date. If after the setoff there remains a
20 refund in excess of \$10, the department shall set off the remaining refund against
21 certified debts of other state agencies. If more than one certified debt exists for any
22 debtor, the refund shall be first set off against the earliest debt certified, except that
23 no child support or spousal support obligation submitted by an agency of another
24 state may be set off until all debts owed to and certified by state agencies of this state
25 have been set off. When all debts have been satisfied, any remaining refund shall

ASSEMBLY BILL 75**SECTION 1806**

1 be refunded to the debtor by the department. Any legal action contesting a setoff
2 under this paragraph shall be brought against the state agency that certified the
3 debt under sub. (2).

4 **SECTION 1807.** 71.93 (8) of the statutes is renumbered 71.93 (8) (a).

5 **SECTION 1808.** 71.93 (8) (b) of the statutes is created to read:

6 71.93 **(8)** (b) 1. Except as provided in subd. 2., a state agency and the
7 department of revenue shall enter into a written agreement to have the department
8 collect any amount owed to the state agency that is more than 90 days past due,
9 unless negotiations between the agency and debtor are actively ongoing, the debt is
10 the subject of legal action or administrative proceedings, or the agency determines
11 that the debtor is adhering to an acceptable payment arrangement. At least 30 days
12 before the department pursues the collection of any debt referred by a state agency,
13 either the department or the agency shall provide the debtor with a written notice
14 that the debt will be referred to the department for collection. The department may
15 collect amounts owed, pursuant to the written agreement, from the debtor in
16 addition to offsetting the amounts as provided under sub. (3). If the debtor owes debt
17 to the department and debt to other state agencies, payments shall first apply to
18 debts owed to the department and then to debts owed to the state agencies, in the
19 order in which the debts were referred to the department. The department shall
20 charge each debtor whose debt is subject to collection under this paragraph an
21 amount for administrative expenses and that amount shall be credited to the
22 appropriation under s. 20.566 (1) (h).

23 2. The department may enter into agreements described under subd. 1. with
24 the courts, the legislature, authorities, as defined in s. 16.41 (4), and local units of
25 government. Payments received by the department pursuant to an agreement under

ASSEMBLY BILL 75**SECTION 1808**

1 this subdivision shall first apply to any debts owed to the department, and then to
2 any debts owed to the state agencies, before being applied to debts owed to the courts,
3 the legislature, authorities, or local units of government.

4 3. Agreements required under subd. 1. shall be completed no later than July
5 1, 2010, except that an agreement may allow a delay or phase-in of referrals.

6 4. The secretary of revenue may waive the referral of certain types of debt. The
7 department's determination that a debt is not collectable does not prevent the
8 referring agency from taking additional collection actions.

9 5. The department may collect debts and assess interest on delinquent
10 amounts under this paragraph in the same manner that it collects taxes and assesses
11 interest under ss. 71.82 (2), 71.91, 71.92, and 73.03 (20). The department's use of tax
12 returns and related information to collect debts under this paragraph is not a
13 violation of s. 71.78, 72.06, 77.61 (5), 78.80 (3), or 139.38 (6).

14 **SECTION 1809.** 73.01 (4) (a) of the statutes is amended to read:

15 73.01 **(4)** (a) Subject to the provisions for judicial review contained in s. 73.015
16 and par. (ar), the commission shall be the final authority for the hearing and
17 determination of all questions of law and fact arising under sub. (5) and s. 72.86 (4),
18 1985 stats., and ss. 70.38 (4) (a), 70.397, 70.64, and 70.995 (8), s. 76.38 (12) (a), 1993
19 stats., ss. 76.39 (4) (c), 76.48 (6), 76.91, 77.26 (3), 77.59 (5m) and (6) (b), 78.01, 78.22,
20 78.40, 78.555, 139.02, 139.03, 139.06, 139.31, 139.315, 139.33, 139.76, 139.78,
21 341.405, and 341.45, subch. XIV of ch. 71, and subch. VII of ch. 77. Whenever with
22 respect to a pending appeal there is filed with the commission a stipulation signed
23 by the department of revenue and the adverse party, under s. 73.03 (25), or the
24 department of transportation and the adverse party agreeing to an affirmance,
25 modification, or reversal of the department of revenue's or department of

ASSEMBLY BILL 75**SECTION 1809**

1 transportation's position with respect to some or all of the issues raised in the appeal,
2 the commission shall enter an order affirming or modifying in whole or in part, or
3 canceling the assessment appealed from, or allowing in whole or in part or denying
4 the petitioner's refund claim, as the case may be, pursuant to and in accordance with
5 the stipulation filed. No responsibility shall devolve upon the commission,
6 respecting the signing of an order of dismissal as to any pending appeal settled by
7 the department of revenue or the department of transportation without the approval
8 of the commission.

9 **SECTION 1810.** 73.01 (4) (ar) of the statutes is created to read:

10 73.01 **(4)** (ar) For purposes of reviewing the department of revenue's rules, the
11 commission shall give controlling weight deference to the department's
12 interpretation of its rules unless the interpretation is plainly erroneous or
13 inconsistent with the language of the rules or the statutes that govern the rules.

14 **SECTION 1811.** 73.03 (52) of the statutes is renumbered 73.03 (52) (a).

15 **SECTION 1812.** 73.03 (52) (b) of the statutes is created to read:

16 73.03 **(52)** (b) To enter into agreements with the Internal Revenue Service that
17 provide for offsetting state payments, except tax refunds, against federal nontax
18 obligations; and to charge a fee up to \$25 per transaction for such offsets; and
19 offsetting federal payments, as authorized by federal law, against state tax and
20 nontax obligations, and collecting the offset cost from the debtor, if the agreements
21 provide that setoffs under par. (a) and ss. 71.93 and 71.935 occur before the setoffs
22 under this paragraph.

23 **SECTION 1813.** 73.03 (63) of the statutes is amended to read:

24 73.03 **(63)** Notwithstanding the amount limitations specified under ss. 71.07
25 ~~(5b) (c) 1., and (5d) (c) 1., 71.28 (5b) (c) 1., 71.47 (5b) (c) 1., and 560.205 (3) (d), in~~

ASSEMBLY BILL 75**SECTION 1813**

1 consultation with the department of commerce, to carry forward to subsequent
2 taxable years unclaimed credit amounts of the early stage seed investment credits
3 under ss. 71.07 (5b), 71.28 (5b), ~~and 71.47 (5b)~~, and 76.638 and the angel investment
4 credit under s. 71.07 (5d). Annually, no later than July 1, the department of
5 commerce shall submit to the department of revenue its recommendations for the
6 carry forward of credit amounts as provided under this subsection.

7 **SECTION 1814.** 73.03 (64) of the statutes is created to read:

8 73.03 **(64)** To post on the Internet a list of every person who has had a seller's
9 permit revoked under s. 77.52 (11). The Internet site shall list the real name,
10 business name, address, revocation date, type of tax due, and amount due, including
11 interests, penalties, fees, and costs, for each person who has had a seller's permit
12 revoked under s. 77.52 (11). The department shall update the Internet site
13 periodically to add revoked permits and to remove permits that are no longer revoked
14 or for which the permit holder has made sufficient arrangements with the
15 department so that the permit holder may be issued a monthly seller's permit. The
16 department shall update the Internet site quarterly to remove revoked permits for
17 entities that have been out of business for at least one year.

18 **SECTION 1815.** 73.03 (65) of the statutes is created to read:

19 73.03 **(65)** (a) To enter into agreements with federally recognized American
20 Indian tribes or bands in this state to collect, remit, and provide refunds of the
21 following taxes for activities that occur on tribal lands or are undertaken by tribal
22 members outside of tribal lands:

- 23 1. Income taxes imposed under subch. I of ch. 71.
- 24 2. Withholding taxes imposed under subch. X of ch. 71.
- 25 3. Sales and use taxes under subch. III of ch. 77.

ASSEMBLY BILL 75**SECTION 1815**

1 4. Motor vehicle fuel taxes imposed under subch. I of ch. 78.

2 5. Beverage taxes imposed under subch. I of ch. 139.

3 (b) For purposes of this subsection, all tax and financial information disclosed
4 during negotiations, or exchanged pursuant to a final agreement, between the
5 department and a federally recognized American Indian tribe or band in this state
6 is subject to the confidentiality provisions under ss. 71.78 and 77.61 (5).

7 (c) The department shall submit a copy of each agreement negotiated under
8 this subsection to the joint committee on finance no later than 30 days after the
9 agreement is signed by the department and the tribe or band.

10 **SECTION 1816.** 73.06 (3) of the statutes is amended to read:

11 73.06 **(3)** The department of revenue, through its supervisors of equalization,
12 shall examine and test the work of assessors during the progress of their assessments
13 and ascertain whether any of them is assessing property at other than full value or
14 is omitting property subject to taxation from the roll. The department and such
15 supervisors shall have the rights and powers of a local assessor for the examination
16 of persons and property and for the discovery of property subject to taxation. If any
17 property has been omitted or not assessed according to law, they shall bring the same
18 to the attention of the local assessor of the proper district and if such local assessor
19 shall neglect or refuse to correct the assessment they shall report the fact to the board
20 of review. If it discovers errors in identifying or valuing property that is exempt
21 under s. 70.11 (27m), (39), or (39m) or 70.111 (27), the department shall change the
22 specification of the property as taxable or exempt and shall change the value of the
23 property. All disputes between the department, municipalities and property owners
24 about the taxability or value of property that is reported under s. 79.095 (2) (a) or of

ASSEMBLY BILL 75**SECTION 1816**

1 the property under s. 70.995 (12r) shall be resolved by using the procedures under
2 s. 70.995 (8).

3 **SECTION 1817.** 73.08 of the statutes is repealed.

4 **SECTION 1818.** 76.025 (1) of the statutes is amended to read:

5 76.025 **(1)** The property taxable under s. 76.13 shall include all franchises, and
6 all real and personal property of the company used or employed in the operation of
7 its business, excluding property that is exempt from the property tax under ~~s.~~ ss.
8 70.11 (27m), (39), and (39m) and 70.111 (27), such motor vehicles as are exempt under
9 s. 70.112 (5), and treatment plant and pollution abatement equipment exempt under
10 s. 70.11 (21). The taxable property shall include all title and interest of the company
11 referred to in such property as owner, lessee or otherwise, and in case any portion of
12 the property is jointly used by 2 or more companies, the unit assessment shall include
13 and cover a proportionate share of that portion of the property jointly used so that
14 the assessments of the property of all companies having any rights, title or interest
15 of any kind or nature whatsoever in any such property jointly used shall, in the
16 aggregate, include only one total full value of such property.

17 **SECTION 1819.** 76.28 (1) (d) of the statutes is amended to read:

18 76.28 **(1)** (d) “Gross revenues” for a light, heat and power company other than
19 a qualified wholesale electric company or a transmission company means total
20 environmental control charges paid to the company under a financing order issued
21 under s. 196.027 (2) and total operating revenues as reported to the public service
22 commission except revenues for interdepartmental sales and for interdepartmental
23 rents as reported to the public service commission and deductions from the sales and
24 use tax under s. 77.61 (4), except that the company may subtract from revenues
25 either the actual cost of power purchased for resale, as reported to the public service

ASSEMBLY BILL 75**SECTION 1819**

1 commission, by a light, heat and power company, except a municipal light, heat and
2 power company, that purchases under federal or state approved wholesale rates
3 more than 50% of its electric power from a person other than an affiliated interest,
4 as defined in s. 196.52 (1), if the revenue from that purchased electric power is
5 included in the seller's gross revenues or the following percentages of the actual cost
6 of power purchased for resale, as reported to the public service commission, by a
7 light, heat and power company, except a municipal light, heat and power company
8 that purchases more than 90% of its power and that has less than \$50,000,000 of
9 gross revenues: 10% for the fee assessed on May 1, 1988, 30% for the fee assessed on
10 May 1, 1989, and 50% for the fee assessed on May 1, 1990, and thereafter. For a
11 qualified wholesale electric company, "gross revenues" means total business
12 revenues from those businesses included under par. (e) 1. to 4. For a transmission
13 company, "gross revenues" means total operating revenues as reported to the public
14 service commission, except revenues for transmission service that is provided to a
15 public utility that is subject to the license fee under sub. (2) (d), to a public utility, as
16 defined in s. 196.01 (5), or to a cooperative association organized under ch. 185 for
17 the purpose of providing electricity to its members only. For an electric utility, as
18 defined in s. ~~16.957~~ 196.3746 (1) (g), "gross revenues" does not include low-income
19 assistance fees collected by the electric utility under s. ~~16.957~~ 196.3746 (4) (a) or (5)
20 (a). For a generator public utility, "gross revenues" does not include any grants
21 awarded to the generator public utility under s. 16.958 (2) (b). For a wholesale
22 supplier, as defined in s. ~~16.957~~ 196.3746 (1) (w), "gross revenues" does not include
23 any low-income assistance fees that are received from a municipal utility or retail
24 electric cooperative or under a joint program established under s. ~~16.957~~ 196.3746
25 (5) (f). For a municipal utility, "gross revenues" does not include low-income

ASSEMBLY BILL 75**SECTION 1819**

1 assistance fees received by the municipal utility from a municipal utility or retail
2 electric cooperative under a joint program established under s. ~~16.957~~ 196.3746 (5)
3 (f).

4 **SECTION 1820.** 76.28 (1) (eg) of the statutes is amended to read:

5 76.28 **(1)** (eg) “Municipal utility” has the meaning given in s. ~~16.957~~ 196.3746
6 (1) (q).

7 **SECTION 1821.** 76.28 (1) (gr) of the statutes is amended to read:

8 76.28 **(1)** (gr) “Retail electric cooperative” has the meaning given in s. ~~16.957~~
9 196.3746 (1) (t).

10 **SECTION 1822.** 76.48 (1g) (d) of the statutes is amended to read:

11 76.48 **(1g)** (d) “Gross revenues” means total operating revenues, except
12 revenues for interdepartmental sales and for interdepartmental rents, less
13 deductions from the sales and use tax under s. 77.61 (4) and, in respect to any electric
14 cooperative that purchases more than 50% of the power it sells, less the actual cost
15 of power purchased for resale by an electric cooperative, if the revenue from that
16 purchased electric power is included in the seller’s gross revenues or if the electric
17 cooperative purchased more than 50% of the power it sold in the year prior to
18 January 1, 1988, from a seller located outside this state. For an electric cooperative,
19 “gross revenues” does not include grants awarded to the electric cooperative under
20 s. ~~16.958~~ (2) (b). For a retail electric cooperative, “gross revenues” does not include
21 low-income assistance fees collected by the retail electric cooperative under s. ~~16.957~~
22 196.3746 (5) (a), low-income assistance fees received by the retail electric
23 cooperative from a retail electric cooperative or municipal utility under a joint
24 program established under s. ~~16.957~~ 196.3746 (5) (f). For a wholesale supplier, as
25 defined in s. ~~16.957~~ 196.3746 (1) (w), “gross revenues” does not include any

ASSEMBLY BILL 75**SECTION 1822**

low-income assistance fees that are received from a municipal utility, as defined in s. ~~16.957~~ 196.3746 (1) (q), or retail electric cooperative or under a joint program established under s. ~~16.957~~ 196.3746 (5) (f).

SECTION 1823. 76.48 (1g) (dm) of the statutes is amended to read:

76.48 **(1g)** (dm) “Municipal utility” has the meaning given in s. ~~16.957~~ 196.3746 (1) (q).

SECTION 1824. 76.48 (1g) (fm) of the statutes is amended to read:

76.48 **(1g)** (fm) “Retail electric cooperative” has the meaning given in s. ~~16.957~~ 196.3746 (1) (t).

SECTION 1825. 76.637 of the statutes is created to read:

76.637 Economic development credit. (1) DEFINITION. In this section, “claimant” means an insurer who files a claim under this section and is certified under s. 560.701 (2) and authorized to claim tax benefits under s. 560.703.

(2) FILING CLAIMS. Subject to the limitations under this section and ss. 560.701 to 560.706, for taxable years beginning after December 31, 2008, a claimant may claim as a credit against the fees due under s. 76.60, 76.63, 76.65, 76.66, or 76.67 the amount authorized for the claimant under s. 560.703.

(3) LIMITATIONS. No credit may be allowed under this section unless the insurer includes with the insurer’s annual return under s. 76.64 a copy of the claimant’s certification under s. 560.701 (2) and a copy of the claimant’s notice of eligibility to receive tax benefits under s. 560.703 (3).

(4) ADMINISTRATION. If an insurer’s certification is revoked under s. 560.705, or if an insurer becomes ineligible for tax benefits under s. 560.702, the insurer may not claim credits under this section for the taxable year that includes the day on which the certification is revoked; the taxable year that includes the day on which

ASSEMBLY BILL 75**SECTION 1825**

1 the insurer becomes ineligible for tax benefits; or succeeding taxable years and the
2 insurer may not carry over unused credits from previous years to offset the fees
3 imposed under ss. 76.60, 76.63, 76.65, 76.66, or 76.67 for the taxable year that
4 includes the day on which certification is revoked; the taxable year that includes the
5 day on which the insurer becomes ineligible for tax benefits; or succeeding taxable
6 years.

7 **SECTION 1826.** 76.638 of the statutes is created to read:

8 **76.638 Early stage seed investment credit. (1) DEFINITIONS.** In this
9 section, “fund manager” means an investment fund manager certified under s.
10 560.205 (2).

11 **(2) FILING CLAIMS.** For taxable years beginning after December 31, 2008,
12 subject to the limitations provided under this subsection and s. 560.205, an insurer
13 may claim as a credit against the fees imposed under s. 76.60, 76.63, 76.65, 76.66,
14 or 76.67, 25 percent of the insurer’s investment paid to a fund manager that the fund
15 manager invests in a business certified under s. 560.205 (1).

16 **(3) INVESTMENT BASIS.** The Wisconsin adjusted basis of any investment for
17 which a credit is claimed under sub. (2) shall be reduced by the amount of the credit
18 that is offset against the fees imposed under s. 76.60, 76.63, 76.65, 76.66, or 76.67.

19 **(4) CARRY-FORWARD.** If the credit under sub. (2) is not entirely offset against the
20 fees under s. 76.60, 76.63, 76.65, 76.66, or 76.67 otherwise due, the unused balance
21 may be carried forward and credited against those fees for the following 15 years to
22 the extent that it is not offset by those fees otherwise due in all the years between
23 the year in which the expense was made and the year in which the carry-forward
24 credit is claimed.

25 **SECTION 1827.** 76.67 (2) of the statutes is amended to read:

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SECTION 1827

76.67 **(2)** If any domestic insurer is licensed to transact insurance business in another state, this state may not require similar insurers domiciled in that other state to pay taxes greater in the aggregate than the aggregate amount of taxes that a domestic insurer is required to pay to that other state for the same year less the credits under ss. 76.635, 76.636, 76.637, 76.638, and 76.655, except that the amount imposed shall not be less than the total of the amounts due under ss. 76.65 (2) and 601.93 and, if the insurer is subject to s. 76.60, 0.375% of its gross premiums, as calculated under s. 76.62, less offsets allowed under s. 646.51 (7) or under ss. 76.635, 76.636, 76.637, 76.638, and 76.655 against that total, and except that the amount imposed shall not be less than the amount due under s. 601.93.

SECTION 1828. 76.81 of the statutes is amended to read:

76.81 Imposition. There is imposed a tax on the real property of, and the tangible personal property of, every telephone company, excluding property that is exempt from the property tax under ~~s. ss. 70.11 (27m), (39), and (39m) and 70.111 (27)~~, motor vehicles that are exempt under s. 70.112 (5), property that is used less than 50% in the operation of a telephone company, as provided under s. 70.112 (4) (b), and treatment plant and pollution abatement equipment that is exempt under s. 70.11 (21). Except as provided in s. 76.815, the rate for the tax imposed on each description of real property and on each item of tangible personal property is the net rate for the prior year for the tax under ch. 70 in the taxing jurisdictions where the description or item is located. The real and tangible personal property of a telephone company shall be assessed as provided under s. 70.112 (4) (b).

SECTION 1829. Chapter 77 (title) of the statutes is amended to read:

CHAPTER 77

TAXATION OF FOREST CROPLANDS;

ASSEMBLY BILL 75**SECTION 1829**

**REAL ESTATE TRANSFER FEES;
SALES AND USE TAXES; COUNTY, TRANSIT AUTHORITY,
AND SPECIAL DISTRICT SALES
AND USE TAXES; MANAGED FOREST
LAND; RECYCLING
SURCHARGE; LOCAL FOOD AND
BEVERAGE TAX; LOCAL RENTAL
CAR TAX; PREMIER RESORT AREA
TAXES; STATE RENTAL VEHICLE FEE;
DRY CLEANING FEES; REGIONAL
TRANSIT AUTHORITY FEE;
OIL COMPANY PROFITS TAX**

SECTION 1830. 77.25 (8n) of the statutes is created to read:

77.25 **(8n)** Between an individual and his or her domestic partner under ch. 770.

SECTION 1831. 77.51 (7m) (a) 3. of the statutes is created to read:

77.51 **(7m)** (a) 3. Conveying work in progress directly from one manufacturing process to another in the same plant; testing or inspecting, throughout the manufacturing process, the new article of tangible personal property that is being manufactured; storing work in progress in the same plant where the manufacturing occurs; assembling finished units of tangible personal property; and packaging a new article of tangible personal property, if the manufacturer, or another person on the manufacturer's behalf, performs the packaging and if the packaging becomes part of the new article as it is customarily offered for sale by the manufacturer.

SECTION 1832. 77.51 (7m) (b) of the statutes is created to read:

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1 77.51 **(7m)** (b) “Manufacturing” does not include storing raw materials or
2 finished units of tangible personal property, research or development, delivery to or
3 from the plant, or repairing or maintaining plant facilities.

4 **SECTION 1833.** 77.51 (10) of the statutes is amended to read:

5 77.51 **(10)** “Person” includes any natural person, firm, partnership, limited
6 liability company, joint venture, joint stock company, association, public or private
7 corporation, the United States, the state, including any unit or division of the state,
8 any county, city, village, town, municipal utility, municipal power district or other
9 governmental unit, cooperative, unincorporated cooperative association, estate,
10 trust, receiver, personal representative, any other fiduciary, and any representative
11 appointed by order of any court or otherwise acting on behalf of others. “Person” also
12 ~~includes the owner of a single-owner entity that is disregarded as a separate entity~~
13 ~~under ch. 71.~~

14 **SECTION 1834.** 77.51 (10m) of the statutes is created to read:

15 77.51 **(10m)** For purposes of sub. (7m), “plant” means a parcel of property or
16 adjoining parcels of property, including parcels that are separated only by a public
17 road, and the buildings, machinery, and equipment that are located on the parcel,
18 that are owned by or leased to the manufacturer.

19 **SECTION 1835.** 77.51 (10n) of the statutes is created to read:

20 77.51 **(10n)** For purposes of sub. (7m), “plant inventory” does not include
21 unsevered mineral deposits.

22 **SECTION 1836.** 77.51 (13g) (c) of the statutes is created to read:

23 77.51 **(13g)** (c) Any person who has an affiliate in this state, if the person is
24 related to the affiliate and if the affiliate uses facilities or employees in this state to
25 advertise, promote, or facilitate the establishment of or market for sales of items by

ASSEMBLY BILL 75**SECTION 1836**

1 the related person to purchasers in this state or for providing services to the related
2 person's purchasers in this state, including accepting returns of purchases or
3 resolving customer complaints. For purposes of this paragraph, 2 persons are
4 related if any of the following apply:

5 1. One person, or each person, is a corporation and one person and any person
6 related to that person in a manner that would require a stock attribution from the
7 corporation to the person or from the person to the corporation under section 318 of
8 the Internal Revenue Code owns directly, indirectly, beneficially, or constructively at
9 least 50 percent of the corporation's outstanding stock value.

10 2. One person, or each person, is a partnership, estate, or trust and any partner
11 or beneficiary; and the partnership, estate, or trust and its partners or beneficiaries;
12 own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50
13 percent of the profits, capital, stock, or value of the other person or both persons.

14 3. An individual stockholder and the members of the stockholder's family, as
15 defined in section 318 of the Internal Revenue Code, owns directly, indirectly,
16 beneficially, or constructively, in the aggregate, at least 50 percent of both persons'
17 outstanding stock value.

18 **SECTION 1837.** 77.52 (2) (a) 2. a. of the statutes is amended to read:

19 77.52 **(2)** (a) 2. a. Except as provided in subd. 2. b. and c., the sale of admissions
20 to amusement, athletic, entertainment or recreational events or places except county
21 fairs, the sale, rental or use of regular bingo cards, extra regular cards, special bingo
22 cards and the sale of bingo supplies to players and the furnishing, for dues, fees or
23 other considerations, the privilege of access to clubs or the privilege of having access
24 to or the use of amusement, entertainment, athletic or recreational devices or
25 facilities, including the sale or furnishing of use of recreational facilities on a periodic

ASSEMBLY BILL 75**SECTION 1837**

1 basis or other recreational rights, including but not limited to membership rights,
2 vacation services and club memberships.

3 **SECTION 1838.** 77.52 (2) (a) 2. c. of the statutes is created to read:

4 77.52 **(2)** (a) 2. c. Taxable sales do not include the sale of admissions by a
5 nonprofit organization to participate in any sports activity in which more than 50
6 percent of the participants are 19 years old or younger.

7 **SECTION 1839.** 77.52 (2) (a) 8m. of the statutes is created to read:

8 77.52 **(2)** (a) 8m. The towing and hauling of motor vehicles by a tow truck, as
9 defined in s. 340.01 (67n), unless at the time of towing or hauling a sale in this state
10 of the motor vehicle to the purchaser would be exempt from the taxes imposed under
11 this subchapter, not including the exempt sale of a motor vehicle to a nonresident
12 under s. 77.54 (5) (a) and nontaxable sales described under s. 77.51 (14r).

13 **SECTION 1840.** 77.52 (2) (ag) 39. (intro.) of the statutes is amended to read:

14 77.52 **(2)** (ag) 39. (intro.) Equipment in offices, business facilities, schools, and
15 hospitals but not in residential facilities including personal residences, apartments,
16 long-term care facilities, as defined under s. 16.009 (1) (em), ~~state institutions, as~~
17 ~~defined under s. 101.123 (1) (i) prisons, mental health institutes, as defined in s.~~
18 51.01 (12), centers for the developmentally disabled, as defined in s. 51.01 (3), Type
19 1 juvenile correctional facilities, as defined in s. 938.02 (19), or similar facilities
20 including, by way of illustration but not of limitation, all of the following:

21 **SECTION 1841.** 77.53 (16m) of the statutes is created to read:

22 77.53 **(16m)** If the purchase, rental, or lease of tangible personal property or
23 service subject to the tax imposed by this section occurred on tribal lands and was
24 subject to a sales tax by a federally recognized American Indian tribe or band in this
25 state, the amount of sales tax paid to the tribe or band shall be applied as a credit

ASSEMBLY BILL 75**SECTION 1841**

1 against and deducted from the tax, to the extent thereof, imposed by this section. In
2 this subsection “sales tax” includes a use or excise tax imposed on the use of tangible
3 personal property or taxable service by the tribe or band.

4 **SECTION 1842.** 77.54 (2) of the statutes is amended to read:

5 77.54 **(2)** The gross receipts from sales of and the storage, use or other
6 consumption of tangible personal property ~~becoming~~ that is used exclusively and
7 directly by a manufacturer in manufacturing an article of tangible personal property
8 that is destined for sale and that becomes an ingredient or component part of ~~an~~ the
9 article of tangible personal property destined for sale or ~~which~~ is consumed or
10 destroyed or loses its identity in ~~the manufacture~~ manufacturing the article of
11 tangible personal property ~~in any form~~ destined for sale, except as provided in sub.
12 (30) (a) 6.

13 **SECTION 1843.** 77.54 (2m) of the statutes is amended to read:

14 77.54 **(2m)** The gross receipts from the sales of and the storage, use or other
15 consumption of tangible personal property or services that are used exclusively and
16 directly by a manufacturer in manufacturing shoppers guides, newspapers, or
17 periodicals and that become an ingredient or component of shoppers guides,
18 newspapers, or periodicals or that are consumed or lose their identity in the
19 manufacture of shoppers guides, newspapers, or periodicals, whether or not the
20 shoppers guides, newspapers, or periodicals are transferred without charge to the
21 recipient. In this subsection, “shoppers guides”, “newspapers,” and “periodicals”
22 have the meanings under sub. (15). The exemption under this subdivision does not
23 apply to advertising supplements that are not newspapers.

24 **SECTION 1844.** 77.54 (6m) (intro.) of the statutes is renumbered 77.51 (7m) (a)
25 (intro.) and amended to read:

ASSEMBLY BILL 75**SECTION 1844**

1 77.51 **(7m)** (a) (intro.) ~~For purposes of sub. (6) (a) “manufacturing” is~~
2 ~~“Manufacturing” means the production by machinery of a new article of tangible~~
3 ~~personal property with a different form, use, and name from existing materials, by~~
4 ~~a process popularly regarded as manufacturing, and that begins with conveying raw~~
5 ~~materials and supplies from plant inventory to the place where work is performed~~
6 ~~in the same plant and ends with conveying finished units of tangible personal~~
7 ~~property to the point of first storage in the same plant. “Manufacturing” includes but~~
8 ~~is not limited to:~~

9 **SECTION 1845.** 77.54 (6m) (a) of the statutes is renumbered 77.51 (7m) (a) 1.

10 **SECTION 1846.** 77.54 (6m) (b) of the statutes is renumbered 77.51 (7m) (a) 2.

11 and amended to read:

12 77.51 **(7m)** (a) 2. Ore dressing, including the mechanical preparation, by
13 crushing and other processes, and the concentration, by flotation and other
14 processes, of ore, and beneficiation, including ~~but not limited to~~ the preparation of
15 ore for smelting.

16 **SECTION 1847.** 77.54 (9a) (a) of the statutes is amended to read:

17 77.54 **(9a)** (a) This state or any agency thereof, the University of Wisconsin
18 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health
19 Insurance Risk-Sharing Plan Authority, the Wisconsin Quality Home Care
20 Authority, and the Fox River Navigational System Authority.

21 **SECTION 1848.** 77.54 (9a) (ed) of the statutes is created to read:

22 77.54 **(9a)** (ed) Any federally recognized American Indian tribe or band in this
23 state.

24 **SECTION 1849.** 77.54 (9a) (er) of the statutes is created to read:

25 77.54 **(9a)** (er) Any transit authority created under s. 66.1039.

ASSEMBLY BILL 75**SECTION 1850**

1 **SECTION 1850.** 77.54 (44) of the statutes is amended to read:

2 77.54 **(44)** The gross receipts from the collection of low-income assistance fees
3 that are charged under s. ~~16.957~~ 196.3746 (4) (a) or (5) (a).

4 **SECTION 1851.** 77.54 (50) of the statutes is created to read:

5 77.54 **(50)** (a) In this subsection:

6 1. “Biotechnology” means the application of biotechnologies, including
7 recombinant deoxyribonucleic acid techniques, biochemistry, molecular and cellular
8 biology, genetics, genetic engineering, biological cell fusion, and other bioprocesses,
9 that use living organisms or parts of an organism to produce or modify products to
10 improve plants or animals or improve animal health, develop microorganisms for
11 specific uses, identify targets for small molecule pharmaceutical development, or
12 transform biological systems into useful processes and products.

13 2. “Machinery” has the meaning given in s. 70.11 (27) (a) 2.

14 3. “Manufacturing” has the meaning given in sub. (6m).

15 4. “Primarily” means more than 50 percent.

16 5. “Qualified research” means qualified research as defined under section 41
17 (d) (1) of the Internal Revenue Code.

18 6. “Used exclusively” has the meaning given in sub. (3) (b) 3.

19 (b) The gross receipts from the sale of and the storage, use, or other
20 consumption of all of the following:

21 1. Machinery and equipment, including attachments, parts, and accessories,
22 that are sold to persons who are engaged primarily in manufacturing or
23 biotechnology in this state and are used exclusively and directly in qualified
24 research.

ASSEMBLY BILL 75**SECTION 1851**

1 2. Tangible personal property that is sold to persons who are engaged primarily
2 in manufacturing or biotechnology in this state, if the tangible personal property is
3 consumed or destroyed or loses its identity while being used exclusively and directly
4 in qualified research.

5 **SECTION 1852.** 77.58 (3) (a) of the statutes is amended to read:

6 77.58 **(3)** (a) For purposes of the sales tax a return shall be filed by every seller.
7 For purposes of the use tax a return shall be filed by every retailer engaged in
8 business in this state and by every person purchasing tangible personal property or
9 services, the storage, use or other consumption of which is subject to the use tax, who
10 has not paid the use tax due to a retailer required to collect the tax. If a qualified
11 subchapter S subsidiary is not regarded as a separate entity under ch. 71, the owner
12 of that subsidiary shall elect to either include the information for that subsidiary on
13 the owner's return. ~~Returns shall be signed by the person required to file the return~~
14 ~~or by a duly authorized agent but need not be verified by oath~~ or file a separate
15 electronic return for that entity. If a single-owner entity is disregarded as a separate
16 entity under ch. 71, the owner shall elect to either include the information from the
17 entity on the owner's return or file a separate electronic return for that entity. If an
18 owner that owns more than one entity that is disregarded as a separate entity under
19 ch. 71 elects to file a separate return for one of its disregarded entities, the owner
20 shall file separate returns for all of its disregarded entities. Returns filed under this
21 paragraph shall be signed by the person required to file the return or by a duly
22 authorized agent but need not be verified by oath.

23 **SECTION 1853.** 77.61 (11) of the statutes is amended to read:

24 77.61 **(11)** Any city, village or town clerk or other official whose duty it is to issue
25 licenses or permits to engage in a business involving the sale at retail of tangible

ASSEMBLY BILL 75**SECTION 1853**

1 personal property subject to tax under this subchapter, or the furnishing of services
2 so subject to tax, shall, before issuing such license or permit, require proof that the
3 person to whom such license or permit is to be issued is the holder of a seller's permit
4 or use tax registration certificate as required by this subchapter or has been informed
5 by an employee of the department that the department will issue a seller's permit
6 or use tax registration certificate to that person.

7 **SECTION 1854.** 77.61 (16) of the statutes is created to read:

8 77.61 **(16)** A person who fails to produce records or documents, as provided
9 under s. 73.03 (9), that support amounts or other information shown on a return
10 required under s. 77.58 may be subject to any of the following, as determined by the
11 department:

12 (a) The disallowance of deductions, credits, or exemptions to which the
13 requested records relate.

14 (b) A penalty for each violation of this subsection that is equal to the greater
15 of \$500 or 25 percent of the amount of any adjustment by the department that results
16 from the person's failure to produce the records.

17 **SECTION 1855.** 77.61 (16m) of the statutes is created to read:

18 77.61 **(16m)** A single-owner entity that is disregarded as a separate entity
19 under ch. 71 is disregarded as a separate entity for purposes of this subchapter.

20 **SECTION 1856.** Subchapter V (title) of chapter 77 [precedes 77.70] of the
21 statutes is amended to read:

22 **CHAPTER 77**

23 **SUBCHAPTER V**

24 **COUNTY, TRANSIT**

ASSEMBLY BILL 75**SECTION 1856****AUTHORITY, AND SPECIAL DISTRICT****SALES AND USE TAXES**

SECTION 1857. 77.705 of the statutes is amended to read:

77.705 Adoption by resolution; baseball park district. A local professional baseball park district created under subch. III of ch. 229, by resolution under s. 229.68 (15), may impose a sales tax and a use tax under this subchapter at a rate of no more than 0.1% of the gross receipts or sales price. Those taxes may be imposed only in their entirety. The resolution shall be effective on the first day of the first month that begins at least 30 days after the adoption of the resolution. Any moneys transferred from the appropriation account under s. 20.566 (1) (gd) to the appropriation account under s. 20.835 (4) (gb) shall be used exclusively to retire the district's debt. Any moneys received under s. 341.14 (6r) (b) 13. b. and credited to the appropriation account under s. 20.835 (4) (gb) shall be used exclusively to retire the district's debt.

SECTION 1858. 77.708 of the statutes is created to read:

77.708 Adoption by resolution; transit authority. (1) A transit authority created under s. 66.1039, by resolution under s. 66.1039 (4) (s), may impose a sales tax and a use tax under this subchapter at a rate not to exceed 0.5 percent of the gross receipts or sales price. Those taxes may be imposed only in their entirety. The resolution shall be effective on the first day of the first calendar quarter that begins at least 120 days after the adoption of the resolution.

(2) Retailers and the department of revenue may not collect a tax under sub. (1) for any transit authority created under s. 66.1039 after the calendar quarter during which the transit authority adopts a repeal resolution under s. 66.1039 (4) (s), except that the department of revenue may collect from retailers taxes that accrued

ASSEMBLY BILL 75**SECTION 1858**

1 before such calendar quarter and fees, interest, and penalties that relate to those
2 taxes.

3 **SECTION 1859.** 77.71 (intro.) of the statutes is amended to read:

4 **77.71 Imposition of county, transit authority, and special district sales**
5 **and use taxes.** (intro.) Whenever a county sales and use tax ordinance is adopted
6 under s. 77.70, a transit authority resolution is adopted under s. 77.708, or a special
7 district resolution is adopted under s. 77.705 or 77.706, the following taxes are
8 imposed:

9 **SECTION 1860.** 77.71 (1) of the statutes is amended to read:

10 77.71 **(1)** For the privilege of selling, leasing, or renting tangible personal
11 property and for the privilege of selling, performing, or furnishing services a sales
12 tax is imposed upon retailers at the rate of 0.5% in the case of a county tax, at the
13 rate under s. 77.708 in the case of a transit authority tax, or at the rate under s.
14 77.705 or 77.706 in the case of a special district tax of the gross receipts from the sale,
15 lease, or rental of tangible personal property, except property taxed under sub. (4),
16 sold, leased, or rented at retail in the county ~~or~~, special district, or transit authority's
17 jurisdictional area, or from selling, performing, or furnishing services described
18 under s. 77.52 (2) in the county ~~or~~, special district, or transit authority's jurisdictional
19 area.

20 **SECTION 1861.** 77.71 (2) of the statutes is amended to read:

21 77.71 **(2)** An excise tax is imposed at the rate of 0.5% in the case of a county tax,
22 at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under
23 s. 77.705 or 77.706 in the case of a special district tax of the sales price upon every
24 person storing, using, or otherwise consuming in the county ~~or~~, special district, or
25 transit authority's jurisdictional area tangible personal property or services if the

ASSEMBLY BILL 75**SECTION 1861**

1 property or service is subject to the state use tax under s. 77.53, except that a receipt
2 indicating that the tax under sub. (1), (3), or (4) has been paid relieves the buyer of
3 liability for the tax under this subsection and except that if the buyer has paid a
4 similar local tax in another state on a purchase of the same property or services that
5 tax shall be credited against the tax under this subsection and except that for motor
6 vehicles that are used for a purpose in addition to retention, demonstration, or
7 display while held for sale in the regular course of business by a dealer the tax under
8 this subsection is imposed not on the sales price but on the amount under s. 77.53
9 (1m).

10 **SECTION 1862.** 77.71 (3) of the statutes is amended to read:

11 77.71 **(3)** An excise tax is imposed upon a contractor engaged in construction
12 activities within the county or, special district, or transit authority's jurisdictional
13 area, at the rate of 0.5% in the case of a county tax, at the rate under s. 77.708 in the
14 case of a transit authority tax, or at the rate under s. 77.705 or 77.706 in the case of
15 a special district tax of the sales price of tangible personal property that is used in
16 constructing, altering, repairing, or improving real property and that becomes a
17 component part of real property in that county or special district or in the transit
18 authority's jurisdictional area, except that if the contractor has paid the sales tax of
19 a county ~~in the case of a county tax, transit authority, or of a special district in the~~
20 ~~case of a special district tax~~ in this state on that property, or has paid a similar local
21 sales tax in another state on a purchase of the same property, that tax shall be
22 credited against the tax under this subsection.

23 **SECTION 1863.** 77.71 (4) of the statutes is amended to read:

24 77.71 **(4)** An excise tax is imposed at the rate of 0.5 percent in the case of a
25 county tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the

ASSEMBLY BILL 75**SECTION 1863**

1 rate under s. 77.705 or 77.706 in the case of a special district tax of the sales price
2 upon every person storing, using or otherwise consuming a motor vehicle, boat,
3 snowmobile, recreational vehicle, as defined in s. 340.01 (48r), trailer, semitrailer,
4 all-terrain vehicle or aircraft, if that property must be registered or titled with this
5 state and if that property is to be customarily kept in a county that has in effect an
6 ordinance under s. 77.70, the jurisdictional area of a transit authority that has in
7 effect a resolution under s. 77.708, or in a special district that has in effect a
8 resolution under s. 77.705 or 77.706, except that if the buyer has paid a similar local
9 sales tax in another state on a purchase of the same property that tax shall be
10 credited against the tax under this subsection.

11 **SECTION 1864.** 77.73 (1) and (2) of the statutes are amended to read:

12 77.73 (1) Retailers making deliveries in their company-operated vehicles of
13 tangible personal property, or of property on which taxable services were performed,
14 to purchasers in a county ~~or~~, special district, or transit authority's jurisdictional area
15 are doing business in that county ~~or~~, special district, or jurisdictional area, and that
16 county ~~or~~, special district, or transit authority has jurisdiction to impose the taxes
17 under this subchapter on them.

18 (2) Counties ~~and~~, special districts, and transit authorities do not have
19 jurisdiction to impose the tax under s. 77.71 (2) in regard to tangible personal
20 property purchased in a sale that is consummated in another county or special
21 district in this state, or in another transit authority's jurisdictional area, that does
22 not have in effect an ordinance or resolution imposing the taxes under this
23 subchapter and later brought by the buyer into the county ~~or~~, special district, or
24 jurisdictional area of the transit authority that has imposed a tax under s. 77.71 (2).

25 **SECTION 1865.** 77.75 of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1865**

1 **77.75 Reports.** Every person subject to county, transit authority, or special
2 district sales and use taxes shall, for each reporting period, record that person's sales
3 made in the county ~~or~~, special district, or jurisdictional area of a transit authority
4 that has imposed those taxes separately from sales made elsewhere in this state and
5 file a report of the measure of the county, transit authority, or special district sales
6 and use taxes and the tax due thereon separately.

7 **SECTION 1866.** 77.76 (1) of the statutes is amended to read:

8 77.76 **(1)** The department of revenue shall have full power to levy, enforce, and
9 collect county, transit authority, and special district sales and use taxes and may take
10 any action, conduct any proceeding, impose interest and penalties, and in all respects
11 proceed as it is authorized to proceed for the taxes imposed by subch. III. The
12 department of transportation and the department of natural resources may
13 administer the county, transit authority, and special district sales and use taxes in
14 regard to items under s. 77.61 (1).

15 **SECTION 1867.** 77.76 (2) of the statutes is amended to read:

16 77.76 **(2)** Judicial and administrative review of departmental determinations
17 shall be as provided in subch. III for state sales and use taxes, and no county, transit
18 authority, or special district may intervene in any matter related to the levy,
19 enforcement, and collection of the taxes under this subchapter.

20 **SECTION 1868.** 77.76 (3r) of the statutes is created to read:

21 77.76 **(3r)** From the appropriation under s. 20.835 (4) (gc) the department of
22 revenue shall distribute 98.5 percent of the taxes reported for each transit authority
23 that has imposed taxes under this subchapter, minus the transit authority portion
24 of the retailers' discount, to the transit authority no later than the end of the 3rd
25 month following the end of the calendar quarter in which such amounts were

ASSEMBLY BILL 75**SECTION 1868**

1 reported. At the time of distribution the department of revenue shall indicate the
2 taxes reported by each taxpayer. In this subsection, the “transit authority portion
3 of the retailers’ discount” is the amount determined by multiplying the total
4 retailers’ discount by a fraction the numerator of which is the gross transit authority
5 sales and use taxes payable and the denominator of which is the sum of the gross
6 state and transit authority sales and use taxes payable. The transit authority taxes
7 distributed shall be increased or decreased to reflect subsequent refunds, audit
8 adjustments, and all other adjustments of the transit authority taxes previously
9 distributed. Interest paid on refunds of transit authority sales and use taxes shall
10 be paid from the appropriation under s. 20.835 (4) (gc) at the rate paid by this state
11 under s. 77.60 (1) (a). Any transit authority receiving a report under this subsection
12 is subject to the duties of confidentiality to which the department of revenue is
13 subject under s. 77.61 (5).

14 **SECTION 1869.** 77.76 (4) of the statutes is amended to read:

15 77.76 (4) There shall be retained by the state 1.5% of the taxes collected for
16 taxes imposed by special districts under ss. 77.705 and 77.706 and transit authorities
17 under s. 77.708 and 1.75% of the taxes collected for taxes imposed by counties under
18 s. 77.70 to cover costs incurred by the state in administering, enforcing, and
19 collecting the tax. All interest and penalties collected shall be deposited and retained
20 by this state in the general fund.

21 **SECTION 1870.** 77.76 (5) of the statutes is created to read:

22 77.76 (5) If a retailer receives notice from the department of revenue that the
23 retailer is required to collect and remit the taxes imposed under s. 77.708, but the
24 retailer believes that the retailer is not required to collect such taxes because the
25 retailer is not doing business within the transit authority’s jurisdictional area, the

ASSEMBLY BILL 75**SECTION 1870**

1 retailer shall notify the department of revenue no later than 30 days after receiving
2 notice from the department. The department of revenue shall affirm or revise its
3 original determination no later than 30 days after receiving the retailer's notice.

4 **SECTION 1871.** 77.77 (1) to (3) of the statutes are amended to read:

5 77.77 **(1)** The gross receipts from services subject to the tax under s. 77.52 (2)
6 are not subject to the taxes under this subchapter, and the incremental amount of
7 tax caused by a rate increase applicable to those services is not due, if those services
8 are billed to the customer and paid for before the effective date of the county
9 ordinance, special district resolution, transit authority resolution, or rate increase,
10 whether the service is furnished to the customer before or after that date.

11 **(2)** Lease or rental receipts from tangible personal property that the lessor is
12 obligated to furnish at a fixed price under a contract entered into before the effective
13 date of a county ordinance, transit authority resolution, or special district resolution
14 are subject to the taxes under this subchapter on the effective date of the ordinance
15 or resolution, as provided for the state sales tax under s. 77.54 (18).

16 **(3)** The sale of building materials to contractors engaged in the business of
17 constructing, altering, repairing or improving real estate for others is not subject to
18 the taxes under this subchapter, and the incremental amount of tax caused by the
19 rate increase applicable to those materials is not due, if the materials are affixed and
20 made a structural part of real estate, and the amount payable to the contractor is
21 fixed without regard to the costs incurred in performing a written contract that was
22 irrevocably entered into prior to the effective date of the county ordinance, special
23 district resolution, transit authority resolution, or rate increase or that resulted from
24 the acceptance of a formal written bid accompanied by a bond or other performance
25 guaranty that was irrevocably submitted before that date.

ASSEMBLY BILL 75**SECTION 1872**

1 **SECTION 1872.** 77.78 of the statutes is amended to read:

2 **77.78 Registration.** No motor vehicle, boat, snowmobile, recreational vehicle,
3 as defined in s. 340.01 (48r), trailer, semitrailer, all-terrain vehicle or aircraft that
4 is required to be registered by this state may be registered or titled by this state
5 unless the registrant files a sales and use tax report and pays the county tax, transit
6 authority tax, and special district tax at the time of registering or titling to the state
7 agency that registers or titles the property. That state agency shall transmit those
8 tax revenues to the department of revenue.

9 **SECTION 1873.** 77.92 (4) of the statutes is amended to read:

10 77.92 **(4)** “Net business income,” with respect to a partnership, means taxable
11 income as calculated under section 703 of the Internal Revenue Code; plus the items
12 of income and gain under section 702 of the Internal Revenue Code, including taxable
13 state and municipal bond interest and excluding nontaxable interest income or
14 dividend income from federal government obligations; minus the items of loss and
15 deduction under section 702 of the Internal Revenue Code, except items that are not
16 deductible under s. 71.21; plus guaranteed payments to partners under section 707
17 (c) of the Internal Revenue Code; plus the credits claimed under s. 71.07 (2dd), (2de),
18 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (2dy), (3g), (3h), ~~(3s)~~, (3n), (3p), (3q), (3r),
19 (3s), (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j), ~~and (5k)~~, and (8r); and plus or minus, as
20 appropriate, transitional adjustments, depreciation differences, and basis
21 differences under s. 71.05 (13), (15), (16), (17), and (19); but excluding income, gain,
22 loss, and deductions from farming. “Net business income,” with respect to a natural
23 person, estate, or trust, means profit from a trade or business for federal income tax
24 purposes and includes net income derived as an employee as defined in section 3121
25 (d) (3) of the Internal Revenue Code.

ASSEMBLY BILL 75**SECTION 1874**

SECTION 1874. 77.994 (1) (intro.) of the statutes is amended to read:

77.994 **(1)** (intro.) Except as provided in ~~sub.~~ subs. (2) and (3), a municipality or a county all of which is included in a premier resort area under s. 66.1113 may, by ordinance, impose a tax at a rate of 0.5% of the gross receipts from the sale, lease, or rental in the municipality or county of goods or services that are taxable under subch. III made by businesses that are classified in the standard industrial classification manual, 1987 edition, published by the U.S. office of management and budget, under the following industry numbers:

SECTION 1875. 77.994 (1) (ac) of the statutes is created to read:

77.994 **(1)** (ac) 5251 — Hardware stores.

SECTION 1876. 77.994 (1) (ba) of the statutes is created to read:

77.994 **(1)** (ba) 5411 — Grocery stores.

SECTION 1877. 77.994 (1) (en) of the statutes is created to read:

77.994 **(1)** (en) 5531 — Auto and home supply stores.

SECTION 1878. 77.994 (1) (fo) of the statutes is created to read:

77.994 **(1)** (fo) 5731 — Radio, television, and consumer electronics stores.

SECTION 1879. 77.994 (1) (fp) of the statutes is created to read:

77.994 **(1)** (fp) 5734 — Computer and computer software stores.

SECTION 1880. 77.994 (1) (fq) of the statutes is created to read:

77.994 **(1)** (fq) 5735 — Record and prerecorded tape stores.

SECTION 1881. 77.994 (1) (on) of the statutes is created to read:

77.994 **(1)** (on) 7215 — Coin-operated laundries and dry cleaning.

SECTION 1882. 77.994 (1) (os) of the statutes is created to read:

77.994 **(1)** (os) 7832 — Motion picture theaters, except drive-in.

SECTION 1883. 77.994 (1) (ou) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 1883**

1 77.994 (1) (ou) 7841 — Video tape rental.

2 **SECTION 1884.** 77.994 (1) (p) of the statutes is renumbered 77.994 (1) (oa).

3 **SECTION 1885.** 77.994 (1) (pc) of the statutes is created to read:

4 77.994 (1) (pc) 7933 — Bowling centers.

5 **SECTION 1886.** 77.994 (1) (pd) of the statutes is created to read:

6 77.994 (1) (pd) 7941 — Professional sports clubs and promoters.

7 **SECTION 1887.** 77.994 (3) of the statutes is created to read:

8 77.994 (3) Any municipality that enacted an ordinance imposing the tax under
9 sub. (1) that became effective before January 1, 2000, may amend the ordinance to
10 increase the tax rate under this section to 1 percent. The amended ordinance is
11 effective on the dates provided under s. 77.9941 (1).

12 **SECTION 1888.** 77.9941 (1) of the statutes is amended to read:

13 77.9941 (1) The ordinance under s. 77.994 is effective on January 1, April 1,
14 July 1 or October 1. The municipality or county shall deliver a certified copy of that
15 ordinance, or an amended ordinance under s. 77.994 (3), to the secretary of revenue
16 at least 120 days before its effective date.

17 **SECTION 1889.** 77.9951 (2) of the statutes is amended to read:

18 77.9951 (2) Sections 77.51 (3r), (4) (a), (b) 1., 2., and 4., (c) 1. to 3. and (d) and
19 (14) (a) to (f), (j) and (k), 77.52 (1b), (4), (6), (13), (14), and (18), 77.53 (1b), 77.58 (1)
20 to (5) and (7), 77.59, 77.60, 77.61 (2), (5), (8), (9), and (12) to (14), and 77.62, as they
21 apply to the taxes under subch. III, apply to the fee under this subchapter. The renter
22 shall collect the fee under this subchapter from the person to whom the vehicle is
23 rented.

24 **SECTION 1890.** 77.9964 (2) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1890**

1 77.9964 **(2)** Except as provided in s. 77.9961 (1) (b), (d), and (e), ss. 71.738 (2m),
2 71.74 (1) to (3), (7), (9), and (10) to (12), 71.75 (1), (2), (6), (7), (9), and (10), 71.77 (1)
3 and (4) to (8), 71.78 (1) to (4) and (5) to (8), 71.80 (1) (a) and (b), (4) to (6), (8) to (12),
4 (14), (17), and (18), 71.82 (1) and (2) (a) and (b), 71.83 (1) (a) 1. and 2. and (b) 1., 2.,
5 and 6., (2) (a) 1. to 3. and (b) 1. to 3., and (3), 71.87, 71.88, 71.89, 71.90, 71.91 (1) (a),
6 (2), (3), and (4) to (7), 71.92, and 71.93 as they apply to the taxes under ch. 71 apply
7 to the fees under this subchapter.

8 **SECTION 1891.** 77.9971 of the statutes is amended to read:

9 **77.9971 Imposition.** A regional transit authority created under s. ~~59.58 (6)~~
10 66.1039 (2) (a) may impose a fee at a rate not to exceed \$2 for each transaction in the
11 ~~region, as defined in s. 59.58 (6) (a) 2.,~~ authority's jurisdictional area, as described
12 in s. 66.1039 (2) (a) 6., on the rental, but not for rerental and not for rental as a service
13 or repair replacement vehicle, of Type 1 automobiles, as defined in s. 340.01 (4) (a),
14 by establishments primarily engaged in short-term rental of passenger cars without
15 drivers, for a period of 30 days or less, unless the sale is exempt from the sales tax
16 under s. 77.54 (1), (4), (7) (a), (7m), (9), or (9a). The fee imposed under this subchapter
17 shall be effective on the first day of the first month that begins at least 90 days after
18 the ~~governing body~~ board of directors of the regional transit authority approves the
19 imposition of the fee and notifies the department of revenue. The ~~governing body~~
20 board of directors shall notify the department of a repeal of the fee imposed under
21 this subchapter at least 60 days before the effective date of the repeal.

22 **SECTION 1892.** Subchapter XIV of chapter 77 [precedes 77.998] of the statutes
23 is created to read:

CHAPTER 77

ASSEMBLY BILL 75**SECTION 1892**

SUBCHAPTER XIV

OIL COMPANY PROFITS TAX

77.998 Definitions. In this subchapter:

(1) “Annual gross receipts” means the gross receipts that correspond to the state’s fiscal year.

(2) “Biodiesel fuel” means biodiesel fuel, as defined in s. 168.14 (2m) (a), that is not blended with any petroleum product.

(3) “Department” means the department of revenue.

(4) “Gross receipts” means all consideration received from the first sale of motor vehicle fuel received by a supplier for sale in this state, for sale for export to this state, or for export to this state, not including state or federal excise taxes, or petroleum inspection fees, collected from the purchaser. “Gross receipts” does not include consideration received from the first sale of motor vehicle fuel received by a supplier for sale in this state, for sale for export to this state, or for export to this state, if the motor vehicle fuel is biodiesel fuel, ethanol blended with gasoline consisting of at least 85 percent ethanol, or motor vehicle fuel specified under s. 78.01 (2) or (2m).

(5) “Motor vehicle fuel” has the meaning given in s. 78.005 (13).

(6) “Related party” means a person whose relationship with the supplier is described under section 267 (b) of the Internal Revenue Code.

(7) “Supplier” has the meaning given in s. 78.005 (14).

(8) “Terminal operator” has the meaning given in s. 78.005 (16).

77.9981 Imposition. (1) For the privilege of doing business in this state, there is imposed a tax on each supplier at the rate of the following percentages of the supplier’s annual gross receipts that are derived from the first sale in this state of

ASSEMBLY BILL 75**SECTION 1892**

1 motor vehicle fuel received by the supplier for sale in this state, for sale for export
2 to this state, or for export to this state:

3 (a) For the first \$15,000,000 of the supplier's annual gross receipts, 0.0 percent.

4 (b) For that portion of the supplier's annual gross receipts that exceeds
5 \$15,000,000, but not \$75,000,000, 0.5 percent.

6 (c) For that portion of the supplier's annual gross receipts that exceeds
7 \$75,000,000, but not \$120,000,000, 1.5 percent.

8 (d) For that portion of the supplier's annual gross receipts that exceeds
9 \$120,000,000, 3 percent.

10 **(2)** Any person, including a terminal operator, who is not a licensee under s.
11 78.09 and who either used any motor vehicle fuel in this state or has possession of
12 any motor vehicle fuel, other than that contained in a motor vehicle's fuel tank, for
13 which the tax under this subchapter has not been paid or for which no supplier has
14 incurred liability for paying the tax, shall file a report, in the manner described by
15 the department, and pay the tax based on the purchase price of the motor vehicle fuel.

16 **77.9982 Administration. (1)** The department shall administer the tax under
17 this subchapter and may take any action, or conduct any proceeding as authorized
18 by law, and impose interest and penalties, as provided under subch. XIII of ch. 71.

19 **(2)** The taxes imposed under this subchapter are due and payable as provided
20 under s. 78.12 (5) and as provided by the department by rule.

21 **(3)** For purposes of determining the amount of the taxes imposed under this
22 subchapter, income derived from the first sale in this state of the fuels described in
23 s. 78.01 (2) and (2m) is not included in the supplier's annual gross receipts. For
24 purposes of determining the amount of the tax imposed under this subchapter, with
25 regard to a transfer of motor vehicle fuel from a supplier to a related party, the point

ASSEMBLY BILL 75**SECTION 1892**

1 of first sale in this state is the date of such transfer, and the annual gross receipts
2 are calculated on a monthly basis using an index determined by rule by the
3 department. For purposes of this subchapter, there is only one point of first sale in
4 this state with regard to the sale of the same motor vehicle fuel.

5 **(4)** No person who is subject to the tax imposed under this subchapter shall
6 increase the selling price of motor vehicle fuel in order to recover the amount of the
7 tax. The person primarily responsible for increasing the selling price of motor vehicle
8 fuel to recover the amount of the tax is subject to a penalty equal to the amount of
9 the tax passed through to the purchaser. For purposes of this subsection, the person
10 primarily responsible for increasing the selling price of motor vehicle fuel to recover
11 the amount of the tax is the officer, employee, or other responsible person of a
12 corporation or other form of business association or the partner, member, employee,
13 or other responsible person of a partnership, limited liability company, or sole
14 proprietorship who, as such officer, employee, partner, member, or other responsible
15 person, has a duty to approve, confirm, ratify, or validate the selling price of motor
16 vehicle fuel.

17 **(5)** At the secretary of revenue's request, the attorney general may represent
18 this state, or assist a district attorney, in prosecuting any case arising under this
19 subchapter.

20 **(6)** In addition to any other audits the department conducts to administer and
21 enforce this subchapter, the department may audit any supplier who is subject to the
22 tax imposed under this subchapter to determine whether the supplier has increased
23 the selling price of motor vehicle fuel in order to recover the amount of the tax.
24 Subject to the confidentiality provisions under s. 71.78 (1) to (4) and (5) to (8), as
25 provided under sub. (7), annually, the department shall submit a report to the

ASSEMBLY BILL 75**SECTION 1892**

governor and the legislature, as provided under s. 13.172 (2), that contains information on all audits conducted under this subsection in the previous year.

(7) Sections 71.74 (1) to (3), (5), (7), and (9) to (15), 71.75 (1), (2), (6), (7), and (9), 71.77 (1) and (4) to (8), 71.78 (1) to (4) and (5) to (8), 71.80 (1) (a) and (b), (4) to (6), (8) to (12), (14), (17), and (18), 71.82 (1) and (2) (a) and (b), 71.83 (1) (a) 1. and 2. and (b) 1., 2., and 6., (2) (a) 1. to 3. and (b) 1. to 3., and (3), 71.87, 71.88, 71.89, 71.90, 71.91 (1) (a), (2), (3), and (4) to (7), 71.92, and 71.93 as they apply to the taxes under ch. 71 apply to the taxes under this subchapter.

(8) The department shall deposit all revenue collected under this subchapter into the transportation fund.

SECTION 1893. 79.01 (2d) of the statutes is amended to read:

79.01 **(2d)** There is established an account in the general fund entitled the “County and Municipal Aid Account.” Beginning with the distributions in 2011, the total amount to be distributed each year to counties and municipalities from the county and municipal aid account is \$846,156,200.

SECTION 1894. 79.02 (4) of the statutes is created to read:

79.02 **(4)** (a) For the payments in 2010, subject to par. (c) 1., the amount of the payment to each county from the county and municipal aid account shall be reduced by an amount determined as follows:

1. Multiply the amount paid to all counties in 2009 from the county and municipal aid account by 0.01.

2. Divide the amount determined in subd. 1. by the value of all property in the state, as determined under s. 70.57.

3. Multiply the property value of the county, as determined under s. 70.57, by the number determined in subd. 2.

ASSEMBLY BILL 75**SECTION 1894**

1 (b) For the payments in 2010, subject to par. (c) 2., the amount of the payment
2 to each municipality from the county and municipal aid account shall be reduced by
3 an amount determined as follows:

4 1. Multiply the amount paid to all municipalities in 2009 from the county and
5 municipal aid account by 0.01.

6 2. Divide the amount determined in subd. 1. by the value of all property in the
7 state, as determined under s. 70.57.

8 3. Multiply the property value of the municipality, as determined under s.
9 70.57, by the number determined in subd. 2.

10 (c) 1. No payment reduction under par. (a) shall exceed an amount equal to 15
11 percent of the amount a county would have otherwise received from the county and
12 municipal aid account in 2010. The department of revenue shall adjust, in
13 proportion to the population of all such counties, the payments of all counties that
14 have reductions of less than 15 percent in order to ensure that no county's payment
15 is reduced by more than 15 percent

16 2. No payment reduction under par. (b) shall exceed an amount equal to 15
17 percent of the amount a municipality would have otherwise received from the county
18 and municipal aid account in 2010. The department of revenue shall adjust, in
19 proportion to the population of all such municipalities, the payments of all
20 municipalities that have reductions of less than 15 percent in order to ensure that
21 no municipality's payment is reduced by more than 15 percent.

22 **SECTION 1895.** 79.035 (1) of the statutes is amended to read:

23 79.035 **(1)** In 2004 and subsequent years, except as provided under s. 79.02 (4).
24 each county and municipality shall receive a payment from the county and municipal

ASSEMBLY BILL 75**SECTION 1895**

1 aid account and, beginning with payments in November 2009, from the
2 appropriation under s. 20.835 (1) (q) in an amount determined under sub. (2).

3 **SECTION 1896.** 79.04 (1) (a) of the statutes is amended to read:

4 79.04 **(1)** (a) An amount from the shared revenue account or, for the
5 distribution in 2003, from the appropriation under s. 20.835 (1) (t), 2003 stats.,
6 determined by multiplying by 3 mills in the case of a town, and 6 mills in the case
7 of a city or village, the first \$125,000,000 of the amount shown in the account, plus
8 leased property, of each public utility except qualified wholesale electric companies,
9 as defined in s. 76.28 (1) (gm), on December 31 of the preceding year for “production
10 plant, exclusive of land,” “general structures,” and “substations,” in the case of light,
11 heat and power companies, electric cooperatives or municipal electric companies, for
12 all property within a municipality in accordance with the system of accounts
13 established by the public service commission or rural electrification administration,
14 less depreciation thereon as determined by the department of revenue and less the
15 value of treatment plant and pollution abatement equipment, as defined under s.
16 70.11 (21), as determined by the department of revenue plus an amount from the
17 shared revenue account or, for the distribution in 2003, from the appropriation under
18 s. 20.835 (1) (t), 2003 stats., determined by multiplying by 3 mills in the case of a
19 town, and 6 mills in the case of a city or village, of the first \$125,000,000 of the total
20 original cost of production plant, general structures, and substations less
21 depreciation, land and approved waste treatment facilities of each qualified
22 wholesale electric company, as defined in s. 76.28 (1) (gm), as reported to the
23 department of revenue of all property within the municipality. The total of amounts,
24 as depreciated, from the accounts of all public utilities for the same production plant
25 is also limited to not more than \$125,000,000. The amount distributable to a

ASSEMBLY BILL 75**SECTION 1896**

1 municipality under this subsection and sub. (6) in any year shall not exceed \$300
2 times the population of the municipality, ~~increased annually by \$125 per person~~
3 ~~beginning in 2009 except that, beginning with payments in 2009, the amount~~
4 ~~distributable to a municipality under this subsection and sub. (6) in any year shall~~
5 ~~not exceed \$425 times the population of the municipality.~~

6 **SECTION 1897.** 79.04 (2) (a) of the statutes is amended to read:

7 79.04 **(2)** (a) Annually, except for production plants that begin operation after
8 December 31, 2003, or begin operation as a repowered production plant after
9 December 31, 2003, and except as provided in sub. (4m), the department of
10 administration, upon certification by the department of revenue, shall distribute
11 from the shared revenue account or, for the distribution in 2003, from the
12 appropriation under s. 20.835 (1) (t), 2003 stats., to any county having within its
13 boundaries a production plant, general structure, or substation, used by a light, heat
14 or power company assessed under s. 76.28 (2) or 76.29 (2), except property described
15 in s. 66.0813 unless the production plant or substation is owned or operated by a local
16 governmental unit that is located outside of the municipality in which the production
17 plant or substation is located, or by an electric cooperative assessed under ss. 76.07
18 and 76.48, respectively, or by a municipal electric company under s. 66.0825 an
19 amount determined by multiplying by 6 mills in the case of property in a town and
20 by 3 mills in the case of property in a city or village the first \$125,000,000 of the
21 amount shown in the account, plus leased property, of each public utility except
22 qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), on December
23 31 of the preceding year for “production plant, exclusive of land,” “general
24 structures,” and “substations,” in the case of light, heat and power companies,
25 electric cooperatives or municipal electric companies, for all property within the

ASSEMBLY BILL 75**SECTION 1897**

1 municipality in accordance with the system of accounts established by the public
2 service commission or rural electrification administration, less depreciation thereon
3 as determined by the department of revenue and less the value of treatment plant
4 and pollution abatement equipment, as defined under s. 70.11 (21), as determined
5 by the department of revenue plus an amount from the shared revenue account or,
6 for the distribution in 2003, from the appropriation under s. 20.835 (1) (t), 2003
7 stats., determined by multiplying by 6 mills in the case of property in a town, and 3
8 mills in the case of property in a city or village, of the total original cost of production
9 plant, general structures, and substations less depreciation, land and approved
10 waste treatment facilities of each qualified wholesale electric company, as defined in
11 s. 76.28 (1) (gm), as reported to the department of revenue of all property within the
12 municipality. The total of amounts, as depreciated, from the accounts of all public
13 utilities for the same production plant is also limited to not more than \$125,000,000.
14 The amount distributable to a county under this subsection and sub. (6) in any year
15 shall not exceed \$100 times the population of the county, ~~increased annually by \$25~~
16 ~~per person beginning in 2009~~ except that, beginning with payments in 2009, the
17 amount distributable to a county under this subsection and sub. (6) in any year shall
18 not exceed \$125 times the population of the county.

19 **SECTION 1898.** 79.043 (4) of the statutes is amended to read:

20 79.043 **(4)** Except as provided under s. 79.02 (3) (e) and (4), beginning in 2004,
21 and ending in 2010, the total amount to be distributed each year to municipalities
22 from the aid account appropriation accounts under s. 20.835 (1) (db) and (q) is
23 \$702,483,300.

24 **SECTION 1899.** 79.043 (5) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1899**

1 79.043 **(5)** Except as provided under s. 79.02 (3) (e) and (4), for the ~~distribution~~
2 distributions beginning in 2005 and subsequent years and ending in 2010, each
3 county and municipality shall receive a payment under this section and s. 79.035
4 that is equal to the amount of the payment determined for the county or municipality
5 under this section and s. 79.035 in 2004.

6 **SECTION 1900.** 79.043 (6) of the statutes is created to read:

7 79.043 **(6)** For the distribution in 2011 and subsequent years, each county and
8 municipality shall receive a payment under this section and s. 79.035 that is equal
9 to the amount of the payment determined for the county or municipality under s.
10 79.02 (4) in 2010.

11 **SECTION 1901.** 79.095 (title) of the statutes is amended to read:

12 **79.095 (title) State aid; computers and research property.**

13 **SECTION 1902.** 79.095 (2) (a) of the statutes is amended to read:

14 79.095 **(2)** (a) On or before May 1, the value of the property that is exempt under
15 s. ~~ss.~~ 70.11 (27m), (39), and (39m) and 70.111 (27) in each taxing jurisdiction for which
16 the municipality assesses property.

17 **SECTION 1903.** 79.095 (3) of the statutes is amended to read:

18 79.095 **(3)** REVIEW BY DEPARTMENT. The department shall adjust each rate
19 reported under sub. (2) (b) to a full-value rate. The department shall review and
20 correct the information submitted under sub. (2) (a), shall determine the full value
21 of all of the property reported under sub. (2) (a) and of all the property under s. 70.995
22 (12r) and, on or before October 1, shall notify each taxing jurisdiction of the full value
23 of the property that is exempt under s. ~~ss.~~ 70.11 (27m), (39), and (39m) and 70.111
24 (27) and that is located in the jurisdiction. The department shall adjust the full value
25 that is reported to taxing jurisdictions under this subsection in the year after an error

ASSEMBLY BILL 75**SECTION 1903**

1 occurs or a value has been changed due to an appeal. All disputes between the
2 department and municipalities about the value of the property reported under sub.
3 (2) (a) or of the property under s. 70.995 (12r) shall be resolved by using the
4 procedures under s. 70.995 (8).

5 **SECTION 1904.** 79.095 (4) of the statutes is amended to read:

6 79.095 **(4)** PAYMENT. The department shall calculate the payments due each
7 taxing jurisdiction under this section by multiplying the full value as of the January
8 1 of the preceding year of the property that is exempt under ~~s. ss. 70.11 (27m),~~ (39),
9 and (39m) and 70.111 (27) and that is located in the jurisdiction by the full-value
10 gross tax rate of the jurisdiction for the preceding year. The department shall certify
11 the amount of the payment due each taxing jurisdiction to the department of
12 administration, which shall make the payments on or before the first Monday in May
13 except that, beginning in 2007, the department of administration shall make the
14 payments on or before the 4th Monday in July. For purposes of ch. 121, school
15 districts shall treat the payments made in July under this subsection as if they had
16 been received in the previous school year.

17 **SECTION 1905.** 79.10 (2) (a) of the statutes is amended to read:

18 79.10 **(2)** (a) On or before December 1 of the year preceding the distribution
19 under sub. (7m) (a) or (cm), the department of revenue shall notify the clerk of each
20 town, village and city of the estimated fair market value, as determined under sub.
21 (11) (c), to be used to calculate the lottery and gaming credit under sub. (5) and of the
22 amount to be distributed to it under sub. (7m) (a) ~~on the following 4th Monday in July~~
23 or (cm). The anticipated receipt of such distribution shall not be taken into
24 consideration in determining the tax rate of the municipality but shall be applied as
25 tax credits.

ASSEMBLY BILL 75**SECTION 1906**

1 **SECTION 1906.** 79.10 (2) (b) of the statutes is amended to read:

2 79.10 **(2)** (b) On or before December 1 of the year preceding the distribution
3 under sub. (7m) (c) or (cm), the department of revenue shall notify the clerk of each
4 town, village, and city of the estimated fair market value, as determined under sub.
5 (11) (d), used to calculate the first dollar credit under sub. (5m) and of the amount
6 to be distributed to it under sub. (7m) (c) ~~on the following 4th Monday in July~~ or (cm).
7 The anticipated receipt of such distribution shall not be taken into consideration in
8 determining the tax rate of the municipality but shall be applied as tax credits.

9 **SECTION 1907.** 79.10 (7m) (a) 1. of the statutes is amended to read:

10 79.10 **(7m)** (a) 1. Except as provided in par. (e) (cm), the amount determined
11 under sub. (4) shall be distributed by the department of administration to the
12 counties on the 4th Monday in July.

13 **SECTION 1908.** 79.10 (7m) (a) 2. of the statutes is amended to read:

14 79.10 **(7m)** (a) 2. Except as provided in par. (e) (cm), the county treasurer shall
15 settle for the amounts distributed under this paragraph on the 4th Monday in July
16 with each municipality and taxing jurisdiction in the county not later than August
17 20. Failure to settle timely under this subdivision subjects the county treasurer to
18 the penalties under s. 74.31.

19 **SECTION 1909.** 79.10 (7m) (b) 1. of the statutes is amended to read:

20 79.10 **(7m)** (b) 1. Except as provided in par. (e) (cm), the amount determined
21 under sub. (5) with respect to claims filed for which the municipality has furnished
22 notice under sub. (1m) by March 1 shall be distributed from the appropriation under
23 s. 20.835 (3) (q) by the department of administration to the county in which the
24 municipality is located on the 4th Monday in March.

25 **SECTION 1910.** 79.10 (7m) (b) 2. of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1910**

1 79.10 (7m) (b) 2. Except as provided in par. (e) (cm), the county treasurer shall
2 settle for the amounts distributed on the 4th Monday in March under this paragraph
3 with each taxation district and each taxing jurisdiction within the taxation district
4 not later than April 15. Failure to settle timely under this subdivision subjects the
5 county treasurer to the penalties under s. 74.31.

6 **SECTION 1911.** 79.10 (7m) (c) 1. of the statutes is amended to read:

7 79.10 (7m) (c) 1. The Except as provided in par. (cm), the amount determined
8 under sub. (5m) shall be distributed from the appropriation under s. 20.835 (3) (b)
9 by the department of administration to the counties on the 4th Monday in July.

10 **SECTION 1912.** 79.10 (7m) (c) 2. of the statutes is amended to read:

11 79.10 (7m) (c) 2. ~~The town, village, or city~~ Except as provided in par. (cm), the
12 county treasurer shall settle for the amounts distributed on the 4th Monday in July
13 under this paragraph with ~~the appropriate~~ each municipality and taxing jurisdiction
14 in the county treasurer not later than August 15 20. Failure to settle timely under
15 this subdivision subjects the ~~town, village, or city~~ county treasurer to the penalties
16 under s. 74.31. ~~On or before August 20, the county treasurer shall settle with each~~
17 ~~taxing jurisdiction, including towns, villages, and cities except 1st class cities, in the~~
18 ~~county.~~

19 **SECTION 1913.** 79.10 (7m) (cm) 1. a. of the statutes is amended to read:

20 79.10 (7m) (cm) 1. a. If, in any year, the total of the amounts determined under
21 subs. (4) ~~and, (5), and (5m)~~ for any municipality is \$3,000,000 or more, the
22 municipality, with the approval of the majority of the members of the municipality's
23 governing body, may notify the department of administration to distribute the
24 amounts directly to the municipality and the department of administration shall

ASSEMBLY BILL 75**SECTION 1913**

1 distribute the amounts at the time and in the manner provided under pars. (a) 1. ~~and~~,
2 (b) 1., and (c) 1.

3 **SECTION 1914.** 79.10 (7m) (cm) 1. b. of the statutes is amended to read:

4 79.10 **(7m)** (cm) 1. b. The treasurer of the municipality shall settle for the
5 amounts distributed under ~~par. pars. (a) 1. and (c) 1.~~ on the 4th Monday in July with
6 the appropriate county treasurer not later than August 15. Failure to settle timely
7 under this subdivision subjects the treasurer of the municipality to the penalties
8 under s. 74.31. On or before August 20, the county treasurer shall settle with each
9 taxing jurisdiction, including towns, villages, and cities, except 1st class cities, in the
10 county.

11 **SECTION 1915.** 79.10 (7m) (cm) 2. a. of the statutes is amended to read:

12 79.10 **(7m)** (cm) 2. a. The department of administration shall distribute the
13 amounts determined under subs. (4) ~~and, (5), and (5m)~~ directly to any municipality
14 that enacts an ordinance under s. 74.12 at the time and in the manner provided
15 under pars. (a) 1. ~~and, (b) 1., and (c) 1.~~

16 **SECTION 1916.** 79.10 (7m) (cm) 2. b. of the statutes is amended to read:

17 79.10 **(7m)** (cm) 2. b. The treasurer of the municipality shall settle for the
18 amounts distributed under ~~par. pars. (a) 1. and (c) 1.~~ on the 4th Monday in July with
19 the appropriate county treasurer not later than August 15. Failure to settle timely
20 under this subdivision subjects the treasurer of the municipality to the penalties
21 under s. 74.31. On or before August 20, the county treasurer shall settle with each
22 taxing jurisdiction, including towns, villages, and cities, except 1st class cities, in the
23 county.

24 **SECTION 1917.** 79.11 (3) (c) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 1917**

1 79.11 (3) (c) Notwithstanding ss. 74.11 (2) (b) and 74.12 (2) (b), the first dollar
2 credit shall be deducted in its entirety from the first installment. This paragraph
3 does not apply to the payment of taxes in installments under s. 74.87.

4 **SECTION 1918.** 84.01 (13) of the statutes is amended to read:

5 84.01 **(13)** ENGINEERING SERVICES. The department may engage such
6 engineering, consulting, surveying, or other specialized services as it deems
7 advisable. Any engagement of services under this subsection is exempt from ss.
8 16.70 to 16.75, 16.755 to 16.82, and 16.85 to 16.89, but ss. 16.528, 16.752, 16.753, and
9 16.754 apply to such engagement. Any engagement involving an expenditure of
10 \$3,000 or more shall be by formal contract approved by the governor. ~~The department~~
11 ~~shall conduct a uniform cost-benefit analysis, as defined in s. 16.70 (3g), of each~~
12 ~~proposed engagement under this subsection that involves an estimated expenditure~~
13 ~~of more than \$25,000 in accordance with standards prescribed by rule of the~~
14 ~~department. The department shall review periodically, and before any renewal, the~~
15 ~~continued appropriateness of contracting pursuant to each engagement under this~~
16 ~~subsection that involves an estimated expenditure of more than \$25,000.~~

17 **SECTION 1919.** 84.014 (5m) (ag) 2. of the statutes is amended to read:

18 84.014 **(5m)** (ag) 2. “Zoo interchange” means all freeways, including related
19 interchange ramps, roadways, and shoulders, and all adjacent frontage roads and
20 collector road systems, encompassing I 94, I 894, and USH 45 in Milwaukee County
21 within the area bordered by I 894/USH 45 at the Union Pacific railroad underpass
22 near ~~Burnham Street in Milwaukee County~~ Lincoln Avenue to the south, I 94 at 76th
23 70th Street to the east, I 94 at ~~116th~~ 124th Street to the west, and USH 45 at Center
24 Burleigh Street to the north.

25 **SECTION 1920.** 84.06 (2) (a) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1920**

1 84.06 **(2)** (a) All such highway improvements shall be executed by contract
2 based on bids unless the department finds that another method as provided in sub.
3 ~~(2m)~~, (3), or (4) would be more feasible and advantageous. Bids shall be advertised
4 for in the manner determined by the department. Except as provided in s. 84.075,
5 the contract shall be awarded to the lowest competent and responsible bidder as
6 determined by the department. If the bid of the lowest competent bidder is
7 determined by the department to be in excess of the estimated reasonable value of
8 the work or not in the public interest, all bids may be rejected. The department shall,
9 so far as reasonable, follow uniform methods of advertising for bids and may
10 prescribe and require uniform forms of bids and contracts. Except as provided in par.
11 (b), the secretary shall enter into the contract on behalf of the state. Every such
12 contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.82, 16.87, and 16.89, but
13 ss. 16.528, 16.752, 16.753, and 16.754 apply to the contract. Any such contract
14 involving an expenditure of \$1,000 or more shall not be valid until approved by the
15 governor. The secretary may require the attorney general to examine any contract
16 and any bond submitted in connection with the contract and report on its sufficiency
17 of form and execution. The bond required by s. 779.14 (1m) is exempt from approval
18 by the governor and shall be subject to approval by the secretary. This subsection
19 also applies to contracts with private contractors based on bids for maintenance
20 under s. 84.07.

21 **SECTION 1921.** 84.06 (2m) of the statutes is created to read:

22 84.06 **(2m)** DESIGN-BUILD CONTRACTS. (a) In this subsection, “design-build
23 procurement process” means a method of contracting for a project under which the
24 engineering, design, and construction services are provided by a single private entity
25 or consortium that is selected as part of a single bidding process for the project.

ASSEMBLY BILL 75**SECTION 1921**

1 (b) Notwithstanding s. 84.01 (13), if the department finds under sub. (2) that
2 it would be more feasible and advantageous, the department may utilize a
3 design-build procurement process in entering into any highway improvement
4 contract under sub. (2) if all of the following conditions are met:

5 1. The contract is awarded through a competitive selection process that
6 utilizes, at a minimum, contractor qualifications, quality, completion time, and cost
7 as award criteria. To be eligible to participate in the selection process, a bidder shall
8 have prior experience in design and construction and shall be prequalified by the
9 department as a design consultant and as a contractor.

10 2. The contract is approved by the appropriate federal authority if, in the
11 judgment of the secretary, such approval is necessary for purposes relating to state
12 eligibility for federal aid.

13 (c) This subsection applies only with respect to highway improvement contracts
14 entered into prior to the first day of the 25th month after the effective date of this
15 paragraph [LRB inserts date].

16 **SECTION 1922.** 84.075 (1) of the statutes is amended to read:

17 84.075 (1) In purchasing services under s. 84.01 (13), in awarding construction
18 contracts under s. 84.06 and in contracting with private contractors and agencies
19 under s. 84.07, the department shall attempt to ensure that 5% of the total amount
20 expended in each fiscal year is paid to contractors, subcontractors and vendors which
21 are minority businesses, as defined under s. 560.036 (1) (e) 1. In attempting to meet
22 this goal, the department may award any contract to a minority business that
23 submits a qualified responsible bid that is no more than 5% higher than the low bid.

24 **SECTION 1923.** 84.076 (1) (c) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1923**

1 84.076 **(1)** (c) “Minority business” has the meaning given under s. 560.036 (1)
2 (e) 1.

3 **SECTION 1924.** 84.076 (3) of the statutes is amended to read:

4 84.076 **(3)** BIDS, CONTRACTS. Section 84.06 (2) and (2m) applies to bids and
5 contracts under this section, except that the secretary shall reject low bids that do
6 not satisfy the requirements under sub. (4). Each bid submitted under this section
7 shall include the agreement specified under sub. (4) and, as a condition, a goal that
8 at least 25% of the total number of workers in all construction trades employed on
9 the project will be disadvantaged individuals.

10 **SECTION 1925.** 84.185 (1) (ce) of the statutes is amended to read:

11 84.185 **(1)** (ce) “Job” ~~has the meaning specified in s. 560.17 (1) (bm)~~ means a
12 position providing full-time equivalent employment. “Job” does not include initial
13 training before an employment position begins.

14 **SECTION 1926.** 84.28 (1) of the statutes is amended to read:

15 84.28 **(1)** Moneys from the appropriation under s. 20.370 (7) ~~(mc)~~ (mr) may be
16 expended for the renovation, marking and maintenance of a town or county highway
17 located within the boundaries of any state park, state forest or other property under
18 the jurisdiction of the department of natural resources. Moneys from the
19 appropriation under s. 20.370 (7) ~~(mc)~~ (mr) may be expended for the renovation,
20 marking and maintenance of a town or county highway located in the ~~lower~~ Lower
21 ~~Wisconsin state riverway~~ State Riverway as defined in s. 30.40 (15). Outside the
22 ~~lower~~ Lower ~~Wisconsin state riverway~~ State Riverway as defined in s. 30.40 (15), or
23 outside the boundaries of these parks, forests or property, moneys from the
24 appropriation under s. 20.370 (7) ~~(mc)~~ (mr) may be expended for the renovation,
25 marking and maintenance of roads which the department of natural resources

ASSEMBLY BILL 75**SECTION 1926**

certifies are utilized by a substantial number of visitors to state parks, state forests or other property under the jurisdiction of the department of natural resources. The department of natural resources shall authorize expenditures under this subsection. The department of natural resources shall rank projects eligible for assistance under a priority system and funding may be restricted to those projects with highest priority.

SECTION 1927. 84.59 (2) (b) of the statutes is amended to read:

84.59 (2) (b) The department may, under s. 18.562, deposit in a separate and distinct special fund outside the state treasury, in an account maintained by a trustee, revenues derived under ss. 341.09 (2) (d), (2m) (a) 1., (4), and (7), 341.14 (2), (2m), (6) (d), (6m) (a), (6r) (b) 2., (6w), and (8), 341.145 (3), 341.16 (1) (a) and (b), (2), and (2m), 341.17 (8), 341.19 (1) (a), 341.25, 341.255 (1), (2) (a), (b), and (c), ~~(4)~~, and (5), 341.26 (1), (2), (2m) (am) and (b), (3), (3m), (4), (5), and (7), 341.264 (1), 341.265 (1), 341.266 (2) (b) and (3), 341.268 (2) (b) and (3), 341.30 (3), 341.305 (3), 341.308 (3), 341.36 (1) and (1m), 341.51 (2), and 342.14, except s. 342.14 (1r), and from any payments received with respect to agreements or ancillary arrangements entered into under s. 18.55 (6) with respect to revenue obligations issued under this section. The revenues deposited are the trustee's revenues in accordance with the agreement between this state and the trustee or in accordance with the resolution pledging the revenues to the repayment of revenue obligations issued under this section. Revenue obligations issued for the purposes specified in sub. (1) and for the repayment of which revenues are deposited under this paragraph are special fund obligations, as defined in s. 18.52 (7), issued for special fund programs, as defined in s. 18.52 (8).

SECTION 1928. 84.59 (6) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1928**

1 84.59 **(6)** The building commission may contract revenue obligations when it
2 reasonably appears to the building commission that all obligations incurred under
3 this section can be fully paid from moneys received or anticipated and pledged to be
4 received on a timely basis. Except as provided in this subsection, the principal
5 amount of revenue obligations issued under this section may not exceed
6 ~~\$2,708,341,000~~ \$3,009,784,200, excluding any obligations that have been defeased
7 under a cash optimization program administered by the building commission, to be
8 used for transportation facilities under s. 84.01 (28) and major highway projects for
9 the purposes under ss. 84.06 and 84.09. In addition to the foregoing limit on principal
10 amount, the building commission may contract revenue obligations under this
11 section as the building commission determines is desirable to refund outstanding
12 revenue obligations contracted under this section, to make payments under
13 agreements or ancillary arrangements entered into under s. 18.55 (6) with respect
14 to revenue obligations issued under this section, and to pay expenses associated with
15 revenue obligations contracted under this section.

16 **SECTION 1929.** 85.063 (3) (b) 1. of the statutes is amended to read:

17 85.063 **(3)** (b) 1. Upon completion of a planning study under sub. (2), or, to the
18 satisfaction of the department, of a study under s. 85.022, a political subdivision in
19 a county which, or a transit authority created under s. 66.1039, that includes the
20 urban area may apply to the department for a grant for property acquisition for an
21 urban rail transit system.

22 **SECTION 1930.** 85.064 (1) (b) of the statutes is amended to read:

23 85.064 **(1)** (b) “Political subdivision” means any city, village, town, county,
24 transit commission organized under s. 59.58 (2) or 66.1021 or recognized under s.

ASSEMBLY BILL 75**SECTION 1930**

66.0301, or ~~regional~~ transit authority ~~organized~~ created under s. ~~59.58 (6)~~ 66.1039 within this state.

SECTION 1931. 85.064 (4) of the statutes is repealed.

SECTION 1932. 85.11 of the statutes is created to read:

85.11 Southeast Wisconsin transit capital assistance program. (1)

DEFINITIONS. In this section:

(a) “Major transit capital improvement project” has the meaning given in s. 85.062 (1).

(b) “Municipality” means a city, village, or town.

(c) “Southeast Wisconsin” means the geographical area comprising the counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha.

(d) “Transit authority” means a transit authority created under s. 66.1039 that is located in southeast Wisconsin.

(2) PROGRAM AND FUNDING. The department shall develop and administer a southeast Wisconsin transit capital assistance program. From the appropriation under s. 20.866 (2) (uq), the department may award grants to transit authorities for transit capital improvements as provided under subs. (4) to (6).

(3) APPLICATIONS. (a) Each grant applicant shall specify any project for which grant funds are requested. An applicant may not include a project in a grant application if any of the following apply:

1. The project is a major transit capital improvement project and the project has not been enumerated under s. 85.062 (3).

2. The project requires authorization and ratification under s. 85.205 and the project has not received this authorization and ratification.

ASSEMBLY BILL 75**SECTION 1932**

1 (b) The department may not accept grant applications under this section after
2 December 31, 2015.

3 **(4) ELIGIBILITY.** A transit authority is eligible for a grant under this section if
4 all of the following apply:

5 (a) The transit authority is eligible under federal law to be a public sponsor for
6 a project that receives federal funding.

7 (b) The transit authority receives funds from a dedicated local revenue source
8 for capital and operating costs associated with providing transit services.

9 **(5) GRANT AWARDS.** (a) Subject to par. (b), the department may award grants
10 to applicants eligible under sub. (4). Any grant awarded under this section may not
11 exceed \$50,000,000, 25 percent of the total project cost, or 50 percent of the portion
12 of the total project cost not funded with federal aid, whichever is least.

13 (b) The department may award a grant under par. (a) only if all of the following
14 apply:

15 1. Any project for which the grant is to be awarded has received any approval
16 to proceed required by the appropriate federal agency. Approval to proceed under
17 this subdivision is required by December 31, 2012, for any project utilizing federal
18 interstate cost estimate substitute project funding and for any project resulting from
19 the Milwaukee Downtown Transit Connector Study of the Wisconsin Center District.

20 2. The number of revenue hours of transit service provided in the area serviced
21 by the grant applicant at the time of the grant application is not less than that
22 provided in 2001, if transit services were provided in 2001 by the grant applicant or
23 by any other local unit of government.

24 **(6) ADMINISTRATION.** In administering this section, the department shall do all
25 of the following:

ASSEMBLY BILL 75**SECTION 1932**

1 (a) Prescribe the form of grant applications and the nature and extent of
2 information to be provided with these applications, and establish an annual
3 application cycle for receiving and evaluating applications under the program.

4 (b) Establish criteria and standards for grant eligibility for transit capital
5 improvement projects under the program.

6 (c) Establish criteria and standards for evaluating and ranking applications
7 and for awarding grants under the program.

8 **SECTION 1933.** 85.14 (1) of the statutes is amended to read:

9 **85.14 Payments of fees and deposits by credit card, debit card, or other**
10 **electronic payment mechanism.** (1) (a) The department may accept payment by
11 credit card, debit card, or any other electronic payment mechanism of a fee that is
12 required to be paid to the department under ch. 194, 218, 341, 342, 343 or 348. The
13 department shall determine which fees may be paid by credit card, debit card, or any
14 other electronic payment mechanism and the manner in which the payments may
15 be made. If the department permits the payment of a fee by credit card, debit card,
16 or any other electronic payment mechanism, the department may charge a
17 convenience fee for each transaction in an amount to be established by rule. The
18 convenience fee shall approximate the cost to the department for providing this
19 service to persons who request it. If the department permits the payment of a fee by
20 credit card, debit card, or any other electronic payment mechanism, the department
21 may charge a service fee of \$2.50 for each transaction until a rule is promulgated
22 under this paragraph.

23 (b) ~~Except for charges associated with a contract under par. (c), the~~ If the
24 secretary of administration assesses any charges against the department relating to
25 the payment of fees by credit cards, debit cards, or other electronic payment

ASSEMBLY BILL 75**SECTION 1933**

1 mechanisms, the department shall pay, from the appropriation under s. 20.395 (5)
2 (cg), to the secretary of administration or to any person designated by the secretary
3 of administration the amount of these assessed charges associated with the use of
4 credit cards under par. (a) that are assessed to the department.

5 (c) The department may contract for services relating to the payment of fees
6 by credit cards, debit cards, or other electronic payment mechanisms under this
7 subsection. Any charges associated with a contract under this paragraph shall be
8 paid from the appropriations under s. 20.395 (5) (cg) and (cq).

9 **SECTION 1934.** 85.20 (4m) (a) 6. cm. of the statutes is amended to read:

10 85.20 **(4m)** (a) 6. cm. From the appropriation under s. 20.395 (1) (ht), the
11 department shall pay ~~\$57,948,000 for aid payable for calendar year 2006,~~
12 ~~\$59,107,000 for aid payable for calendar year 2007,~~ \$63,784,700 for aid payable for
13 calendar year 2008, ~~and \$65,299,200 for aid payable for calendar year 2009,~~
14 \$66,585,600 for aid payable for calendar year 2010, and \$68,583,200 for aid payable
15 for calendar year 2011 and thereafter, to the eligible applicant that pays the local
16 contribution required under par. (b) 1. for an urban mass transit system that has
17 annual operating expenses ~~in excess of \$80,000,000~~ or more. If the eligible applicant
18 that receives aid under this subd. 6. cm. is served by more than one urban mass
19 transit system, the eligible applicant may allocate the aid between the urban mass
20 transit systems in any manner the eligible applicant considers desirable.

21 **SECTION 1935.** 85.20 (4m) (a) 6. d. of the statutes is amended to read:

22 85.20 **(4m)** (a) 6. d. From the appropriation under s. 20.395 (1) (hu), the
23 department shall pay ~~\$15,470,200 for aid payable for calendar year 2006,~~
24 ~~\$15,779,600 for aid payable for calendar year 2007,~~ \$16,754,000 for aid payable for
25 calendar year 2008, ~~and \$17,158,400 for aid payable for calendar year 2009,~~

ASSEMBLY BILL 75**SECTION 1935**

1 \$17,496,400 for aid payable for calendar year 2010, and \$18,021,300 for aid payable
2 for calendar year 2011 and thereafter, to the eligible applicant that pays the local
3 contribution required under par. (b) 1. for an urban mass transit system that has
4 annual operating expenses in excess of \$20,000,000 but less than \$80,000,000. If the
5 eligible applicant that receives aid under this subd. 6. d. is served by more than one
6 urban mass transit system, the eligible applicant may allocate the aid between the
7 urban mass transit systems in any manner the eligible applicant considers desirable.

8 **SECTION 1936.** 85.20 (4m) (a) 7. b. of the statutes is amended to read:

9 85.20 **(4m)** (a) 7. b. For the purpose of making allocations under subd. 7. a., the
10 amounts for aids are ~~\$22,192,800 in calendar year 2006, \$22,636,700 in calendar~~
11 ~~year 2007,~~ \$24,034,400 in calendar year 2008, and \$24,614,500 in calendar year
12 2009, \$25,099,500 in calendar year 2010, and \$25,852,500 in calendar year 2011 and
13 thereafter. These amounts, to the extent practicable, shall be used to determine the
14 uniform percentage in the particular calendar year.

15 **SECTION 1937.** 85.20 (4m) (a) 8. b. of the statutes is amended to read:

16 85.20 **(4m)** (a) 8. b. For the purpose of making allocations under subd. 8. a., the
17 amounts for aids are ~~\$5,023,600 in calendar year 2006, \$5,124,100 in calendar year~~
18 ~~2007,~~ \$5,440,500 in calendar year 2008, and \$5,571,800 in calendar year 2009,
19 \$5,681,600 in calendar year 2010, and \$5,852,200 in calendar year 2011 and
20 thereafter. These amounts, to the extent practicable, shall be used to determine the
21 uniform percentage in the particular calendar year.

22 **SECTION 1938.** 85.215 of the statutes is created to read:

23 **85.215 Tribal elderly transportation grant program.** The department
24 shall award grants to federally recognized American Indian tribes or bands to assist
25 in providing transportation services for elderly persons. Grants awarded under this

ASSEMBLY BILL 75**SECTION 1938**

1 section shall be paid from the appropriation under s. 20.395 (1) (ck). The department
2 shall prescribe the form, nature, and extent of the information that shall be
3 contained in an application for a grant under this section. The department shall
4 establish criteria for evaluating applications and for awarding grants under this
5 section.

6 **SECTION 1939.** 85.26 of the statutes is created to read:

7 **85.26 Intercity bus assistance program. (1) DEFINITIONS.** In this section:

8 (a) “Intercity bus service” means regularly scheduled bus service for the
9 general public that operates with limited stops over fixed routes connecting 2 or more
10 urban areas not in close proximity, that has the capacity for transporting baggage
11 carried by passengers, and that makes meaningful connections with scheduled
12 intercity bus service to more distant points if service to more distant points is
13 available.

14 (b) “Net operating loss” means the portion of the reasonable costs of operating
15 an intercity bus service route that cannot reasonably be financed from revenues
16 derived from the route.

17 (c) “Political subdivision” means a city, village, town, or county.

18 **(2) ADMINISTRATION.** (a) The department shall develop and administer an
19 intercity bus assistance program to increase the availability of intercity bus service
20 in this state. Under this program, the department may do any of the following:

21 1. Contract with private providers of intercity bus service to support intercity
22 bus service routes of the provider.

23 2. Make grants to political subdivisions to support intercity bus service routes
24 having an origin or destination in the political subdivision.

ASSEMBLY BILL 75**SECTION 1939**

(b) All expenditures under the program shall be made from the appropriations under s. 20.395 (1) (bq), (bv), and (bx). The department may not enter into any contract under par. (a) 1., or award any grant under par. (a) 2., that provides funds to support any intercity bus service route in an amount exceeding the lesser of the following:

1. Fifty percent of the net operating loss of the intercity bus service route.

2. The portion of the net operating loss of the intercity bus service route for which federal funds are not available.

(c) 1. The department shall prescribe the form, nature, and extent of the information which shall be contained in an application for a grant under par. (a) 2.

2. The department shall establish criteria for evaluating applications for grants under par. (a) 2.

SECTION 1940. 85.56 of the statutes is created to read:

85.56 Driver Education Grant Program. The department shall develop and administer a program to provide grants to those offering courses in driver education specified in s. 343.16 (1) (c) for purposes of supplementing the cost of providing these courses to low-income individuals. Grants awarded under this section shall be paid from the appropriation under s. 20.395 (2) (js). The department shall promulgate rules to implement and administer this section, including rules establishing criteria and standards for grant eligibility of the course provider recipients and of the low-income individual beneficiaries, as well criteria and standards for evaluating and ranking grant applications and for determining the amount of the grants awarded.

SECTION 1941. 86.30 (2) (a) 3. of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1941**

1 86.30 **(2)** (a) 3. For each mile of road or street under the jurisdiction of a
2 municipality as determined under s. 86.302, the mileage aid payment shall be \$1,862
3 ~~in calendar year 2006, \$1,899 in calendar year 2007, \$1,956 in calendar year 2008,~~
4 ~~and \$2,015 in calendar year 2009, and \$1,995 in calendar year 2010~~ and thereafter.

5 **SECTION 1942.** 86.30 (9) (b) of the statutes is amended to read:

6 86.30 **(9)** (b) For the purpose of calculating and distributing aids under sub. (2),
7 the amounts for aids to counties are ~~\$91,845,500 in calendar year 2006, \$93,682,400~~
8 ~~in calendar year 2007, \$96,492,900 in calendar year 2008, and \$99,387,700 in~~
9 ~~calendar year 2009, and \$98,393,800 in calendar year 2010~~ and thereafter. These
10 amounts, to the extent practicable, shall be used to determine the statewide county
11 average cost-sharing percentage in the particular calendar year.

12 **SECTION 1943.** 86.30 (9) (c) of the statutes is amended to read:

13 86.30 **(9)** (c) For the purpose of calculating and distributing aids under sub. (2),
14 the amounts for aids to municipalities are ~~\$288,956,900 in calendar year 2006,~~
15 ~~\$294,736,000 in calendar year 2007, \$303,578,100 in calendar year 2008, and~~
16 ~~\$312,685,400 in calendar year 2009, and \$309,558,500 in calendar year 2010~~ and
17 thereafter. These amounts, to the extent practicable, shall be used to determine the
18 statewide municipal average cost-sharing percentage in the particular calendar
19 year.

20 **SECTION 1944.** 86.31 (3g) of the statutes is amended to read:

21 86.31 **(3g)** COUNTY TRUNK HIGHWAY IMPROVEMENTS — DISCRETIONARY GRANTS.
22 From the appropriation under s. 20.395 (2) (ft), the department shall allocate
23 ~~\$5,250,000 in fiscal year 2005=06 and in fiscal year 2006=07, \$5,355,000 in fiscal~~
24 ~~year 2007=08, and \$5,462,100 in fiscal year 2008=09, and \$5,407,500 in fiscal year~~
25 2009=10 and each fiscal year thereafter, to fund county trunk highway

ASSEMBLY BILL 75**SECTION 1944**

1 improvements with eligible costs totaling more than \$250,000. The funding of
2 improvements under this subsection is in addition to the allocation of funds for
3 entitlements under sub. (3).

4 **SECTION 1945.** 86.31 (3m) of the statutes is amended to read:

5 86.31 **(3m)** TOWN ROAD IMPROVEMENTS — DISCRETIONARY GRANTS. From the
6 appropriation under s. 20.395 (2) (ft), the department shall allocate ~~\$750,000 in fiscal~~
7 ~~year 2005–06 and in fiscal year 2006–07~~, \$765,000 in fiscal year 2007–08, and
8 \$780,300 in fiscal year 2008–09, and \$772,500 in fiscal year 2009–10 and each fiscal
9 year thereafter, to fund town road improvements with eligible costs totaling
10 \$100,000 or more. The funding of improvements under this subsection is in addition
11 to the allocation of funds for entitlements under sub. (3).

12 **SECTION 1946.** 86.31 (3r) of the statutes is amended to read:

13 86.31 **(3r)** MUNICIPAL STREET IMPROVEMENTS — DISCRETIONARY GRANTS. From the
14 appropriation under s. 20.395 (2) (ft), the department shall allocate ~~\$1,000,000 in~~
15 ~~fiscal year 2005–06 and in fiscal year 2006–07~~, \$1,020,000 in fiscal year 2007–08, and
16 \$1,040,400 in fiscal year 2008–09, and \$1,030,000 in fiscal year 2009–10 and each
17 fiscal year thereafter, to fund municipal street improvement projects having total
18 estimated costs of \$250,000 or more. The funding of improvements under this
19 subsection is in addition to the allocation of funds for entitlements under sub. (3).

20 **SECTION 1947.** Chapter 91 of the statutes is repealed and recreated to read:

21 **CHAPTER 91**

22 **FARMLAND PRESERVATION**

23 **SUBCHAPTER I**

24 **DEFINITIONS AND GENERAL PROVISIONS**

25 **91.01 Definitions.** In this chapter:

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1 **(1)** “Accessory use” means any of the following land uses on a farm:

2 (a) A building, structure, or improvement that is an integral part of, or is
3 incidental to, an agricultural use.

4 (b) An activity or business operation that is an integral part of, or incidental
5 to, an agricultural use.

6 (c) A farm residence.

7 (d) A business, activity, or enterprise, whether or not associated with an
8 agricultural use, that is conducted by the owner or operator of a farm, that requires
9 no buildings, structures, or improvements other than those described in par. (a) or
10 (c), that employs no more than 4 full-time employees annually, and that does not
11 impair or limit the current or future agricultural use of the farm or of other protected
12 farmland.

13 (e) Any other use that the department, by rule, identifies as an accessory use.

14 **(1m)** “Agricultural enterprise area” means an area designated in accordance
15 with s. 91.84.

16 **(2)** “Agricultural use” means any of the following:

17 (a) Any of the following activities conducted for the purpose of producing an
18 income or livelihood:

19 1. Crop or forage production.

20 2. Keeping livestock.

21 3. Beekeeping.

22 4. Nursery, sod, or Christmas tree production.

23 4m. Floriculture.

24 5. Aquaculture.

25 6. Fur farming.

ASSEMBLY BILL 75**SECTION 1947**

1 7. Forest management.

2 8. Enrolling land in a federal agricultural commodity payment program or a
3 federal or state agricultural land conservation payment program.

4 (b) Any other use that the department, by rule, identifies as an agricultural use.

5 **(3)** “Agriculture–related use” means any of the following:

6 (a) An agricultural equipment dealership, facility providing agricultural
7 supplies, facility for storing or processing agricultural products, or facility for
8 processing agricultural wastes.

9 (b) Any other use that the department, by rule, identifies as an
10 agriculture–related use.

11 **(5)** “Base farm tract” means one of the following:

12 (a) All land, whether one parcel or 2 or more contiguous parcels, that is in a
13 farmland preservation zoning district and that is part of a single farm when the
14 department under s. 91.36 (1) first certifies the farmland preservation zoning
15 ordinance covering the land, regardless of any subsequent changes in the size of the
16 farm.

17 (b) Any other tract that the department by rule defines as a base farm tract.

18 **(6)** “Certified farmland preservation plan” means a farmland preservation
19 plan that is certified as determined under s. 91.12.

20 **(7)** “Certified farmland preservation zoning ordinance” means a zoning
21 ordinance that is certified as determined under s. 91.32.

22 **(8)** “Chief elected official” means the mayor of a city or, if the city is organized
23 under subch. I of ch. 64, the president of the council of that city, the village president
24 of a village, the town board chairperson of a town, or the county executive of a county,

ASSEMBLY BILL 75**SECTION 1947**

1 or, if the county does not have a county executive, the chairperson of the county board
2 of supervisors.

3 **(9)** “Comprehensive plan” has the meaning given in s. 66.1001 (1) (a).

4 **(10)** “Conditional use” means a use allowed under a conditional use permit,
5 special exception, or other special zoning permission issued by a political
6 subdivision.

7 **(11)** “County land conservation committee” means a committee created under
8 s. 92.06 (1).

9 **(12)** “Department” means the department of agriculture, trade and consumer
10 protection.

11 **(13)** “Farm” means all land under common ownership that is primarily devoted
12 to agricultural use.

13 **(14)** “Farm acreage” means size of a farm in acres.

14 **(15)** “Farmland preservation agreement” means any of the following
15 agreements between an owner of land and the department under which the owner
16 agrees to restrict the use of land in return for tax credits:

17 (a) A farmland preservation agreement or transition area agreement entered
18 into under s. 91.13, 2007 stats., or s. 91.14, 2007 stats.

19 (b) An agreement entered into under s. 91.60 (1).

20 **(16)** “Farmland preservation area” means an area that is planned primarily
21 for agricultural use or agriculture-related use, or both, and that is one of the
22 following:

23 (a) Identified as an agricultural preservation area or transition area in a
24 farmland preservation plan described in s. 91.12 (1).

ASSEMBLY BILL 75**SECTION 1947**

1 (b) Identified under s. 91.10 (1) (d) in a farmland preservation plan described
2 in s. 91.12 (2).

3 **(17)** “Farmland preservation plan” means a plan for the preservation of
4 farmland in a county, including an agricultural preservation plan under subch. IV
5 of ch. 91, 2007 stats.

6 **(18)** “Farmland preservation zoning district” means any of the following:

7 (a) An area zoned for exclusive agricultural use under an ordinance described
8 in s. 91.32 (1).

9 (b) A farmland preservation zoning district designated under s. 91.38 (1) (c) in
10 an ordinance described in s. 91.32 (2).

11 **(19)** “Farm residence” means any of the following structures that is located on
12 a farm:

13 (a) A single-family or duplex residence that is the only residential structure
14 on the farm or is occupied by any of the following:

15 1. An owner or operator of the farm.

16 2. A parent or child of an owner or operator of the farm.

17 3. An individual who earns more than 50 percent of his or her gross income from
18 the farm.

19 (b) A migrant labor camp that is certified under s. 103.92.

20 **(20)** “Gross farm revenues” has the meaning given in s. 71.613 (1) (g).

21 **(20m)** “Livestock” means bovine animals, equine animals, goats, poultry,
22 sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and
23 farm-raised fish.

24 **(21)** “Nonfarm residence” means a single-family or multi-family residence
25 other than a farm residence.

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1 **(22)** “Nonfarm residential acreage” means the total number of acres of all
2 parcels on which nonfarm residences are located.

3 **(22m)** “Overlay district” means a zoning district that is superimposed on one
4 or more other zoning districts and imposes additional restrictions on the underlying
5 districts.

6 **(23)** “Owner” means a person who has an ownership interest in land.

7 **(23m)** “Permitted use” means a use that is allowed without a conditional use
8 permit, special exception, or other special zoning permission.

9 **(24)** “Political subdivision” means a city, village, town, or county.

10 **(25)** “Prime farmland” means any of the following:

11 (a) An area with a class I or class II land capability classification as identified
12 by the natural resources conservation service of the federal department of
13 agriculture.

14 (b) Land, other than land described in par. (a), that is identified as prime
15 farmland in a certified farmland preservation plan.

16 **(26)** “Prior nonconforming use” means a land use that does not conform with
17 a farmland preservation zoning ordinance, but that existed lawfully before the
18 farmland preservation zoning ordinance was enacted.

19 **(27)** “Protected farmland” means land that is located in a farmland
20 preservation zoning district, is covered by a farmland preservation agreement, or is
21 otherwise legally protected from nonagricultural development.

22 **(28)** “Taxable year” has the meaning given in s. 71.01 (12).

23 **91.02 Rule making. (1)** The department shall promulgate rules that set forth
24 technical specifications for farmland preservation zoning maps under s. 91.38 (1) (d).

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1 **(2)** The department may promulgate rules for the administration of this
2 chapter, including rules that do any of the following:

3 (a) Identify accessory uses under s. 91.01 (1) (e).

4 (b) Identify agricultural uses under s. 91.01 (2) (b).

5 (c) Identify agriculture-related uses under s. 91.01 (3) (b).

6 (d) Identify base farm tracts under s. 91.01 (5) (b).

7 (e) Specify requirements for certification under s. 91.18 (1) (b).

8 (f) Require information in an application for certification of a farmland
9 preservation plan or amendment under s. 91.20 (4).

10 (g) Specify types of ordinance amendments for which certification is required
11 under s. 91.36 (8) (b) 3.

12 (h) Specify exceptions to the requirement that land in a farmland preservation
13 zoning district be included in a farmland preservation area under s. 91.38 (1) (g).

14 (i) Specify requirements for certification of a farmland preservation zoning
15 ordinance under s. 91.38 (1) (i).

16 (j) Require information in an application for certification of a farmland
17 preservation zoning ordinance or amendment under s. 91.40 (5).

18 (k) Authorize additional uses in a farmland preservation zoning district under
19 s. 91.42 (4).

20 (L) Authorize additional uses as permitted uses in a farmland preservation
21 zoning district under s. 91.44 (1) (g).

22 (m) Authorize additional uses as conditional uses in a farmland preservation
23 zoning district under s. 91.46 (1) (j).

24 (o) Designate agricultural enterprise areas and modify and terminate
25 designations of those areas under s. 91.84.

ASSEMBLY BILL 75**SECTION 1947**

1 (p) Require information in an application for a farmland preservation
2 agreement under s. 91.64 (2) (h).

3 (r) Prescribe procedures for compliance monitoring under s. 91.82 (3).

4 **91.03 Intergovernmental cooperation.** State agencies shall cooperate with
5 the department in the administration of this chapter and in other matters related
6 to the preservation of farmland in this state. State agencies shall, to the extent
7 feasible, cooperate in sharing and standardizing relevant information, identifying
8 and mapping significant agricultural resources, and planning and evaluating the
9 impact of state actions on agriculture.

10 **91.04 Department to report.** At least once every 2 years, beginning not later
11 than December 31, 2011, the department shall submit a farmland preservation
12 report to the board of agriculture, trade and consumer protection and provide copies
13 of the report to the department of revenue and the department of administration.
14 The department shall prepare the report in cooperation with the department of
15 revenue and shall include all of the following in the report:

16 (1) A review and analysis of farmland availability, uses, and use trends in this
17 state, including information related to farmland conversion statewide and by county.

18 (2) A review and analysis of relevant information related to the farmland
19 preservation program under this chapter and associated tax credit claims under
20 subch. IX of ch. 71, including information related to all of the following:

21 (a) Participation in the program by political subdivisions and landowners.

22 (b) Tax credit claims by landowners, including the number of claimants, the
23 amount of credits claimed, acreage covered by tax credit claims, the amount of credits
24 claimed under zoning ordinances and under farmland preservation agreements, and
25 relevant projections and trends.

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1 (c) The number, identity, and location of counties with certified farmland
2 preservation plans.

3 (d) Trends and developments related to certification of farmland preservation
4 plans.

5 (e) The number, identity, and location of political subdivisions with certified
6 farmland preservation zoning ordinances.

7 (f) Trends and developments related to certification of farmland preservation
8 zoning ordinances.

9 (g) The number, nature, and location of agricultural enterprise areas.

10 (h) The number and location of farms covered by farmland preservation
11 agreements, including new farmland preservation agreements, and the number and
12 location of farms for which farmland preservation agreements have expired.

13 (i) Conservation compliance by landowners under s. 91.80 and compliance
14 activities by county land conservation committees under s. 91.82.

15 (j) Rezoning of land out of farmland preservation zoning districts under s.
16 91.48, including the amounts of conversion fees paid to political subdivisions under
17 s. 91.48 (1) (b).

18 (k) Program costs, cost trends, and cost projections.

19 (L) Key issues related to program performance and key recommendations, if
20 any, for enhancing the program.

21 **SUBCHAPTER II**

22 **FARMLAND PRESERVATION PLANNING**

23 **91.10 County plan required; planning grants. (1)** By January 1, 2015, a
24 county shall adopt a farmland preservation plan that does all of the following:

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1 (a) States the county's policy related to farmland preservation and agricultural
2 development, including the development of enterprises related to agriculture.

3 (b) Identifies, describes, and documents other development trends, plans, or
4 needs, that may affect farmland preservation and agricultural development in the
5 county, including trends, plans, or needs related to population and economic growth,
6 housing, transportation, utilities, communications, business development,
7 community facilities and services, energy, waste management, municipal expansion,
8 and environmental preservation.

9 (c) Identifies, describes, and documents all of the following:

10 1. Agricultural uses of land in the county at the time that the farmland
11 preservation plan is adopted, including key agricultural specialities, if any.

12 2. Key agricultural resources, including available land, soil, and water
13 resources.

14 3. Key infrastructure for agriculture, including key processing, storage,
15 transportation, and supply facilities.

16 4. Significant trends in the county related to agricultural land use, agricultural
17 production, enterprises related to agriculture, and the conversion of agricultural
18 lands to other uses.

19 5. Anticipated changes in the nature, scope, location, and focus of agricultural
20 production, processing, supply, and distribution.

21 6. Goals for agricultural development in the county, including goals related to
22 the development of enterprises related to agriculture.

23 7. Actions that the county will take to preserve farmland and to promote
24 agricultural development.

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1 8. Key land use issues related to preserving farmland and to promoting
2 agricultural development and plans for addressing those issues.

3 (d) Clearly identifies areas that the county plans to preserve for agricultural
4 use and agriculture-related uses, which may include undeveloped natural resource
5 and open space areas but may not include any area that is planned for
6 nonagricultural development within 15 years after the date on which the plan is
7 adopted.

8 (e) Includes maps that clearly delineate all areas identified under par. (d), so
9 that a reader can easily determine whether a parcel is within an identified area.

10 (f) Clearly correlates the maps under par. (e) with text that describes the types
11 of land uses planned for each area on a map.

12 (g) Identifies programs and other actions that the county and local
13 governmental units within the county may use to preserve the areas identified under
14 par. (d).

15 **(2)** If the county has a comprehensive plan, the county shall include the
16 farmland preservation plan in its comprehensive plan and shall ensure that the
17 farmland preservation plan is consistent with the comprehensive plan. The county
18 may incorporate information contained in other parts of the comprehensive plan into
19 the farmland preservation plan by reference.

20 **(3)** To adopt a farmland preservation plan under sub. (1), a county shall follow
21 the procedures under s. 66.1001 (4) for the adoption of a comprehensive plan.

22 **(4)** The department may provide information and assistance to a county in
23 developing a farmland preservation plan under sub. (1).

24 **(5)** A county shall notify the department before the county holds a public
25 hearing on a proposed farmland preservation plan under sub. (1) or on any

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1 amendment to a farmland preservation plan. The county shall include a copy of the
2 proposed farmland preservation plan or amendment in the notice. The department
3 may review and comment on the plan or amendment.

4 **(6)** (a) From the appropriation under s. 20.115 (7) (dm) or (tm), the department
5 may award a planning grant to a county to provide reimbursement for up to 50
6 percent of the county's cost of preparing a farmland preservation plan required under
7 sub. (1). In determining priorities for awarding grants under this subsection, the
8 department shall consider the expiration dates for plan certification under s. 91.14.

9 (b) The department shall enter into a contract with a county to which it awards
10 a planning grant under par. (a) before the department distributes any grant funds
11 to the county. In the contract, the department shall identify the costs that are eligible
12 for reimbursement through the grant.

13 (c) The department may distribute grant funds under this subsection only after
14 the county shows that it has incurred costs that are eligible for reimbursement under
15 par. (b). The department may not distribute more than 50 percent of the amount of
16 a grant under this subsection for a farmland preservation plan before the county
17 submits the farmland preservation plan for certification under s. 91.16.

18 **91.12 Certified plan.** The following farmland preservation plans are
19 certified, for the purposes of this chapter and s. 71.613:

20 **(1)** An agricultural preservation plan that was certified under s. 91.06, 2007
21 stats., if the certification has not expired.

22 **(2)** A farmland preservation plan that was certified under s. 91.16 if the
23 certification has not expired or been withdrawn.

24 **91.14 Expiration of plan certification. (1)** The certification of a farmland
25 preservation plan that was certified under s. 91.06, 2007 stats., expires on the date

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1 provided in the certification or, if the certification does not provide an expiration
2 date, on the following date:

3 (a) December 31, 2011, for a county with an increase in population per square
4 mile of more than 9 percent.

5 (b) December 31, 2012, for a county with an increase in population per square
6 mile of more than 3.75 percent but not more than 9 percent.

7 (c) December 31, 2013, for a county with an increase in population per square
8 mile of more than 1.75 percent but not more than 3.75 percent.

9 (d) December 31, 2014, for a county with an increase in population per square
10 mile of more than 0.8 percent but not more than 1.75 percent.

11 (e) December 31, 2015, for a county with an increase in population per square
12 mile of not more than 0.8 percent.

13 **(2)** The certification of a farmland preservation plan that the department
14 certifies under s. 91.16 expires on the date specified under s. 91.16 (2).

15 **(3)** For the purposes of sub. (1), a county's increase in population per square
16 mile is the percentage by which the county's population per square mile based on the
17 department of administration's 2007 population estimate under s. 16.96 exceeds the
18 county's population per square mile based on the 2000 federal census.

19 **91.16 Certification of plan by the department. (1) GENERAL.** The
20 department may certify a farmland preservation plan or an amendment to a
21 farmland preservation plan as provided in this section.

22 **(2) CERTIFICATION PERIOD.** (a) The department may certify a farmland
23 preservation plan for a period that does not exceed 10 years. The department shall
24 specify the expiration date of the certification of the farmland preservation plan in
25 the certification.

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1 (b) The certification of an amendment to a certified farmland preservation plan
2 expires on the date that the certification of the farmland preservation plan expires,
3 except that the department may treat a comprehensive revision of a certified
4 farmland preservation plan as a new farmland preservation plan and shall specify
5 an expiration date for the certification of the revised farmland preservation plan as
6 provided in par. (a).

7 **(3) SCOPE OF DEPARTMENT REVIEW.** (a) The department may certify a county's
8 farmland preservation plan or an amendment to the farmland preservation plan
9 based on the county's certification under s. 91.20 (3), without conducting any
10 additional review or audit.

11 (b) The department may do any of the following before it certifies a county's
12 farmland preservation plan or amendment:

13 1. Review the farmland preservation plan or amendment for compliance with
14 s. 91.18.

15 2. Review and independently verify the application for certification, including
16 the statement under s. 91.20 (3).

17 **(4) DENIAL OF CERTIFICATION.** The department shall deny a county's application
18 for certification of a farmland preservation plan or amendment if the department
19 finds any of the following:

20 (a) That the farmland preservation plan or amendment does not comply with
21 the requirements in s. 91.18.

22 (b) That the application for certification does not comply with s. 91.20.

23 **(5) WRITTEN DECISION; DEADLINE.** The department shall grant or deny an
24 application for certification under this section no more than 90 days after the day on
25 which the county submits a complete application, unless the county agrees to an

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1 extension. The department shall issue its decision in the form required by s. 227.47
2 (1).

3 **(6) CONDITIONAL CERTIFICATION.** The department may grant an application for
4 certification under this section subject to conditions specified by the department in
5 its decision under sub. (5). The department may certify a farmland preservation plan
6 or amendment contingent upon the county board adopting the farmland
7 preservation plan or amendment as certified.

8 **(7) EFFECTIVE DATE OF CERTIFICATION.** A certification under this section takes
9 effect on the day on which the department issues its decision, except that if the
10 department specifies conditions under sub. (6), the certification takes effect on the
11 day on which the department determines that the county has met the conditions.

12 **(8) EFFECTIVENESS OF PLAN AMENDMENTS.** For purposes of this chapter and s.
13 71.613, a certified farmland preservation plan does not include an amendment
14 adopted after the effective date of this subsection [LRB inserts date], unless the
15 department certifies the amendment.

16 **(9) WITHDRAWAL OF CERTIFICATION.** The department may withdraw a
17 certification that it granted under sub. (3) (a) if the department finds that the
18 farmland preservation plan materially violates the requirements under s. 91.18.

19 **91.18 Requirements for certification of plan. (1)** A farmland preservation
20 plan qualifies for certification under s. 91.16 if it complies with all of the following:

21 (a) The requirements in s. 91.10 (1) and (2).

22 (b) Any other requirements that the department specifies by rule.

23 **(2)** An amendment to a farmland preservation plan qualifies for certification
24 under s. 91.16 if it complies with all of the requirements in sub. (1) that are relevant

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1 to the amendment and it does not cause the farmland preservation plan to violate
2 any of the requirements in sub. (1).

3 **91.20 Applying for certification of plan.** A county seeking certification of
4 a farmland preservation plan or amendment to a farmland preservation plan shall
5 submit all of the following to the department in writing, along with any other
6 relevant information that the county chooses to provide:

7 (1) The proposed farmland preservation plan or amendment.

8 (2) All of the following background information:

9 (a) A concise summary of the farmland preservation plan or amendment,
10 including key changes from any previously certified farmland preservation plan.

11 (b) A concise summary of the process by which the farmland preservation plan
12 or amendment was developed, including public hearings, notice to and involvement
13 of other governmental units within the county, approval by the county, and
14 identification of any key unresolved issues between the county and other
15 governmental units within the county related to the farmland preservation plan or
16 amendment.

17 (c) The relationship of the farmland preservation plan or amendment to any
18 county comprehensive plan.

19 (3) A statement, signed by the county corporation counsel and the county
20 planning director or chief elected official, certifying that the farmland preservation
21 plan or amendment complies with all of the requirements in s. 91.18.

22 (4) Other relevant information that the department requires by rule.

23 SUBCHAPTER III

24 FARMLAND PRESERVATION ZONING

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1 **91.30 Authority to adopt.** A political subdivision may adopt a farmland
2 preservation zoning ordinance.

3 **91.32 Certified ordinance.** The following zoning ordinances are certified, for
4 the purposes of this chapter and s. 71.613:

5 **(1)** An exclusive agricultural use zoning ordinance that was certified under s.
6 91.06, 2007 stats., if the certification has not expired or been withdrawn.

7 **(2)** A farmland preservation zoning ordinance that was certified under s. 91.36
8 if the certification has not expired or been withdrawn.

9 **91.34 Expiration of zoning certification. (1)** The certification of a
10 farmland preservation zoning ordinance that was certified under s. 91.06, 2007
11 stats., expires on the date provided in the certification or, if the certification does not
12 provide an expiration date, on the following date:

13 (a) December 31, 2012, for a county with an increase in population per square
14 mile of more than 9 percent or a city, village, or town in such a county.

15 (b) December 31, 2013, for a county with an increase in population per square
16 mile of more than 3.75 percent but not more than 9 percent or a city, village, or town
17 in such a county.

18 (c) December 31, 2014, for a county with an increase in population per square
19 mile of more than 1.75 percent but not more than 3.75 percent or a city, village, or
20 town in such a county.

21 (d) December 31, 2015, for a county with an increase in population per square
22 mile of more than 0.8 percent but not more than 1.75 percent or a city, village, or town
23 in such a county.

24 (e) December 31, 2016, for a county with an increase in population per square
25 mile of not more than 0.8 percent or a city, village, or town in such a county.

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1 **(2)** The certification of a farmland preservation zoning ordinance that the
2 department certifies under s. 91.36 expires on the date specified under s. 91.36 (2).

3 **(3)** For the purposes of sub. (1), a county's increase in population per square
4 mile is the percentage by which the county's population per square mile based on the
5 department of administration's 2007 population estimate under s. 16.96 exceeds the
6 county's population per square mile based on the 2000 federal census.

7 **91.36 Certification of zoning ordinance by the department. (1)**

8 GENERAL. The department may certify a farmland preservation zoning ordinance or
9 an amendment to a farmland preservation zoning ordinance as provided in this
10 section.

11 **(2)** CERTIFICATION PERIOD. (a) The department may certify a farmland
12 preservation zoning ordinance for a period that does not exceed 10 years. The
13 department shall specify the expiration date of the certification of the farmland
14 preservation zoning ordinance in the certification.

15 (b) The certification of an amendment to a certified farmland preservation
16 zoning ordinance expires on the date that the certification of the farmland
17 preservation zoning ordinance expires, except that the department may treat a
18 comprehensive revision of a certified farmland preservation zoning ordinance as a
19 new farmland preservation zoning ordinance and specify an expiration date for the
20 certification of the revised farmland preservation zoning ordinance as provided in
21 par. (a).

22 **(3)** SCOPE OF DEPARTMENT REVIEW. (a) The department may certify a farmland
23 preservation zoning ordinance or amendment to a farmland preservation zoning
24 ordinance based on statements submitted under s. 91.40 (3) and (4), without
25 conducting any additional review or audit.

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1 (b) The department may do any of the following before it certifies a farmland
2 preservation zoning ordinance or amendment:

3 1. Review the farmland preservation zoning ordinance or amendment for
4 compliance with the requirements under s. 91.38.

5 2. Review and independently verify the application for certification, including
6 the statements under s. 91.40 (3) and (4).

7 **(4) DENIAL OF CERTIFICATION.** The department shall deny an application for
8 certification of a farmland preservation zoning ordinance or amendment if the
9 department finds any of the following:

10 (a) That the farmland preservation zoning ordinance or amendment does not
11 comply with the requirements in s. 91.38.

12 (b) That the application for certification does not comply with s. 91.40.

13 **(5) WRITTEN DECISION; DEADLINE.** The department shall grant or deny an
14 application for certification under this section no more than 90 days after the day on
15 which the political subdivision submits a complete application, unless the political
16 subdivision agrees to an extension. The department shall issue its decision in the
17 form required by s. 227.47 (1).

18 **(6) CONDITIONAL CERTIFICATION.** The department may grant an application for
19 certification under this section subject to conditions specified by the department in
20 its decision under sub. (5). The department may certify a farmland preservation
21 zoning ordinance or amendment contingent upon the political subdivision adopting
22 the farmland preservation zoning ordinance or amendment as certified.

23 **(7) EFFECTIVE DATE OF CERTIFICATION.** A certification under this section takes
24 effect on the day on which the department issues the certification, except that if the
25 department specifies conditions under sub. (6), the certification takes effect on the

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1 day on which the department determines that the political subdivision has met the
2 conditions.

3 **(8) AMENDMENTS TO ORDINANCES; CERTIFICATION.** (a) Except as provided in par.
4 (b), an amendment to a certified farmland preservation zoning ordinance is
5 automatically considered to be certified as part of the certified farmland preservation
6 zoning ordinance.

7 (b) An amendment to a certified farmland preservation zoning ordinance that
8 is one of the following and that is adopted after the effective date of this paragraph
9 [LRB inserts date], is not automatically considered to be certified:

10 1. An amendment that is a comprehensive revision of a certified farmland
11 preservation zoning ordinance.

12 2. An amendment that extends coverage of a certified farmland preservation
13 zoning ordinance to a town that was not previously covered.

14 3. An amendment of a type specified by the department by rule that may
15 materially affect compliance of the certified farmland preservation zoning ordinance
16 with the requirements under s. 91.38.

17 (c) The department may withdraw certification of a farmland preservation
18 zoning ordinance if, as a result of an amendment adopted after the effective date of
19 this paragraph [LRB inserts date], the amended farmland preservation zoning
20 ordinance fails to comply with the requirements under s. 91.38. This paragraph
21 applies regardless of whether the farmland preservation zoning ordinance was
22 originally certified under s. 91.06, 2007 stats., or under this section.

23 (d) A political subdivision shall notify the department in writing whenever the
24 political subdivision adopts an amendment that is described in par. (b) 1. to 3. to a
25 certified farmland preservation zoning ordinance. The political subdivision shall

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1 include a copy of the amendment in the notice. This paragraph does not apply to an
2 amendment that rezones land out of a farmland preservation zoning district.

3 **91.38 Requirements for certification of ordinance. (1)** A farmland
4 preservation zoning ordinance does not qualify for certification under s. 91.36 unless
5 all of the following apply:

6 (a) The farmland preservation zoning ordinance includes jurisdictional,
7 organizational, and enforcement provisions that are necessary for proper
8 administration.

9 (c) The farmland preservation zoning ordinance clearly designates farmland
10 preservation zoning districts in which land uses are limited in compliance with s.
11 91.42.

12 (d) The farmland preservation zoning ordinance includes maps that clearly
13 delineate each farmland preservation zoning district, so that a reader can easily
14 determine whether a parcel is within a farmland preservation zoning district; that
15 are correlated to the text under par. (e); and that comply with technical specifications
16 that the department establishes by rule.

17 (e) The text of the farmland preservation zoning ordinance clearly describes the
18 types of land uses authorized in each farmland preservation zoning district.

19 (f) The farmland preservation zoning ordinance is substantially consistent
20 with a certified farmland preservation plan.

21 (g) Except as provided by the department by rule, land is not included in a
22 farmland preservation zoning district unless the land is included in a farmland
23 preservation area identified in the county certified farmland preservation plan.

24 (h) If an overlay district, such as an environmental corridor, is superimposed
25 on a farmland preservation zoning district, all of the following apply:

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1 1. The farmland preservation zoning ordinance clearly identifies the overlay
2 district as such.

3 2. The overlay district is shown on the maps under par. (d) in a way that allows
4 a reader to easily identify the underlying farmland preservation zoning district and
5 its boundaries.

6 3. The overlay district does not remove land use restrictions from the
7 underlying farmland preservation zoning district.

8 (i) The farmland preservation zoning ordinance complies with any other
9 requirements that the department specifies by rule.

10 **(2)** An amendment to a farmland preservation zoning ordinance qualifies for
11 certification under s. 91.36 if it complies with all of the requirements in sub. (1) that
12 are relevant to the amendment and it does not cause the farmland preservation
13 zoning ordinance to violate any of the requirements in sub. (1).

14 **91.40 Applying for certification of ordinance.** A political subdivision
15 seeking certification of a farmland preservation zoning ordinance or amendment to
16 a farmland preservation zoning ordinance shall submit all of the following to the
17 department in writing, along with any other relevant information that the political
18 subdivision chooses to provide:

19 **(1)** The complete farmland preservation zoning ordinance or amendment
20 proposed for certification.

21 **(2)** All of the following background information:

22 (a) A concise summary of the farmland preservation zoning ordinance or
23 amendment, including key changes from any previously certified farmland
24 preservation zoning ordinance.

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1 (b) A concise summary of the process by which the farmland preservation
2 zoning ordinance or amendment was developed, including public hearings, notice to
3 and involvement of other governmental units, approval by the political subdivision,
4 and identification of any key unresolved issues with other governmental units
5 related to the farmland preservation zoning ordinance or amendment.

6 (c) A description of the relationship of the farmland preservation zoning
7 ordinance or amendment to the county certified farmland preservation plan,
8 including any material inconsistencies between the farmland preservation zoning
9 ordinance or amendment and the county certified farmland preservation plan.

10 (3) A statement, signed by the county planning director or the chief elected
11 official, certifying that the farmland preservation zoning ordinance or amendment
12 complies with s. 91.38 (1) (g) and (h).

13 (4) A statement, signed by the applicant's attorney or chief elected official,
14 certifying that the farmland preservation zoning ordinance or amendment complies
15 with all applicable requirements in s. 91.38.

16 (5) Other relevant information that the department requires by rule.

17 **91.42 Land use in farmland preservation zoning districts; general.** A
18 farmland preservation zoning ordinance does not qualify for certification under s.
19 91.36, if the farmland preservation zoning ordinance allows a land use in a farmland
20 preservation zoning district other than the following land uses:

21 (1) Uses identified as permitted uses in s. 91.44.

22 (2) Uses identified as conditional uses in s. 91.46.

23 (3) Prior nonconforming uses, subject to the following:

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1 (a) A prior nonconforming use that is a residence may be expanded or
2 remodeled, as long as there is no increase in the number of dwelling units in the
3 residence.

4 (b) A prior nonconforming use that is not a residence may continue without
5 further approval unless it is materially altered.

6 (c) The proposed farmland preservation zoning districts under the farmland
7 preservation zoning ordinance contain only isolated prior nonconforming uses.

8 **(4)** Other uses allowed by the department by rule.

9 **91.44 Permitted uses. (1)** A farmland preservation zoning ordinance does
10 not comply with s. 91.42 if the farmland preservation zoning ordinance allows as a
11 permitted use in a farmland preservation zoning district a land use other than the
12 following land uses:

13 (a) Agricultural uses.

14 (b) Accessory uses.

15 (c) Agriculture-related uses.

16 (d) Nonfarm residences constructed in a rural residential cluster in accordance
17 with an approval of the cluster as a conditional use under s. 91.46 (1) (e).

18 (e) Undeveloped natural resource and open space areas.

19 (f) A transportation, utility, communication, or other use that is required under
20 state or federal law to be located in a specific place or that is authorized to be located
21 in a specific place under a state or federal law that preempts the requirement of a
22 conditional use permit for that use.

23 (g) Other uses identified by the department by rule.

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1 **(2)** The department may promulgate rules imposing additional limits on the
2 permitted uses that may be allowed in a farmland preservation zoning district in
3 order for a farmland preservation zoning ordinance to comply with s. 91.42.

4 **91.46 Conditional uses. (1) GENERAL.** A farmland preservation zoning
5 ordinance does not comply with s. 91.42 if the farmland preservation zoning
6 ordinance allows as a conditional use in a farmland preservation zoning district a
7 land use other than the following land uses:

8 (a) Agricultural uses.

9 (b) Accessory uses.

10 (c) Agriculture-related uses.

11 (d) Nonfarm residences that qualify under sub. (2) or that meet more restrictive
12 standards in the farmland preservation zoning ordinance.

13 (e) Nonfarm residential clusters that qualify under sub. (3) or that meet more
14 restrictive standards in the farmland preservation zoning ordinance.

15 (f) Transportation, communications, pipeline, electric transmission, utility, or
16 drainage uses that qualify under sub. (4).

17 (g) Governmental, institutional, religious, or nonprofit community uses, other
18 than uses covered by par. (f), that qualify under sub. (5).

19 (h) Nonmetallic mineral extraction that qualifies under sub. (6).

20 (i) Oil and gas exploration or production that is licensed by the department of
21 natural resources under subch. II of ch. 295.

22 (j) Other uses allowed by the department by rule.

23 **(1m) ADDITIONAL LIMITATIONS.** The department may promulgate rules imposing
24 additional limits on the conditional uses that may be allowed in a farmland

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1 preservation zoning district in order for a farmland preservation zoning ordinance
2 to comply with s. 91.42.

3 **(2) NONFARM RESIDENCES.** A nonfarm residence qualifies for the purposes of sub.
4 (1) (d) if the political subdivision determines that all of the following apply:

5 (a) The ratio of nonfarm residential acreage to farm acreage on the base farm
6 tract on which the nonfarm residence will be located will not be greater than 1 to 20
7 after the nonfarm residence is constructed.

8 (b) There will not be more than 4 dwelling units in nonfarm residences, nor
9 more than 5 dwelling units in residences of any kind, on the base farm tract after the
10 nonfarm residence is constructed.

11 (c) The location of the proposed nonfarm residential parcel, and the location of
12 the nonfarm residence on that nonfarm residential parcel, will not do any of the
13 following:

14 1. Convert prime farmland from agricultural use or convert land previously
15 used as cropland, other than a woodlot, from agricultural use if on the farm there are
16 reasonable alternative locations for a nonfarm residential parcel or nonfarm
17 residence.

18 2. Significantly impair or limit the current or future agricultural use of other
19 protected farmland.

20 **(3) NONFARM RESIDENTIAL CLUSTER.** A political subdivision may issue one
21 conditional use permit that covers more than one nonfarm residence in a qualifying
22 nonfarm residential cluster. A nonfarm residential cluster qualifies for the purposes
23 of sub. (1) (e) if all of the following apply:

24 (a) The parcels on which the nonfarm residences would be located are
25 contiguous.

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1 (b) The political subdivision imposes legal restrictions on the construction of
2 the nonfarm residences so that if all of the nonfarm residences were constructed,
3 each would satisfy the requirements under sub. (2).

4 **(4)** TRANSPORTATION, COMMUNICATIONS, PIPELINE, ELECTRIC TRANSMISSION, UTILITY,
5 OR DRAINAGE USE. A transportation, communications, pipeline, electric transmission,
6 utility, or drainage use qualifies for the purposes of sub. (1) (f) if the political
7 subdivision determines that all of the following apply:

8 (a) The use and its location in the farmland preservation zoning district are
9 consistent with the purposes of the farmland preservation zoning district.

10 (b) The use and its location in the farmland preservation zoning district are
11 reasonable and appropriate, considering alternative locations, or are specifically
12 approved under state or federal law.

13 (c) The use is reasonably designed to minimize conversion of land, at and
14 around the site of the use, from agricultural use or open space use.

15 (d) The use does not substantially impair or limit the current or future
16 agricultural use of surrounding parcels of land that are zoned for or legally restricted
17 to agricultural use.

18 (e) Construction damage to land remaining in agricultural use is minimized
19 and repaired, to the extent feasible.

20 **(5)** GOVERNMENTAL, INSTITUTIONAL, RELIGIOUS, OR NONPROFIT COMMUNITY USE. A
21 governmental, institutional, religious, or nonprofit community use qualifies for the
22 purposes of sub. (1) (g) if the political subdivision determines that all of the following
23 apply:

24 (a) The use and its location in the farmland preservation zoning district are
25 consistent with the purposes of the farmland preservation zoning district.

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1 (b) The use and its location in the farmland preservation zoning district are
2 reasonable and appropriate, considering alternative locations, or are specifically
3 approved under state or federal law.

4 (c) The use is reasonably designed to minimize the conversion of land, at and
5 around the site of the use, from agricultural use or open space use.

6 (d) The use does not substantially impair or limit the current or future
7 agricultural use of surrounding parcels of land that are zoned for or legally restricted
8 to agricultural use.

9 (e) Construction damage to land remaining in agricultural use is minimized
10 and repaired, to the extent feasible.

11 **(6) NONMETALLIC MINERAL EXTRACTION.** Nonmetallic mineral extraction
12 qualifies for the purposes of sub. (1) (h) if the political subdivision determines that
13 all of the following apply:

14 (a) The operation complies with subch. I of ch. 295 and rules promulgated under
15 that subchapter, with applicable provisions of the local ordinance under s. 295.13 or
16 295.14, and with any applicable requirements of the department of transportation
17 concerning the restoration of nonmetallic mining sites.

18 (b) The operation and its location in the farmland preservation zoning district
19 are consistent with the purposes of the farmland preservation zoning district.

20 (c) The operation and its location in the farmland preservation zoning district
21 are reasonable and appropriate, considering alternative locations outside the
22 farmland preservation zoning district, or are specifically approved under state or
23 federal law.

24 (d) The operation is reasonably designed to minimize the conversion of land
25 around the extraction site from agricultural use or open space use.

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1 (e) The operation does not substantially impair or limit the current or future
2 agricultural use of surrounding parcels of land that are zoned for or legally restricted
3 to agricultural use.

4 (f) The farmland preservation zoning ordinance requires the owner to restore
5 the land to agricultural use, consistent with any required locally approved
6 reclamation plan, when extraction is completed.

7 **91.48 Rezoning of land out of a farmland preservation zoning district.**

8 **(1)** A political subdivision with a certified farmland preservation zoning ordinance
9 may rezone land out of a farmland preservation zoning district without having the
10 rezoning certified under s. 91.36, if all of the following apply:

11 (a) The political subdivision finds all of the following, after public hearing:

12 1. The land is better suited for a use not allowed in the farmland preservation
13 zoning district.

14 2. The rezoning is consistent with any applicable comprehensive plan.

15 3. The rezoning is substantially consistent with the county certified farmland
16 preservation plan.

17 4. The rezoning will not substantially impair or limit current or future
18 agricultural use of surrounding parcels of land that are zoned for or legally restricted
19 to agricultural use.

20 (b) The owner of the land pays to the political subdivision, for each rezoned acre
21 or portion thereof, a conversion fee equal to the greater of the following:

22 1. Three times the per acre value, for the year in which the land is rezoned, of
23 the highest value category of tillable cropland in the city, village, or town in which
24 the rezoned land is located, as specified by the department of revenue under s. 73.03
25 (2a).

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1 2. An amount specified in the certified farmland preservation zoning
2 ordinance.

3 **(2)** A political subdivision shall by March of 1 each year provide all of the
4 following to the department:

5 (a) A report of the number of acres that the political subdivision has rezoned
6 out of a farmland preservation zoning district under sub. (1) during the previous year
7 and a map that clearly shows the location of those acres.

8 (b) A report of the total amount of conversion fees that the political subdivision
9 received as conversion fees under sub. (1) (b) for the rezoned acres under par. (a).

10 (c) A conversion fee equal to the amount under sub. (1) (b) 1. for each rezoned
11 acre reported under par. (a).

12 **(3)** A political subdivision that is not a county shall by March 1 of each year
13 submit a copy of the information that it reports to the department under sub. (2) (a)
14 and (b) to the county in which the political subdivision is located.

15 **(4)** If a political subdivision fails to comply with sub. (2), the department may
16 withdraw the certification granted under s. 91.06, 2007 stats, or under s. 91.36 for
17 the political subdivision's farmland preservation zoning ordinance.

18 **91.49 Use of conversion fee revenues. (1)** All conversion fees received
19 under s. 91.48 (2) (c) shall be deposited in the working lands fund.

20 **(2)** If a political subdivision specifies a conversion fee under s. 91.48 (1) (b) 2.
21 that is higher than the amount that is specified in s. 91.48 (1) (b) 1. and required to
22 be paid to the department under s. 91.48 (2) (c), the political subdivision shall use the
23 difference for its costs related to farmland preservation planning, zoning, or
24 compliance monitoring.

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91.50 Exemption from special assessments. (1) Except as provided in sub. (3), no political subdivision, special purpose district, or other local governmental entity may levy a special assessment for sanitary sewers or water against land in agricultural use, if the land is located in a farmland preservation zoning district.

(2) A political subdivision, special purpose district, or other local governmental entity may deny the use of improvements for which the special assessment is levied to land that is exempt from the assessment under sub. (1).

(3) The exemption under sub. (1) does not apply to an assessment that an owner voluntarily pays, after the assessing authority provides notice of the exemption under sub. (1).

SUBCHAPTER IV

FARMLAND PRESERVATION AGREEMENTS

91.60 Farmland preservation agreements; general. (1) AGREEMENTS AUTHORIZED. The department may enter into a farmland preservation agreement that complies with s. 91.62 with the owner of land that is eligible under sub. (2).

(2) ELIGIBLE LAND. Land is eligible if all of the following apply:

(a) The land is operated as part of a farm that produced at least \$6,000 in gross farm revenues during the taxable year preceding the year in which the owner applies for a farmland preservation agreement or a total of at least \$18,000 in gross farm revenues during the last 3 taxable years preceding the year in which the owner applies for a farmland preservation agreement.

(b) The land is located in a farmland preservation area identified in a certified farmland preservation plan.

(c) The land is in an agricultural enterprise area designated under s. 91.84.

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1 **(3) PRIOR AGREEMENTS.** (a) Except as provided in par. (c) or s. 91.66, a farmland
2 preservation agreement entered into before the effective date of this paragraph
3 [LRB inserts date], remains in effect for the term specified in the agreement and
4 under the terms that were agreed upon when the agreement was last created,
5 extended, or renewed.

6 (b) The department may not extend or renew a farmland preservation
7 agreement entered into before the effective date of this paragraph [LRB inserts
8 date].

9 (c) The department and an owner of land who entered into a farmland
10 preservation agreement before the effective date of this paragraph [LRB inserts
11 date], may agree to modify the farmland preservation agreement in order to allow
12 the owner to claim the tax credit under s. 71.613 rather than the tax credit for which
13 the owner would otherwise be eligible.

14 **91.62 Farmland preservation agreements; requirements. (1) CONTENTS.**
15 The department may not enter into a farmland preservation agreement unless the
16 agreement does all of the following:

17 (a) Specifies a term of at least 15 years.

18 (b) Includes a correct legal description of the tract of land covered by the
19 farmland preservation agreement.

20 (c) Includes provisions that restrict the tract of land to the following uses:

21 1. Agricultural uses and accessory uses.

22 2. Undeveloped natural resource and open space uses.

23 **(2) FORM.** The department shall specify a form for farmland preservation
24 agreements that complies with s. 59.43 (2m).

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1 **(3) EFFECTIVENESS.** A farmland preservation agreement takes effect when it is
2 signed by all owners of the land covered by the farmland preservation agreement and
3 by the department.

4 **(4) RECORDING.** The department shall provide a copy of a signed farmland
5 preservation agreement to a person designated by the signing owners and shall
6 promptly present the signed agreement to the register of deeds for the county in
7 which the land is located for recording.

8 **(5) CHANGE OF OWNERSHIP.** A farmland preservation agreement is binding on
9 a person who purchases land during the term of a farmland preservation agreement
10 that covers the land.

11 **91.64 Applying for a farmland preservation agreement. (1) SUBMITTING**
12 **AN APPLICATION.** An owner who wishes to enter into a farmland preservation
13 agreement shall submit an application, on a form provided by the department, to the
14 county clerk of the county in which the land is located.

15 **(2) CONTENTS OF APPLICATION.** A person submitting an application under sub.
16 (1) shall include all of the following in the application:

17 (a) The name and address of each person who has an ownership interest in the
18 land proposed for coverage by the agreement.

19 (b) The location of the land proposed for coverage, indicated by street address,
20 global positioning system coordinates, or township, range, and section.

21 (c) The legal description of the land proposed for coverage.

22 (d) A map or aerial photograph of the land proposed for coverage, showing
23 parcel boundaries, residences and other structures, and significant natural features.

24 (e) Information showing that the land proposed for coverage is eligible under
25 s. 91.60 (2).

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1 (f) A description of every existing mortgage, easement, and lien, other than
2 liens on growing crops, on land proposed for coverage, including the name and
3 address of the person holding the lien, mortgage, or easement.

4 (g) A signed agreement from each person required to be identified under par.
5 (f) subordinating the person's lien, mortgage, or easement to the agreement.

6 (h) Any other information required by the department by rule.

7 (i) Any fee under sub. (2m).

8 **(2m)** COUNTY PROCESSING FEE. A county may charge a reasonable fee for
9 processing an application for a farmland preservation agreement.

10 **(3)** COUNTY REVIEW. (a) A county shall review an application under sub. (2) to
11 determine whether the land proposed for coverage meets the requirements under s.
12 91.60 (2) (b) and (c). The county shall provide its findings to the applicant in writing
13 within 60 days after the day on which the county clerk receives a complete
14 application.

15 (b) If the county finds under par. (a) that the land proposed for coverage meets
16 the requirements under s. 91.60 (2) (b) and (c), the county shall promptly send all of
17 the following to the department, along with any other comments that the county
18 chooses to provide:

19 1. The original application, including all of the information provided with the
20 application.

21 2. A copy of the county's findings.

22 **(4)** DEPARTMENT ACTION ON APPLICATION. (a) The department may prepare a
23 farmland preservation agreement that complies with s. 91.62 and enter into the
24 farmland preservation agreement under s. 91.60 (1) based on a complete application
25 and on county findings under sub. (3) (b).

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1 (b) The department may decline to enter into a farmland preservation
2 agreement for any of the following reasons:

3 1. The application is incomplete.

4 2. The land is not eligible land under s. 91.60 (2).

5 **91.66 Terminating a farmland preservation agreement. (1)** The
6 department may terminate a farmland preservation agreement or release land from
7 a farmland preservation agreement at any time if all of the following apply:

8 (a) All of the owners of land covered by the farmland preservation agreement
9 consent to the termination or release, in writing.

10 (b) The department finds that the termination or release will not impair or limit
11 agricultural use of other protected farmland.

12 (c) The owners of the land pay to the department, for each acre or portion
13 thereof released from the farmland preservation agreement, a conversion fee equal
14 to 3 times the per acre value, for the year in which the farmland preservation
15 agreement is terminated or the land is released, of the highest value category of
16 tillable cropland in the city, village, or town in which the land is located, as specified
17 by the department of revenue under s. 73.03 (2a).

18 **(1m)** All conversion fees received under sub. (1) (c) shall be deposited in the
19 working lands fund.

20 **(2)** The department shall provide a copy of its decision to terminate a farmland
21 preservation agreement or release land from a farmland preservation agreement to
22 a person designated by the owners of the land and shall present a copy of the decision
23 to the register of deeds for the county in which the land is located for recording.

24 **91.68 Violations of farmland preservation agreements. (1)** The
25 department may bring an action in circuit court to do any of the following:

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1 (a) Enforce a farmland preservation agreement.

2 (b) Restrain, by temporary or permanent injunction, a change in land use that
3 violates a farmland preservation agreement.

4 (c) Seek a civil forfeiture for a change in land use that violates a farmland
5 preservation agreement.

6 **(2)** A forfeiture under sub. (1) (c) may not exceed twice the fair market value
7 of the land covered by the agreement at the time of the violation.

8 **91.70 Farmland preservation agreements; exemption from special**
9 **assessments. (1)** Except as provided in sub. (3), no political subdivision, special
10 purpose district, or other local governmental entity may levy a special assessment
11 for sanitary sewers or water against land in agricultural use, if the land is covered
12 by a farmland preservation agreement.

13 **(2)** A political subdivision, special purpose district or other local governmental
14 entity may deny the use of improvements for which the special assessment is levied
15 to land that is exempt from the assessment under sub. (1).

16 **(3)** The exemption under sub. (1) does not apply to an assessment that an owner
17 voluntarily pays, after the assessing authority provides notice of the exemption
18 under sub. (1).

19 **SUBCHAPTER V**

20 **SOIL AND WATER CONSERVATION**

21 **91.80 Soil and water conservation by persons claiming tax credits.** An
22 owner claiming farmland preservation tax credits under s. 71.613 shall comply with
23 applicable land and water conservation standards promulgated by the department
24 under ss. 92.05 (3) (c) and (k), 92.14 (8), and 281.16 (3) (b) and (c).

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1 **91.82 Compliance monitoring. (1) COUNTY RESPONSIBILITY.** (a) A county
2 land conservation committee shall monitor compliance with s. 91.80.

3 (b) For the purpose of par. (a), a county land conservation committee shall
4 inspect each farm for which the owner claims farmland preservation tax credits
5 under subch. IX of ch. 71 at least once every 4 years.

6 (c) For the purpose of par (a), a county land conservation committee may do any
7 of the following:

8 1. Inspect land that is covered by a farmland preservation agreement or
9 farmland preservation zoning and that is in agricultural use.

10 2. Require an owner to certify, not more than annually, that the owner complies
11 with s. 91.80.

12 (d) At least once every 4 years, the department shall review each county land
13 conservation committee's compliance with par. (b).

14 **(2) NOTICE OF NONCOMPLIANCE.** (a) A county land conservation committee shall
15 issue a written notice of noncompliance to an owner if the committee finds that the
16 owner has done any of the following:

17 1. Failed to comply with s. 91.80.

18 2. Failed to permit a reasonable inspection under sub. (1) (c) 1.

19 3. Failed to certify compliance as required under sub. (1) (c) 2.

20 (b) A county land conservation committee shall provide to the department of
21 revenue a copy of each notice of noncompliance issued under par. (a).

22 (c) If a county land conservation committee determines that an owner has
23 corrected the failure described in a notice of noncompliance under par. (a), it shall
24 withdraw the notice of noncompliance and notify the owner and the department of
25 revenue of the withdrawal.

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(3) PROCEDURE. The department may promulgate rules prescribing procedures for the administration of this section by land conservation committees.

SUBCHAPTER VI

AGRICULTURAL ENTERPRISE AREAS

91.84 Agricultural enterprise areas; general. (1) DESIGNATION. (a) 1. The department may by rule designate agricultural enterprise areas targeted for agricultural preservation and development.

2. The department may by rule modify or terminate the designation of an agricultural enterprise area.

(b) Subject to par. (c), the department may designate agricultural enterprise areas with a combined area of not more than 1,000,000 acres of land.

(c) Before January 1, 2012, the department may designate not more than 10 agricultural enterprise areas with a combined area of not more than 200,000 acres of land.

(e) The department may not designate an area as an agricultural enterprise area unless all of the following apply:

1. The department receives a petition requesting the designation and the petition complies with s. 91.86.

3. The parcels in the area are contiguous. Parcels that are only separated by a lake, stream, or transportation or utility right-of-way are contiguous for the purposes of this subdivision.

4. The area is located entirely in a farmland preservation area identified in a certified farmland preservation plan.

5. The land in the area is primarily in agricultural use.

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1 (f) In designating agricultural areas under this subsection, the department
2 shall give preference to areas that include at least 1,000 acres of land.

3 **(2) EMERGENCY RULES.** The department may use the procedure under s. 227.24
4 to promulgate a rule designating an agricultural preservation area or modifying or
5 terminating the designation of an agricultural preservation area. Notwithstanding
6 s. 227.24 (1) (c) and (2), a rule promulgated under this subsection remains in effect
7 until the department modifies or repeals the rule. Notwithstanding s. 227.24 (1) (a)
8 and (3), the department is not required to determine that promulgating a rule under
9 this subsection as an emergency rule is necessary for the preservation of the public
10 peace, health, safety, or welfare and is not required to provide a finding of emergency
11 for a rule promulgated under this subsection.

12 **(3) EFFECT OF DESIGNATION.** The designation of an area under sub. (1) allows
13 owners of eligible land within the area to enter into farmland preservation
14 agreements with the department. If the department modifies or terminates the
15 designation of an area under sub. (1) and that modification or termination results in
16 land covered by a farmland preservation agreement no longer being located in a
17 designated area, the farmland preservation agreement remains in effect for the
18 remainder of its term, but the department may not extend or renew the farmland
19 preservation agreement.

20 **(4) MAP.** In a rule designating an agricultural enterprise area, the department
21 shall include a map that clearly shows the boundaries of the proposed agricultural
22 enterprise area so that a reader can easily determine whether a parcel of land is
23 located within the agricultural enterprise area.

24 **(5) EFFECTIVE DATE OF DESIGNATION.** The designation of an agricultural
25 enterprise area takes effect on January 1 of the calendar year following the year in

ASSEMBLY BILL 75**SECTION 1947**

1 which the rule designating the area is published, unless the rule specifies a later
2 effective date.

3 **91.86 Agricultural enterprise area; petition. (1) DEFINITION.** In this
4 section, “eligible farm” means a farm that produced at least \$6,000 in gross farm
5 revenues during the taxable year preceding the year in which a petition is filed
6 requesting the department to designate an area in which the farm is located as an
7 agricultural enterprise area or a total of at least \$18,000 in gross farm revenues
8 during the 3 taxable years preceding the year in which a petition is filed.

9 **(2) PETITIONERS.** (a) The department may consider a petition requesting that
10 it designate an area as an agricultural enterprise area if all of the following jointly
11 file the petition:

12 1. Each political subdivision in which any part of the proposed agricultural
13 enterprise area is located.

14 2. Owners of at least 5 eligible farms located in the area.

15 (b) Each petitioner under par. (a) who is an individual shall sign the petition.
16 For a petitioner that is not an individual, an authorized officer or representative
17 shall sign the petition.

18 **(3) CONTENTS OF PETITION.** (a) The department may not approve a petition
19 requesting that it designate an area as an agricultural enterprising area unless the
20 petition contains all of the following:

21 1. The correct legal name and principal address of each petitioner.

22 2. A summary of the petition that includes the purpose and rationale for the
23 petition.

ASSEMBLY BILL 75**SECTION 1947**

1 3. A map that clearly shows the boundaries of the proposed agricultural
2 enterprise area so that a reader can easily determine whether a parcel of land is
3 located within the proposed area.

4 4. Information showing that the proposed agricultural enterprise area meets
5 the requirements under s. 91.84 (1) (e).

6 5. A clear description of current land uses in the proposed agricultural
7 enterprise area, including current agricultural uses, agriculture-related uses,
8 transportation, utility, energy, and communication uses, and undeveloped natural
9 resource and open space uses.

10 6. A clear description of the agricultural land use and development goals for
11 the proposed agricultural enterprise area, including proposed agricultural uses,
12 agriculture-related uses, and relevant transportation, utility, energy, and
13 communication uses.

14 7. A plan for achieving the goals under subd. 6., including any planned
15 investments, grants, development incentives, cooperative agreements, land or
16 easement purchases, land donations, and promotion and public outreach activities.

17 8. A description of any current or proposed land use controls in the proposed
18 agricultural enterprise area, including farmland preservation agreements.

19 (b) Petitioners under sub. (2) may include in the petition the names and
20 addresses of other persons who propose to cooperate in achieving the goals under par.

21 (a) 6.

22 **SECTION 1948.** 92.03 (2) of the statutes is repealed.

23 **SECTION 1949.** 92.04 of the statutes is repealed.

24 **SECTION 1950.** 92.045 of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 1950**

1 **92.045 Land and water resource council.** The land and water resource
2 council shall advise the department of agriculture, trade and consumer protection
3 and the department of natural resources on all of the following:

4 **(1)** The implementation of this chapter and ch. 281, including on the joint
5 annual grant allocation plan under ss. 92.14 (13) and 281.65 (4) (p).

6 **(2)** Research, information, and education needs related to the implementation
7 of this chapter and ch. 281.

8 **(3)** Coordination of federal, state, and local programs related to land and water
9 resources that are relevant to the implementation of this chapter and ch. 281.

10 **(4)** Other matters related to land and water resources, at the joint request of
11 the department of agriculture, trade and consumer protection and the department
12 of natural resources.

13 **SECTION 1951.** 92.05 (3) (c) of the statutes is amended to read:

14 92.05 **(3)** (c) *Rules.* The department shall promulgate rules governing
15 implementation of this chapter and distribution of state or federal funds by the
16 department to the counties. ~~The department shall comply with the procedures under~~
17 ~~s. 92.04 (3) in promulgating these rules.~~

18 **SECTION 1952.** 92.05 (3) (i) of the statutes is repealed.

19 **SECTION 1953.** 92.05 (3) (L) of the statutes is amended to read:

20 92.05 **(3)** (L) *Technical assistance; performance standards.* The department
21 shall provide technical assistance to county land conservation committees and local
22 units of government for the development of ordinances that implement standards
23 adopted under s. 92.07 (2), ~~92.105 (1)~~, 92.15 (2) or (3) or 281.16 (3). The department's
24 technical assistance shall include preparing model ordinances, providing data

ASSEMBLY BILL 75**SECTION 1953**

1 concerning the standards and reviewing draft ordinances to determine whether the
2 draft ordinances comply with applicable statutes and rules.

3 **SECTION 1954.** 92.05 (3) (m) of the statutes is created to read:

4 92.05 **(3)** (m) *Tolerable erosion level.* The department shall establish a tolerable
5 erosion level based on an erosion rate that is acceptable and that maintains
6 long-term soil productivity.

7 **SECTION 1955.** 92.10 (1) of the statutes is amended to read:

8 92.10 **(1)** CREATION. There is created a land and water resource management
9 planning program. The department, ~~board~~ and land conservation committees jointly
10 shall develop and administer this program. The department shall consult with the
11 department of natural resources in developing and administering this program.

12 **SECTION 1956.** 92.10 (5) of the statutes is repealed.

13 **SECTION 1957.** 92.10 (6) (a) 3. of the statutes is amended to read:

14 92.10 **(6)** (a) 3. Identifies the best management practices to achieve the
15 objectives under subd. 2. and to achieve the tolerable erosion level under s. 92.04 ~~(2)~~
16 ~~(i)~~ 92.05 (3) (m).

17 **SECTION 1958.** 92.10 (6) (d) of the statutes is amended to read:

18 92.10 **(6)** (d) *Plan submission.* A land conservation committee shall submit the
19 land and water resource management plan to the ~~board~~ and department.

20 **SECTION 1959.** 92.104 of the statutes is repealed.

21 **SECTION 1960.** 92.105 of the statutes is repealed.

22 **SECTION 1961.** 92.106 of the statutes is repealed.

23 **SECTION 1962.** 92.14 (2) (e) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1962**

1 92.14 **(2)** (e) ~~Promoting compliance with the requirements under ss. 92.104 and~~
2 92.105 soil and water conservation by persons claiming ~~a~~ farmland preservation
3 credit tax credits under subch. IX of ch. 71.

4 **SECTION 1963.** 92.14 (3) (a) 1. of the statutes is amended to read:

5 92.14 **(3)** (a) 1. Compliance with soil and water conservation requirements
6 under ss. 92.104 and 92.105 by applicable to persons claiming ~~a~~ farmland
7 preservation credit tax credits under subch. IX of ch. 71.

8 **SECTION 1964.** 92.14 (3) (d) of the statutes is amended to read:

9 92.14 **(3)** (d) Implementing land and water resource management projects
10 undertaken to comply with the soil and water conservation requirements ~~under ss.~~
11 92.104 and 92.105 by applicable to persons claiming ~~a~~ farmland preservation credit
12 tax credits under subch. IX of ch. 71.

13 **SECTION 1965.** 92.14 (6) (b) of the statutes is amended to read:

14 92.14 **(6)** (b) The department and the department of natural resources shall
15 prepare an annual grant allocation plan identifying the amounts to be provided to
16 counties under this section and ss. 281.65 and 281.66. In the allocation plan, the
17 departments shall attempt to provide funding under this section for an average of
18 3 staff persons per county with full funding for the first staff person, 70% funding for
19 the 2nd staff person and 50% funding for any additional staff persons and to provide
20 an average of \$100,000 per county for cost-sharing grants. ~~The department shall~~
21 ~~submit that plan to the board.~~

22 **SECTION 1966.** 92.14 (6) (d) of the statutes is repealed.

23 **SECTION 1967.** 92.14 (12) of the statutes is repealed.

24 **SECTION 1968.** 92.14 (13) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 1968**

1 92.14 **(13)** EVALUATION PLAN. The department, jointly with the department of
2 natural resources, shall prepare a plan, which includes water quality monitoring and
3 analysis, for evaluating the program administered under this section and s. 281.65
4 ~~and submit the plan to the board. The board shall make recommendations to the~~
5 ~~department and the department of natural resources on the plan. The department~~
6 ~~shall review and approve or disapprove the plan and shall notify the board of its final~~
7 ~~action on the plan.~~ The department shall implement any part of the plan for which
8 the plan gives it responsibility.

9 **SECTION 1969.** 92.17 (2) (c) of the statutes is repealed.

10 **SECTION 1970.** 93.06 (10m) of the statutes is amended to read:

11 93.06 **(10m)** FARMLAND PRESERVATION COLLECTIONS. Enter into contracts to
12 collect amounts owed to the state under ch. 91, 2007 stats., as the result of the
13 relinquishment of, or the release of land from, a farmland preservation agreement
14 or as the result of the rezoning of land zoned for exclusive agricultural use.

15 **SECTION 1971.** 93.20 (2) of the statutes is amended to read:

16 93.20 **(2)** ENFORCEMENT COSTS ORDER. If a court imposes costs under s. 814.04
17 or 973.06 against a defendant in an action, the court may order that defendant to pay
18 to reimburse the department ~~any of the~~ for reasonable, documented enforcement
19 costs ~~specified under sub. (3) that incurred by~~ the department ~~has incurred to~~
20 prepare and prosecute that action. The prosecutor shall present evidence of the
21 enforcement costs and the defendant shall be given an opportunity to refute that
22 evidence. If any cost that a court orders a defendant to pay under this section may
23 also be recovered by the department under s. 814.04 or 973.06, the department may
24 recover that cost only under this section, but that cost is not limited to the amounts
25 specified in s. 814.04 or 973.06.

ASSEMBLY BILL 75**SECTION 1972**

1 **SECTION 1972.** 93.20 (3) of the statutes is repealed.

2 **SECTION 1973.** 93.20 (4) of the statutes is repealed.

3 **SECTION 1974.** 93.53 of the statutes is created to read:

4 **93.53 Beginning farmer and farm asset owner tax credit eligibility. (1)**

5 DEFINITIONS. In this section:

6 (a) “Agricultural asset” means machinery, equipment, facilities, or livestock
7 that is used in farming.

8 (b) “Beginning farmer” means an individual who meets the conditions specified
9 in sub. (2).

10 (c) “Educational institution” means the Wisconsin Technical College System,
11 the University of Wisconsin–Extension, the University of Wisconsin–Madison, or
12 any other institution that is approved by the department under sub. (6) (a).

13 (d) “Established farmer” means a person who meets the conditions specified in
14 sub. (3).

15 (e) “Farming” has the meaning given in section 464 (e) (1) of the Internal
16 Revenue Code.

17 (f) “Financial management program” means a course in farm financial
18 management that is offered by an educational institution.

19 **(2) BEGINNING FARMER.** An individual is a beginning farmer for the purposes of
20 s. 71.07 (8r), 71.28 (8r), or 71.47 (8r) if, at the time that the individual submits an
21 application under sub. (4), all of the following apply:

22 (a) The individual has a net worth of less than \$200,000.

23 (b) The individual has farmed for fewer than 10 years out of the preceding 15
24 years.

ASSEMBLY BILL 75**SECTION 1974**

1 (c) The individual has entered into a lease for a term of at least 3 years with
2 an established farmer for the use of the established farmer's agricultural assets by
3 the beginning farmer.

4 (d) The individual uses the leased agricultural assets for farming.

5 **(3)** ESTABLISHED FARMER. A person is an established farmer for the purposes of
6 s. 71.07 (8r), 71.28 (8r), or 71.47 (8r) if, at the time that the person submits an
7 application under sub. (4), all of the following apply:

8 (a) The person has engaged in farming for a total of at least 10 years.

9 (b) The person owns agricultural assets.

10 (c) The person has entered into a lease for a term of at least 3 years with a
11 beginning farmer for the use of the person's agricultural assets by the beginning
12 farmer.

13 **(4)** APPLICATIONS. (a) In order for an experienced farmer to claim the farm asset
14 owner tax credit under s. 71.07 (8r) (b) 2., 71.28 (8r), or 71.47 (8r), the experienced
15 farmer and the beginning farmer who is leasing agricultural assets from the
16 experienced farmer shall each submit an application to the department.

17 (b) An established farmer shall include in the application under this subsection
18 the established farmer's name and address, information showing that the
19 established farmer satisfies the conditions in specified in sub. (3), a description of the
20 leased agricultural assets and their location, a copy of the lease, and any other
21 information required by the department.

22 (c) A beginning farmer shall include all of the following in an application under
23 this subsection:

24 1. The beginning farmer's name and address.

ASSEMBLY BILL 75**SECTION 1974**

1 2. Information showing that the beginning farmer satisfies the conditions in
2 sub. (2).

3 3. A business plan that includes a current balance sheet and projected balance
4 sheets for 3 years, cash flow statements, and income statements along with a
5 detailed description of all significant accounting assumptions used in developing the
6 financial projections.

7 4. A description of the beginning farmer's education, training, and experience
8 in the type of farming in which the beginning farmer uses the leased agricultural
9 assets.

10 5. A copy of the beginning farmer's completed federal profit or loss from farming
11 form, schedule F, or other documentation approved by the department under sub. (6).

12 6. Any other information required by the department.

13 (d) If a beginning farmer wishes to claim the beginning farmer educational
14 credit under s. 71.07 (8r) (b) 1., the beginning farmer shall also include in the
15 application under this subsection a description of the financial management
16 program completed by the beginning farmer and a statement of the amount that the
17 beginning farmer paid the educational institution to enroll in the financial
18 management program.

19 **(5) EVALUATION AND CERTIFICATION.** (a) The department shall review
20 applications submitted under sub. (4) (a).

21 (b) The department shall provide an established farmer with a certificate of
22 eligibility for the farm asset owner tax credit under s. 71.07 (8r) (b) 2., 71.28 (8r), or
23 71.47 (8r) if all of the following apply:

24 1. The established farmer's application complies with sub. (4) (b).

25 2. The beginning farmer's application complies with sub. (4) (c).

ASSEMBLY BILL 75**SECTION 1974**

1 3. The department determines that the business plan submitted under sub. (4)
2 (c) 3. and the education, training, or experience described under sub. (4) (c) 4. show
3 that the beginning farmer has sufficient resources and education, training, or
4 experience for the type of farming in which the beginning farmer uses the leased
5 agricultural assets.

6 (c) The department shall provide a beginning farmer with a certificate of
7 eligibility for the beginning farmer educational credit under s. 71.07 (8r) (b) 1. if the
8 department has issued a certificate of eligibility under par. (b) for the experienced
9 farmer from whom the beginning farmer leases farm assets and the information
10 provided under sub. (4) (d) shows that the beginning farmer has completed a
11 financial management program.

12 **(6) DEPARTMENT AUTHORITY.** (a) The department may approve providers of
13 courses in farm financial management for the purposes of the beginning farmer
14 educational credit under s. 71.07 (8r) (b) 1.

15 (b) The department may approve alternative documentation for the purposes
16 of sub. (4) (c) 5.

17 (c) The department may assist beginning farmers to develop business plans for
18 the purposes of sub. (4) (c) 3. and may assist in the negotiation of leases of farm assets
19 that may enable persons to qualify for tax credits under s. 71.07 (8r), 71.28 (8r), or
20 71.47 (8r).

21 **SECTION 1975.** 93.55 of the statutes is repealed.

22 **SECTION 1976.** 93.57 of the statutes is repealed.

23 **SECTION 1977.** 93.73 of the statutes is created to read:

24 **93.73 Purchase of agricultural conservation easements.**

25 **(1) LEGISLATIVE FINDINGS.** The legislature finds all of the following:

ASSEMBLY BILL 75**SECTION 1977**

1 (a) That the preservation of farmland is important for current and future
2 agricultural production in this state, including the production of food and other
3 products needed to sustain the life, health, and welfare of the people of this state.

4 (b) That the preservation of farmland is important for the current and future
5 state economy and for the current and future environment of this state.

6 (c) That purchases of agricultural conservation easements, as provided in this
7 section, serve important public purposes of statewide significance.

8 **(1m)** DEFINITIONS. In this section:

9 (a) “Agricultural conservation easement” means a conservation easement, as
10 defined in s. 700.40 (1) (a), the purpose of which is to assure the availability of land
11 for agricultural use.

12 (b) “Agricultural use” means any of the following:

13 1. Any of the following activities conducted for the purpose of producing an
14 income or livelihood:

15 a. Crop or forage production.

16 b. Keeping livestock.

17 c. Beekeeping.

18 d. Nursery, sod, or Christmas tree production.

19 e. Floriculture.

20 f. Aquaculture.

21 g. Fur farming.

22 h. Forest management.

23 i. Enrollment of land in a federal agricultural commodity payment program or
24 a federal or state agricultural land conservation payment program.

25 2. Any other use that the department, by rule, identifies as an agricultural use.

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1 (c) “Cooperating entity” means a political subdivision or nonprofit conservation
2 organization.

3 (d) “Fair market value” means value as determined by a professional appraisal
4 that is approved by the department.

5 (dm) “Livestock” means bovine animals, equine animals, goats, poultry, sheep,
6 swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised
7 fish.

8 (e) “Nonprofit conservation organization” means a nonstock corporation,
9 charitable trust, or other entity whose purposes include the acquisition of property
10 for conservation or agricultural preservation purposes, that is described in section
11 501 (c) (3) of the Internal Revenue Code, that is exempt from federal income tax
12 under section 501 (a) of the Internal Revenue Code, and that is a qualified
13 organization under section 170 (h) (3) of the Internal Revenue Code.

14 (f) “Political subdivision” means a city, village, town, or county.

15 (g) “Professional appraisal” means an appraisal conducted by a certified
16 general appraiser, as defined in s. 458.01 (8).

17 (h) “Purchase cost” means the amount paid to a landowner to acquire an
18 agricultural conservation easement from the landowner.

19 (i) “Transaction costs” means out-of-pocket expenses incurred in connection
20 with the acquisition, processing, recording, and documentation of an agricultural
21 conservation easement, including out-of-pocket expenses for land surveys, land
22 descriptions, real estate appraisals, title verification, preparation of legal
23 documents, reconciliation of conflicting property interests, documentation of
24 existing land uses, and closing. “Transaction costs” does not include costs incurred
25 by a cooperating entity for staffing, overhead, or operations.

ASSEMBLY BILL 75**SECTION 1977**

1 **(2) PROGRAM.** (a) The department shall administer a program under which it,
2 together with cooperating entities, purchases agricultural conservation easements
3 from willing landowners. The department may pay as its share of the cost to
4 purchase an agricultural conservation easement under this section an amount that
5 does not exceed the sum of the following:

6 1. Fifty percent of the fair market value of the agricultural conservation
7 easement.

8 2. The reasonable transaction costs related to the purchase of the agricultural
9 conservation easement.

10 (am) The willingness of a landowner to convey an agricultural conservation
11 easement for less than full market value does not reduce the amount that the
12 department may pay as its share of the cost to purchase the agricultural conservation
13 easement.

14 (b) The department, after consultation with the council under sub. (13), shall
15 solicit applications under sub. (3) at least annually. The department shall issue each
16 solicitation in writing and shall publish a notice announcing the solicitation. In
17 soliciting applications, the department may specify the total amount of funds
18 available, application deadlines, application requirements and procedures,
19 preliminary criteria for evaluating applications, and other relevant information.

20 **(3) APPLICATION.** A cooperating entity may apply to participate in the program
21 under this section by submitting an application that complies with requirements
22 contained in the department's solicitation under sub. (2) (b) and that contains all of
23 the following:

ASSEMBLY BILL 75**SECTION 1977**

1 (a) Identifying information for the cooperating entity, including information
2 showing that the cooperating entity is a political subdivision or nonprofit
3 conservation organization.

4 (b) A description of the land that would be subject to the proposed agricultural
5 conservation easement, including location, acreage, and current use.

6 (c) The name and address of each owner of land that would be subject to the
7 proposed agricultural conservation easement.

8 (d) Evidence that all of the owners under par. (c) are willing to convey the
9 proposed agricultural conservation easement.

10 (e) An indication that the cooperating entity is willing to arrange the purchase
11 of the proposed agricultural conservation easement in accordance with this section
12 and share in the purchase cost, subject to reimbursement under sub. (9) of the
13 department's agreed upon share of the costs.

14 (f) The purpose of and rationale for the proposed agricultural conservation
15 easement.

16 (g) Information needed to evaluate the application using the criteria in sub. (4)
17 and in the department's solicitation under sub. (2) (b).

18 **(4) APPLICATION EVALUATION CRITERIA.** The department may not approve an
19 application under sub. (3) unless the department determines that purchase of the
20 proposed agricultural conservation easement will serve a public purpose. In making
21 this determination, the department shall consider all of the following criteria:

22 (a) The value of the proposed agricultural conservation easement in preserving
23 or enhancing agricultural production capacity in this state.

ASSEMBLY BILL 75**SECTION 1977**

1 (b) The importance of the proposed agricultural conservation easement in
2 protecting or enhancing the waters of the state or in protecting or enhancing other
3 public assets.

4 (c) The extent to which the proposed agricultural conservation easement would
5 conserve important or unique agricultural resources, such as prime soils and soil
6 resources that are of statewide importance or are unique.

7 (d) The extent to which the proposed agricultural conservation easement would
8 be consistent with local land use plans and zoning ordinances, including any certified
9 farmland preservation plans and zoning ordinances under ch. 91.

10 (e) The extent to which the proposed agricultural conservation easement would
11 enhance an agricultural enterprise area designated under s. 91.84.

12 (f) The availability, practicality, and effectiveness of other methods to preserve
13 the land that would be subject to the proposed agricultural conservation easement.

14 (h) The proximity of the land that would be subject to the proposed agricultural
15 conservation easement to other land that is protected for agricultural use or
16 conservation use and the extent to which the proposed agricultural conservation
17 easement would enhance that protection.

18 (i) The likely cost-effectiveness of the proposed agricultural conservation
19 easement in preserving land for agricultural use.

20 (j) The likelihood that the land that would be subject to the proposed
21 agricultural conservation easement would be converted to nonagricultural use if the
22 land is not protected by the proposed agricultural conservation easement.

23 (k) The apparent willingness of each landowner to convey the proposed
24 agricultural conservation easement.

ASSEMBLY BILL 75**SECTION 1977**

1 **(5)** PRELIMINARY APPROVAL OF APPLICATIONS. The department may give
2 preliminary approval to an application under sub. (3) after evaluating the
3 application under sub. (4) and consulting with the council under sub. (13). The
4 department shall give its preliminary approval in writing. Approval of an
5 application is contingent on the signing of a contract under sub. (6m).

6 **(6)** INFORMATION RELATED TO PROPOSED EASEMENT. A cooperating entity that
7 receives a preliminary approval under sub. (5) shall submit all of the following to the
8 department:

9 (a) A copy of the proposed instrument for conveying the agricultural
10 conservation easement.

11 (b) A professional appraisal of the proposed agricultural conservation
12 easement.

13 (c) A statement of the purchase cost of the agricultural conservation easement.

14 (d) An estimate of the transaction costs that the cooperating entity will incur
15 in connection with the purchase of the proposed agricultural conservation easement.

16 (e) The record of a complete search of title records that verifies ownership of
17 the land that would be subject to the proposed agricultural conservation easement
18 and identifies any potentially conflicting property interests, including any liens,
19 mortgages, easements, or reservations of mineral rights.

20 (f) Documentation showing to the satisfaction of the department that any
21 material title defects will be eliminated and any materially conflicting property
22 interests will be subordinated to the proposed agricultural conservation easement
23 or eliminated.

24 **(6m)** CONTRACT WITH COOPERATING ENTITY. After a cooperating entity complies
25 with sub. (6) and the department determines that the proposed instrument of

ASSEMBLY BILL 75**SECTION 1977**

1 conveyance complies with sub. (7), the department and the cooperating entity may
2 enter into a written contract that specifies the terms and conditions of the
3 department's participation in the purchase of the proposed agricultural conservation
4 easement. The cooperating entity shall agree to pay the full purchase cost and the
5 transaction costs related to the purchase of the proposed agricultural conservation
6 easement, subject to reimbursement under sub. (9) of the department's agreed upon
7 share of the costs.

8 **(7) PURCHASE OF EASEMENT.** After a cooperating entity has entered into a
9 contract under sub. (6m), the cooperating entity may, in accordance with the
10 contract, purchase the agricultural conservation easement on behalf of the
11 cooperating entity and the department if the agricultural conservation easement
12 does all of the following:

13 (a) Prohibits the land subject to the agricultural conservation easement from
14 being developed for a use that would make the land unavailable or unsuitable for
15 agricultural use.

16 (b) Continues in perpetuity, except as provided in par. (dm).

17 (c) Provides that the cooperating entity and the department, on behalf of this
18 state, are both holders of the agricultural conservation easement.

19 (d) Prohibits any holder of the agricultural conservation easement other than
20 the department from transferring or relinquishing the holder's interest without 60
21 days' prior notice to the department.

22 (dm) Provides that a court may do all of the following if, at any time, the court
23 finds that due to unforeseen circumstances it is no longer possible for the agricultural
24 conservation easement to serve its original purpose:

25 1. Terminate the agricultural conservation easement.

ASSEMBLY BILL 75**SECTION 1977**

1 2. Order the property owner to pay compensation to the holders of the
2 agricultural conservation easement, including this state, under the terms the court
3 determines to be appropriate.

4 (e) Complies with any other conditions specified in the contract under sub.
5 (6m).

6 **(8) ACCEPTANCE AND RECORDING OF EASEMENT.** A cooperating entity that
7 purchases an agricultural conservation easement under sub. (7) shall submit the
8 agricultural conservation easement to the department for its acceptance. Upon
9 acceptance by the department, the cooperating entity shall promptly record the
10 agricultural conservation easement and acceptance with the register of deeds of the
11 county in which the land subject to the agricultural conservation easement is located
12 and shall provide to the department a copy of the recorded instrument conveying the
13 agricultural conservation easement, certified by the register of deeds under s. 59.43
14 (1) (i).

15 **(9) PAYMENT.** The department shall reimburse a cooperating entity for the
16 department's agreed upon portion of the purchase cost and transaction costs related
17 to the purchase of an agricultural conservation easement after the cooperating entity
18 does all of the following:

19 (a) Complies with sub. (8).

20 (b) Submits documentation showing that any material title defects have been
21 eliminated and any materially conflicting property interests have been eliminated
22 or subordinated to the agricultural conservation easement, as required by the
23 contract under sub. (6m).

24 (c) Submits proof of the amount of the purchase cost and transaction costs that
25 the cooperating entity has paid, consistent with the contract under sub. (6m).

ASSEMBLY BILL 75**SECTION 1977**

1 **(10)** TRANSFER OR RELINQUISHMENT OF HOLDER'S INTEREST. The transfer or
2 relinquishment of another holder's interest does not affect the department's interest
3 in an agricultural conservation easement.

4 **(11)** ENFORCEMENT OF EASEMENT. The department or any other holder of an
5 agricultural conservation easement purchased under this section may enforce and
6 defend the agricultural conservation easement.

7 **(12)** RECORD OF EASEMENTS. The department shall maintain a record of all
8 agricultural conservation easements purchased under this section.

9 **(13)** COUNCIL. The department shall appoint a council under s. 15.04 (1) (c) to
10 advise the department on the administration of this section.

11 **SECTION 1978.** 94.38 (3) of the statutes is repealed.

12 **SECTION 1979.** 94.38 (4) of the statutes is repealed.

13 **SECTION 1980.** 94.38 (4m) of the statutes is repealed.

14 **SECTION 1981.** 94.38 (5) of the statutes is repealed.

15 **SECTION 1982.** 94.38 (6) of the statutes is repealed.

16 **SECTION 1983.** 94.38 (8) of the statutes is amended to read:

17 94.38 **(8)** "Labeler" means any person who as grower, processor, jobber,
18 distributor or seller labels seed or accepts responsibility for labeling information
19 pertaining to any container or lot of agricultural seed or vegetable seed and whose
20 name and address is are required by the department by rule to appear on the label
21 under s. 94.39.

22 **SECTION 1984.** 94.38 (9) of the statutes is repealed.

23 **SECTION 1985.** 94.38 (12) of the statutes is repealed.

24 **SECTION 1986.** 94.38 (13) of the statutes is repealed.

25 **SECTION 1987.** 94.38 (15) of the statutes is repealed.

ASSEMBLY BILL 75**SECTION 1988**

1 **SECTION 1988.** 94.38 (19) of the statutes is repealed.

2 **SECTION 1989.** 94.38 (20) of the statutes is repealed.

3 **SECTION 1990.** 94.38 (21) of the statutes is repealed.

4 **SECTION 1991.** 94.38 (22) of the statutes is repealed.

5 **SECTION 1992.** 94.38 (23) of the statutes is repealed.

6 **SECTION 1993.** 94.38 (24) of the statutes is repealed.

7 **SECTION 1994.** 94.385 of the statutes is amended to read:

8 **94.385 Seed label locations requirements. (1)** ~~Each No person may sell,~~
9 ~~distribute, or offer or expose for sale in this state a~~ container of agricultural ~~seed~~ or
10 ~~vegetable seed which is sold, distributed or offered or exposed for sale within this~~
11 ~~state for seeding or sprouting purposes shall bear or have~~ unless the container bears
12 ~~or has~~ attached to it in a conspicuous place a label containing the information
13 ~~specified in s. 94.39~~ required by the department by rule.

14 **(2)** Except as provided under s. 94.43 (2), each ~~no person may sell in this state~~
15 ~~a~~ bulk lot of agricultural or vegetable seed ~~sold within this state for seeding or~~
16 ~~sprouting purposes shall include~~ unless the person includes with the invoice or
17 shipping document furnished the purchaser at time of delivery a label containing the
18 ~~information specified in s. 94.39~~ required by the department by rule.

19 **SECTION 1995.** 94.39 of the statutes is repealed.

20 **SECTION 1996.** 94.40 (1) of the statutes is repealed.

21 **SECTION 1997.** 94.40 (2) of the statutes is amended to read:

22 94.40 **(2)** The Wisconsin Crop Improvement Association, a nonprofit
23 organization incorporated under the laws of this state, in cooperation with the
24 University of Wisconsin–Madison College of Agricultural and Life Sciences and the

ASSEMBLY BILL 75**SECTION 1997**

1 department, shall be the seed certifying agency for the certification of agricultural
2 seed and vegetable seed in the state.

3 **SECTION 1998.** 94.40 (3) of the statutes is amended to read:

4 94.40 (3) The Wisconsin Crop Improvement Association, in cooperation with
5 the University of Wisconsin–Madison College of Agricultural and Life Sciences and
6 the department, shall establish standards and procedures for the certification of
7 agricultural seed and vegetable seed, subject to approval of the department.
8 Standards and procedures established under this subsection shall comply with rules
9 promulgated by the department and be no less stringent than those prescribed by the
10 ~~association of official seed certifying agencies~~ Association of Official Seed Certifying
11 Agencies.

12 **SECTION 1999.** 94.40 (4) of the statutes is created to read:

13 94.40 (4) The Wisconsin Crop Improvement Association, in cooperation with
14 the University of Wisconsin–Madison College of Agricultural and Life Sciences and
15 the department, shall be the certifying agency for the certification of weed free
16 mulch, hay, and straw, and shall base its certifications on the standards of the North
17 American Weed Management Association.

18 **SECTION 2000.** 94.41 (1) (a) of the statutes is amended to read:

19 94.41 (1) (a) Unless the test to determine the percentage of germination
20 required ~~under s. 94.39~~ by the department by rule is completed within a 12-month
21 period immediately prior to the date it end of the month in which the seed is sold,
22 distributed or offered or exposed for sale, ~~as shown by records, exclusive of the~~
23 ~~calendar month in which the test is completed~~, except that seeds seed packaged in
24 hermetically sealed containers may be sold, distributed or offered or exposed for sale
25 under such any conditions as that the department ~~may prescribe~~ prescribes by rule,

ASSEMBLY BILL 75**SECTION 2000**

1 for a period of 36 months following the end of the month in which the seeds ~~are~~ seed
2 is tested. No seeds seed in hermetically sealed containers shall may be sold,
3 distributed or offered or exposed for sale beyond ~~such~~ that 36-month period unless
4 it is retested within the preceding 9-month period, ~~exclusive of the calendar month~~
5 ~~in which the retest is completed.~~ Seed, for which the germination test date has
6 expired, shall be relabeled by a licensed labeler prior to its being sold, distributed or
7 offered or exposed for sale immediately prior to the end of the month in which it is
8 sold, distributed, or offered or exposed for sale and the retested seed is labeled with
9 the extended expiration date.

10 **SECTION 2001.** 94.41 (1) (b) of the statutes is amended to read:

11 94.41 **(1)** (b) Not labeled in accordance with ~~s. 94.39~~ rules promulgated by the
12 department, or containing any labeling statements which modify or deny label
13 information required under ~~s. 94.39~~ rules promulgated by the department, or having
14 any other false or misleading labeling.

15 **SECTION 2002.** 94.41 (1) (e) of the statutes is repealed.

16 **SECTION 2003.** 94.41 (1) (f) of the statutes is repealed.

17 **SECTION 2004.** 94.41 (1) (g) of the statutes is repealed.

18 **SECTION 2005.** 94.41 (2) (a) of the statutes is amended to read:

19 94.41 **(2)** (a) To detach, alter, deface or destroy any label attached to or
20 accompanying seed, or to alter or substitute seed in a manner which would defeat the
21 purposes of ~~s. 94.39~~ the rules of the department relating to the labeling of seed or
22 result in the sale or distribution of seed in violation of ss. 94.38 to 94.46 or rules
23 thereunder promulgated under those sections.

24 **SECTION 2006.** 94.41 (2) (e) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2006**

1 94.41 **(2)** (e) To use the word “trace” as a substitute for any labeling required
2 under s. ~~94.39~~ rules of the department relating to the composition of seeds or seed
3 mixtures.

4 **SECTION 2007.** 94.43 (1) of the statutes is amended to read:

5 94.43 **(1)** Every person whose name and address are required to appear on the
6 label of any seed as the labeler or person responsible for the labeling thereof ~~thereof~~ of the
7 seed under s. ~~94.39~~, or the rules of the department relating to the labeling of seed,
8 and every person who opens any bag or container of seed and sells any part of the seed
9 contained therein, shall obtain a seed labeler’s license from the department before
10 selling, distributing or offering or exposing, ~~such~~ the seed for sale in this state.

11 **SECTION 2008.** 94.43 (3) (intro.) of the statutes is amended to read:

12 94.43 **(3)** (intro.) Application for a seed labeler’s license shall be submitted on
13 a form prescribed by the department and shall be accompanied by a fee based on the
14 gross sales of seed within the state by the applicant under his or her own label during
15 the previous 12 months prior to filing the application. Fees for a labeler’s license
16 shall be computed on gross sales according to the following schedule, except that the
17 department may specify different fees by rule:

18 **SECTION 2009.** 94.43 (3) (b) of the statutes is amended to read:

19 94.43 **(3)** (b) For gross sales that are \$10,000 or more but less than \$25,000
20 ~~\$50,000~~: \$50.

21 **SECTION 2010.** 94.43 (3) (c) of the statutes is amended to read:

22 94.43 **(3)** (c) For gross sales that are ~~\$25,000~~ \$50,000 or more but less than
23 ~~\$75,000~~ \$100,000: \$100.

24 **SECTION 2011.** 94.43 (3) (d) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2011**

1 94.43 **(3)** (d) For gross sales that are ~~\$75,000~~ \$100,000 or more but less than
2 \$200,000: ~~\$150~~ \$250,000: \$300.

3 **SECTION 2012.** 94.43 (3) (e) of the statutes is amended to read:

4 94.43 **(3)** (e) For gross sales that are \$200,000 \$250,000 or more: ~~\$200~~ but less
5 than \$500,000: \$500.

6 **SECTION 2013.** 94.43 (3) (f) of the statutes is created to read:

7 94.43 **(3)** (f) For gross sales that are \$500,000 or more but less than \$1,000,000:
8 \$750.

9 **SECTION 2014.** 94.43 (3) (g) of the statutes is created to read:

10 94.43 **(3)** (g) For gross sales that are \$1,000,000 or more but less than
11 \$10,000,000: \$1,000.

12 **SECTION 2015.** 94.43 (3) (h) of the statutes is created to read:

13 94.43 **(3)** (h) For gross sales that are \$10,000,000 or more but less than
14 \$100,000,000: \$1,500.

15 **SECTION 2016.** 94.43 (3) (i) of the statutes is created to read:

16 94.43 **(3)** (i) For gross sales that are \$100,000,000 or more: \$2,500.

17 **SECTION 2017.** 94.44 of the statutes is amended to read:

18 **94.44 Records.** Each person whose name is required to appear on the label
19 as the labeler of agricultural or vegetable seeds ~~pursuant to s. 94.39~~ under rules of
20 the department shall maintain complete records of each lot of seed sold or labeled for
21 a period of 2 years after final sale or disposition ~~thereof~~ of the seed, except that a file
22 sample of such ~~the~~ seed need be kept for only one year. ~~This and except that this~~
23 section ~~shall not be construed as requiring~~ does not require a record of the sale or
24 disposal of each portion of a lot sold at retail in quantities of less than 40 pounds.

ASSEMBLY BILL 75**SECTION 2017**

1 All records and samples pertaining to any lot of seed shall be accessible for inspection
2 by the department during customary business hours.

3 **SECTION 2018.** 94.45 (intro.) and (1) to (5) of the statutes are renumbered 94.45
4 (1) (intro.) and (a) to (e).

5 **SECTION 2019.** 94.45 (6) of the statutes is repealed and recreated to read:

6 94.45 **(6)** The department shall promulgate rules that do all of the following:

7 (a) Prescribe standards for the labeling, distribution, and sale of agricultural
8 seed and vegetable seed.

9 (b) Govern methods of sampling, inspecting, analyzing, testing, and examining
10 agricultural seed and vegetable seed.

11 (c) Prescribe tolerances for purity and rate of germination of agricultural seed
12 and vegetable seed.

13 (d) Prescribe tolerances for the occurrence of noxious weed seeds in agricultural
14 seed and vegetable seed.

15 (e) Identify noxious weeds and prohibited noxious weeds.

16 (f) Govern the issuance of seed labeler licenses.

17 (g) Govern the administration and enforcement of ss. 94.38 to 94.46.

18 **SECTION 2020.** 94.681 (6) (a) 2. of the statutes is amended to read:

19 94.681 **(6)** (a) 2. By March 31 of the year following the year in which the person
20 stopped selling or distributing the pesticide product for use in this state, file a report
21 with the department showing the gross revenue that the person derived from the sale
22 of the pesticide product for use in this state from October 1 of the year ~~before the year~~
23 in which the person stopped selling or distributing the pesticide product to December
24 31 of the year in which the person stopped selling or distributing the pesticide
25 product.

ASSEMBLY BILL 75**SECTION 2021**

SECTION 2021. 95.55 (2) of the statutes is amended to read:

95.55 **(2)** APPLICATION. A person shall register under this section using a form provided by the department. The form shall be accompanied by the fee applicable fees specified under sub. (3). Upon registration, the department shall issue the person a registration certificate.

SECTION 2022. 95.55 (3) (title) of the statutes is repealed and recreated to read:

95.55 **(3)** (title) REGISTRATION FEE; REINSPECTION FEE.

SECTION 2023. 95.55 (3) of the statutes is renumbered 95.55 (3) (a).

SECTION 2024. 95.55 (3) (b) of the statutes is created to read:

95.55 **(3)** (b) 1. If the department reinspects the premises where farm-raised deer are kept because the department has found a violation of this chapter or rules promulgated under this chapter, the department shall charge the person registered under this section the reinspection fee specified under subd. 2.

2. The department shall specify the reinspection fee to be charged under subd. 1. by rule. The reinspection fee may not exceed the reasonable costs to reinspect the premises. The department may specify different reinspection fees for different premises.

3. A reinspection fee under this paragraph is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a registration renewal application form to the person registered to keep farm-raised deer under this section.

SECTION 2025. 95.60 (4) (a) of the statutes is amended to read:

95.60 **(4)** (a) The department shall may inspect a fish farm upon initial registration under sub. (3m). ~~The department may inspect a fish farm~~ and at any other time.

ASSEMBLY BILL 75**SECTION 2026**

1 **SECTION 2026.** 95.60 (5) of the statutes is amended to read:

2 95.60 **(5)** The department shall, by rule, specify the fees for permits,
3 certificates, registration and inspections under this section, including any
4 reinspection fees required under sub. (5m).

5 **SECTION 2027.** 95.60 (5m) of the statutes is created to read:

6 95.60 **(5m)** (a) If the department reinspects a fish farm because the department
7 has found a violation of this chapter or rules promulgated under this chapter, the
8 department shall charge the fish farm operator the reinspection fee specified under
9 par. (b).

10 (b) The department shall specify the reinspection fee to be charged under par.
11 (a) by rule. The reinspection fee may not exceed the reasonable costs to reinspect the
12 fish farm. The department may specify different reinspection fees for different fish
13 farms.

14 (c) A reinspection fee under this subsection is payable when the reinspection
15 is completed, and is due upon written demand from the department. The department
16 may issue a demand for payment when it issues a registration renewal application
17 form to the fish farm operator.

18 **SECTION 2028.** 95.68 (4) of the statutes is repealed and recreated to read:

19 95.68 **(4)** LICENSE FEE; REINSPECTION FEE. (a) The department shall, by rule,
20 specify the fee for an animal market license issued under this section.

21 (b) 1. If the department reinspects an animal market because the department
22 has found a violation of this chapter or rules promulgated under this chapter, the
23 department shall charge the animal market operator the reinspection fee specified
24 under subd. 2.

ASSEMBLY BILL 75**SECTION 2028**

2. The department shall specify the reinspection fee to be charged under subd. 1. by rule. The reinspection fee may not exceed the reasonable costs to reinspect the animal market. The department may specify different reinspection fees for different animal markets.

3. A reinspection fee under this paragraph is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a license renewal application form to the animal market operator.

SECTION 2029. 95.68 (8) of the statutes is amended to read:

95.68 **(8)** RULES. The department may promulgate rules ~~to specify license fees under sub. (4) or~~ to regulate the operation of animal markets, including rules related to market operator qualifications, market construction and maintenance, construction and maintenance of animal transport vehicles, identification of animal transport vehicles, disease sanitation, humane treatment of animals, identification of animals, record keeping, reports to the department and compliance with applicable financial security requirements under state or federal law.

SECTION 2030. 95.69 (4) (title) of the statutes is repealed and recreated to read:

95.69 **(4)** (title) LICENSE FEE; REINSPECTION FEE.

SECTION 2031. 95.69 (4) of the statutes is renumbered 95.69 (4) (a) and amended to read:

95.69 **(4)** (a) ~~Unless the~~ The department specifies a different fee shall, by rule, specify the fee for an animal dealer license is ~~\$75 issued under this section~~.

SECTION 2032. 95.69 (4) (b) of the statutes is created to read:

95.69 **(4)** (b) 1. If the department reinspects an animal dealer operation because the department has found a violation of this chapter or rules promulgated

ASSEMBLY BILL 75**SECTION 2032**

1 under this chapter, the department shall charge the animal dealer the reinspection
2 fee specified under subd. 2.

3 2. The department shall specify the reinspection fee to be charged under subd.
4 1. by rule. The reinspection fee may not exceed the reasonable costs to reinspect the
5 animal dealer operation. The department may specify different reinspection fees for
6 different animal dealer operations.

7 3. A reinspection fee under this paragraph is payable when the reinspection is
8 completed, and is due upon written demand from the department. The department
9 may issue a demand for payment when it issues a license renewal application form
10 to the animal dealer.

11 **SECTION 2033.** 95.69 (8) of the statutes is amended to read:

12 95.69 **(8)** RULES. The department may promulgate rules to specify license fees
13 ~~under sub. (4) or~~ to regulate animal dealers, including rules related to animal dealer
14 qualifications, construction and maintenance of animal transport vehicles,
15 identification of animal transport vehicles, disease sanitation, humane treatment of
16 animals, identification of animals, record keeping, reports to the department and
17 compliance with applicable financial security requirements under state or federal
18 law.

19 **SECTION 2034.** 95.71 (5) of the statutes is amended to read:

20 95.71 **(5)** ~~FEES~~ LICENSE FEE; REGISTRATION FEE; REINSPECTION FEE. (a) ~~Unless the~~
21 ~~The~~ department specifies different fees shall, by rule, an applicant for an animal
22 trucker license shall pay a specify the fee in an amount equal to \$20 plus \$5 for each
23 ~~animal transport vehicle registered with the applicant's~~ for an animal trucker
24 ~~license application under sub. (3)~~ issued under this section.

ASSEMBLY BILL 75**SECTION 2034**

1 (b) The department shall, by rule, specify the fee to be paid for each animal
2 transport vehicle registered under sub. (4). If during any license year an animal
3 trucker registers an animal transport vehicle that was not registered with the
4 animal trucker's annual license application under sub. (3), the animal trucker shall,
5 pay the fee required under this paragraph at the time of ~~the additional~~ registration,
6 ~~pay a registration fee of \$5 for each animal transport vehicle registered.~~

7 **SECTION 2035.** 95.71 (5) (c) of the statutes is created to read:

8 95.71 **(5)** (c) 1. If the department reinspects an animal trucker operation
9 because the department has found a violation of this chapter or rules promulgated
10 under this chapter, the department shall charge the animal trucker the reinspection
11 fee specified under subd. 2.

12 2. The department shall specify the reinspection fee to be charged under subd.
13 1. by rule. The reinspection fee may not exceed the reasonable costs to reinspect the
14 animal trucker operation. The department may specify different reinspection fees
15 for different animal trucker operations.

16 3. A reinspection fee under this paragraph is payable when the reinspection is
17 completed, and is due upon written demand from the department. The department
18 may issue a demand for payment when it issues a license renewal application form
19 to the animal trucker.

20 **SECTION 2036.** 95.71 (8) of the statutes is amended to read:

21 95.71 **(8)** RULES. The department may promulgate rules ~~to specify license fees~~
22 ~~under sub. (5) or~~ to regulate animal truckers, including rules related to animal
23 trucker qualifications, construction and maintenance of animal transport vehicles,
24 identification of animal transport vehicles, disease sanitation, humane treatment of
25 animals, identification of animals, record keeping, reports to the department and

ASSEMBLY BILL 75**SECTION 2036**

1 compliance with applicable financial security requirements under state or federal
2 law.

3 **SECTION 2037.** 95.85 of the statutes is created to read:

4 **95.85 Animal slaughter assessment. (1) DEFINITIONS.** In this section:

5 (a) “Calves” means bovine animals that are not more than 6 months of age.

6 (b) “Cattle” means bovine animals that are more than 6 months of age.

7 (c) “Establishment” means a plant where cattle, calves, swine, or poultry are
8 slaughtered for commercial sale for human consumption.

9 **(2) ASSESSMENT.** For each animal of a kind specified in this subsection that is
10 slaughtered in an establishment, the person operating the establishment shall pay
11 to the department an assessment equal to the following, except as provided under
12 sub. (6):

13 (a) Fourteen cents for swine.

14 (b) Fourteen cents for cattle.

15 (c) Ten cents for calves.

16 (d) One cent for poultry.

17 **(3) REPORTING AND PAYMENT.** (a) A person operating an establishment shall
18 submit to the department the quarterly report described in par. (b) and quarterly
19 payment of the assessment under sub. (2) according to the following schedule, except
20 as provided under sub. (6):

21 1. For January to March, by April 30.

22 2. For April to June, by July 31.

23 3. For July to September, by October 31.

24 4. For October to December, by January 31.

ASSEMBLY BILL 75**SECTION 2037**

1 (b) A person operating an establishment shall submit a quarterly report that
2 identifies the number of each type of animal described in sub. (2) slaughtered in the
3 establishment in the previous quarter. The department may require additional
4 information relevant to the assessment. The department shall keep confidential the
5 information submitted under this subsection.

6 (c) A person who submits a quarterly report and payment of the assessment
7 after the due date shall pay the department, in addition to the assessment, a
8 surcharge equal to 1 percent of the assessment due for each month or fraction of a
9 month that the payment is late. A person who submits a quarterly report that
10 understates the number of animals slaughtered in an establishment and submits
11 payment based on the inaccurate report shall pay the department a surcharge equal
12 to 1 percent of the amount of the underpayment for each month or fraction of a month
13 that the payment is late.

14 **(4)** LICENSE CONTINGENT ON PAYMENT OF ASSESSMENT. The department may not
15 issue or renew a license related to the slaughter of animals for any establishment
16 until the operator of the establishment pays any assessments and surcharges that
17 are due under this section. The department shall refund an assessment or surcharge
18 paid under protest if the department determines that the assessment or surcharge
19 was not due as a condition of licensing under this subsection. If an assessment or
20 surcharge is paid by check, a license issued in reliance upon that check is void if the
21 check is not honored.

22 **(5)** INSPECTION OF RECORDS. The department may inspect, during regular
23 business hours, any records that relate to this section. The department shall keep
24 confidential any information obtained under this subsection concerning the number
25 of animals slaughtered in an establishment.

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1 **(6) RULES.** The department may promulgate rules for the administration of this
2 section, including rules that modify the amount of the assessment under sub. (2) and
3 rules that modify the schedule for reporting and payment under sub. (3) (a).

4 **(7) PENALTY.** A person who submits a report under sub. (3) that understates the
5 number of animals slaughtered in an establishment may be required to forfeit not
6 less than \$500 nor more than \$1,000 for each inaccurate report.

7 **SECTION 2038.** 98.16 (title) of the statutes is amended to read:

8 **98.16 (title) ~~Licensing of vehicle~~ Vehicle scale operators; scale**
9 **installation and testing.**

10 **SECTION 2039.** 98.16 (2) (title) of the statutes is amended to read:

11 98.16 **(2)** (title) LICENSE FOR OPERATOR.

12 **SECTION 2040.** 98.16 (2) (a) 1. of the statutes is renumbered 98.16 (2) (am) and
13 amended to read:

14 98.16 **(2)** (am) Except as provided in subd. 2., ~~a~~ par. (dm), no person may not
15 operate a vehicle scale without ~~a~~ an annual license from the department. A separate
16 license is required for each scale. A license is not transferable between persons or
17 scales. A license expires on March 31 annually.

18 ~~(bm)~~ The department shall provide a license application form for persons
19 applying for a license. The form ~~may~~ shall require all of the following:

20 3. Other information reasonably required by the department for licensing
21 purposes.

22 ~~(cm)~~ A license application shall be accompanied by ~~applicable fees under pars.~~
23 ~~(b) and (c).~~ all of the following fees and surcharges:

24 **SECTION 2041.** 98.16 (2) (a) 2. of the statutes is renumbered 98.16 (2) (dm) and
25 amended to read:

ASSEMBLY BILL 75**SECTION 2041**

1 98.16 (2) (dm) ~~Subdivision 1. Paragraph (am)~~ does not apply to a person who
2 operates a vehicle scale only as an employee of a person who is required to hold a
3 license to operate the scale under this ~~paragraph~~ subsection.

4 **SECTION 2042.** 98.16 (2) (b) of the statutes is renumbered 98.16 (2) (cm) 1. and
5 amended to read:

6 98.16 (2) (cm) 1. A license fee. The fee for a license under ~~par. (a)~~ this subsection
7 is ~~\$60~~ \$100, except that the department may establish a different fee by rule
8 promulgated under sub. (4).

9 **SECTION 2043.** 98.16 (2) (bm) 1. of the statutes is created to read:

10 98.16 (2) (bm) 1. The applicant's correct legal name and business address and
11 any trade name under which the applicant proposes to operate the vehicle scale.

12 **SECTION 2044.** 98.16 (2) (bm) 2. of the statutes is created to read:

13 98.16 (2) (bm) 2. A description of the nature and location of the vehicle scale.

14 **SECTION 2045.** 98.16 (2) (c) of the statutes is renumbered 98.16 (2) (cm) 2. and
15 amended to read:

16 98.16 (2) (cm) 2. ~~An applicant for a license under par. (a) shall pay a~~ A license
17 fee surcharge of \$200 in addition to the license fee, if the department determines that
18 within one year prior to submitting the license application the applicant operated a
19 vehicle scale without a license as required by ~~par. (a)~~ (am). The license fee surcharge
20 is \$200, except that the department may establish a different surcharge by rule
21 promulgated under sub. (4). The department may not issue a license under this
22 subsection to an operator if the operator has failed to pay a license fee surcharge
23 assessed against the operator. Payment of the license fee surcharge does not relieve
24 the applicant of any other civil or criminal liability for the operation of a vehicle scale
25 without a license but shall not constitute evidence of violation of a law.

ASSEMBLY BILL 75**SECTION 2046**

1 **SECTION 2046.** 98.16 (2) (d) of the statutes is repealed.

2 **SECTION 2047.** 98.16 (2m) of the statutes is created to read:

3 **98.16 (2m) PERMIT FOR SCALE INSTALLATION OR CONSTRUCTION; VARIANCE.** (a) No
4 person may install or relocate a vehicle scale without a permit from the department.
5 The department shall provide a permit application form for a person applying for a
6 permit under this paragraph. An application for a permit under this paragraph shall
7 be accompanied by a nonrefundable permit application fee in an amount established
8 by the department by rule promulgated under sub. (4).

9 (b) A person who installs or relocates a vehicle scale shall comply with
10 construction, operation, and maintenance standards and procedures established by
11 the department by rule under sub. (4), except that the department may grant a
12 variance from a construction standard if the department determines that the
13 variance is justified by special circumstances. The department may impose
14 conditions on the variance, including alternative construction standards, if the
15 department determines the conditions are necessary. The department shall provide
16 a variance application form for a person applying for a variance under this
17 paragraph. An application for a variance under this paragraph shall be accompanied
18 by a nonrefundable variance application fee in an amount established by the
19 department by rule promulgated under sub. (4).

20 **SECTION 2048.** 98.16 (3) (intro.) of the statutes is renumbered 98.16 (4) and
21 amended to read:

22 **98.16 (4) RULES.** The department ~~may~~ shall promulgate rules ~~to establish~~
23 ~~license fees under sub. (2) (b) and to regulate the~~ construction, operation, testing, and
24 maintenance of vehicle scales. ~~The rules may include all of the following:~~ The
25 department may promulgate rules to adjust fees and surcharges under subs. (2) (cm)

ASSEMBLY BILL 75**SECTION 2048**

1 1. and 2. and (2m) (a) and (b) and to impose a testing surcharge upon a vehicle scale
2 operator if the operator fails to file a vehicle scale test report as required by a rule
3 promulgated by the department under this subsection.

4 **SECTION 2049.** 98.16 (3) (a) of the statutes is repealed.

5 **SECTION 2050.** 98.16 (3) (b) of the statutes is repealed.

6 **SECTION 2051.** 98.16 (3) (c) of the statutes is repealed.

7 **SECTION 2052.** 98.16 (3m) (b) 1. of the statutes is created to read:

8 98.16 **(3m)** (b) 1. Conduct the test and prepare a test report, according to rules
9 promulgated by the department under sub. (4).

10 **SECTION 2053.** 98.16 (3m) (b) 2. of the statutes is created to read:

11 98.16 **(3m)** (b) 2. Provide a copy of the test report to the operator of the vehicle
12 scale and, if required by rules promulgated by the department under sub. (4), to other
13 persons.

14 **SECTION 2054.** 98.16 (3m) (c) of the statutes is created to read:

15 98.16 **(3m)** (c) An operator of a vehicle scale shall file with the department a
16 copy of each test report prepared regarding the vehicle scale not more than 15 days
17 after the operator receives the test report. If an operator fails to file a report as
18 required in this paragraph, the department may assess a testing surcharge against
19 the operator. The department may not issue a license under sub. (2) to an operator
20 if the operator has failed to pay a testing surcharge assessed against the operator.
21 If an operator fails to pay a testing surcharge assessed against the operator within
22 120 days after the department assessed the surcharge, the department may revoke
23 the operator's license to operate the vehicle scale for which the operator has been
24 assessed the surcharge.

25 **SECTION 2055.** 98.224 of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 2055**

1 **98.224 Vehicle tank meters. (1)** DEFINITION. In this section, “vehicle tank
2 meter” means a commercial meter used to measure liquid fuel, as defined in s. 98.225
3 (1).

4 **(2) OPERATOR LICENSED.** (a) Except as provided in par. (e), no person may
5 operate a vehicle tank meter without an annual license from the department. An
6 annual license expires on October 31. A separate license is required for each vehicle
7 tank meter. A license is not transferable between persons or vehicle tank meters.

8 (b) To obtain a license under par. (a), a person shall submit an application on
9 a form provided by the department. The application shall include all of the following:

10 1. The applicant’s correct legal name and business address, and any trade name
11 under which the applicant proposes to operate the vehicle tank meter.

12 2. A description of the vehicle tank meter, including the serial number or other
13 identifying marks that appear on the meter and the vehicle on which the meter is
14 mounted.

15 3. The fees and surcharges required under par. (c).

16 4. Other relevant information reasonably required by the department for
17 licensing purposes.

18 (c) An application under par. (b) shall include all of the following fees and
19 surcharges:

20 1. A license fee established by the department by rule.

21 2. A surcharge established by the department by rule, if the department
22 determines that within one year prior to submitting the application, the applicant
23 operated the vehicle tank meter without a license required under par. (a). The
24 department may not issue a license under this subsection to an operator if the

ASSEMBLY BILL 75**SECTION 2055**

1 operator has failed to pay a surcharge under this subdivision assessed against the
2 operator.

3 3. A surcharge established by department rule if the department determines
4 that, within one year prior to submitting the application, the applicant failed to
5 comply with the reporting requirement under sub. (3). The department may not
6 issue a license under this subsection to an operator if the operator has failed to pay
7 a surcharge under this subdivision assessed against the operator.

8 4. Reinspection fees, if any, required under s. 98.255.

9 (d) Payment of a surcharge under par. (c) 2. or 3. does not relieve the applicant
10 of any other civil or criminal liability for a law violation, but is not evidence of a
11 violation of this section.

12 (e) Paragraph (a) does not apply to an individual who operates a vehicle tank
13 meter only as an employee of a person who is required to hold a license under par.
14 (a) to operate that vehicle tank meter.

15 **(3) TESTING AND REPORTING.** The operator of a vehicle tank meter shall have the
16 meter tested for accuracy at least annually by a person who is licensed under s. 98.18
17 (1) to perform the testing. The operator, or the tester on behalf of the operator, shall
18 report the results of each test to the department within 30 days after the testing is
19 completed. The operator shall retain a test report for at least 3 years.

20 **(4) RULES.** (a) The department shall promulgate rules that establish all of the
21 following:

22 1. License fee and surcharge amounts under sub. (2) (c).

23 2. Standards for the testing, reporting, and record keeping required under sub.

24 (3).

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1 (b) The department may promulgate rules that establish standards for the
2 construction, operation, and maintenance of vehicle tank meters.

3 **SECTION 2056.** 98.245 (4) (a) of the statutes is amended to read:

4 98.245 **(4)** (a) When liquefied petroleum gas is sold or delivered to a consumer
5 as a liquid and by liquid measurement the volume of liquid so sold and delivered shall
6 be corrected to a temperature of 60 degrees Fahrenheit through use of an approved
7 volume correction factor table, or through use of a meter that is equipped with a
8 sealed automatic compensating mechanism and that ~~is in compliance with sub. (7)~~
9 has been tested as required under sub. (8). All sale tickets shall show the delivered
10 gallons, the temperature at the time of delivery and the corrected gallonage, or shall
11 state that temperature correction was automatically made.

12 **SECTION 2057.** 98.245 (4) (b) of the statutes is amended to read:

13 98.245 **(4)** (b) When liquefied petroleum gas is sold or delivered to a consumer
14 in vapor form by vapor measurement, the volume of vapor so sold and delivered shall
15 be corrected to a temperature of 60 degrees Fahrenheit through the use of a meter
16 that is equipped with a sealed automatic temperature compensating mechanism.
17 This paragraph shall apply to all meters installed for use in the vapor measurement
18 of liquefied petroleum gas in vapor form after May 24, 1978. This paragraph does
19 not prohibit the continued use of meters previously installed without a self-sealing
20 automatic temperature compensating mechanism, but no such meter may be
21 continued in use after January 1, 1986, unless brought into compliance with this
22 paragraph. Subsection ~~(7)~~ (8) does not apply to meters used to sell or deliver liquefied
23 petroleum gas that are subject to this paragraph.

24 **SECTION 2058.** 98.245 (6) (a) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2058**

1 98.245 **(6)** (a) (intro.) No person may sell liquefied petroleum gas and deliver
2 it by a vehicle equipped with a pump and meter unless the meter is equipped with
3 a delivery ticket printer and ~~is in compliance with sub. (7)~~ has been tested as required
4 under sub. (8). Except as provided in par. (b), the seller shall, at the time of delivery,
5 either provide a copy of the delivery ticket printed by the delivery ticket printer to
6 the purchaser or leave a copy at the place of delivery. The delivery ticket shall contain
7 all of the following information:

8 **SECTION 2059.** 98.245 (7) of the statutes is repealed.

9 **SECTION 2060.** 98.245 (7m) of the statutes is created to read:

10 98.245 **(7m)** METER OPERATORS LICENSED. (a) No person may operate a meter
11 to determine the amount of liquefied petroleum gas sold or delivered under sub. (4)
12 (a) unless the person holds an annual license from the department under this
13 subsection. An annual license expires on November 30. A separate license is
14 required for each liquefied petroleum gas meter. A license is not transferable
15 between persons or meters.

16 (b) To obtain a license under par. (a), a person shall submit an application on
17 a form provided by the department. The application shall include all of the following:

18 1. The applicant's correct legal name and business address, and any trade name
19 under which the applicant proposes to operate the liquefied petroleum gas meter.

20 2. A description of the liquefied petroleum gas meter, including the serial
21 number or other identifying marks that appear on the meter, and if applicable, the
22 vehicle on which the meter is mounted.

23 3. The fees and surcharges required under par. (c).

24 4. Other relevant information reasonably required by the department for
25 licensing purposes.

ASSEMBLY BILL 75**SECTION 2060**

1 (c) An application under par. (b) shall include the following fees and surcharges:

2 1. A license fee established by department rule.

3 2. A surcharge established by department rule, if the department determines
4 that, within one year prior to submitting the application, the applicant operated the
5 liquefied petroleum gas meter without a license required under par. (a). The
6 department may not issue a license under this subsection to an operator if the
7 operator has failed to pay a surcharge under this subdivision assessed against the
8 operator.

9 3. A surcharge established by the department by rule if the department
10 determines that, within one year prior to submitting the application, the applicant
11 failed to comply with a test reporting requirement under sub. (8). The department
12 may not issue a license under this subsection to an operator if the operator has failed
13 to pay a surcharge under this subdivision assessed against the operator.

14 4. Reinspection fees, if any, required under s. 98.255.

15 (d) Payment of a surcharge under par. (c) 2. or 3. does not relieve the applicant
16 of any other civil or criminal liability for a law violation, but is not evidence of a
17 violation of this section.

18 (e) Paragraph (a) does not apply to an individual who operates a liquefied
19 petroleum gas meter only as an employee of a person who is required to hold a license
20 under par. (a) to operate that meter.

21 **SECTION 2061.** 98.245 (8) of the statutes is created to read:

22 98.245 **(8)** TESTING AND REPORTING. A person that is required to hold a license
23 under sub. (7m) to operate a liquefied petroleum gas meter shall have the meter
24 tested for accuracy, at least annually, by a person who is licensed under s. 98.18 (1)
25 to perform the test. The meter operator, or the tester on behalf of the meter operator,

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1 shall report the results of each test to the department within 30 days after the testing
2 is completed. The operator shall retain a record of each test for at least 3 years.

3 **SECTION 2062.** 98.245 (9) of the statutes is created to read:

4 98.245 **(9)** RULES. (a) The department shall promulgate rules that establish
5 all of the following:

6 1. License fee and surcharge amounts under sub. (7m) (c).

7 2. Standards for the testing, reporting, and record keeping required under sub.
8 (8).

9 (b) The department may promulgate rules that establish standards for the
10 construction, operation, and maintenance of liquefied petroleum gas meters.

11 **SECTION 2063.** 98.25 (title) of the statutes is renumbered 98.16 (3m) (title) and
12 amended to read:

13 98.16 **(3m)** (title) ~~VEHICLE SCALES; ANNUAL~~ ANNUAL TESTING.

14 **SECTION 2064.** 98.25 (1) of the statutes is renumbered 98.16 (3m) (a) and
15 amended to read:

16 98.16 **(3m)** (a) The owner or operator of a scale with a weighing capacity of
17 5,000 pounds or more used for the commercial weighing of commodities shall cause
18 the scales to be tested and inspected at least annually for accuracy by an independent
19 scale testing or service company in accordance with specifications, tolerances,
20 standards and procedures established by the national institute of standards and
21 technology and the department for the testing and examination of scales, using test
22 weights approved by the department. The annual tests and inspections shall be at
23 the expense of the owner or operator a person licensed under s. 98.18 (1).

24 **SECTION 2065.** 98.25 (2) of the statutes is renumbered 98.16 (3m) (b) (intro.)
25 and amended to read:

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1 98.16 **(3m)** (b) (intro.) A ~~scale testing or service company~~ person conducting a
2 test under sub. (1) ~~par. (a)~~ shall, at the time of testing and inspection, promptly
3 furnish to the owner or operator of the scale a report showing the results of the test
4 and inspection with an additional copy for the department. The owner and operator
5 of a scale which is found to be inaccurate at the time of testing shall immediately
6 withdraw the scale from further use until necessary corrections, adjustments or
7 repairs are made and do all of the following:

8 (d) If a test under this subsection shows that a vehicle scale is inaccurate, the
9 scale may not be used until the inaccuracy is corrected and the scale is determined
10 to be accurate by the scale testing or service company. A copy of the report prepared
11 by the scale testing or service company shall be filed with the department by the
12 owner or operator of the scale within 15 days after the test and inspection has been
13 completed. The department shall maintain a list open for public inspection of all
14 scales tested and found to be accurate on the annual test a subsequent test under this
15 subsection.

16 **SECTION 2066.** 98.25 (3) of the statutes is renumbered 98.16 (3m) (e) and
17 amended to read:

18 98.16 **(3m)** (e) No person may falsify a test or determination of the accuracy of
19 a vehicle scale tested under sub. (1) or file with the department a false report of a test
20 of a vehicle scale under sub. (1), test result, or test report under this subsection.

21 **SECTION 2067.** 98.25 (4) of the statutes is renumbered 98.16 (3m) (f).

22 **SECTION 2068.** 98.255 of the statutes is created to read:

23 **98.255 Reinspection; fee. (1)** If the department reinspects a weight or
24 measure because the department has found a violation of this chapter or a rule

ASSEMBLY BILL 75**SECTION 2068**

1 promulgated under this chapter, the department may charge the operator of the
2 weight or measure a reinspection fee.

3 **(2)** The department shall establish the amount of the reinspection fee under
4 sub. (1) by rule and may establish different reinspection fees for different types of
5 weights and measures. The amount of a reinspection fee for a weight or measure may
6 not exceed the department's average cost to reinspect that type of weight or measure.

7 **(3)** A reinspection fee under sub. (1) is payable after the reinspection is
8 completed and is due upon written demand from the department. The department
9 may issue a demand for payment when it issues an annual license application form
10 to the operator of the weighing or measuring device.

11 **SECTION 2069.** 100.20 (1n) of the statutes is amended to read:

12 100.20 **(1n)** It is an unfair method of competition or an unfair trade practice
13 for any person to sell cigarettes to consumers in this state in violation of s. 139.345
14 or to sell tobacco products to consumers in this state in violation of s. 139.795.

15 **SECTION 2070.** 100.30 (2) (c) 1. b. of the statutes is amended to read:

16 100.30 **(2)** (c) 1. b. For every person holding a permit as a bonded direct
17 marketer as defined in s. 139.30 (1d), as a distributor as defined in s. 139.30 (3), or
18 as a multiple retailer as defined in s. 139.30 (8), with respect to that portion of the
19 person's business which involves the purchase and sale of cigarettes "cost to
20 wholesaler" means the cost charged by the cigarette manufacturer, disregarding any
21 manufacturer's discount or any discount under s. 139.32 (5), plus the amount of tax
22 imposed under s. 139.31. Except for a sale at wholesale between wholesalers, a
23 markup to cover a proportionate part of the cost of doing business shall be added to
24 the cost to wholesaler. In the absence of proof of a lesser cost, this markup shall be
25 3% of the cost to wholesaler as set forth in this subd. 1. b.

ASSEMBLY BILL 75**SECTION 2071**

1 **SECTION 2071.** 100.30 (2) (L) (intro.) of the statutes is amended to read:

2 100.30 **(2)** (L) (intro.) “Wholesaler” includes every person holding a permit as
3 a bonded direct marketer as defined in s. 139.30 (1d) or as a multiple retailer under
4 s. 139.30 (8) and every person engaged in the business of making sales at wholesale,
5 other than sales of motor vehicle fuel at wholesale, within this state except as follows:

6 **SECTION 2072.** 100.30 (2) (L) 2. of the statutes is amended to read:

7 100.30 **(2)** (L) 2. In the case of a person holding a permit as a bonded direct
8 marketer as defined in s. 139.30 (1d) or as a multiple retailer as defined in s. 139.30
9 (8), “wholesaler” applies to that portion of the person’s business involving the
10 purchase and sale of cigarettes and to any wholesale portion of that person’s
11 business.

12 **SECTION 2073.** 100.45 (1) (dm) of the statutes is amended to read:

13 100.45 **(1)** (dm) “State agency” means any office, department, agency,
14 institution of higher education, association, society or other body in state
15 government created or authorized to be created by the constitution or any law which
16 is entitled to expend moneys appropriated by law, including the legislature and the
17 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
18 Center Sports and Entertainment Corporation, the University of Wisconsin
19 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
20 Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care
21 Authority, and the Fox River Navigational System Authority.

22 **SECTION 2074.** 100.51 (5) (b) 1. of the statutes is amended to read:

23 100.51 **(5)** (b) 1. The motor vehicle displays a special registration ~~plates~~ plate
24 issued under s. 341.14 (1), (1a), (1m), (1q) or (1r) (a) or a special identification card
25 issued under s. 343.51 or is a motor vehicle registered in another jurisdiction and

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1 displays a registration plate, card or emblem issued by the other jurisdiction that
2 designates that the vehicle is used by a physically disabled person.

3 **SECTION 2075.** 101.055 (8) (cm) of the statutes is created to read:

4 101.055 **(8)** (cm) If the division of equal rights finds no probable cause to believe
5 that a violation of par. (ar) has occurred, the division shall dismiss the complaint.
6 If the division of equal rights dismisses the complaint, the order of dismissal is the
7 final determination of the division, which may be appealed under par. (d). The
8 division of equal rights shall, by a notice to be served with the determination, notify
9 the parties of the complainant's right to appeal the dismissal of the complaint to the
10 circuit court under par. (d).

11 **SECTION 2076.** 101.123 (1) (a) of the statutes is renumbered 101.123 (1) (ae).

12 **SECTION 2077.** 101.123 (1) (ab) of the statutes is created to read:

13 101.123 **(1)** (ab) "Assisted living facility" means a community-based
14 residential facility, as defined in s. 50.01 (1g), a residential care apartment complex,
15 as defined in s. 50.01 (1d), or an adult family home, as defined in s. 50.01 (1) (b).

16 **SECTION 2078.** 101.123 (1) (ac) of the statutes is created to read:

17 101.123 **(1)** (ac) "Correctional facility" means any of the following:

18 1. A state prison, as defined or named in s. 302.01, except a correctional
19 institution under s. 301.046 (1) or 301.048 (4) (b) if the institution is the prisoner's
20 place of residence and no one is employed there to ensure the prisoner's
21 incarceration.

22 2. A juvenile detention facility, as defined in s. 938.02 (10r), or a juvenile
23 correctional facility, as defined in s. 938.02 (10p), except a juvenile correctional
24 facility authorized under s. 938.533 (3) (b), 938.538 (4) (b), or 938.539 (5) if the facility

ASSEMBLY BILL 75**SECTION 2078**

1 is a private residence in which the juvenile is placed and no one is employed there
2 to ensure that the juvenile remains in custody.

3 3. A jail, as defined in s. 165.85 (2) (bg), a Huber facility under s. 303.09, a work
4 camp under s. 303.10, a reforestation camp under s. 303.07, or a lockup facility under
5 s. 302.30.

6 **SECTION 2079.** 101.123 (1) (aj) of the statutes is created to read:

7 101.123 **(1)** (aj) Notwithstanding s. 101.01 (5), “employment” means any trade,
8 occupation, or process of manufacture or any method of carrying on such trade,
9 occupation, or process of manufacture in which any person may be engaged.

10 **SECTION 2080.** 101.123 (1) (ak) of the statutes is created to read:

11 101.123 **(1)** (ak) “Enclosed place” means a structure or area that has all of the
12 following:

13 1. A roof or overhead covering.

14 2. Two or more substantial walls, regardless of whether the walls are removed
15 and replaced on a temporary basis.

16 **SECTION 2081.** 101.123 (1) (am) of the statutes is repealed.

17 **SECTION 2082.** 101.123 (1) (ar) of the statutes is amended to read:

18 101.123 **(1)** (ar) “Immediate vicinity of the state capitol” means the area
19 directly adjacent to the state capitol building, as determined by rule of the
20 department of administration. “Immediate vicinity of the state capitol” does not
21 include any location that is more than ~~one fathom~~ six feet from the state capitol
22 building.

23 **SECTION 2083.** 101.123 (1) (b) of the statutes is amended to read:

24 101.123 **(1)** (b) “Inpatient health care facility” means a hospital, as defined in
25 s. 50.33 (2), a county home established under s. 49.70, a county infirmary established

ASSEMBLY BILL 75**SECTION 2083**

1 under s. 49.72 ~~or a community-based residential facility or, a nursing home licensed~~
2 ~~under s. 50.03, as defined in s. 50.01 (3), a hospice, as defined in s. 50.90 (1), a~~
3 Wisconsin veteran's home under s. 45.50, or a treatment facility.

4 **SECTION 2084.** 101.123 (1) (bg) of the statutes is repealed.

5 **SECTION 2085.** 101.123 (1) (bm) of the statutes is repealed.

6 **SECTION 2086.** 101.123 (1) (bn) of the statutes is created to read:

7 101.123 **(1)** (bn) “Lodging establishment” means any of the following:

8 1. A bed and breakfast establishment, as defined in s. 254.61 (1).

9 2. A hotel, as defined in s. 254.61 (3).

10 3. A tourist rooming house, as defined in s. 254.61 (6).

11 **SECTION 2087.** 101.123 (1) (br) of the statutes is repealed.

12 **SECTION 2088.** 101.123 (1) (c) of the statutes is repealed.

13 **SECTION 2089.** 101.123 (1) (d) of the statutes is amended to read:

14 101.123 **(1)** (d) “Person in charge” means the person, or his or her agent, who
15 ultimately controls, governs or directs the activities aboard a public conveyance or
16 ~~within a place at a location~~ where smoking is prohibited or regulated under this
17 section, ~~regardless of the person's status as owner or lessee.~~

18 **SECTION 2090.** 101.123 (1) (dg) of the statutes is repealed.

19 **SECTION 2091.** 101.123 (1) (dj) of the statutes is created to read:

20 101.123 **(1)** (dj) Notwithstanding s. 101.01 (11), “place of employment” means
21 any enclosed place that employees normally frequent during the course of
22 employment, including an office, a work area, an elevator, an employee lounge, a
23 restroom, a conference room, a meeting room, a classroom, a hallway, a stairway, a
24 lobby, a common area, a vehicle, or an employee cafeteria.

25 **SECTION 2092.** 101.123 (1) (dm) of the statutes is renumbered 77.51 (11m).

ASSEMBLY BILL 75**SECTION 2093**

1 **SECTION 2093.** 101.123 (1) (dn) of the statutes is created to read:

2 101.123 **(1)** (dn) “Private club” means a facility used by an organization that
3 limits its membership and is organized for a recreational, fraternal, social, patriotic,
4 political, benevolent, or athletic purpose.

5 **SECTION 2094.** 101.123 (1) (e) of the statutes is amended to read:

6 101.123 **(1)** (e) “Public conveyance” means a mass transit ~~vehicles~~ vehicle as
7 defined by in s. 340.01 (28m) and, a school buses bus as defined by in s. 340.01 (56),
8 or any other device by which persons are transported, for hire, on a highway or by
9 rail, water, air, or guidewire within this state, but does not include such a device
10 while providing transportation in interstate commerce.

11 **SECTION 2095.** 101.123 (1) (eg) of the statutes is created to read:

12 101.123 **(1)** (eg) “Public place” means any enclosed place that is open to the
13 public, regardless of whether a fee is charged or a place to which the public has lawful
14 access or may be invited.

15 **SECTION 2096.** 101.123 (1) (f) of the statutes is amended to read:

16 101.123 **(1)** (f) “Restaurant” means an establishment as defined in s. 254.61 (5)
17 ~~with a seating capacity of more than 50 persons.~~

18 **SECTION 2097.** 101.123 (1) (g) of the statutes is amended to read:

19 101.123 **(1)** (g) “Retail establishment” means any store or shop in which retail
20 sales is the principal business conducted, ~~except a tavern operating under a “Class~~
21 ~~B” intoxicating liquor license or Class “B” fermented malt beverages license, and~~
22 ~~except bowling centers.~~

23 **SECTION 2098.** 101.123 (1) (gm) of the statutes is repealed.

24 **SECTION 2099.** 101.123 (1) (h) of the statutes is renumbered 101.123 (1) (h)
25 (intro.) and amended to read:

ASSEMBLY BILL 75**SECTION 2099**

1 101.123 (1) (h) (intro.) “Smoking” means ~~carrying a lighted~~ burning or holding,
2 or inhaling or exhaling smoke from, any of the following items containing tobacco:

3 1. A lighted cigar,

4 2. A lighted cigarette,

5 3. A lighted pipe or any,

6 4. Any other lighted smoking equipment.

7 **SECTION 2100.** 101.123 (1) (hm) of the statutes is created to read:

8 101.123 (1) (hm) “Sports arena” means any stadium, pavilion, gymnasium,
9 swimming pool, skating rink, bowling center, or other building where spectator
10 sporting events are held.

11 **SECTION 2101.** 101.123 (1) (i) of the statutes is amended to read:

12 101.123 (1) (i) “State institution” means ~~a prison,~~ a mental health institute,
13 as defined in s. 51.01 (12) ~~or,~~ a center for the developmentally disabled, as defined
14 in s. 51.01 (3), or a secure mental health facility at which persons are committed
15 under s. 980.06.

16 **SECTION 2102.** 101.123 (1) (id) of the statutes is created to read:

17 101.123 (1) (id) “Substantial wall” means a wall where at least 25 percent of
18 the surface area of the wall is not part of an opening that may be used to allow air
19 in from the outside.

20 **SECTION 2103.** 101.123 (1) (im) of the statutes is created to read:

21 101.123 (1) (im) “Tavern” means an establishment, other than a restaurant,
22 that holds a “Class B” intoxicating liquor license or Class “B” fermented malt
23 beverages license.

24 **SECTION 2104.** 101.123 (1) (ip) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 2104**

1 101.123 **(1)** (ip) “Treatment facility” means a publicly or private operated
2 inpatient facility that provides treatment of alcoholic, drug dependent, mentally ill,
3 or developmentally disabled persons.

4 **SECTION 2105.** 101.123 (2) (title) of the statutes is repealed and recreated to
5 read:

6 101.123 **(2)** (title) PROHIBITION AGAINST SMOKING.

7 **SECTION 2106.** 101.123 (2) (a) (intro.) of the statutes is amended to read:

8 101.123 **(2)** (a) (intro.) Except as provided in sub. (3), no person may smoke in
9 any of the following enclosed places:

10 **SECTION 2107.** 101.123 (2) (a) 1. of the statutes is repealed.

11 **SECTION 2108.** 101.123 (2) (a) 1g. of the statutes is created to read:

12 101.123 **(2)** (a) 1g. The state capitol.

13 **SECTION 2109.** 101.123 (2) (a) 1m. of the statutes is created to read:

14 101.123 **(2)** (a) 1m. Residence halls or dormitories owned or operated by a
15 college or university.

16 **SECTION 2110.** 101.123 (2) (a) 1r. of the statutes is created to read:

17 101.123 **(2)** (a) 1r. Day care centers.

18 **SECTION 2111.** 101.123 (2) (a) 4. of the statutes is repealed and recreated to
19 read:

20 101.123 **(2)** (a) 4. Theaters.

21 **SECTION 2112.** 101.123 (2) (a) 5. of the statutes is repealed.

22 **SECTION 2113.** 101.123 (2) (a) 5m. of the statutes is created to read:

23 101.123 **(2)** (a) 5m. Correctional facilities.

24 **SECTION 2114.** 101.123 (2) (a) 5t. of the statutes is created to read:

25 101.123 **(2)** (a) 5t. State institutions.

ASSEMBLY BILL 75**SECTION 2115**

SECTION 2115. 101.123 (2) (a) 6. of the statutes is repealed.

SECTION 2116. 101.123 (2) (a) 7m. of the statutes is created to read:

101.123 **(2)** (a) 7m. Taverns.

SECTION 2117. 101.123 (2) (a) 7r. of the statutes is created to read:

101.123 **(2)** (a) 7r. Private clubs.

SECTION 2118. 101.123 (2) (a) 8d. of the statutes is created to read:

101.123 **(2)** (a) 8d. Common areas of multiple-unit residential properties.

SECTION 2119. 101.123 (2) (a) 8g. of the statutes is created to read:

101.123 **(2)** (a) 8g. Lodging establishments except as provided in sub. (3) (k).

SECTION 2120. 101.123 (2) (a) 9. of the statutes is repealed and recreated to read:

101.123 **(2)** (a) 9. All enclosed places, other than those listed in subds. 1. to 8r., that are places of employment or that are public places.

SECTION 2121. 101.123 (2) (a) 10. of the statutes is renumbered 101.123 (2) (a) 8r. and amended to read:

101.123 **(2)** (a) 8r. ~~Any enclosed, indoor area of a state, State,~~ county, city, village, or town ~~building~~ buildings.

SECTION 2122. 101.123 (2) (am) of the statutes is repealed.

SECTION 2123. 101.123 (2) (ar) of the statutes is renumbered 101.123 (2) (d) 1. and amended to read:

101.123 **(2)** (d) 1. ~~Notwithstanding par. (a) and sub. (3), no person may smoke in the state capitol building or in~~ In the immediate vicinity of the state capitol.

SECTION 2124. 101.123 (2) (b) of the statutes is repealed.

SECTION 2125. 101.123 (2) (bm) of the statutes is renumbered 101.123 (2) (d) 2. and amended to read:

ASSEMBLY BILL 75**SECTION 2125**

1 101.123 **(2)** (d) 2. ~~Notwithstanding par. (a) and sub. (3), no person may smoke~~
2 on Anywhere on the premises, indoors or outdoors, of a day care center when children
3 who are receiving day care services are present. When such children are not present,
4 the prohibition under subd. 5. applies.

5 **SECTION 2126.** 101.123 (2) (br) of the statutes is renumbered 101.123 (2) (d) 3.
6 and amended to read:

7 101.123 **(2)** (d) 3. ~~Notwithstanding par. (a) and sub. (3), no person may smoke~~
8 in any enclosed, indoor area of a Type 1 juvenile correctional facility or on Anywhere
9 on the grounds of a Type 1 juvenile correctional facility.

10 **SECTION 2127.** 101.123 (2) (bv) of the statutes is renumbered 101.123 (2) (d) 4.
11 and amended to read:

12 101.123 **(2)** (d) 4. ~~Notwithstanding par. (a) and sub. (3), no person may smoke~~
13 in A location that is 25 feet or less from a residence hall or dormitory that is owned
14 or operated by the Board of Regents of the University of Wisconsin System ~~or in any~~
15 ~~location that is 25 feet or less from such a residence hall or dormitory.~~

16 **SECTION 2128.** 101.123 (2) (c) of the statutes is renumbered 101.123 (4m).

17 **SECTION 2129.** 101.123 (2) (d) (intro.) of the statutes is created to read:

18 101.123 **(2)** (d) (intro.) No person may smoke at any of the following outdoor
19 locations:

20 **SECTION 2130.** 101.123 (2) (d) 5. of the statutes is created to read:

21 101.123 **(2)** (d) 5. A location that is less than a reasonable distance from any
22 of the following:

23 a. An operable entrance to or from an enclosed place listed in sub. (2) (a) 3. to
24 9. or a sports arena.

ASSEMBLY BILL 75**SECTION 2130**

1 b. An openable window that is part of an enclosed place listed in sub. (2) (a) 3.
2 to 9. or a sports arena.

3 c. An opening through which air enters, for the purpose of ventilation into an
4 enclosed place listed in sub. (2) (a) 3. to 9., or a sports arena.

5 **SECTION 2131.** 101.123 (2) (dm) of the statutes is created to read:

6 101.123 **(2)** (dm) Paragraph (d) 3. applies in lieu of par. (d) 5. to smoking outside
7 of a Type 1 juvenile correctional facility.

8 **SECTION 2132.** 101.123 (2) (e) of the statutes is created to read:

9 101.123 **(2)** (e) No person may smoke in any of the following:

10 1. A sports arena.

11 2. A bus shelter.

12 3. A public conveyance.

13 **SECTION 2133.** 101.123 (2m) of the statutes is created to read:

14 101.123 **(2m)** RESPONSIBILITY OF PERSONS IN CHARGE. (a) No person in charge
15 may allow any person to smoke in violation of sub. (2) at a location that is under the
16 control or direction of the person in charge.

17 (b) No person in charge may provide matches, ashtrays, or other equipment for
18 smoking at the location where smoking is prohibited.

19 (c) A person in charge shall make reasonable efforts to prohibit persons from
20 smoking at a location where smoking is prohibited by doing all of the following:

21 1. Posting signs setting forth the prohibition and providing other appropriate
22 notification and information concerning the prohibition.

23 2. Refusing to serve a person, if the person is smoking in a restaurant, tavern,
24 or private club.

ASSEMBLY BILL 75**SECTION 2133**

1 3. Asking a person who is smoking to refrain from smoking and, if the person
2 refuses to do so, asking the person to leave the location.

3 (d) If a person refuses to leave a location after being requested to do so as
4 provided in par. (c) 3., the person in charge shall immediately notify an appropriate
5 law enforcement agency of the violation.

6 (e) A person in charge may take measures in addition to those listed in pars.
7 (b) and (c) to prevent persons from being exposed to others who are smoking or to
8 further ensure compliance with this section.

9 **SECTION 2134.** 101.123 (3) (intro.) of the statutes is amended to read:

10 101.123 **(3)** EXCEPTIONS. (intro.) The ~~regulation of prohibition against~~ smoking
11 in sub. (2) (a) does not apply to the following places:

12 **SECTION 2135.** 101.123 (3) (a) to (gr) of the statutes are repealed.

13 **SECTION 2136.** 101.123 (3) (h) of the statutes is created to read:

14 101.123 **(3)** (h) A private residence.

15 **SECTION 2137.** 101.123 (3) (i) of the statutes is created to read:

16 101.123 **(3)** (i) A room used by only one person in an assisted living facility as
17 his or her residence.

18 **SECTION 2138.** 101.123 (3) (j) of the statutes is created to read:

19 101.123 **(3)** (j) A room in an assisted living facility in which 2 or more persons
20 reside if every person who lives in that room smokes and each of those persons has
21 made a written request to the person in charge of the assisted living facility to be
22 placed in a room where smoking is allowed.

23 **SECTION 2139.** 101.123 (3) (k) of the statutes is created to read:

24 101.123 **(3)** (k) A room in a lodging establishment that has been designated as
25 a room where smoking is allowed, as provided under sub. (3m).

ASSEMBLY BILL 75**SECTION 2140**

SECTION 2140. 101.123 (3m) of the statutes is created to read:

101.123 **(3m)** LODGING. (a) Except as provided in par. (b), the owner of a lodging establishment may designate not more than 25 percent of the guest rooms in the lodging establishment as guest rooms in which smoking is permitted.

(b) If a lodging establishment has less than 4 rooms, the owner of the lodging establishment may designate one guest room as a guest room in which smoking is permitted.

SECTION 2141. 101.123 (4) of the statutes is repealed.

SECTION 2142. 101.123 (4m) (title) of the statutes is created to read:

101.123 **(4m)** (title) LOCAL AUTHORITY.

SECTION 2143. 101.123 (5) of the statutes is repealed.

SECTION 2144. 101.123 (6) of the statutes is amended to read:

101.123 **(6)** UNIFORM SIGNS. The department shall, by rule, specify uniform dimensions and other characteristics of the signs used to designate smoking areas required under sub. (2m). These rules may not require the use of signs that are more expensive than is necessary to accomplish their purpose.

SECTION 2145. 101.123 (7) of the statutes is amended to read:

101.123 **(7)** SIGNS FOR STATE AGENCIES. The department shall arrange with the department of administration to have the signs prepared and made available to state agencies for use in state facilities that set forth the prohibition against smoking.

SECTION 2146. 101.123 (8) (a) of the statutes is repealed and recreated to read:

101.123 **(8)** (a) Any person who violates sub. (2) shall be subject to a forfeiture as follows:

1. Not less than \$25 nor more than \$50 for the first violation.

2. Not less than \$50 nor more than \$100 for the 2nd violation.

ASSEMBLY BILL 75**SECTION 2146**

1 3. Not less than \$100 nor more than \$250 for the 3rd or any subsequent
2 violation.

3 **SECTION 2147.** 101.123 (8) (b) of the statutes is repealed.

4 **SECTION 2148.** 101.123 (8) (c) of the statutes is repealed.

5 **SECTION 2149.** 101.123 (8) (d) of the statutes is created to read:

6 101.123 **(8)** (d) Any person in charge who violates sub. (2m) shall be subject to
7 a forfeiture as follows:

8 1. Not less than \$50 nor more than \$100 for the first violation.

9 2. Not less than \$100 nor more than \$200 for the 2nd violation.

10 3. Not less than \$200 nor more than \$500 for the 3rd or any subsequent
11 violation.

12 **SECTION 2150.** 101.123 (8) (e) of the statutes is created to read:

13 101.123 **(8)** (e) Each day that sub. (2m) is violated is a separate violation.

14 **SECTION 2151.** 101.143 (3) (a) (intro.) of the statutes is amended to read:

15 101.143 **(3)** (a) *Who may submit a claim.* (intro.) Subject to pars. (ab), (ae), (ah),
16 (am) and (ap), an owner or operator or a person owning a home oil tank system may
17 submit a claim to the department for an award under sub. (4) to reimburse the owner
18 or operator or the person for the eligible costs under sub. (4) (b) that the owner or
19 operator or the person incurs because of a petroleum products discharge from a
20 petroleum product storage system or home oil tank system if all of the following
21 apply:

22 **SECTION 2152.** 101.143 (3) (ab) of the statutes is created to read:

23 101.143 **(3)** (ab) *Deadline for notifying department.* An owner or operator or
24 person owning a home oil tank system is not eligible for an award under this section
25 for costs incurred because of a petroleum product discharge if the owner or operator

ASSEMBLY BILL 75**SECTION 2152**

1 or person does not notify the department under par. (a) 3. of the discharge, and the
2 potential for submitting a claim under this section, before January 1, 2012.

3 **SECTION 2153.** 101.143 (4) (ei) 1m. a. of the statutes is amended to read:

4 101.143 **(4)** (ei) 1m. a. The owner or operator of the farm tank owns a parcel
5 of 35 or more acres of contiguous land, on which the farm tank is located, which is
6 devoted primarily to agricultural use, as defined in s. 91.01 ~~(1)~~ (2), including land
7 designated by the department of natural resources as part of the ice age trail under
8 s. 23.17, which during the year preceding submission of a first claim under sub. (3)
9 produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or
10 which, during the 3 years preceding that submission produced gross farm profits, as
11 defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or more acres, on
12 which the farm tank is located, of which at least 35 acres, during part or all of the
13 year preceding that submission, were enrolled in the conservation reserve program
14 under 16 USC 3831 to 3836.

15 **SECTION 2154.** 101.143 (4) (ei) 1m. b. of the statutes is amended to read:

16 101.143 **(4)** (ei) 1m. b. The claim is submitted by a person who, at the time that
17 the notification was made under sub. (3) (a) 3., was the owner of the farm tank and
18 owned a parcel of 35 or more acres of contiguous land, on which the farm tank is or
19 was located, which was devoted primarily to agricultural use, as defined in s. 91.01
20 ~~(1)~~ (2), including land designated by the department of natural resources as part of
21 the ice age trail under s. 23.17, which during the year preceding that notification
22 produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or
23 which, during the 3 years preceding that notification, produced gross farm profits,
24 as defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or more acres, on
25 which the farm tank is located, of which at least 35 acres, during part or all of the

ASSEMBLY BILL 75**SECTION 2154**

1 year preceding that notification, were enrolled in the conservation reserve program
2 under 16 USC 3831 to 3836.

3 **SECTION 2155.** 101.1435 of the statutes is created to read:

4 **101.1435 Removal of abandoned underground petroleum storage**
5 **tanks. (1)** In this section, “underground petroleum product storage tank system”
6 has the meaning given in s. 101.143 (1) (i).

7 **(2)** The department may contract with a person registered or certified under
8 s. 101.09 (3) to empty, clean, remove, and dispose of an underground petroleum
9 product storage tank system; to assess the site on which the underground petroleum
10 product storage tank system is located; and to backfill the excavation if all of the
11 following apply:

12 (a) The department determines that the underground petroleum product
13 storage tank system is abandoned.

14 (b) Using the method that the department uses to determine inability to pay
15 under s. 101.143 (4) (ee), the department determines that the owner of the
16 underground petroleum product storage tank system is unable to pay to empty,
17 clean, remove, and dispose of the underground petroleum product storage tank
18 system; to assess the site on which the underground petroleum product storage tank
19 system is located; and to backfill the excavation.

20 **(3)** If the department incurs costs under sub. (2), the department shall record
21 a statement of lien with the register of deeds of the county in which the underground
22 petroleum product storage tank system was located. Upon recording the statement
23 of lien, the department has a lien on the property on which the underground
24 petroleum product storage tank system was located in the amount of the costs
25 incurred. The property remains subject to the lien until that amount is paid in full

ASSEMBLY BILL 75**SECTION 2155**

1 to the department. The department shall deposit payments received under this
2 subsection into the petroleum inspection fund.

3 **SECTION 2156.** 101.177 (1) (d) of the statutes is amended to read:

4 101.177 **(1)** (d) “State agency” means any office, department, agency,
5 institution of higher education, association, society, or other body in state
6 government created or authorized to be created by the constitution or any law, that
7 is entitled to expend moneys appropriated by law, including the legislature and the
8 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
9 Center Sports and Entertainment Corporation, the University of Wisconsin
10 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Wisconsin
11 Quality Home Care Authority, and the Wisconsin Health and Educational Facilities
12 Authority, but excluding the Health Insurance Risk-Sharing Plan Authority and the
13 Lower Fox River Remediation Authority.

14 **SECTION 2157.** 101.596 of the statutes is repealed.

15 **SECTION 2158.** 101.9208 (4m) of the statutes is amended to read:

16 101.9208 **(4m)** Upon filing an application under sub. (1) or (4), a supplemental
17 title fee to be paid by the owner of the manufactured home, except that this fee shall
18 be waived with respect to an application under sub. (4) for transfer of a decedent's
19 interest in a manufactured home to his or her surviving spouse or domestic partner
20 under ch. 770. The fee required under this subsection shall be paid in addition to any
21 other fee specified in this section.

22 **SECTION 2159.** 102.475 (6) of the statutes is amended to read:

23 102.475 **(6)** PROOF. In administering this section the department may require
24 reasonable proof of birth, marriage, domestic partnership under ch. 770,
25 relationship, or dependency.

ASSEMBLY BILL 75**SECTION 2160**

1 **SECTION 2160.** 102.49 (1) of the statutes is amended to read:

2 102.49 (1) ~~Where~~ When the beneficiary under s. 102.46 or 102.47 (1) is the wife
3 ~~or husband~~ spouse or domestic partner under ch. 770 of the deceased employee and
4 is wholly dependent for support, an additional death benefit shall be paid from the
5 funds provided by sub. (5) for each child by their marriage or domestic partnership
6 under ch. 770 who is living at the time of the death of the employee, and who is
7 likewise wholly dependent upon the employee for support. ~~Such~~ That payment shall
8 commence at the time that primary death benefit payments are completed, or, if
9 advancement of compensation has been paid, at the time when payments would
10 normally have been completed. Payments shall continue at the rate of 10% of the
11 surviving parent's weekly indemnity until the child's 18th birthday. If the child is
12 physically or mentally incapacitated, ~~such~~ payments may be continued beyond the
13 child's 18th birthday but the payments may not continue for more than a total of 15
14 years.

15 **SECTION 2161.** 102.49 (2) of the statutes is amended to read:

16 102.49 (2) A child lawfully adopted by the deceased employee and the surviving
17 spouse or domestic partner under ch. 770, prior to the time of the injury, and a child
18 not the deceased employee's own by birth or adoption but living with the deceased
19 employee as a member of the deceased employee's family at the time of the injury
20 shall for the purpose of this section be taken as a child by their marriage or domestic
21 partnership under ch. 770.

22 **SECTION 2162.** 102.49 (3) of the statutes is amended to read:

23 102.49 (3) If the employee leaves a spouse or domestic partner under ch. 770
24 wholly dependent and also a child by a former marriage, domestic partnership under
25 ch. 770, or adoption, likewise wholly dependent, aggregate benefits shall be the same

ASSEMBLY BILL 75**SECTION 2162**

1 in amount as if the child were the child of the surviving spouse or partner, and the
2 entire benefit shall be apportioned to the dependents in the amounts that the
3 department ~~shall determine~~ determines to be just, considering the ages of the
4 dependents and other factors bearing on dependency. The benefit awarded to the
5 surviving spouse or partner shall not exceed 4 times the average annual earnings of
6 the deceased employee.

7 **SECTION 2163.** 102.51 (1) (a) 2m. of the statutes is created to read:

8 102.51 **(1)** (a) 2m. A domestic partner under ch. 770 upon his or her partner
9 with whom he or she is living at the time of the partner's death.

10 **SECTION 2164.** 102.51 (2) (a) of the statutes is amended to read:

11 102.51 **(2)** (a) No person shall be considered a dependent unless that person is
12 a spouse, a domestic partner under ch. 770, a divorced spouse who has not remarried,
13 or a lineal descendant, lineal ancestor, brother, sister, or other member of the family,
14 whether by blood or by adoption, of the deceased employee.

15 **SECTION 2165.** 102.51 (6) of the statutes is amended to read:

16 102.51 **(6)** DIVISION AMONG DEPENDENTS. Benefits accruing to a minor dependent
17 child may be awarded to either parent in the discretion of the department.
18 Notwithstanding sub. (1), the department may reassign the death benefit, in
19 accordance with their respective needs ~~therefor~~ for the death benefit as between a
20 surviving spouse or a domestic partner under ch. 770 and children designated in sub.
21 (1) and s. 102.49.

22 **SECTION 2166.** 102.64 (1) of the statutes is amended to read:

23 102.64 **(1)** Upon request of the department of administration, a representative
24 of the department of justice shall represent the state in cases involving payment into
25 or out of the state treasury under s. 20.865 (1) (fm), (kr), or (ur) or 102.29. The

ASSEMBLY BILL 75**SECTION 2166**

1 department of justice, after giving notice to the department of administration, may
2 compromise the amount of ~~such~~ those payments but such compromises shall be
3 subject to review by the department of workforce development. If the spouse or
4 domestic partner under ch. 770 of the deceased employee compromises his or her
5 claim for a primary death benefit, the claim of the children of ~~such~~ the employee
6 under s. 102.49 shall be compromised on the same proportional basis, subject to
7 approval by the department. If the persons entitled to compensation on the basis of
8 total dependency under s. 102.51 (1) compromise their claim, payments under s.
9 102.49 (5) (a) shall be compromised on the same proportional basis.

10 **SECTION 2167.** 102.64 (2) of the statutes is amended to read:

11 102.64 **(2)** Upon request of the department of administration, the attorney
12 general shall appear on behalf of the state in proceedings upon claims for
13 compensation against the state. ~~The~~ Except is provided in s. 102.65 (3), the
14 department of justice shall represent the interests of the state in proceedings under
15 s. 102.49, 102.59, 102.60, or 102.66. The department of justice may compromise
16 claims in those proceedings, but the compromises are subject to review by the
17 department of workforce development. Costs incurred by the department of justice
18 in prosecuting or defending any claim for payment into or out of the work injury
19 supplemental benefit fund under s. 102.65, including expert witness and witness
20 fees, but not including attorney fees or attorney travel expenses for services
21 performed under this subsection, shall be paid from the work injury supplemental
22 benefit fund.

23 **SECTION 2168.** 102.65 (3) of the statutes is created to read:

24 102.65 **(3)** In addition to the department of justice representing the interests
25 of the state in proceedings under s. 102.49, 102.59, 102.60, or 102.66 as provided in

ASSEMBLY BILL 75**SECTION 2168**

1 s. 102.64 (2), the department of workforce development may retain the department
2 of administration or an insurance service organization to prosecute or defend claims
3 for payments into or out of the fund, except that the department of justice shall
4 appear on behalf of the state in administrative hearings or court proceedings on such
5 claims. A person retained under this subsection may compromise a claim processed
6 by that person, but a compromise made by that person is subject to review by the
7 department of workforce development. Costs incurred by a person retained under
8 this subsection in prosecuting or defending any claim for payment into or out of the
9 fund, including expert witness and witness fees, but not including attorney fees or
10 attorney travel expenses for services performed under this subsection, shall be paid
11 from the fund.

12 **SECTION 2169.** 103.10 (1) (a) (intro.) of the statutes is amended to read:

13 103.10 **(1)** (a) (intro.) “Child” means a natural, adopted, ~~foster or treatment~~ or
14 foster child, a stepchild, or a legal ward to whom any of the following applies:

15 **SECTION 2170.** 103.10 (1) (ar) of the statutes is created to read:

16 103.10 **(1)** (ar) “Domestic partner” has the meaning given in s. 40.02 (21c) or
17 770.01 (1).

18 **SECTION 2171.** 103.10 (1) (b) of the statutes is amended to read:

19 103.10 **(1)** (b) “Employee” means an individual employed in this state by an
20 employer, except the employer’s parent, spouse, domestic partner, or child.

21 **SECTION 2172.** 103.10 (1) (f) of the statutes is amended to read:

22 103.10 **(1)** (f) “Parent” means a natural parent, foster parent, treatment foster
23 parent, adoptive parent, stepparent, or legal guardian of an employee or of an
24 employee’s spouse or domestic partner.

ASSEMBLY BILL 75**SECTION 2173**

1 **SECTION 2173.** 103.10 (1) (f) of the statutes, as affected by 2009 Wisconsin Act
2 (this act), is amended to read:

3 103.10 **(1)** (f) “Parent” means a natural parent, foster parent, ~~treatment foster~~
4 ~~parent~~, adoptive parent, stepparent, or legal guardian of an employee or of an
5 employee’s spouse or domestic partner.

6 **SECTION 2174.** 103.10 (3) (b) 3. of the statutes is amended to read:

7 103.10 **(3)** (b) 3. To care for the employee’s child, spouse, domestic partner, or
8 parent, if the child, spouse, domestic partner, or parent has a serious health
9 condition.

10 **SECTION 2175.** 103.10 (6) (b) (intro.) of the statutes is amended to read:

11 103.10 **(6)** (b) (intro.) If an employee intends to take family leave because of the
12 planned medical treatment or supervision of a child, spouse, domestic partner, or
13 parent or intends to take medical leave because of the planned medical treatment or
14 supervision of the employee, the employee shall do all of the following:

15 **SECTION 2176.** 103.10 (6) (b) 1. of the statutes is amended to read:

16 103.10 **(6)** (b) 1. Make a reasonable effort to schedule the medical treatment
17 or supervision so that it does not unduly disrupt the employer’s operations, subject
18 to the approval of the health care provider of the child, spouse, domestic partner,
19 parent, or employee.

20 **SECTION 2177.** 103.10 (7) (a) of the statutes is amended to read:

21 103.10 **(7)** (a) If an employee requests family leave for a reason described in sub.
22 (3) (b) 3. or requests medical leave, the employer may require the employee to provide
23 certification, as described in par. (b), issued by the health care provider or Christian
24 Science practitioner of the child, spouse, domestic partner, parent, or employee,
25 whichever is appropriate.

ASSEMBLY BILL 75**SECTION 2178**

SECTION 2178. 103.10 (7) (b) 1. of the statutes is amended to read:

103.10 **(7)** (b) 1. That the child, spouse, domestic partner, parent, or employee has a serious health condition.

SECTION 2179. 103.10 (12) (bm) of the statutes is created to read:

103.10 **(12)** (bm) If the department finds no probable cause to believe that a violation of sub. (11) (a) or (b) has occurred, the department shall dismiss the complaint. If the department dismisses the complaint, the order of dismissal is the final determination of the department, which may be appealed under s. 227.52. The department shall, by a notice to be served with the determination, notify the parties of the complainant's right to appeal the dismissal of the complaint to the circuit court under s. 227.52.

SECTION 2180. 103.10 (12) (c) of the statutes is amended to read:

103.10 **(12)** (c) If 2 or more health care providers disagree about any of the information required to be certified under sub. (7) (b), the department may appoint another health care provider to examine the child, spouse, domestic partner, parent, or employee and render an opinion as soon as possible. The department shall promptly notify the employee and the employer of the appointment. The employer and the employee shall each pay 50% of the cost of the examination and opinion.

SECTION 2181. 103.165 (3) (a) 1. of the statutes is amended to read:

103.165 **(3)** (a) 1. The decedent's surviving spouse or domestic partner under ch. 770.

SECTION 2182. 103.165 (3) (a) 2. of the statutes is amended to read:

103.165 **(3)** (a) 2. The decedent's children if the decedent ~~shall leave~~ leaves no surviving spouse or domestic partner under ch. 770.

SECTION 2183. 103.165 (3) (a) 3. of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2183**

1 103.165 (3) (a) 3. The decedent's father or mother if the decedent ~~shall leave~~
2 ~~leaves~~ no surviving spouse, domestic partner under ch. 770, or children.

3 **SECTION 2184.** 103.165 (3) (a) 4. of the statutes is amended to read:

4 103.165 (3) (a) 4. The decedent's brother or sister if the decedent ~~shall leave~~
5 ~~leaves~~ no surviving spouse, domestic partner under ch. 770, children, or parent.

6 **SECTION 2185.** 103.165 (3) (c) of the statutes is amended to read:

7 103.165 (3) (c) The amount of the cash bond, together with principal and
8 interest, to which the deceased employee would have been entitled had the deceased
9 employee lived, shall, as soon as paid out by the depository, be turned over to the
10 ~~relative of the deceased employee person designated under par. (a)~~ effecting the
11 accounting and withdrawal with the employer. The turning over shall be a discharge
12 and release of the employer to the amount of the payment.

13 **SECTION 2186.** 103.165 (3) (d) of the statutes is amended to read:

14 103.165 (3) (d) If no ~~relatives~~ persons designated under par. (a) survive, the
15 employer may apply the cash bond, or so much of the cash bond as may be necessary,
16 to paying creditors of the decedent in the order of preference prescribed in s. 859.25
17 for satisfaction of debts by personal representatives. The making of payment under
18 this paragraph shall be a discharge and release of the employer to the amount of the
19 payment.

20 **SECTION 2187.** 103.49 (1) (bm) of the statutes is repealed.

21 **SECTION 2188.** 103.49 (1) (e) of the statutes is repealed.

22 **SECTION 2189.** 103.49 (3) (ar) of the statutes is amended to read:

23 103.49 (3) (ar) In determining prevailing wage rates under par. (a) or (am), the
24 department may not use data from projects that are subject to this section, s. 66.0903,
25 66.0904, 103.50, or 229.8275 or 40 USC ~~276a~~ 3142 unless the department determines

ASSEMBLY BILL 75**SECTION 2189**

1 that there is insufficient wage data in the area to determine those prevailing wage
2 rates, in which case the department may use data from projects that are subject to
3 this section, s. 66.0903, 66.0904, 103.50, or 229.8275 or 40 USC 276a 3142.

4 **SECTION 2190.** 103.49 (3g) of the statutes is amended to read:

5 103.49 **(3g)** NONAPPLICABILITY. This section does not apply to any ~~single=trade~~
6 public works project for which the estimated project cost of completion is less than
7 \$30,000 or an amount determined by the department under s. 66.0903 (5) or to any
8 ~~multiple=trade public works project for which the estimated project cost of~~
9 ~~completion is less than \$150,000 or an amount determined by the department under~~
10 ~~s. 66.0903 (5) \$2,000.~~

11 **SECTION 2191.** 103.49 (5) (a) of the statutes is amended to read:

12 103.49 **(5)** (a) Each contractor, subcontractor, or contractor's or subcontractor's
13 agent performing work on a project that is subject to this section shall keep full and
14 accurate records clearly indicating the name and trade or occupation of every person
15 performing the work described in sub. (2m) and an accurate record of the number of
16 hours worked by each of those persons and the actual wages paid for the hours
17 worked. By no later than the end of the week following a week in which a contractor,
18 subcontractor, or contractor's or subcontractor's agent performs work on a project
19 that is subject to this section, the contractor, subcontractor, or agent shall submit to
20 the state agency authorizing the work a certified record of the information specified
21 in the preceding sentence for that preceding week.

22 **SECTION 2192.** 103.49 (5) (c) of the statutes is amended to read:

23 103.49 **(5)** (c) If requested by any person, the department shall inspect the
24 payroll records of any contractor, subcontractor, or agent performing work on a
25 project that is subject to this section to ensure compliance with this section. ~~If~~ In the

ASSEMBLY BILL 75**SECTION 2192**

1 case of a request made by a person performing the work specified in sub. (2m), if the
2 department finds that the contractor, subcontractor, or agent subject to the
3 inspection is found to be in compliance and if the person making the request is a
4 person performing the work specified in sub. (2m) that the request is frivolous, the
5 department shall charge the person making the request the actual cost of the
6 inspection. If In the case of a request made by a person not performing the work
7 specified in sub. (2m), if the department finds that the contractor, subcontractor, or
8 agent subject to the inspection is found to be in compliance and if the person making
9 the request is not a person performing the work specified in sub. (2m) that the
10 request is frivolous, the department shall charge the person making the request \$250
11 or the actual cost of the inspection, whichever is greater. In order to find that a
12 request is frivolous, the department must find that the person making the request
13 made the request in bad faith, solely for the purpose of harassing or maliciously
14 injuring the contractor, subcontractor, or agent subject to the inspection, or that the
15 person making the request knew, or should have known, that there was no
16 reasonable basis for believing that a violation of this section had been committed.

17 **SECTION 2193.** 103.49 (6m) (d) of the statutes is amended to read:

18 103.49 **(6m)** (d) Whoever induces any person who seeks to be or is employed
19 on any project that is subject to this section to permit any part of the wages to which
20 the person is entitled under the contract governing the project to be deducted from
21 the person's pay is guilty of an offense under s. 946.15 (3), unless the deduction would
22 be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that
23 is subject to 40 USC 276e 3142.

24 **SECTION 2194.** 103.49 (6m) (e) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2194**

1 103.49 **(6m)** (e) Any person employed on a project that is subject to this section
2 who knowingly permits any part of the wages to which he or she is entitled under the
3 contract governing the project to be deducted from his or her pay is guilty of an
4 offense under s. 946.15 (4), unless the deduction would be permitted under 29 CFR
5 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC 276e
6 3142.

7 **SECTION 2195.** 103.50 (2) of the statutes is amended to read:

8 103.50 **(2)** PREVAILING WAGE RATES AND HOURS OF LABOR. No person performing
9 the work described in sub. (2m) in the employ of a contractor, subcontractor, agent
10 or other person performing any work on a project under a contract based on bids as
11 provided in s. 84.06 (2), or under a contract utilizing the design-build procurement
12 process under s. 84.06 (2m), to which the state is a party for the construction or
13 improvement of any highway may be permitted to work a greater number of hours
14 per day or per week than the prevailing hours of labor; nor may he or she be paid a
15 lesser rate of wages than the prevailing wage rate in the area in which the work is
16 to be done determined under sub. (3); except that any such person may be permitted
17 or required to work more than such prevailing hours of labor per day and per week
18 if he or she is paid for all hours worked in excess of the prevailing hours of labor at
19 a rate of at least 1.5 times his or her hourly basic rate of pay.

20 **SECTION 2196.** 103.50 (4m) of the statutes is amended to read:

21 103.50 **(4m)** WAGE RATE DATA. In determining prevailing wage rates for projects
22 that are subject to this section, the department shall use data from projects that are
23 subject to this section, s. 66.0903, 66.0904, or 103.49 or 40 USC 276a 3142.

24 **SECTION 2197.** 103.50 (7) (d) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2197**

1 103.50 (7) (d) Whoever induces any person who seeks to be or is employed on
2 any project that is subject to this section to permit any part of the wages to which the
3 person is entitled under the contract governing the project to be deducted from the
4 person's pay is guilty of an offense under s. 946.15 (3), unless the deduction would
5 be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that
6 is subject to 40 USC 276e 3142.

7 **SECTION 2198.** 103.50 (7) (e) of the statutes is amended to read:

8 103.50 (7) (e) Any person employed on a project that is subject to this section
9 who knowingly permits any part of the wages to which he or she is entitled under the
10 contract governing the project to be deducted from his or her pay is guilty of an
11 offense under s. 946.15 (4), unless the deduction would be permitted under 29 CFR
12 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC 276e
13 3142.

14 **SECTION 2199.** 103.503 (title) of the statutes is amended to read:

15 **103.503 (title) Substance abuse prevention on public works and**
16 **publicly funded projects.**

17 **SECTION 2200.** 103.503 (1) (a) of the statutes is amended to read:

18 103.503 (1) (a) "Accident" means an incident caused, contributed to, or
19 otherwise involving an employee that resulted or could have resulted in death,
20 personal injury, or property damage and that occurred while the employee was
21 performing the work described in s. 66.0903 (4), 66.0904 (3), or 103.49 (2m) on a
22 project.

23 **SECTION 2201.** 103.503 (1) (c) of the statutes is amended to read:

24 103.503 (1) (c) "Contracting agency" means a local governmental unit, as
25 defined in s. 66.0903 (1) (d), ~~or~~ a state agency, as defined in s. 103.49 (1) (f), or an

ASSEMBLY BILL 75**SECTION 2201**

1 owner or developer under s. 66.0904 that has contracted for the performance of work
2 on a project.

3 **SECTION 2202.** 103.503 (1) (e) of the statutes is amended to read:

4 103.503 **(1)** (e) “Employee” means a laborer, worker, mechanic, or truck driver
5 who performs the work described in s. 66.0903 (4), 66.0904 (3), or 103.49 (2m) on a
6 project.

7 **SECTION 2203.** 103.503 (1) (g) of the statutes is amended to read:

8 103.503 **(1)** (g) “Project” mean a project of public works that is subject to s.
9 66.0903 or 103.49 or a publicly funded private construction project that is subject to
10 s. 66.0904.

11 **SECTION 2204.** 103.503 (2) of the statutes is amended to read:

12 103.503 **(2)** SUBSTANCE ABUSE PROHIBITED. No employee may use, possess,
13 attempt to possess, distribute, deliver, or be under the influence of a drug, or use or
14 be under the influence of alcohol, while performing the work described in s. 66.0903
15 (4), 66.0904 (3), or 103.49 (2m) on a project. An employee is considered to be under
16 the influence of alcohol for purposes of this subsection if he or she has an alcohol
17 concentration that is equal to or greater than the amount specified in s. 885.235 (1g)
18 (d).

19 **SECTION 2205.** 103.503 (3) (a) 2. of the statutes is amended to read:

20 103.503 **(3)** (a) 2. A requirement that employees performing the work described
21 in s. 66.0903 (4), 66.0904 (3), or 103.49 (2m) on a project submit to random,
22 reasonable suspicion, and post-accident drug and alcohol testing and to drug and
23 alcohol testing before commencing work on a project, except that testing of an
24 employee before commencing work on a project is not required if the employee has

ASSEMBLY BILL 75**SECTION 2205**

1 been participating in a random testing program during the 90 days preceding the
2 date on which the employee commenced work on the project.

3 **SECTION 2206.** 103.805 (1) of the statutes is amended to read:

4 103.805 **(1)** The department shall fix and collect a reasonable fee ~~based on the~~
5 ~~cost of~~ for the issuance of permits under ss. 103.25 and 103.71 and certificates of age
6 under s. 103.75. The department may authorize the retention of the fees by the
7 person designated to issue permits and certificates of age as compensation for the
8 person's services if the person is not on the payroll of the division administering this
9 chapter. The permit officer shall account for all fees collected as the department
10 prescribes.

11 **SECTION 2207.** 104.001 (3) (am) of the statutes is created to read:

12 104.001 **(3)** (am) The requirement that employees employed on a publicly
13 funded private construction project for which a city, village, town, or county provides
14 financial assistance, as defined in s. 66.0904 (1) (c), be paid at the prevailing wage
15 rate, as defined in s. 66.0904 (1) (h), as required under s. 66.0904.

16 **SECTION 2208.** 106.50 (6) (c) 4. of the statutes is amended to read:

17 106.50 **(6)** (c) 4. If the department initially determines that there is no probable
18 cause to believe that discrimination occurred as alleged in the complaint, ~~it may the~~
19 department shall dismiss those allegations. If the department dismisses those
20 allegations, the order of dismissal is the final determination of the department,
21 which may be appealed under par. (j). The department shall, by a notice to be served
22 with the determination, notify the parties of the complainant's right to appeal the
23 dismissal of the claim to the ~~secretary for a hearing on the issue by a hearing~~
24 ~~examiner~~ circuit court under par. (j). Service of the determination shall be made by
25 certified mail, return receipt requested. ~~If the hearing examiner determines that no~~

ASSEMBLY BILL 75**SECTION 2208**

1 ~~probable cause exists, that determination is the final determination of the~~
2 ~~department and may be appealed under par. (j).~~

3 **SECTION 2209.** 106.52 (4) (a) 4m. of the statutes is created to read:

4 106.52 **(4)** (a) 4m. If the department finds no probable cause to believe that any
5 act prohibited under sub. (3) has been or is being committed, the department shall
6 dismiss the complaint. If the department dismisses the complaint, the order of
7 dismissal is the final determination of the department, which may be appealed under
8 par. (c). The department shall, by a notice to be served with the determination, notify
9 the parties of the complainant's right to appeal the dismissal of the complaint to the
10 circuit court under par. (c).

11 **SECTION 2210.** 106.52 (4) (c) of the statutes is amended to read:

12 106.52 **(4)** (c) *Judicial review.* Within 30 days after service upon all parties of
13 an order of the department under par. (a) 4m. or an order of the commission under
14 par. (b), the respondent or complainant may appeal the order to the circuit court for
15 the county in which the alleged act prohibited under sub. (3) took place by the filing
16 of a petition for review. The complainant appealing an order of the department shall
17 receive a hearing on the issue of whether there is probable cause to believe that any
18 act prohibited under sub. (3) has been or is being committed. The respondent or
19 complainant appealing an order of the commission shall receive a new trial on all
20 issues relating to any alleged act prohibited under sub. (3) and a further right to a
21 trial by jury, if so desired. The department of justice shall represent the department
22 or commission. In any such trial the burden shall be to prove an act prohibited under
23 sub. (3) by a fair preponderance of the evidence. Costs in an amount not to exceed
24 \$100 plus actual disbursements for the attendance of witnesses may be taxed to the
25 prevailing party on the appeal.

ASSEMBLY BILL 75**SECTION 2211**

1 **SECTION 2211.** 109.03 (3) (a) of the statutes is amended to read:

2 109.03 **(3)** (a) In case of the death of an employee to whom wages are due, the
3 full amount of the wages due shall upon demand be paid by the employer to the
4 spouse, domestic partner under ch. 770, children, or other dependent living with the
5 employee at the time of death.

6 **SECTION 2212.** 109.03 (3) (b) of the statutes is amended to read:

7 109.03 **(3)** (b) An employer may, not less than 5 days after the death of an
8 employee and before the filing of a petition or application for administration of the
9 decedent's estate, make payments of the wage due the deceased employee to the
10 spouse, domestic partner under ch. 770, children, parents, or siblings of the decedent,
11 giving preference in the order listed.

12 **SECTION 2213.** 109.03 (3) (c) of the statutes is amended to read:

13 109.03 **(3)** (c) If none of the ~~relatives~~ persons listed in par. (b) survives, the
14 employer may apply the payment of the wage or so much of the wage as may be
15 necessary to paying creditors of the decedent in the order of preference prescribed
16 in s. 859.25 for satisfaction of debts by personal representatives.

17 **SECTION 2214.** 109.09 (1) of the statutes is amended to read:

18 109.09 **(1)** The department shall investigate and attempt equitably to adjust
19 controversies between employers and employees as to alleged wage claims. The
20 department may receive and investigate any wage claim which is filed with the
21 department, or received by the department under s. 109.10 (4), no later than 2 years
22 after the date the wages are due. The department may, after receiving a wage claim,
23 investigate any wages due from the employer against whom the claim is filed to any
24 employee during the period commencing 2 years before the date the claim is filed.
25 The department shall enforce this chapter and ss. 66.0903, 66.0904, 103.02, 103.49,

ASSEMBLY BILL 75**SECTION 2214**

1 103.82, 104.12, and 229.8275. In pursuance of this duty, the department may sue the
2 employer on behalf of the employee to collect any wage claim or wage deficiency and
3 ss. 109.03 (6) and 109.11 (2) and (3) shall apply to such actions. Except for actions
4 under s. 109.10, the department may refer such an action to the district attorney of
5 the county in which the violation occurs for prosecution and collection and the
6 district attorney shall commence an action in the circuit court having appropriate
7 jurisdiction. Any number of wage claims or wage deficiencies against the same
8 employer may be joined in a single proceeding, but the court may order separate
9 trials or hearings. In actions that are referred to a district attorney under this
10 subsection, any taxable costs recovered by the district attorney shall be paid into the
11 general fund of the county in which the violation occurs and used by that county to
12 meet its financial responsibility under s. 978.13 (2) (b) for the operation of the office
13 of the district attorney who prosecuted the action.

14 **SECTION 2215.** 110.06 (6) of the statutes is created to read:

15 110.06 **(6)** The rules under sub. (2) shall specify the fee to be charged by the
16 department for an inspection under sub. (2). The department shall credit to the
17 appropriation account under s. 20.395 (5) (ds) all fees collected for inspections of
18 school buses under subs. (2).

19 **SECTION 2216.** 110.07 (7) of the statutes is created to read:

20 110.07 **(7)** If any state traffic officer assists in conducting an investigation or
21 reconstruction of a traffic accident for which another enforcement agency is the lead
22 law enforcement agency conducting the investigation or reconstruction, the state
23 traffic patrol may charge the lead law enforcement agency for all services provided
24 by the state traffic patrol in connection with the investigation or reconstruction. The
25 department shall credit to the appropriation account under s. 20.395 (5) (du) all

ASSEMBLY BILL 75**SECTION 2216**

1 moneys received from charges to other law enforcement agencies under this
2 subsection.

3 **SECTION 2217.** 111.322 (2m) (c) of the statutes is amended to read:

4 111.322 **(2m)** (c) The individual files a complaint or attempts to enforce a right
5 under s. 66.0903, 66.0904, 103.49, or 229.8275 or testifies or assists in any action or
6 proceeding under s. 66.0903, 66.0904, 103.49, or 229.8275.

7 **SECTION 2218.** 111.39 (4) (bm) of the statutes is created to read:

8 111.39 **(4)** (bm) If the department finds no probable cause to believe that any
9 discrimination has been or is being committed, that unfair honesty testing has
10 occurred or is occurring, or that unfair genetic testing has occurred or is occurring,
11 the department shall dismiss the complaint. If the department dismisses the
12 complaint, the order of dismissal is the final determination of the department, which
13 may be appealed under s. 111.395. The department shall, by a notice to be served
14 with the determination, notify the parties of the complainant's right to appeal the
15 dismissal of the complaint to the circuit court under s. 111.395.

16 **SECTION 2219.** 111.395 of the statutes is amended to read:

17 **111.395 Judicial review.** Findings and orders of the department under s.
18 111.39 (4) (bm) or of the commission under this subchapter s. 111.39 (5) are subject
19 to review under ch. 227. Orders of the commission shall have the same force as orders
20 of the department under chs. 103 to 106 and may be enforced as provided in s.
21 103.005 (11) and (12) or specifically by a suit in equity. In any enforcement action
22 the merits of any order of the commission are not subject to judicial review. Upon
23 such review, or in any enforcement action, the department of justice shall represent
24 the department or commission.

25 **SECTION 2220.** 111.70 (1) (a) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2220**

111.70 (1) (a) “Collective bargaining” means the performance of the mutual obligation of a municipal employer, through its officers and agents, and the representative of its municipal employees in a collective bargaining unit, to meet and confer at reasonable times, in good faith, with the intention of reaching an agreement, or to resolve questions arising under such an agreement, with respect to wages, hours and conditions of employment, and with respect to a requirement of the municipal employer for a municipal employee to perform law enforcement and fire fighting services under s. 61.66, except as provided in sub. (4) (m) and (mc) and s. 40.81 (3) and except that a municipal employer shall not meet and confer with respect to any proposal to diminish or abridge the rights guaranteed to municipal employees under ch. 164. The duty to bargain, however, does not compel either party to agree to a proposal or require the making of a concession. Collective bargaining includes the reduction of any agreement reached to a written and signed document. The municipal employer shall not be required to bargain on subjects reserved to management and direction of the governmental unit except insofar as the manner of exercise of such functions affects the wages, hours and conditions of employment of the municipal employees in a collective bargaining unit. In creating this subchapter the legislature recognizes that the municipal employer must exercise its powers and responsibilities to act for the government and good order of the jurisdiction which it serves, its commercial benefit and the health, safety and welfare of the public to assure orderly operations and functions within its jurisdiction, subject to those rights secured to municipal employees by the constitutions of this state and of the United States and by this subchapter.

SECTION 2221. 111.70 (1) (b) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2221**

1 111.70 (1) (b) “Collective bargaining unit” means a unit consisting of municipal
2 employees who are school district ~~professional~~ employees or of municipal employees
3 who are not school district ~~professional~~ employees that is determined by the
4 commission to be appropriate for the purpose of collective bargaining.

5 **SECTION 2222.** 111.70 (1) (dm) of the statutes is repealed.

6 **SECTION 2223.** 111.70 (1) (fm) of the statutes is repealed.

7 **SECTION 2224.** 111.70 (1) (nc) of the statutes is repealed.

8 **SECTION 2225.** 111.70 (1) (ne) of the statutes is amended to read:

9 111.70 (1) (ne) “School district ~~professional~~ employee” means a municipal
10 employee ~~who is a professional employee and~~ who is employed to perform services
11 for a school district.

12 **SECTION 2226.** 111.70 (4) (cm) 5. of the statutes is amended to read:

13 111.70 (4) (cm) 5. ‘Voluntary impasse resolution procedures.’ In addition to the
14 other impasse resolution procedures provided in this paragraph, a municipal
15 employer and labor organization may at any time, as a permissive subject of
16 bargaining, agree in writing to a dispute settlement procedure, including
17 authorization for a strike by municipal employees or binding interest arbitration,
18 which is acceptable to the parties for resolving an impasse over terms of any
19 collective bargaining agreement under this subchapter. A copy of such agreement
20 shall be filed by the parties with the commission. If the parties agree to any form of
21 binding interest arbitration, the arbitrator shall give weight to the factors
22 enumerated under subds. 7., and 7g. for a collective bargaining unit consisting of
23 municipal employees who are not school district employees and under subd. 7r. for
24 a collective bargaining unit consisting of municipal employees.

25 **SECTION 2227.** 111.70 (4) (cm) 5s. of the statutes is repealed.

ASSEMBLY BILL 75**SECTION 2228**

SECTION 2228. 111.70 (4) (cm) 6. a. of the statutes is amended to read:

111.70 **(4)** (cm) 6. a. If in any collective bargaining unit a dispute relating to one or more issues, ~~qualifying for interest arbitration under subd. 5s. in a collective bargaining unit to which subd. 5s. applies,~~ has not been settled after a reasonable period of negotiation and after mediation by the commission under subd. 3. and other settlement procedures, if any, established by the parties have been exhausted, and the parties are deadlocked with respect to any dispute between them over wages, hours and conditions of employment to be included in a new collective bargaining agreement, either party, or the parties jointly, may petition the commission, in writing, to initiate compulsory, final and binding arbitration, as provided in this paragraph. At the time the petition is filed, the petitioning party shall submit in writing to the other party and the commission its preliminary final offer containing its latest proposals on all issues in dispute. Within 14 calendar days after the date of that submission, the other party shall submit in writing its preliminary final offer on all disputed issues to the petitioning party and the commission. If a petition is filed jointly, both parties shall exchange their preliminary final offers in writing and submit copies to the commission at the time the petition is filed.

SECTION 2229. 111.70 (4) (cm) 6. am. of the statutes is amended to read:

111.70 **(4)** (cm) 6. am. Upon receipt of a petition to initiate arbitration, the commission shall make an investigation, with or without a formal hearing, to determine whether arbitration should be commenced. If in determining whether an impasse exists the commission finds that the procedures set forth in this paragraph have not been complied with and such compliance would tend to result in a settlement, it may order such compliance before ordering arbitration. The validity of any arbitration award or collective bargaining agreement shall not be affected by

ASSEMBLY BILL 75**SECTION 2229**

1 failure to comply with such procedures. Prior to the close of the investigation each
2 party shall submit in writing to the commission its single final offer containing its
3 final proposals on all issues in dispute that are subject to interest arbitration under
4 this subdivision ~~or under subd. 5s. in collective bargaining units to which subd. 5s.~~
5 ~~applies.~~ If a party fails to submit a single, ultimate final offer, the commission shall
6 close the investigation based on the last written position of the party. ~~The municipal~~
7 ~~employer may not submit a qualified economic offer under subd. 5s. after the close~~
8 ~~of the investigation.~~ Such final offers may include only mandatory subjects of
9 bargaining, except that a permissive subject of bargaining may be included by a
10 party if the other party does not object and shall then be treated as a mandatory
11 subject. No later than such time, the parties shall also submit to the commission a
12 stipulation, in writing, with respect to all matters which are agreed upon for
13 inclusion in the new or amended collective bargaining agreement. The commission,
14 after receiving a report from its investigator and determining that arbitration should
15 be commenced, shall issue an order requiring arbitration and immediately submit
16 to the parties a list of 7 arbitrators. Upon receipt of such list, the parties shall
17 alternately strike names until a single name is left, who shall be appointed as
18 arbitrator. The petitioning party shall notify the commission in writing of the
19 identity of the arbitrator selected. Upon receipt of such notice, the commission shall
20 formally appoint the arbitrator and submit to him or her the final offers of the
21 parties. The final offers shall be considered public documents and shall be available
22 from the commission. In lieu of a single arbitrator and upon request of both parties,
23 the commission shall appoint a tripartite arbitration panel consisting of one member
24 selected by each of the parties and a neutral person designated by the commission
25 who shall serve as a chairperson. An arbitration panel has the same powers and

ASSEMBLY BILL 75**SECTION 2229**

1 duties as provided in this section for any other appointed arbitrator, and all
2 arbitration decisions by such panel shall be determined by majority vote. In lieu of
3 selection of the arbitrator by the parties and upon request of both parties, the
4 commission shall establish a procedure for randomly selecting names of arbitrators.
5 Under the procedure, the commission shall submit a list of 7 arbitrators to the
6 parties. Each party shall strike one name from the list. From the remaining 5
7 names, the commission shall randomly appoint an arbitrator. Unless both parties
8 to an arbitration proceeding otherwise agree in writing, every individual whose
9 name is submitted by the commission for appointment as an arbitrator shall be a
10 resident of this state at the time of submission and every individual who is
11 designated as an arbitration panel chairperson shall be a resident of this state at the
12 time of designation.

13 **SECTION 2230.** 111.70 (4) (cm) 7. of the statutes is amended to read:

14 111.70 **(4)** (cm) 7. ‘Factor given greatest weight.’ In making any decision under
15 the arbitration procedures authorized by this paragraph, except for any decision
16 involving a collective bargaining unit consisting of school district employees, the
17 arbitrator or arbitration panel shall consider and shall give the greatest weight to
18 any state law or directive lawfully issued by a state legislative or administrative
19 officer, body or agency which places limitations on expenditures that may be made
20 or revenues that may be collected by a municipal employer. The arbitrator or
21 arbitration panel shall give an accounting of the consideration of this factor in the
22 arbitrator’s or panel’s decision.

23 **SECTION 2231.** 111.70 (4) (cm) 7g. of the statutes is amended to read:

24 111.70 **(4)** (cm) 7g. ‘Factor given greater weight.’ In making any decision under
25 the arbitration procedures authorized by this paragraph, except for any decision

ASSEMBLY BILL 75**SECTION 2231**

1 involving a collective bargaining unit consisting of school district employees, the
2 arbitrator or arbitration panel shall consider and shall give greater weight to
3 economic conditions in the jurisdiction of the municipal employer than to any of the
4 factors specified in subd. 7r.

5 **SECTION 2232.** 111.70 (4) (cm) 7r. (intro.) of the statutes is amended to read:

6 111.70 **(4)** (cm) 7r. (intro.) ‘Other factors considered.’ In making any decision
7 under the arbitration procedures authorized by this paragraph, the arbitrator or
8 arbitration panel shall also give weight to the following factors:

9 **SECTION 2233.** 111.70 (4) (cm) 8m. a. and c. of the statutes are consolidated,
10 renumbered 111.70 (4) (cm) 8m. and amended to read:

11 111.70 **(4)** (cm) 8m. ‘Term of agreement; reopening of negotiations.’ Except for
12 the initial collective bargaining agreement between the parties and except as the
13 parties otherwise agree, every collective bargaining agreement covering municipal
14 employees subject to this paragraph ~~other than school district professional~~
15 ~~employees~~ shall be for a term of 2 years.—~~No, but in no case may a collective~~
16 bargaining agreement for any collective bargaining unit consisting of municipal
17 employees subject to this paragraph other than school district professional
18 employees shall be for a term exceeding 3 years.—~~c. nor may a collective bargaining~~
19 agreement for any collective bargaining unit consisting of school district employees
20 subject to this paragraph be for a term exceeding 4 years. No arbitration award may
21 contain a provision for reopening of negotiations during the term of a collective
22 bargaining agreement, unless both parties agree to such a provision. The
23 requirement for agreement by both parties does not apply to a provision for
24 reopening of negotiations with respect to any portion of an agreement that is

ASSEMBLY BILL 75**SECTION 2233**

1 declared invalid by a court or administrative agency or rendered invalid by the
2 enactment of a law or promulgation of a federal regulation.

3 **SECTION 2234.** 111.70 (4) (cm) 8m. b. of the statutes is repealed.

4 **SECTION 2235.** 111.70 (4) (cm) 8p. of the statutes is repealed.

5 **SECTION 2236.** 111.70 (4) (cm) 8s. of the statutes is repealed.

6 **SECTION 2237.** 111.70 (4) (cn) of the statutes is repealed.

7 **SECTION 2238.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

8 111.70 **(4)** (d) 2. a. The commission shall determine the appropriate collective
9 bargaining unit for the purpose of collective bargaining and shall whenever possible,
10 unless otherwise required under this subchapter, avoid fragmentation by
11 maintaining as few collective bargaining units as practicable in keeping with the size
12 of the total municipal ~~work force~~ workforce. In making such a determination, the
13 commission may decide whether, in a particular case, the municipal employees in the
14 same or several departments, divisions, institutions, crafts, professions, or other
15 occupational groupings constitute a collective bargaining unit. Before making its
16 determination, the commission may provide an opportunity for the municipal
17 employees concerned to determine, by secret ballot, whether ~~or not~~ they desire to be
18 established as a separate collective bargaining unit. ~~The commission shall not~~
19 ~~decide, however, that any group of municipal employees constitutes an appropriate~~
20 ~~collective bargaining unit if the group includes both municipal employees who are~~
21 ~~school district professional employees and municipal employees who are not school~~
22 ~~district professional employees.~~ The commission shall not decide, however, that any
23 other group of municipal employees constitutes an appropriate collective bargaining
24 unit if the group includes both professional employees and nonprofessional
25 employees, unless a majority of the professional employees vote for inclusion in the

ASSEMBLY BILL 75**SECTION 2238**

1 unit. The commission shall not decide that any group of municipal employees
2 constitutes an appropriate collective bargaining unit if the group includes both craft
3 employees and noncraft employees unless a majority of the craft employees vote for
4 inclusion in the unit. The commission shall place the professional employees who are
5 assigned to perform any services at a charter school, as defined in s. 115.001 (1), in
6 a separate collective bargaining unit from a unit that includes any other professional
7 employees whenever at least 30% of those professional employees request an election
8 to be held to determine that issue and a majority of the professional employees at the
9 charter school who cast votes in the election decide to be represented in a separate
10 collective bargaining unit. Upon the expiration of any collective bargaining
11 agreement in force, the commission shall combine into a single collective bargaining
12 unit 2 or more collective bargaining units consisting of school district employees if
13 a majority of the employees voting in each collective bargaining unit vote to combine.
14 Any vote taken under this subsection shall be by secret ballot.

15 **SECTION 2239.** 111.70 (4) (m) 6. of the statutes is amended to read:

16 111.70 **(4)** (m) 6. Solicitation of sealed bids for the provision of group health care
17 benefits for school district professional employees as provided in s. 120.12 (24).

18 **SECTION 2240.** 111.81 (3h) of the statutes is created to read:

19 111.81 **(3h)** “Consumer” means a person meeting all the criteria under s.
20 46.2898 (3).

21 **SECTION 2241.** 111.81 (7) (g) of the statutes is created to read:

22 111.81 **(7)** (g) For purposes of this subchapter only, home care providers. This
23 paragraph does not make home care providers state employees for any other purpose
24 except collective bargaining.

25 **SECTION 2242.** 111.81 (9k) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 2242**

1 111.81 **(9k)** “Home care provider” means a qualified provider under s. 46.2898
2 (1) (d).

3 **SECTION 2243.** 111.815 (1) and (2) of the statutes are amended to read:

4 111.815 **(1)** In the furtherance of this subchapter, the state shall be considered
5 as a single employer and employment relations policies and practices throughout the
6 state service shall be as consistent as practicable. The office shall negotiate and
7 administer collective bargaining agreements except that the department of health
8 services, subject to the approval of the federal centers for medicare and medicaid
9 services, shall negotiate and administer collective bargaining agreements entered
10 into with the collective bargaining unit specified in s. 111.825 (2g). To coordinate the
11 employer position in the negotiation of agreements, the office, or the department of
12 health services with regard to collective bargaining agreements entered into with the
13 collective bargaining unit specified in s. 111.825 (2g), shall maintain close liaison
14 with the legislature relative to the negotiation of agreements and the fiscal
15 ramifications of those agreements. Except with respect to the collective bargaining
16 units specified in s. 111.825 (1m) ~~and, (2) (f), and (2g),~~ the office is responsible for the
17 employer functions of the executive branch under this subchapter, and shall
18 coordinate its collective bargaining activities with operating state agencies on
19 matters of agency concern. The legislative branch shall act upon those portions of
20 tentative agreements negotiated by the office that require legislative action. With
21 respect to the collective bargaining units specified in s. 111.825 (1m), the University
22 of Wisconsin Hospitals and Clinics Board is responsible for the employer functions
23 under this subchapter. With respect to the collective bargaining unit specified in s.
24 111.825 (2) (f), the governing board of the charter school established by contract
25 under s. 118.40 (2r) (cm) is responsible for the employer functions under this

ASSEMBLY BILL 75**SECTION 2243**

1 subchapter. With respect to the collective bargaining unit specified in s. 111.825 (2g),
2 the department of health services, subject to the approval of the federal centers for
3 medicare and medicaid services, is responsible for the employer functions of the
4 executive branch under this subchapter.

5 (2) In the furtherance of the policy under s. 111.80 (4), the director of the office
6 shall, together with the appointing authorities or their representatives, represent
7 the state in its responsibility as an employer under this subchapter except with
8 respect to negotiations in the collective bargaining units specified in s. 111.825 (1m),
9 and (2) (f), and (2g). The director of the office shall establish and maintain, wherever
10 practicable, consistent employment relations policies and practices throughout the
11 state service.

12 **SECTION 2244.** 111.825 (2g) of the statutes is created to read:

13 111.825 (2g) A collective bargaining unit for employees who are home care
14 providers shall be structured as a single statewide collective bargaining unit.

15 **SECTION 2245.** 111.825 (3) of the statutes is amended to read:

16 111.825 (3) The commission shall assign employees to the appropriate
17 collective bargaining units set forth in subs. (1), (1m) ~~and~~, (2), and (2g).

18 **SECTION 2246.** 111.825 (4) of the statutes is amended to read:

19 111.825 (4) Any labor organization may petition for recognition as the exclusive
20 representative of a collective bargaining unit specified in sub. (1), (1m) ~~or~~, or (2g)
21 in accordance with the election procedures set forth in s. 111.83, provided the petition
22 is accompanied by a 30% showing of interest in the form of signed authorization
23 cards. Each additional labor organization seeking to appear on the ballot shall file
24 petitions within 60 days of the date of filing of the original petition and prove,

ASSEMBLY BILL 75**SECTION 2246**

1 through signed authorization cards, that at least 10% of the employees in the
2 collective bargaining unit want it to be their representative.

3 **SECTION 2247.** 111.83 (1) of the statutes is amended to read:

4 111.83 **(1)** Except as provided in ~~sub.~~ subs. (5) and (5m), a representative
5 chosen for the purposes of collective bargaining by a majority of the employees voting
6 in a collective bargaining unit shall be the exclusive representative of all of the
7 employees in such unit for the purposes of collective bargaining. Any individual
8 employee, or any minority group of employees in any collective bargaining unit, may
9 present grievances to the employer in person, or through representatives of their own
10 choosing, and the employer shall confer with said employee or group of employees in
11 relation thereto if the majority representative has been afforded the opportunity to
12 be present at the conference. Any adjustment resulting from such a conference may
13 not be inconsistent with the conditions of employment established by the majority
14 representative and the employer.

15 **SECTION 2248.** 111.83 (5m) of the statutes is created to read:

16 111.83 **(5m)** (a) This subsection applies only to a collective bargaining unit
17 specified in s. 111.825 (2g).

18 (b) Upon the filing of a petition with the commission indicating a showing of
19 interest of at least 30 percent of the home care providers included in the collective
20 bargaining unit under s. 111.825 (2g) to be represented by a labor organization or to
21 change the existing representative, the commission shall hold an election in which
22 the home care providers may vote on the question of representation. The labor
23 organization named in the petition shall be included on the ballot. Within 60 days
24 of the time that the petition is filed, another petition may be filed with the
25 commission indicating a showing of interest of at least 10 percent of the home care

ASSEMBLY BILL 75**SECTION 2248**

1 providers who are included in the collective bargaining unit under s. 111.825 (2g) to
2 be represented by another labor organization, in which case the name of that labor
3 organization shall also be included on the ballot.

4 (c) If at an election held under par. (b), a majority of home care providers voting
5 in the collective bargaining unit vote for a single labor organization, the labor
6 organization shall be the exclusive representative for all home care providers in that
7 collective bargaining unit. If no single labor organization receives a majority of the
8 votes cast, the commission may hold one or more runoff elections under sub. (4) until
9 one labor organization receives a majority of the votes cast.

10 **SECTION 2249.** 111.84 (2) (c) of the statutes is amended to read:

11 111.84 **(2)** (c) To refuse to bargain collectively on matters set forth in s. 111.91
12 (1) with the duly authorized officer or agent of the employer which is the recognized
13 or certified exclusive collective bargaining representative of employees specified in
14 s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified
15 exclusive collective bargaining representative of employees specified in s. 111.81 (7)
16 (b) to ~~(f)~~ (g) in an appropriate collective bargaining unit. Such refusal to bargain shall
17 include, but not be limited to, the refusal to execute a collective bargaining
18 agreement previously orally agreed upon.

19 **SECTION 2250.** 111.905 of the statutes is created to read:

20 **111.905 Rights of consumer. (1)** This subchapter does not interfere with the
21 rights of the consumer to hire, discharge, suspend, promote, retain, lay off, supervise,
22 or discipline home care providers or to set terms, conditions, and duties of
23 employment.

24 **(2)** A home care provider is an at will provider of home care services to a
25 consumer and this subchapter does not interfere with that relationship.

ASSEMBLY BILL 75**SECTION 2251**

SECTION 2251. 111.91 (1) (cg) of the statutes is created to read:

111.91 **(1)** (cg) The representative of home care providers in the collective bargaining unit specified under s. 118.825 (2g) may not bargain collectively with respect to any matter other than wages and fringe benefits.

SECTION 2252. 111.91 (2) (nm) of the statutes is amended to read:

111.91 **(2)** (nm) The requirements related to providing coverage for a dependent under s. 632.895 (14m) and to continuing coverage for a dependent student on a medical leave of absence under s. 632.895 (15).

SECTION 2253. 111.91 (2c) of the statutes is created to read:

111.91 **(2c)** In addition to the prohibited subjects under sub. (2), the employer is prohibited from bargaining with a collective bargaining unit formed under s. 111.825 (2g) on any of the following:

(a) Policies.

(b) Work rules.

(c) Hours of employment.

(d) Any right of the consumer under s. 111.905.

SECTION 2254. 111.92 (1) (a) of the statutes is amended to read:

111.92 **(1)** (a) Any tentative agreement reached between the office, or, as provided in s. 111.815 (1), the department of health services, acting for the state, and any labor organization representing a collective bargaining unit specified in s. 111.825 (1) ~~or~~, (2) (a) to (e), or (2g) shall, after official ratification by the labor organization, be submitted by the office or department of health services to the joint committee on employment relations, which shall hold a public hearing before determining its approval or disapproval. If the committee approves the tentative agreement, it shall introduce in a bill or companion bills, to be put on the calendar

ASSEMBLY BILL 75**SECTION 2254**

1 or referred to the appropriate scheduling committee of each house, that portion of the
2 tentative agreement which requires legislative action for implementation, such as
3 salary and wage adjustments, changes in fringe benefits, and any proposed
4 amendments, deletions or additions to existing law. Such bill or companion bills are
5 not subject to ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may,
6 however, submit suitable portions of the tentative agreement to appropriate
7 legislative committees for advisory recommendations on the proposed terms. The
8 committee shall accompany the introduction of such proposed legislation with a
9 message that informs the legislature of the committee's concurrence with the
10 matters under consideration and which recommends the passage of such legislation
11 without change. If the joint committee on employment relations does not approve
12 the tentative agreement, it shall be returned to the parties for renegotiation. If the
13 legislature does not adopt without change that portion of the tentative agreement
14 introduced by the joint committee on employment relations, the tentative agreement
15 shall be returned to the parties for renegotiation.

16 **SECTION 2255.** Subchapter VI of chapter 111 [precedes 111.95] of the statutes
17 is created to read:

CHAPTER 111**SUBCHAPTER VI****UNIVERSITY OF WISCONSIN SYSTEM****FACULTY AND ACADEMIC STAFF****LABOR RELATIONS**

23 **111.95 Declaration of policy.** The public policy of the state as to labor
24 relations and collective bargaining involving faculty and academic staff at the

ASSEMBLY BILL 75**SECTION 2255**

1 University of Wisconsin System, in furtherance of which this subchapter is enacted,
2 is as follows:

3 **(1)** The people of the state of Wisconsin have a fundamental interest in
4 developing harmonious and cooperative labor relations within the University of
5 Wisconsin System.

6 **(2)** It recognizes that there are 3 major interests involved: that of the public,
7 that of the employee, and that of the employer. These 3 interests are to a considerable
8 extent interrelated. It is the policy of this state to protect and promote each of these
9 interests with due regard to the rights of the others.

10 **111.96 Definitions.** In this subchapter:

11 **(1)** “Academic staff” has the meaning given under s. 36.05 (1), but does not
12 include any individual holding an appointment under s. 36.13 or 36.15 (2m) or who
13 is appointed to a visiting faculty position.

14 **(2)** “Board” means the Board of Regents of the University of Wisconsin System.

15 **(3)** “Collective bargaining” means the performance of the mutual obligation of
16 the state as an employer, by its officers and agents, and the representatives of its
17 employees, to meet and confer at reasonable times, in good faith, with respect to the
18 subjects of bargaining provided in s. 111.998 with the intention of reaching an
19 agreement, or to resolve questions arising under such an agreement. The duty to
20 bargain, however, does not compel either party to agree to a proposal or require the
21 making of a concession. Collective bargaining includes the reduction of any
22 agreement reached to a written and signed document.

23 **(4)** “Collective bargaining unit” means a unit established under s. 111.98 (1).

24 **(5)** “Commission” means the employment relations commission.

ASSEMBLY BILL 75**SECTION 2255**

1 **(6)** “Election” means a proceeding conducted by the commission in which the
2 employees in a collective bargaining unit cast a secret ballot for collective bargaining
3 representatives, or for any other purpose specified in this subchapter.

4 **(7)** “Employee” includes:

5 (a) All faculty, including specifically faculty who are supervisors or
6 management employees, but not including faculty holding a limited appointment
7 under s. 36.17 or deans.

8 (b) All academic staff, except for supervisors, management employees, and
9 individuals who are privy to confidential matters affecting the employer–employee
10 relationship.

11 **(8)** “Employer” means the state of Wisconsin.

12 **(9)** “Faculty” has the meaning given in s. 36.05 (8), except for an individual
13 holding an appointment under s. 36.15.

14 **(10)** “Fair–share agreement” means an agreement between the employer and
15 a labor organization representing employees under which all of the employees in a
16 collective bargaining unit are required to pay their proportionate share of the cost
17 of the collective bargaining process and contract administration measured by the
18 amount of dues uniformly required of all members.

19 **(11)** “Institution” has the meaning given in s. 36.05 (9).

20 **(12)** “Labor dispute” means any controversy with respect to the subjects of
21 bargaining provided in this subchapter.

22 **(13)** “Labor organization” means any employee organization whose purpose is
23 to represent employees in collective bargaining with the employer, or its agents, on
24 matters pertaining to terms and conditions of employment, but does not include any
25 organization that does any of the following:

ASSEMBLY BILL 75**SECTION 2255**

1 (a) Advocates the overthrow of the constitutional form of government in the
2 United States.

3 (b) Discriminates with regard to the terms or conditions of membership
4 because of race, color, creed, sex, age, sexual orientation, or national origin.

5 **(14)** “Maintenance of membership agreement” means an agreement between
6 the employer and a labor organization representing employees that requires that all
7 of the employees whose dues are being deducted from earnings under s. 20.921 (1)
8 or 111.992 at or after the time the agreement takes effect shall continue to have dues
9 deducted for the duration of the agreement and that dues shall be deducted from the
10 earnings of all employees who are hired on or after the effective date of the
11 agreement.

12 **(15)** “Management employees” include those personnel engaged
13 predominately in executive and managerial functions.

14 **(16)** “Office” means the office of state employment relations in the department
15 of administration.

16 **(17)** “Referendum” means a proceeding conducted by the commission in which
17 employees, or supervisors specified in s. 111.98 (5), in a collective bargaining unit
18 may cast a secret ballot on the question of directing the labor organization and the
19 employer to enter into a fair-share or maintenance of membership agreement or to
20 terminate such an agreement.

21 **(18)** “Representative” includes any person chosen by an employee to represent
22 the employee.

23 **(19)** “Strike” includes any strike or other concerted stoppage of work by
24 employees, any concerted slowdown or other concerted interruption of operations or

ASSEMBLY BILL 75**SECTION 2255**

1 services by employees, or any concerted refusal to work or perform their usual duties
2 as employees of the state.

3 **(20)** “Supervisor” means any individual whose principal work is different from
4 that of the individual’s subordinates and who has authority, in the interest of the
5 employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign,
6 reward, or discipline employees, or to adjust their grievances, or to authoritatively
7 recommend such action, if the individual’s exercise of such authority is not of a
8 merely routine or clerical nature, but requires the use of independent judgment.

9 **(21)** “Unfair labor practice” means any unfair labor practice specified in s.
10 111.991.

11 **111.965 Duties of the state. (1)** In the furtherance of this subchapter, the
12 state shall be considered as a single employer. The board shall negotiate and
13 administer collective bargaining agreements. To coordinate the employer position
14 in the negotiation of agreements, the board shall maintain close liaison with the
15 office relative to the negotiation of agreements and the fiscal ramifications of those
16 agreements. The board shall coordinate its collective bargaining activities with the
17 office. The legislative branch shall act upon those portions of tentative agreements
18 negotiated by the board that require legislative action.

19 **(2)** The board shall establish a collective bargaining capacity and shall
20 represent the state in its responsibility as an employer under this subchapter. The
21 board shall coordinate its actions with the director of the office.

22 **111.97 Rights of employees.** Employees shall have the right of
23 self-organization and the right to form, join, or assist labor organizations, to bargain
24 collectively through representatives of their own choosing under this subchapter,
25 and to engage in lawful, concerted activities for the purpose of collective bargaining

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1 or other mutual aid or protection. Employees shall also have the right to refrain from
2 any such activities.

3 **111.98 Collective bargaining units. (1)** Collective bargaining units for
4 faculty and staff in the unclassified service of the state shall be structured with a
5 collective bargaining unit for each of the following groups:

6 (a) Faculty of the University of Wisconsin–Madison.

7 (b) Faculty of the University of Wisconsin–Milwaukee.

8 (c) Faculty of all of the following groups:

9 1. The University of Wisconsin–Extension.

10 2. The University of Wisconsin–Eau Claire.

11 3. The University of Wisconsin–Green Bay.

12 4. The University of Wisconsin–La Crosse.

13 5. The University of Wisconsin–Oshkosh.

14 6. The University of Wisconsin–Parkside.

15 7. The University of Wisconsin–Platteville.

16 8. The University of Wisconsin–River Falls.

17 9. The University of Wisconsin–Stevens Point.

18 10. The University of Wisconsin–Stout.

19 11. The University of Wisconsin–Superior.

20 12. The University of Wisconsin–Whitewater.

21 13. The University of Wisconsin Colleges.

22 (d) Academic staff of the University of Wisconsin–Madison.

23 (e) Academic staff of the University of Wisconsin–Milwaukee.

24 (f) Academic staff of all of the following groups:

25 1. The University of Wisconsin–Extension.

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1 2. The University of Wisconsin–Eau Claire.

2 3. The University of Wisconsin–Green Bay.

3 4. The University of Wisconsin–La Crosse.

4 5. The University of Wisconsin–Oshkosh.

5 6. The University of Wisconsin–Parkside.

6 7. The University of Wisconsin–Platteville.

7 8. The University of Wisconsin–River Falls.

8 9. The University of Wisconsin–Stevens Point.

9 10. The University of Wisconsin–Stout.

10 11. The University of Wisconsin–Superior.

11 12. The University of Wisconsin–Whitewater.

12 13. The University of Wisconsin Colleges.

13 **(2)** (a) Notwithstanding sub. (1), 2 or more collective bargaining units described
14 under sub. (1) (a) to (c) may be combined into a single unit and 2 or more collective
15 bargaining units described under sub. (1) (d) to (f) may be combined into a single unit.
16 If 2 or more collective bargaining units seek to combine into a single collective
17 bargaining unit, the commission shall, upon the petition of at least 30 percent of the
18 employees in each unit, hold an election to determine whether a majority of those
19 employees voting in each unit desire to combine into a single unit. A combined
20 collective bargaining unit shall be formed including all employees from each of those
21 units in which a majority of the employees voting in the election approve a combined
22 unit. The combined collective bargaining unit shall be formed immediately if there
23 is no existing collective bargaining agreement in force in any of the units to be
24 combined. If there is a collective bargaining agreement in force at the time of the

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1 election in any of the collective bargaining units to be combined, the combined unit
2 shall be formed upon expiration of the last agreement for the units concerned.

3 (b) If 2 or more collective bargaining units have combined under par. (a), the
4 commission shall, upon petition of at least 30 percent of the employees in any of the
5 original units, hold an election of the employees in the original unit to determine
6 whether the employees in that unit desire to withdraw from the combined collective
7 bargaining unit. If a majority of the employees voting desire to withdraw from the
8 combined collective bargaining unit, separate units consisting of the unit in which
9 the election was held and a unit composed of the remainder of the combined unit shall
10 be formed. The new collective bargaining units shall be formed immediately if there
11 is no collective bargaining agreement in force for the combined unit. If there is a
12 collective bargaining agreement in force for the combined collective bargaining unit,
13 the new units shall be formed upon the expiration of the agreement. While there is
14 a collective bargaining agreement in force for the combined collective bargaining
15 unit, a petition for an election under this paragraph may be filed only during October
16 in the calendar year prior to the expiration of the agreement.

17 (3) The commission shall assign employees to the appropriate collective
18 bargaining units described under sub. (1) or (2).

19 (4) Any labor organization may petition for recognition as the exclusive
20 representative of a collective bargaining unit described under sub. (1) or (2) in
21 accordance with the election procedures under s. 111.990 if the petition is
22 accompanied by a 30 percent showing of interest in the form of signed authorization
23 cards. Any additional labor organization seeking to appear on the ballot shall file a
24 petition within 60 days of the date of filing of the original petition and prove, through

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1 signed authorization cards, that at least 10 percent of the employees in the collective
2 bargaining unit want it to be their representative.

3 **(5)** Although academic staff supervisors are not considered employees for the
4 purpose of this subchapter, the commission may consider a petition for a statewide
5 collective bargaining unit consisting of academic staff supervisors, but the
6 representative of the supervisors may not be affiliated with any labor organization
7 representing employees. For purposes of this subsection, affiliation does not include
8 membership in a national, state, county, or municipal federation of national or
9 international labor organizations. The certified representative of the supervisors
10 may not bargain collectively with respect to any matter other than wages and fringe
11 benefits.

12 **111.990 Representatives and elections. (1)** A representative chosen for the
13 purposes of collective bargaining by a majority of the employees voting in a collective
14 bargaining unit shall be the exclusive representative of all of the employees in such
15 unit for the purposes of collective bargaining. Any individual employee, or any
16 minority group of employees in any collective bargaining unit, may present any
17 grievance to the employer in person, or through representatives of their own
18 choosing, and the employer shall confer with the individual employee or group of
19 employees with respect to the grievance if the majority representative has been
20 afforded the opportunity to be present at the conference. Any adjustment resulting
21 from such a conference may not be inconsistent with the conditions of employment
22 established by the majority representative and the employer.

23 **(2)** Whenever a question arises concerning the representation of employees in
24 a collective bargaining unit, the commission shall determine the representation by
25 taking a secret ballot of the employees and certifying in writing the results to the

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1 interested parties and to the board. There shall be included on any ballot for the
2 election of representatives the names of all labor organizations having an interest
3 in representing the employees participating in the election as indicated in petitions
4 filed with the commission. The name of any existing representative shall be included
5 on the ballot without the necessity of filing a petition. The commission may exclude
6 from the ballot one who, at the time of the election, stands deprived of his or her rights
7 under this subchapter by reason of a prior adjudication of his or her having engaged
8 in an unfair labor practice. The ballot shall be so prepared as to permit a vote against
9 representation by anyone named on the ballot. For elections in a collective
10 bargaining unit composed of employees who are members of the faculty or academic
11 staff, whenever more than one representative qualifies to appear on the ballot, the
12 ballot shall be prepared to provide separate votes on 2 questions. The first question
13 shall be: “Shall the employees of the ... (name of collective bargaining unit)
14 participate in collective bargaining?”. The 2nd question shall be: “If the employees
15 of the ... (name of collective bargaining unit) elect to participate in collective
16 bargaining, which labor organization do you favor to act as representative of the
17 employees?”. The 2nd question shall not include a choice for no representative. All
18 employees in the collective bargaining unit may vote on both questions. Unless a
19 majority of those employees voting in the election vote to participate in collective
20 bargaining, no votes for a particular representative may be counted. If a majority
21 of those employees voting in the election vote to participate in collective bargaining,
22 the ballots for representatives shall be counted. The commission’s certification of the
23 results of any election is conclusive as to the findings included therein unless
24 reviewed under s. 111.07 (8).

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1 **(3)** Whenever an election has been conducted under sub. (2) in which a majority
2 of the employees voting indicate a desire to participate in collective bargaining but
3 in which no named representative is favored by a majority of the employees voting,
4 the commission may, if requested by a party to the proceeding within 30 days from
5 the date of the certification of the results of the election, conduct a runoff election.
6 In that runoff election, the commission shall drop from the ballot the name of the
7 representative who received the least number of votes at the original election.

8 **(4)** While a collective bargaining agreement between a labor organization and
9 an employer is in force under this subchapter, a petition for an election in the
10 collective bargaining unit to which the agreement applies may only be filed during
11 October in the calendar year prior to the expiration of that agreement. An election
12 held under that petition may be held only if the petition is supported by proof that
13 at least 30 percent of the employees in the collective bargaining unit desire a change
14 or discontinuance of existing representation. Within 60 days of the time that an
15 original petition is filed, another petition may be filed supported by proof that at least
16 10 percent of the employees in the same collective bargaining unit desire a different
17 representative. If a majority of the employees in the collective bargaining unit vote
18 for a change or discontinuance of representation by any named representative, the
19 decision takes effect upon expiration of any existing collective bargaining agreement
20 between the employer and the existing representative.

21 **111.991 Unfair labor practices. (1)** It is an unfair labor practice for an
22 employer individually or in concert with others:

23 (a) To interfere with, restrain, or coerce employees in the exercise of their rights
24 guaranteed under s. 111.97.

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1 (b) Except as otherwise provided in this paragraph, to initiate, create,
2 dominate, or interfere with the formation or administration of any labor or employee
3 organization or contribute financial support to it. Except as provided in ss. 40.02 (22)
4 (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin Retirement
5 System under ch. 40 and no action by the employer that is authorized by such a law
6 is a violation of this paragraph unless an applicable collective bargaining agreement
7 specifically prohibits the change or action. No such change or action affects the
8 continuing duty to bargain collectively regarding the Wisconsin Retirement System
9 under ch. 40 to the extent required by s. 111.998. It is not an unfair labor practice
10 for the employer to reimburse an employee at his or her prevailing wage rate for the
11 time spent during the employee's regularly scheduled hours conferring with the
12 employer's officers or agents and for attendance at commission or court hearings
13 necessary for the administration of this subchapter.

14 (c) To encourage or discourage membership in any labor organization by
15 discrimination in regard to hiring, tenure, or other terms or conditions of
16 employment. This paragraph does not apply to fair-share or maintenance of
17 membership agreements.

18 (d) To refuse to bargain collectively on matters set forth in s. 111.998 with a
19 representative of a majority of its employees in an appropriate collective bargaining
20 unit. Whenever the employer has a good faith doubt as to whether a labor
21 organization claiming the support of a majority of its employees in an appropriate
22 collective bargaining unit does in fact have that support, it may file with the
23 commission a petition requesting an election as to that claim. The employer is not
24 considered to have refused to bargain until an election has been held and the results
25 of the election are certified to the employer by the commission. A violation of this

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1 paragraph includes the refusal to execute a collective bargaining agreement
2 previously orally agreed upon.

3 (e) To violate any collective bargaining agreement previously agreed upon by
4 the parties with respect to wages, hours, and conditions of employment affecting the
5 employees, including an agreement to arbitrate or to accept the terms of an
6 arbitration award, when previously the parties have agreed to accept such award as
7 final and binding upon them.

8 (f) To deduct labor organization dues from an employee's earnings, unless the
9 employer has been presented with an individual order therefor, signed by the
10 employee personally, and terminable by at least the end of any year of its life or
11 earlier by the employee giving at least 30 but not more than 120 days' written notice
12 of such termination to the employer and to the representative labor organization,
13 except if there is a fair-share or maintenance of membership agreement in effect.
14 The employer shall give notice to the labor organization of receipt of such notice of
15 termination.

16 **(1m)** Notwithstanding sub. (1), it is not an unfair labor practice for the board
17 to implement changes in salaries or conditions of employment for members of the
18 faculty or academic staff at one institution, and not for other members of the faculty
19 or academic staff at another institution, but this may be done only if the differential
20 treatment is based on comparisons with the compensation and working conditions
21 of employees performing similar services for comparable higher education
22 institutions or based upon other competitive factors.

23 **(2)** It is unfair practice for an employee individually or in concert with others:

24 (a) To coerce or intimidate an employee in the enjoyment of the employee's legal
25 rights, including those guaranteed under s. 111.97.

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1 (b) To coerce, intimidate, or induce any officer or agent of the employer to
2 interfere with any of the employer's employees in the enjoyment of their legal rights
3 including those guaranteed under s. 111.97 or to engage in any practice with regard
4 to its employees which would constitute an unfair labor practice if undertaken by the
5 officer or agent on the officer's or agent's own initiative.

6 (c) To refuse to bargain collectively on matters specified in s. 111.998 with the
7 authorized officer or agent of the employer that is the recognized or certified
8 exclusive collective bargaining representative of employees in an appropriate
9 collective bargaining unit. Such refusal to bargain shall include a refusal to execute
10 a collective bargaining agreement previously orally agreed upon.

11 (d) To violate the provisions of any written agreement with respect to terms and
12 conditions of employment affecting employees, including an agreement to arbitrate
13 or to accept the terms of an arbitration award, when previously the parties have
14 agreed to accept such awards as final and binding upon them.

15 (e) To engage in, induce, or encourage any employees to engage in a strike or
16 a concerted refusal to work or perform their usual duties as employees.

17 (f) To coerce or intimidate a supervisory employee, officer, or agent of the
18 employer, working at the same trade or profession as the employer's employees, to
19 induce the person to become a member of or act in concert with the labor organization
20 of which the employee is a member

21 **(3)** It is an unfair labor practice for any person to do or cause to be done on
22 behalf of or in the interest of employers or employees, or in connection with or to
23 influence the outcome of any controversy as to employment relations, any act
24 prohibited by subs. (1) and (2).

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1 **(4)** Any controversy concerning unfair labor practices may be submitted to the
2 commission as provided in s. 111.07, except that the commission shall schedule a
3 hearing on complaints involving alleged violations of sub. (2) (e) within 3 days after
4 filing of a complaint, and notice shall be given to each party interested by service on
5 the party personally, or by telegram, advising the party of the nature of the complaint
6 and of the date, time, and place of hearing. The commission may appoint a substitute
7 tribunal to hear unfair labor practice charges by either appointing a 3-member panel
8 or submitting a 7-member panel to the parties and allowing each to strike 2 names.
9 Any such panel shall report its finding to the commission for appropriate action.

10 **111.992 Fair-share and maintenance of membership agreements. (1)**

11 (a) No fair-share or maintenance of membership agreement may become effective
12 unless authorized by a referendum. The commission shall order a referendum
13 whenever it receives a petition supported by proof that at least 30 percent of the
14 employees or supervisors specified in s. 111.98 (5) in a collective bargaining unit
15 desire that a fair-share or maintenance of membership agreement be entered into
16 between the employer and a labor organization. A petition may specify that a
17 referendum is requested on a maintenance of membership agreement only, in which
18 case the ballot shall be limited to that question.

19 (b) For a fair-share agreement to be authorized, at least two-thirds of the
20 eligible employees or supervisors voting in a referendum shall vote in favor of the
21 agreement. For a maintenance of membership agreement to be authorized, at least
22 a majority of the eligible employees or supervisors voting in a referendum shall vote
23 in favor of the agreement. In a referendum on a fair-share agreement, if less than
24 two-thirds but more than one-half of the eligible employees or supervisors vote in
25 favor of the agreement, a maintenance of membership agreement is authorized.

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1 (c) If a fair-share or maintenance of membership agreement is authorized in
2 a referendum, the employer shall enter into such an agreement with the labor
3 organization named on the ballot in the referendum. Each fair-share or
4 maintenance of membership agreement shall contain a provision requiring the
5 employer to deduct the amount of dues as certified by the labor organization from the
6 earnings of the employees or supervisors affected by the agreement and to pay the
7 amount so deducted to the labor organization. Unless the parties agree to an earlier
8 date, the agreement shall take effect 60 days after certification by the commission
9 that the referendum vote authorized the agreement. The employer shall be held
10 harmless against any claims, demands, suits, and other forms of liability made by
11 employees or supervisors or local labor organizations which may arise for actions
12 taken by the employer in compliance with this section. All such lawful claims,
13 demands, suits, and other forms of liability are the responsibility of the labor
14 organization entering into the agreement.

15 (d) Under each fair-share or maintenance of membership agreement, an
16 employee or supervisor who has religious convictions against dues payments to a
17 labor organization based on teachings or tenets of a church or religious body of which
18 he or she is a member shall, on request to the labor organization, have his or her dues
19 paid to a charity mutually agreed upon by the employee or supervisor and the labor
20 organization. Any dispute concerning this paragraph may be submitted to the
21 commission for adjudication.

22 **(2)** (a) Once authorized, a fair-share or maintenance of membership
23 agreement shall continue in effect, subject to the right of the employer or labor
24 organization concerned to petition the commission to conduct a new referendum.
25 Such a petition must be supported by proof that at least 30 percent of the employees

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1 or supervisors in the collective bargaining unit desire that the fair-share or
2 maintenance of membership agreement be discontinued. Upon so finding, the
3 commission shall conduct a new referendum. If the continuance of the fair-share or
4 maintenance of membership agreement is approved in the referendum by at least the
5 percentage of eligible voting employees or supervisors required for its initial
6 authorization, it shall be continued in effect, subject to the right of the employer or
7 labor organization to later initiate a further vote following the procedure prescribed
8 in this subsection. If the continuation of the agreement is not supported in any
9 referendum, it is considered terminated at the termination of the collective
10 bargaining agreement, or one year from the date of the certification of the result of
11 the referendum, whichever is earlier.

12 (b) The commission shall declare any fair-share or maintenance of
13 membership agreement suspended upon such conditions and for such time as the
14 commission decides whenever it finds that the labor organization involved has
15 refused on the basis of race, color, sexual orientation, or creed to receive as a member
16 any employee or supervisor in the collective bargaining unit involved, and the
17 agreement shall be made subject to the findings and orders of the commission. Any
18 of the parties to the agreement, or any employee or supervisor covered under the
19 agreement, may come before the commission, as provided in s. 111.07, and petition
20 the commission to make such a finding.

21 (3) A stipulation for a referendum executed by an employer and a labor
22 organization may not be filed until after the representation election has been held
23 and the results certified.

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1 **(4)** The commission may, under rules adopted for that purpose, appoint as its
2 agent an official of a state agency whose employees are entitled to vote in a
3 referendum to conduct a referendum under this section.

4 **111.993 Grievance arbitration. (1)** Parties to the dispute pertaining to the
5 interpretation of a collective bargaining agreement may agree in writing to have the
6 commission or any other appointing state agency serve as arbitrator or may
7 designate any other competent, impartial, and disinterested persons to so serve.
8 Such arbitration proceedings shall be governed by ch. 788.

9 **(2)** The board shall charge an institution for the employer's share of the cost
10 related to grievance arbitration under sub. (1) for any arbitration that involves one
11 or more employees of the institution. Each institution so charged shall pay the
12 amount that the board charges from the appropriation account or accounts used to
13 pay the salary of the grievant. Funds received under this subsection shall be credited
14 to the appropriation account under s. 20.545 (1) (km).

15 **111.994 Mediation.** The commission may appoint any competent, impartial,
16 disinterested person to act as mediator in any labor dispute either upon its own
17 initiative or upon the joint request of both parties to the dispute. It is the function
18 of a mediator to bring the parties together voluntarily under such favorable auspices
19 as will tend to effectuate settlement of the dispute, but neither the mediator nor the
20 commission shall have any power of compulsion in mediation proceedings.

21 **111.995 Fact-finding. (1)** If a dispute has not been settled after a reasonable
22 period of negotiation and after the settlement procedures, if any, established by the
23 parties have been exhausted, the representative that has been certified by the
24 commission after an election, as the exclusive representative of employees in an
25 appropriate bargaining unit, and the employer, its officers, and agents, after a

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1 reasonable period of negotiation, are deadlocked with respect to any dispute between
2 them arising in the collective bargaining process, the parties jointly may petition the
3 commission, in writing, to initiate fact-finding under this section, and to make
4 recommendations to resolve the deadlock.

5 **(2)** Upon receipt of a petition to initiate fact-finding, the commission shall
6 make an investigation with or without a formal hearing, to determine whether a
7 deadlock in fact exists. The commission shall certify the results of the investigation.
8 If the commission decides that fact-finding should be initiated, it shall appoint a
9 qualified, disinterested person or, when jointly requested by the parties, a 3-member
10 panel to function as a fact finder.

11 **(3)** The fact finder may establish dates and place of hearings and shall conduct
12 the hearings under rules established by the commission. Upon request, the
13 commission shall issue subpoenas for hearings conducted by the fact finder. The fact
14 finder may administer oaths. Upon completion of the hearing, the fact finder shall
15 make written findings of fact and recommendations for solution of the dispute and
16 shall cause the same to be served on the parties and the commission. In making
17 findings and recommendations, the fact finder shall take into consideration among
18 other pertinent factors the principles vital to the public interest in efficient and
19 economical governmental administration. Upon the request of either party, the fact
20 finder may orally present the recommendations in advance of service of the written
21 findings and recommendations. Cost of fact-finding proceedings shall be divided
22 equally between the parties. At the time the fact finder submits a statement of his
23 or her costs to the parties, the fact finder shall submit a copy thereof to the
24 commission at its Madison office.

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1 **(4)** A fact finder may mediate a dispute at any time prior to the issuance of the
2 fact finder's recommendations.

3 **(5)** Within 30 days of the receipt of the fact finder's recommendations or within
4 a time period mutually agreed upon by the parties, each party shall advise the other,
5 in writing, as to the party's acceptance or rejection, in whole or in part, of the fact
6 finder's recommendations and, at the same time, send a copy of the notification to
7 the commission at its Madison office. Failure to comply with this subsection, by the
8 employer or employee representative, is a violation of s. 111.991 (1) (d) or (2) (c).

9 **111.996 Strike prohibited. (1)** Upon establishing that a strike is in progress,
10 the employer may either seek an injunction or file an unfair labor practice charge
11 with the commission under s. 111.991 (2) (e) or both. It is the responsibility of the
12 board to decide whether to seek an injunction or file an unfair labor practice charge.
13 The existence of an administrative remedy does not constitute grounds for denial of
14 injunctive relief.

15 **(2)** The occurrence of a strike and the participation in the strike by an employee
16 do not affect the rights of the employer, in law or in equity, to deal with the strike,
17 including all of the following:

18 (a) The right to impose discipline, including discharge, or suspension without
19 pay, of any employee participating in the strike.

20 (b) The right to cancel the reinstatement eligibility of any employee engaging
21 in the strike.

22 (c) The right of the employer to request the imposition of fines, either against
23 the labor organization or the employee engaging in the strike, or to sue for damages
24 because of such strike activity.

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1 **111.997 Management rights.** Nothing in this subchapter shall interfere with
2 the right of the board, in accordance with this subchapter, to do any of the following:

3 **(1)** Carry out the statutory mandate and goals assigned to the board by the
4 most appropriate and efficient methods and means and utilize personnel in the most
5 appropriate and efficient manner possible.

6 **(2)** Suspend, demote, discharge, or take other appropriate disciplinary action
7 against the employee; or to lay off employees in the event of lack of work or funds or
8 under conditions where continuation of such work would be inefficient and
9 nonproductive.

10 **111.998 Subjects of bargaining. (1)** (a) Except as provided in pars. (b) to (f),
11 matters subject to collective bargaining to the point of impasse are salaries; fringe
12 benefits consistent with sub. (2); and hours and conditions of employment.

13 (b) The board is not required to bargain on management rights under s.
14 111.997, except that procedures for the adjustment or settlement of grievances or
15 disputes arising out of any type of disciplinary action in s. 111.997 (2) is a subject of
16 bargaining.

17 (c) The board is prohibited from bargaining on matters contained in sub. (2).

18 (d) Except as provided in sub. (2) (d) and (e) and ss. 40.02 (22) (e) and 40.23 (1)
19 (f) 4., all laws governing the Wisconsin Retirement System under ch. 40 and all
20 actions of the board that are authorized under any such law which apply to
21 nonrepresented individuals employed by the state shall apply to similarly situated
22 employees, unless otherwise specifically provided in a collective bargaining
23 agreement that applies to those employees.

24 (e) Demands relating to retirement and group insurance shall be submitted to
25 the board at least one year prior to commencement of negotiations.

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1 (f) The board is not required to bargain on matters related to employee
2 occupancy of houses or other lodging provided by the state.

3 **(2)** The board is prohibited from bargaining on:

4 (a) The mission and goals of the board as set forth in the statutes; the
5 diminution of the right of tenure provided the faculty under s. 36.13, the rights
6 granted faculty under s. 36.09 (4) and academic staff under s. 36.09 (4m), or the
7 rights of appointment provided academic staff under s. 36.15; or academic freedom.

8 (b) Amendments to this subchapter.

9 (c) Family leave and medical leave rights below the minimum afforded under
10 s. 103.10. Nothing in this paragraph prohibits the board from bargaining on rights
11 to family leave or medical leave which are more generous to the employee than the
12 rights provided under s. 103.10.

13 (d) An increase in benefit adjustment contribution rates under s. 40.05 (2n) (a)
14 3.

15 (e) The rights of employees to have retirement benefits computed under s.
16 40.30.

17 (f) Honesty testing requirements that provide fewer rights and remedies to
18 employees than are provided under s. 111.37.

19 (h) Creditable service to which s. 40.285 (2) (b) 4. applies.

20 (i) Compliance with the health benefit plan requirements under ss. 632.746 (1)
21 to (8) and (10), 632.747, and 632.748.

22 (j) Compliance with the insurance requirements under s. 631.95.

23 (k) The definition of earnings under s. 40.02 (22).

24 (L) The maximum benefit limitations under s. 40.31

25 (m) The limitations on contributions under s. 40.32.

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1 (n) The provision to employees of the health insurance coverage required under
2 s. 632.895 (11) to (14).

3 (o) The requirements related to coverage of and prior authorization for
4 treatment of an emergency medical condition under s. 632.85.

5 (p) The requirements related to coverage of drugs and devices under s. 632.853.

6 (q) The requirements related to experimental treatment under s. 632.855.

7 (r) The requirements under s. 609.10 related to offering a point-of-service
8 option plan.

9 (s) The requirements related to internal grievance procedures under s. 632.83
10 and independent review of certain health benefit plan determinations under s.
11 632.835.

12 **(3)** Upon request, the chancellor at each institution, or his or her designee,
13 shall meet and confer with the collective bargaining representative, if any, with
14 regard to any issue that is a permissive subject of bargaining, except when the issue
15 is under active consideration by a governance organization under s. 36.09 (4) or (4m).

16 **111.999 Labor proposals.** The board shall notify and consult with the joint
17 committee on employment relations, in such form and detail as the committee
18 requests, regarding substantial changes in wages, employee benefits, personnel
19 management, and program policy contract provisions to be included in any contract
20 proposal to be offered to any labor organization by the state or to be agreed to by the
21 state before such proposal is actually offered or accepted.

22 **111.9991 Agreements. (1)** Any tentative agreement reached between the
23 board, acting for the state, and any labor organization representing a collective
24 bargaining unit specified in s. 111.98 shall, after official ratification by the labor
25 organization, be submitted by the board to the joint committee on employment

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1 relations, which shall hold a public hearing before determining its approval or
2 disapproval. If the committee approves the tentative agreement, it shall introduce
3 in a bill or companion bills, to be put on the calendar or referred to the appropriate
4 scheduling committee of each house, that portion of the tentative agreement which
5 requires legislative action for implementation, such as salary and wage adjustments,
6 changes in fringe benefits, and any proposed amendments, deletions, or additions to
7 existing law. Such bill or companion bills are not subject to ss. 13.093 (1), 13.50 (6)
8 (a) and (b), and 16.47 (2). The committee may, however, submit suitable portions of
9 the tentative agreement to appropriate legislative committees for advisory
10 recommendations on the proposed terms. The committee shall accompany the
11 introduction of such proposed legislation with a message that informs the legislature
12 of the committee's concurrence with the matters under consideration and that
13 recommends the passage of such legislation without change. If the joint committee
14 on employment relations does not approve the tentative agreement, it shall be
15 returned to the parties for renegotiation. If the legislature does not adopt without
16 change that portion of the tentative agreement introduced by the joint committee on
17 employment relations, the tentative agreement shall be returned to the parties for
18 renegotiation.

19 **(2)** No portion of any tentative agreement shall become effective separately.

20 **(3)** Agreements shall coincide with the fiscal year or biennium.

21 **(4)** The negotiation of collective bargaining agreements and their approval by
22 the parties should coincide with the overall fiscal planning and processes of the state.

23 **(5)** All compensation adjustments for employees shall be effective on the
24 beginning date of the pay period nearest the statutory or administrative date.

ASSEMBLY BILL 75**SECTION 2255**

1 **111.9992 Status of existing benefits and rights.** Unless a prohibited
2 subject of bargaining under s. 111.998 (2), and except as provided in ss. 7.33 (4),
3 40.05, 40.80 (3), 111.998 (1) (d), and 230.35 (2d) and (3) (e) 6., all statutes and rules
4 governing the salaries, fringe benefits, hours, and conditions of employment apply
5 to each employee, unless otherwise provided in a collective bargaining agreement.

6 **111.9993 Rules, transcripts, fees. (1)** The commission may adopt
7 reasonable and proper rules relative to the exercise of its powers and authority and
8 proper rules to govern its proceedings and to regulate the conduct of all elections and
9 hearings under this subchapter. The commission shall, upon request, provide a
10 transcript of a proceeding to any party to the proceeding for a fee, established by rule,
11 by the commission at a uniform rate per page. All transcript fees shall be credited
12 to the appropriation account under s. 20.425 (1) (i).

13 **(2)** The commission shall assess and collect a filing fee for filing a complaint
14 alleging that an unfair labor practice has been committed under s. 111.991. The
15 commission shall assess and collect a filing fee for filing a request that the
16 commission act as an arbitrator to resolve a dispute involving the interpretation or
17 application of a collective bargaining agreement under s. 111.993. The commission
18 shall assess and collect a filing fee for filing a request that the commission initiate
19 fact-finding under s. 111.995. The commission shall assess and collect a filing fee
20 for filing a request that the commission act as a mediator under s. 111.994. For the
21 performance of commission actions under ss. 111.993, 111.994, and 111.995, the
22 commission shall require that the parties to the dispute equally share in the payment
23 of the fee and, for the performance of commission actions involving a complaint
24 alleging that an unfair labor practice has been committed under s. 111.991, the
25 commission shall require that the party filing the complaint pay the entire fee. If any

ASSEMBLY BILL 75**SECTION 2255**

1 party has paid a filing fee requesting the commission to act as a mediator for a labor
2 dispute and the parties do not enter into a voluntary settlement of the labor dispute,
3 the commission may not subsequently assess or collect a filing fee to initiate
4 fact-finding to resolve the same labor dispute. If any request concerns issues arising
5 as a result of more than one unrelated event or occurrence, each such separate event
6 or occurrence shall be treated as a separate request. The commission shall
7 promulgate rules establishing a schedule of filing fees to be paid under this
8 subsection. Fees required to be paid under this subsection shall be paid at the time
9 of filing the complaint or the request for fact-finding, mediation, or arbitration. A
10 complaint or request for fact-finding, mediation, or arbitration is not filed until the
11 date such fee or fees are paid. Fees collected under this subsection shall be credited
12 to the appropriation account under s. 20.425 (1) (i).

13 **SECTION 2256.** 115.28 (52) of the statutes is amended to read:

14 115.28 **(52)** ADULT LITERACY GRANTS. From the appropriation under s. 20.255
15 (3) (b), award grants to nonprofit organizations, as defined in s. 108.02 (19), to
16 support programs that train community-based adult literacy staff and to establish
17 new volunteer-based programs in areas of this state that have a demonstrated need
18 for adult literacy services. ~~No grant may exceed \$10,000, and no organization may~~
19 ~~receive more than one grant in any fiscal year.~~

20 **SECTION 2257.** 115.745 of the statutes is created to read:

21 **115.745 Tribal language revitalization grants. (1)** A school board or
22 cooperative educational service agency, in conjunction with a tribal education
23 authority, may apply to the department for a grant for the purpose of supporting
24 innovative, effective instruction in one or more American Indian languages.

ASSEMBLY BILL 75**SECTION 2257**

1 **(2)** The department shall award grants under sub. (1) from the appropriation
2 under s. 20.255 (2) (km).

3 **(3)** The department shall promulgate rules to implement and administer this
4 section.

5 **SECTION 2258.** 117.22 (1) (d) of the statutes is created to read:

6 117.22 **(1)** (d) A person elected under sub. (2) to the school board of a
7 consolidated school district created by an order of school district reorganization
8 issued under s. 117.08 or 117.09, who also served as a member of the joint interim
9 school board by virtue of his or her membership on the school board of one of the
10 consolidating school districts, may continue to serve as a member of the school board
11 of that consolidating school district until the effective date of the consolidation, as
12 specified in the order of school district reorganization, provided he or she is otherwise
13 qualified to serve on the school board of that consolidating school district.

14 **SECTION 2259.** 118.125 (4) of the statutes is amended to read:

15 118.125 **(4)** TRANSFER OF RECORDS. Within 5 working days, a school district and
16 a private school participating in the program under s. 119.23 shall transfer to
17 another school or school district all pupil records relating to a specific pupil if the
18 transferring school district or private school has received written notice from the
19 pupil if he or she is an adult or his or her parent or guardian if the pupil is a minor
20 that the pupil intends to enroll in the other school or school district or written notice
21 from the other school or school district that the pupil has enrolled or from a court that
22 the pupil has been placed in a juvenile correctional facility, as defined in s. 938.02
23 (10p), or a secured residential care center for children and youth, as defined in s.
24 938.02 (15g). In this subsection, “school” and “school district” include any juvenile
25 correctional facility, secured residential care center for children and youth, adult

ASSEMBLY BILL 75**SECTION 2259**

1 correctional institution, mental health institute, or center for the developmentally
2 disabled, that provides an educational program for its residents instead of or in
3 addition to that which is provided by public and private schools.

4 **SECTION 2260.** 118.15 (5) (b) 1. of the statutes is repealed.

5 **SECTION 2261.** 118.15 (5) (b) 2. of the statutes is renumbered 118.15 (5) (b).

6 **SECTION 2262.** 118.16 (2m) (a) 2. of the statutes is amended to read:

7 118.16 **(2m)** (a) 2. An employee of the school district who is directly involved
8 in the provision of a modified program or curriculum under s. 118.15 (1) (d), a
9 program for children at risk under s. 118.153 ~~or an alternative educational program~~
10 ~~under s. 119.82,~~ or any other alternative educational program to children who attend
11 the school attended by the truant child, if the school district administrator believes
12 that the program or curriculum may be appropriate for the truant child.

13 **SECTION 2263.** 118.175 (1) of the statutes is amended to read:

14 118.175 **(1)** This section does not apply to a pupil who has a legal custodian, as
15 defined in s. 48.02 (11) or 938.02 (11), or who is cared for by a ~~kinship care~~ relative,
16 as defined in s. 48.57 ~~(3m) (a) 2.~~ 48.02 (15).

17 **SECTION 2264.** 118.245 of the statutes is repealed.

18 **SECTION 2265.** 118.30 (1g) (a) 1. of the statutes is amended to read:

19 118.30 **(1g)** (a) 1. By August 1, 1998, each school board shall adopt pupil
20 academic standards in mathematics, science, reading and writing, geography, and
21 history. ~~If the governor has issued~~ The school board may adopt the pupil academic
22 standards issued by the governor as an executive order under s. 14.23, ~~the school~~
23 ~~board may adopt those standards~~ no. 326, dated January 13, 1998.

24 **SECTION 2266.** 118.30 (1g) (a) 3. of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 2266**

1 118.30 **(1g)** (a) 3. The governing body of each private school participating in the
2 program under s. 119.23 shall adopt pupil academic standards in mathematics,
3 science, reading and writing, geography, and history. The governing body of the
4 private school may adopt the pupil academic standards issued by the governor as
5 executive order no. 326, dated January 13, 1998.

6 **SECTION 2267.** 118.30 (1s) of the statutes is created to read:

7 118.30 **(1s)** Annually, the governing body of each private school participating
8 in the program under s. 119.23 shall do all of the following:

9 (a) Administer the 4th grade examination adopted or approved by the state
10 superintendent under sub. (1) to all pupils attending the 4th grade in the private
11 school under s. 119.23.

12 (am) Administer the 8th grade examination adopted or approved by the state
13 superintendent under sub. (1) to all pupils attending the 8th grade in the private
14 school under s. 119.23.

15 (b) Administer the 10th grade examination adopted or approved by the state
16 superintendent under sub. (1) to all pupils attending the 10th grade in the private
17 school under s. 119.23.

18 (c) Administer to pupils attending the private school under s. 119.23 all other
19 examinations in reading, mathematics, and science that are required to be
20 administered to public school pupils under 20 USC 6311 (b) (3).

21 **SECTION 2268.** 118.30 (2) (b) 1. and 2. of the statutes are amended to read:

22 118.30 **(2)** (b) 1. If a pupil is enrolled in a special education program under
23 subch. V of ch. 115, the school board or operator of the charter school under s. 118.40
24 (2r), or governing body of the private school participating in the program under s.
25 119.23 shall comply with s. 115.77 (1m) (bg).

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1 2. According to criteria established by the state superintendent by rule, the
2 school board ~~or~~ operator of the charter school under s. 118.40 (2r), or governing body
3 of the private school participating in the program under s. 119.23 may determine not
4 to administer an examination under this section to a limited-English speaking
5 pupil, as defined under s. 115.955 (7), may permit the pupil to be examined in his or
6 her native language or may modify the format and administration of an examination
7 for such pupils.

8 **SECTION 2269.** 118.30 (2) (b) 5. of the statutes is created to read:

9 118.30 **(2)** (b) 5. Upon the request of a pupil's parent or guardian, the governing
10 body of a private school participating in the program under s. 119.23 shall excuse the
11 pupil from taking an examination administered under sub. (1s) (a) to (b).

12 **SECTION 2270.** 118.33 (1) (a) 1. of the statutes is amended to read:

13 118.33 **(1)** (a) 1. In the high school grades, at least 4 credits of English including
14 writing composition, 3 credits of social studies including state and local government,
15 2 3 credits of mathematics, 2 3 credits of science and 1.5 credits of physical education.

16 **SECTION 2271.** 118.33 (1) (f) 2m. of the statutes is created to read:

17 118.33 **(1)** (f) 2m. The governing body of each private school participating in the
18 program under s. 119.23 shall develop a policy specifying criteria for granting a high
19 school diploma to pupils attending the private school under s. 119.23. The criteria
20 shall include the pupil's academic performance and the recommendations of
21 teachers.

22 **SECTION 2272.** 118.33 (1) (f) 3. of the statutes is amended to read:

23 118.33 **(1)** (f) 3. Beginning on September 1, 2005, neither a school board nor an
24 operator of a charter school under s. 118.40 (2r) may grant a high school diploma to
25 any pupil unless the pupil has satisfied the criteria specified in the school board's or

ASSEMBLY BILL 75**SECTION 2272**

1 charter school's policy under subd. 1. or 2. Beginning on September 1, 2010, the
2 governing body of a private school participating in the program under s. 119.23 may
3 not grant a high school diploma to any pupil attending the private school under s.
4 119.23 unless the pupil has satisfied the criteria specified in the governing body's
5 policy under subd. 2m.

6 **SECTION 2273.** 118.33 (6) (c) of the statutes is created to read:

7 118.33 **(6)** (c) 1. The governing body of each private school participating in the
8 program under s. 119.23 shall adopt a written policy specifying criteria for promoting
9 a pupil who is attending the private school under s. 119.23 from the 4th grade to the
10 5th grade and from the 8th grade to the 9th grade. The criteria shall include the
11 pupil's score on the examination administered under s. 118.30 (1s) (a) or (am), unless
12 the pupil has been excused from taking the examination under s. 118.30 (2) (b); the
13 pupil's academic performance; the recommendations of teachers, which shall be
14 based solely on the pupil's academic performance; and any other academic criteria
15 specified by the governing body of the private school.

16 2. Beginning on September 1, 2010, the governing body of a private school
17 participating in the program under s. 119.23 may not promote a 4th grade pupil who
18 is attending the private school under s. 119.23 to the 5th grade, and may not promote
19 an 8th grade pupil who is attending the private school under s. 119.23 to the 9th
20 grade, unless the pupil satisfies the criteria for promotion specified in the governing
21 body's policy under subd. 1.

22 **SECTION 2274.** 118.51 (14) (b) of the statutes is amended to read:

23 118.51 **(14)** (b) *Low-income assistance.* The parent of a pupil who is eligible for
24 a free or reduced-price lunch under 42 USC 1758 (b) and who will be attending public
25 school in a nonresident school district in the following school year under this section

ASSEMBLY BILL 75**SECTION 2274**

1 may apply to the department, on the form prepared under sub. (15) (a), for the
2 reimbursement of costs incurred by the parent for the transportation of the pupil to
3 and from the pupil's residence and the school that the pupil will be attending. The
4 department shall determine the reimbursement amount and shall pay the amount
5 from the appropriation under s. 20.255 (2) ~~(ey)~~ (vy). The reimbursement amount may
6 not exceed the actual transportation costs incurred by the parent or 3 times the
7 statewide average per pupil transportation costs, whichever is less. If the
8 appropriation under s. 20.255 (2) ~~(ey)~~ (vy) in any one year is insufficient to pay the
9 full amount of approved claims under this paragraph, payments shall be prorated
10 among the parents entitled thereto. By the 2nd Friday following the first Monday
11 in May following receipt of the parent's application under sub. (3) (a), the department
12 shall provide to each parent requesting reimbursement under this paragraph an
13 estimate of the amount of reimbursement that the parent will receive if the pupil
14 attends public school in the nonresident school district in the following school year.

15 **SECTION 2275.** 118.52 (11) (b) of the statutes is amended to read:

16 118.52 **(11)** (b) *Low-income assistance.* The parent of a pupil who is attending
17 a course in a public school in a nonresident school district under this section may
18 apply to the department for reimbursement of the costs incurred by the parent for
19 the transportation of the pupil to and from the pupil's residence or school in which
20 the pupil is enrolled and the school at which the pupil is attending the course if the
21 pupil and parent are unable to pay the cost of such transportation. The department
22 shall determine the reimbursement amount and shall pay the amount from the
23 appropriation under s. 20.255 (2) ~~(ey)~~ (vy). The department shall give preference
24 under this paragraph to those pupils who are eligible for a free or reduced-price
25 lunch under 42 USC 1758 (b).

ASSEMBLY BILL 75**SECTION 2276**

1 **SECTION 2276.** 118.55 (7g) of the statutes is amended to read:

2 118.55 **(7g)** TRANSPORTATION. The parent or guardian of a pupil who is
3 attending an institution of higher education or technical college under this section
4 and is taking a course for high school credit may apply to the state superintendent
5 for reimbursement of the cost of transporting the pupil between the high school in
6 which the pupil is enrolled and the institution of higher education or technical college
7 that the pupil is attending if the pupil and the pupil's parent or guardian are unable
8 to pay the cost of such transportation. The state superintendent shall determine the
9 reimbursement amount and shall pay the amount from the appropriation under s.
10 20.255 (2) ~~(ew)~~ (vw). The state superintendent shall give preference under this
11 subsection to those pupils who are eligible for a free or reduced-price lunch under
12 42 USC 1758 (b).

13 **SECTION 2277.** 119.23 (1) (am) of the statutes is created to read:

14 119.23 **(1)** (am) "Progress records" has the meaning given in s. 118.125 (1) (c).

15 **SECTION 2278.** 119.23 (2) (a) 3. of the statutes is amended to read:

16 119.23 **(2)** (a) 3. The private school notified the state superintendent of its
17 intent to participate in the program under this section, and paid a nonrefundable fee
18 set by the department, by February 1 of the previous school year. The notice shall
19 specify the number of pupils participating in the program under this section for
20 which the school has space. The department shall set the fee charged under this
21 subdivision at an amount no greater than the amount necessary to pay the costs of
22 employing one full-time auditor to evaluate the financial information submitted by
23 the private schools under sub. (7) (am) and (d) 2. and 3.

24 **SECTION 2279.** 119.23 (2) (a) 6. of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2279**

1 119.23 **(2)** (a) 6. All of the private school's teachers and administrators have
2 ~~graduated from high school or been granted a declaration of equivalency of high~~
3 ~~school graduation~~ at least a bachelor's degree from an accredited institution of
4 higher education.

5 **SECTION 2280.** 119.23 (2) (a) 7. of the statutes is amended to read:

6 119.23 **(2)** (a) 7. The private school achieves accreditation by the Wisconsin
7 North Central Association, the Wisconsin Religious and Independent Schools
8 Accreditation, the Independent Schools Association of the Central States, the
9 Archdiocese of Milwaukee, the Institute for the Transformation of Learning at
10 Marquette University, or any other organization recognized by the National Council
11 for Private School Accreditation, by ~~December 31 of the 3rd school year following the~~
12 ~~first school year that begins after June 30, 2006,~~ August 1 of the school year in which
13 it first participates in the program under this section, or, for private schools
14 participating in the program on the effective date of this subdivision ... [LRB inserts
15 date], by August 1, 2010, or the private school was approved for scholarship funding
16 for the 2005–06 school year by Partners Advancing Values in Education.

17 **SECTION 2281.** 119.23 (2) (a) 8. of the statutes is created to read:

18 119.23 **(2)** (a) 8. Notwithstanding s. 118.165 (1) (c), the private school annually
19 provides at least 1,050 hours of direct pupil instruction in grades 1 to 6 and at least
20 1,137 hours of direct pupil instruction in grades 7 to 12. Hours provided under this
21 subdivision include recess and time for pupils to transfer between classes but do not
22 include the lunch periods.

23 **SECTION 2282.** 119.23 (2) (b) of the statutes is renumbered 119.23 (2) (b) (intro.)
24 and amended to read:

ASSEMBLY BILL 75**SECTION 2282**

1 119.23 **(2)** (b) (intro.) No more than 22,500 pupils, as counted under s. 121.004
2 (7), may attend private schools under this section. Whenever the state
3 superintendent determines that the limit is reached, he or she shall issue an order
4 prohibiting the participating private schools from accepting additional pupils until
5 he or she determines that the number of pupils attending private schools under this
6 section has fallen below the limit. If the number of pupils attending the program falls
7 below the limit under this paragraph, participating private schools that wish to
8 accept additional pupils under the program shall accept pupils as follows:

9 **SECTION 2283.** 119.23 (2) (b) 1. of the statutes is created to read:

10 119.23 **(2)** (b) 1. The private school shall give first priority to pupils who are
11 attending a private school under this section.

12 **SECTION 2284.** 119.23 (2) (b) 2. of the statutes is created to read:

13 119.23 **(2)** (b) 2. The private school shall give 2nd priority to the siblings of
14 pupils who are attending a private school under this section.

15 **SECTION 2285.** 119.23 (2) (b) 3. of the statutes is created to read:

16 119.23 **(2)** (b) 3. The private school shall give 3rd priority to pupils selected at
17 random under a procedure established by the department by rule.

18 **SECTION 2286.** 119.23 (6m) of the statutes is created to read:

19 119.23 **(6m)** Each private school participating in the program under this
20 section shall do all of the following:

21 (a) Provide to each person who applies to attend the private school all of the
22 following:

23 1. A list of the names, addresses, and telephone numbers of the members of the
24 private school's governing body and of the private school's shareholders, if any.

ASSEMBLY BILL 75**SECTION 2286**

1 2. A notice stating whether the private school is an organization operated for
2 profit or not for profit. If the private school is a nonprofit organization, the private
3 school shall also provide the applicant with a copy of the certificate issued under
4 section 501 (c) (3) of the Internal Revenue Code verifying that the private school is
5 a nonprofit organization that is exempt from federal income tax.

6 3. A copy of the appeals process used if the private school rejects the applicant.

7 4. A statement that the private school agrees to permit public inspection and
8 copying of any record, as defined in s. 19.32 (2), of the private school to the same
9 extent as required of, and subject to the same terms and enforcement provisions that
10 apply to, an authority under subch. II of ch. 19.

11 5. A statement that the private school agrees to provide public access to
12 meetings of the governing body of the private school to the same extent as is required
13 of, and subject to the same terms and enforcement provisions that apply to, a
14 governmental body under subch. V of ch. 19.

15 6. A copy of the policy developed by the private school under s. 118.33 (1) (f) 2m.

16 7. A copy of the non-harassment policy used by the private school, together
17 with the procedures for reporting and obtaining relief from harassment.

18 8. A copy of the suspension and expulsion policies and procedures, including
19 procedures for appealing a suspension or expulsion, used by the private school.

20 9. A copy of the policy used by the private school for accepting or denying the
21 transfer of credits earned by a pupil enrolled in the program under this section for
22 the satisfactory completion of coursework at another school.

23 (b) Upon request by any person, provide the material specified in par. (a) and
24 any of the following information:

ASSEMBLY BILL 75**SECTION 2286**

1 1. The number of pupils enrolled in the private school under this section in the
2 previous school year.

3 2. The number of pupils enrolled in the private school other than under this
4 section in the previous school year.

5 3. For each school year in which the private school has participated in the
6 program under this section, all of the following information:

7 a. The number of pupils who were enrolled in the private school under this
8 section and other than under this section in the 12th grade and the number of those
9 pupils who graduated from the private school.

10 b. The number of pupils who were enrolled in the private school under this
11 section and other than under this section in the 4th grade and the number of those
12 pupils who advanced from grade 4 to grade 5.

13 c. The number of pupils who were enrolled in the private school under this
14 section and other than under this section in the 8th grade and the number of those
15 pupils who advanced from grade 8 to grade 9.

16 4. A copy of the academic standards adopted under sub. (7) (b) 2.

17 5. To the extent permitted under 20 USC 1232g and 43 CFR part 99, pupil
18 scores on standardized tests administered under sub. (7) (b) 1. and (e) 1. in the
19 previous school year.

20 **SECTION 2287.** 119.23 (7) (am) 1. of the statutes is amended to read:

21 119.23 **(7)** (am) 1. An independent financial audit of the private school
22 conducted by a certified public accountant, accompanied by the auditor's statement
23 that the report is free of material misstatements and fairly presents pupil costs
24 under sub. (4) (b) 1. ~~The Except as provided in par. (ar). the~~ audit under this

ASSEMBLY BILL 75**SECTION 2287**

1 subdivision shall be limited in scope to those records that are necessary for the
2 department to make payments under subs. (4) and (4m).

3 **SECTION 2288.** 119.23 (7) (ar) of the statutes is created to read:

4 119.23 **(7)** (ar) The certified public accountant conducting the independent
5 financial audit required under par. (am) 1. shall include in the audit a report on the
6 private school's compliance with par. (b) 4. and 6. The certified public accountant
7 may determine compliance by examining an appropriate sample of pupil records.

8 **SECTION 2289.** 119.23 (7) (b) of the statutes is created to read:

9 119.23 **(7)** (b) Each private school participating in the program under this
10 section shall do all of the following:

11 1. Administer to any pupils attending the 3rd grade in the private school under
12 this section a standardized reading test developed by the department.

13 2. Adopt the pupil academic standards required under s. 118.30 (1g) (a) 3.

14 3. Ensure that all administrators of and teachers employed by the private
15 school have at least a bachelor's degree from an accredited institution of higher
16 education.

17 4. Maintain progress records for each pupil attending the private school under
18 this section while the pupil attends the school and, except as provided under subd.
19 7., for at least 5 years after the pupil ceases to attend the school.

20 5. Upon request, provide a pupil or the parent or guardian of a minor pupil who
21 is attending the private school under this section with a copy of the pupil's progress
22 records.

23 6. Issue a high school diploma or certificate to each pupil who attends the
24 private school under this section and satisfactorily completes the course of
25 instruction and any other requirements necessary for high school graduation.

ASSEMBLY BILL 75**SECTION 2289**

1 7. If the private school ceases operating as a private school, immediately
2 transfer all of the progress records of the pupils who attended the school under this
3 section to the board.

4 **SECTION 2290.** 119.23 (7) (e) 1. of the statutes is amended to read:

5 119.23 **(7)** (e) 1. Annually In the 2009–10 school year, each private school
6 participating in the program under this section shall administer a nationally normed
7 standardized test in reading, mathematics, and science to pupils attending the
8 school under the program in the 4th, 8th, and 10th grades. Beginning in the 2010–11
9 school year and annually thereafter, each private school participating in the program
10 under this section shall administer the examinations required under s. 118.30 (1s)
11 to pupils attending the school under the program. The private school may administer
12 additional standardized tests to such pupils. Beginning in 2006 and annually
13 thereafter until 2011, the private school shall provide the scores of all standardized
14 tests and examinations that it administers under this subdivision to the School
15 Choice Demonstration Project.

16 **SECTION 2291.** 119.23 (10) (a) 2. of the statutes is amended to read:

17 119.23 **(10)** (a) 2. Failed to provide the notice or pay the fee required under sub.
18 (2) (a) 3., or provide the information required under sub. (7) (am) or (d), by the date
19 or within the period specified.

20 **SECTION 2292.** 119.23 (10) (a) 5. of the statutes is created to read:

21 119.23 **(10)** (a) 5. Failed to provide the information required under sub. (6m).

22 **SECTION 2293.** 119.23 (10) (a) 6. of the statutes is created to read:

23 119.23 **(10)** (a) 6. Failed to comply with the requirements under sub. (7) (b) or
24 (c).

25 **SECTION 2294.** 119.23 (10) (a) 7. of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 2294**

119.23 **(10)** (a) 7. Violated sub. (7) (b) 4., 5., or 6.

SECTION 2295. 119.23 (10) (d) of the statutes is amended to read:

119.23 **(10)** (d) The state superintendent may withhold payment from a parent or guardian under subs. (4) and (4m) if the private school attended by the child of the parent or guardian violates this section or s. 118.125 (4).

SECTION 2296. 119.82 of the statutes is repealed.

SECTION 2297. 120.12 (24) of the statutes is amended to read:

120.12 **(24)** HEALTH CARE BENEFITS. Prior to the selection of any group health care benefits provider for school district professional employees, as defined in s. 111.70 (1) (ne), solicit sealed bids for the provision of such benefits.

SECTION 2298. 121.007 of the statutes is amended to read:

121.007 Use of state aid; exemption from execution. All moneys paid to a school district under s. 20.255 (2) (ac), (bc), (cg), and ~~(er)~~ (vr), shall be used by the school district solely for the purposes for which paid. Such moneys are exempt from execution, attachment, garnishment, or other process in favor of creditors, except as to claims for salaries or wages of teachers and other school employees and as to claims for school materials, supplies, fuel, and current repairs.

SECTION 2299. 121.06 (4) of the statutes is amended to read:

121.06 **(4)** For purposes of computing state aid under s. 121.08, equalized valuations calculated under sub. (1) and certified under sub. (2) shall include the full value of property that is exempt under ~~s. ss. 70.11 (27m), (39), and (39m)~~ and 70.111 (27) as determined under s. 79.095 (3).

SECTION 2300. 121.07 (8) of the statutes is renumbered 121.07 (8) (a) and amended to read:

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1 121.07 **(8)** (a) ~~A~~ Except as provided in par. (b), a school district's primary,
2 secondary and tertiary guaranteed valuations are determined by multiplying the
3 amounts in sub. (7) by the district's membership.

4 **SECTION 2301.** 121.07 (8) (b) of the statutes is created to read:

5 121.07 **(8)** (b) The primary, secondary, and tertiary guaranteed valuations of
6 a school district operating under ch. 119 are determined by multiplying the amounts
7 in sub. (7) by the sum of the school district's membership and a number equal to the
8 following percent of the number of pupils attending a private school under the
9 program under s. 119.23 in the previous school year:

- 10 1. For state aid distributed in the 2009–10 school year, 10 percent.
- 11 2. For state aid distributed in the 2010–11 school year, 20 percent.
- 12 3. For state aid distributed in the 2011–12 school year, 30 percent.
- 13 4. For state aid distributed in the 2012–13 school year, 40 percent.
- 14 5. For state aid distributed in the 2013–14 school year and in each school year
15 thereafter, 50 percent.

16 **SECTION 2302.** 121.53 (4) of the statutes is amended to read:

17 121.53 **(4)** Every school board shall require that there be filed with it and with
18 the department of transportation a certificate of insurance showing that an
19 insurance policy has been procured and is in effect which covers the owner and
20 operator of the school bus and the school board or shall procure an insurance policy
21 and file such certificate with the department of transportation. Unless such
22 certificate is on file with the department of transportation, no registration ~~plates~~
23 plate for a school bus may be issued by the department of transportation. No such
24 policy may be terminated prior to its expiration or canceled for any reason, unless
25 a notice thereof is filed with the department of transportation and with the school

ASSEMBLY BILL 75**SECTION 2302**

1 board by the insurer at least 10 days prior to the date of termination or cancellation.
2 The department of transportation shall revoke the registration of a school bus on
3 which the policy has been terminated or canceled, effective on the date of termination
4 or cancellation.

5 **SECTION 2303.** 121.555 (2) (a) of the statutes is amended to read:

6 121.555 **(2)** (a) *Insurance.* If the vehicle is owned or leased by a school or a
7 school bus contractor, or is a vehicle authorized under sub. (1) (b), it shall comply with
8 s. 121.53. If the vehicle is transporting 9 or less persons in addition to the operator
9 and is not owned or leased by a school or by a school bus contractor, it shall be insured
10 by a policy providing property damage coverage with a limit of not less than \$10,000
11 \$25,000 and bodily injury liability coverage with limits of not less than \$25,000
12 \$100,000 for each person, and, subject to the limit for each person, a total limit of not
13 less than ~~\$50,000~~ \$300,000 for each accident.

14 **SECTION 2304.** 121.575 (3) of the statutes is amended to read:

15 121.575 **(3)** If the federal government requires, as a condition of full federal
16 financial participation under sub. (2) (b), that this state provide assistance for the
17 purposes of sub. (2) (a) from state resources, the department shall provide the
18 assistance from the appropriation under s. 20.255 (2) ~~(cr)~~ (vr) in the minimum
19 amount required to obtain full federal financial participation.

20 **SECTION 2305.** 121.58 (6) of the statutes is amended to read:

21 121.58 **(6)** APPROPRIATION PRORATED. If the appropriation under s. 20.255 (2) ~~(cr)~~
22 (vr) in any one year is insufficient to pay the full amount of approved claims under
23 this section, state aid payments for school districts not participating in the program
24 under s.121.575 shall be prorated as though the minimum amount under s. 121.575
25 (3) had not been made and state aid payments for school districts participating in the

ASSEMBLY BILL 75**SECTION 2305**

1 program under s. 121.575 shall be prorated after deducting the minimum amount
2 under s. 121.575 (3).

3 **SECTION 2306.** 121.79 (1) (d) (intro.) of the statutes is amended to read:

4 121.79 **(1)** (d) (intro.) For pupils in foster homes, ~~treatment foster homes~~, or
5 group homes, if the foster home, ~~treatment foster home~~, or group home is located
6 outside the school district in which the pupil's parent or guardian resides and either
7 of the following applies:

8 **SECTION 2307.** 121.79 (1) (d) 2. of the statutes is amended to read:

9 121.79 **(1)** (d) 2. The foster, ~~treatment foster~~ or group home is exempted under
10 s. 70.11.

11 **SECTION 2308.** 121.79 (1) (d) 3. of the statutes is amended to read:

12 121.79 **(1)** (d) 3. The pupil is a child with a disability, as defined in s. 115.76 (5),
13 and at least 4% of the pupils enrolled in the school district reside in foster homes,
14 ~~treatment foster homes~~, or group homes that are not exempt under s. 70.11.
15 Notwithstanding s. 121.83 (1) (d), the annual tuition rate for pupils under this
16 subdivision is the special annual tuition rate only, as described in s. 121.83 (1) (c).

17 **SECTION 2309.** 121.90 (2) (intro.) of the statutes is renumbered 121.90 (2) (am)
18 (intro.) and amended to read:

19 121.90 **(2)** (am) (intro.) "State aid" means aid all of the following:

20 1. Aid under ss. 121.08, 121.09, 121.105, and 121.136 and subch. VI, as
21 calculated for the current school year on October 15 under s. 121.15 (4) and including
22 adjustments made under s. 121.15 (4), ~~and amounts.~~

23 2. Amounts under s. 79.095 (4) for the current school year, ~~except that "state~~
24 ~~aid" excludes all of the following.~~

ASSEMBLY BILL 75**SECTION 2310**

1 **SECTION 2310.** 121.90 (2) (a) to (c) of the statutes are renumbered 121.90 (2)
2 (bm) 1. to 3.

3 **SECTION 2311.** 121.90 (2) (am) 3. of the statutes is created to read:

4 121.90 **(2)** (am) 3. All federal moneys received from allocations from the state
5 fiscal stabilization fund that are distributed to school districts either as general
6 equalization aid or as subgrants based on the school districts' relative shares of
7 funding under 20 USC 6311 to 6339.

8 **SECTION 2312.** 121.90 (2) (bm) (intro.) of the statutes is created to read:

9 121.90 **(2)** (bm) (intro.) "State aid" excludes all of the following:

10 **SECTION 2313.** 121.905 (1) of the statutes is amended to read:

11 121.905 **(1)** In this section, "revenue ceiling" means ~~\$8,700~~ \$9,400 in the
12 ~~2007-08~~ 2009-10 school year and ~~\$9,000~~ \$9,800 in any subsequent school year.

13 **SECTION 2314.** 121.91 (2m) (t) of the statutes is created to read:

14 121.91 **(2m)** (t) 1. If 2 or more school districts are consolidated under s. 117.08
15 or 117.09, the consolidated school district's revenue limit shall be determined as
16 provided under par. (e) except as follows:

17 a. For the school year beginning with the effective date of the consolidation, the
18 state aid received in the previous school year by the consolidated school district is the
19 sum of the state aid amounts received in the previous school year by all of the affected
20 school districts.

21 b. For the school year beginning with the effective date of the consolidation, the
22 property taxes levied for the previous school year for the consolidated school district
23 is the sum of the property taxes levied for the previous school year by all of the
24 affected school districts.

ASSEMBLY BILL 75**SECTION 2314**

1 c. For the school year beginning with the effective date of the consolidation and
2 the 2 succeeding school years, the number of pupils enrolled in the consolidated
3 school district in any school year previous to the effective date of the consolidation
4 is the sum of the number of pupils enrolled in all of the affected school districts in that
5 school year.

6 2. If 2 or more school districts are consolidated under s. 117.08 or 117.09, and
7 an excess revenue has been approved under sub. (3) for one or more of the affected
8 school districts, the approval expires on the effective date of the consolidation.

9 **SECTION 2315.** 121.91 (4) (L) of the statutes is created to read:

10 121.91 **(4)** (L) 1. In this paragraph, “local law enforcement agency” means a
11 governmental unit of one or more persons employed full time by a city, town, village,
12 or county in this state for the purpose of preventing and detecting crime and
13 enforcing state laws or local ordinances, employees of which unit are authorized to
14 make arrests for crimes while acting within the scope of their authority.

15 2. The limit otherwise applicable to a school district under sub. (2m) in any
16 school year is increased by an amount determined as follows if the school board
17 adopts a resolution to do so, the school board and a local law enforcement agency
18 jointly develop a school safety plan that specifies the purposes of the additional
19 revenue, and the school board submits the school safety plan to the department:

20 a. For the revenue limit in the 2010–11 school year, \$33 times the number of
21 pupils enrolled in the school district or \$13,333, whichever is greater.

22 b. For the revenue limit in the 2011–12 school year, \$67 times the number of
23 pupils enrolled in the school district or \$26,227, whichever is greater.

ASSEMBLY BILL 75**SECTION 2315**

1 c. For the revenue limit in the 2012–13 school year or any subsequent school
2 year, \$100 times the number of pupils enrolled in the school district or \$40,000,
3 whichever is greater.

4 3. A school district may use the excess revenue under this paragraph to
5 purchase school safety equipment or fund the compensation costs of security officers.
6 Any additional revenue received by a school district under this paragraph shall not
7 be included in the base for determining the school district's limit under sub. (2m) for
8 the following school year.

9 **SECTION 2316.** 121.91 (4) (m) of the statutes is created to read:

10 121.91 **(4)** (m) 1. The limit otherwise applicable to a school district under sub.
11 (2m) in any school year is increased by the following portion of the amount spent by
12 the school district in that school year to pay the salary and fringe benefit costs of
13 school nurses employed by the school board if the school board adopts a resolution
14 to do so:

15 a. For the revenue limit in the 2010–11 school year, one–third.

16 b. For the revenue limit in the 2011–12 school year, two–thirds.

17 c. For the revenue limit in the 2012–13 school year or any subsequent school
18 year, 100 percent.

19 2. Any additional revenue received by a school district under this paragraph
20 shall not be included in the base for determining the school district's limit under sub.
21 (2m) for the following school year.

22 **SECTION 2317.** 121.91 (4) (n) of the statutes is created to read:

23 121.91 **(4)** (n) 1. If the school board adopts a resolution to do so, the limit
24 otherwise applicable to the school district under sub. (2m) in any school year is

ASSEMBLY BILL 75**SECTION 2317**

1 increased by the portion, specified in subd. 2., of the amount determined as follows,
2 if a positive number:

3 a. Determine the average amount spent by the school district on transportation
4 per pupil in the previous school year.

5 b. Determine the statewide average amount spent on transportation per pupil
6 in the previous school year.

7 c. Subtract the result in subd. 1. b. from the result in subd. 1. a. and multiply
8 the difference by the number of pupils transported by the school district in the
9 previous school year.

10 2. a. In the 2010–11 school year, one–third of the amount determined in subd.
11 1. c.

12 b. In the 2011–12 school year, two–thirds of the amount determined in subd.
13 1. c.

14 c. In the 2012–13 school year or any subsequent year, 100 percent of the amount
15 determined in subd. 1. c.

16 3. Any additional revenue received by a school district under this paragraph
17 shall not be included in the base for determining the school district's limit under sub.
18 (2m) for the following school year.

19 **SECTION 2318.** 121.91 (7) of the statutes is amended to read:

20 121.91 **(7)** Except as provided in sub. (4) (f) 2. and (L) to (n) and (8), if an excess
21 revenue is approved under sub. (3) for a recurring purpose or allowed under sub. (4),
22 the excess revenue shall be included in the base for determining the limit for the next
23 school year for purposes of this section. If an excess revenue is approved under sub.
24 (3) for a nonrecurring purpose, the excess revenue shall not be included in the base
25 for determining the limit for the next school year for purposes of this section.

ASSEMBLY BILL 75**SECTION 2319**

1 **SECTION 2319.** 134.65 (1) of the statutes is amended to read:

2 134.65 **(1)** No person shall in any manner, or upon any pretense, or by any
3 device, directly or indirectly sell, expose for sale, possess with intent to sell,
4 exchange, barter, dispose of or give away any cigarettes or tobacco products to any
5 person not holding a license as herein provided or a permit under ss. 139.30 to 139.41
6 ~~or, 139.79, or 139.795~~ without first obtaining a license from the clerk of the city,
7 village, or town wherein such privilege is sought to be exercised. This subsection
8 does not apply to a person who holds a valid permit under s. 139.345 or 139.795 and
9 who sells cigarettes or tobacco products solely as a direct marketer.

10 **SECTION 2320.** 134.65 (1n) of the statutes is created to read:

11 134.65 **(1n)** (a) The department of revenue shall prepare an application form
12 for licenses issued under this section. In addition to the information required under
13 sub. (1m), the form shall require all of the following information:

14 1. The applicant's history relevant to the applicant's fitness to hold a license
15 under this section.

16 2. The kind of license for which the applicant is applying.

17 3. The premises where cigarettes or tobacco products will be sold or stored.

18 4. If the applicant is a corporation, the identity of the corporate officers and
19 agent.

20 5. If the applicant is a limited liability company, the identity of the company
21 members or managers and agent.

22 6. The applicant's trade name, if any.

23 7. Any other information required by the department.

24 (b) The department of revenue shall provide one copy of the application form
25 prepared under this subsection to each city, village, and town.

ASSEMBLY BILL 75**SECTION 2320**

1 (c) Each applicant for a license under this section shall use the application form
2 prepared under this subsection.

3 (d) 1. Each application for a license under this section shall be sworn to by the
4 applicant and the applicant shall submit the application with the clerk of the city,
5 village, or town where the intended place of sale is located.

6 2. Within 10 days of any change in any fact set forth in an application, the
7 applicant or license holder shall file a written description of the change with the clerk
8 of the city, village, or town where the application was submitted.

9 3. Any person may inspect applications submitted under this paragraph. The
10 clerk of each city, village, or town where such applications are submitted shall retain
11 all applications submitted under this paragraph, but may destroy all applications
12 that have been retained for 4 years or longer.

13 **SECTION 2321.** 134.65 (1r) of the statutes is created to read:

14 134.65 **(1r)** (a) A license under sub. (1) may only be issued to a person to whom
15 all of the following apply:

16 1. Subject to ss. 111.321, 111.322, and 111.335, the person does not have an
17 arrest record or a conviction record.

18 2. Unless pardoned, the person has not been convicted of a felony or as a
19 habitual offender.

20 3. The person is the holder of a seller's permit or use tax registration certificate
21 as required by this subchapter or has been informed by an employee of the
22 department that the department will issue a seller's permit or use tax registration
23 certificate to that person.

24 4. The person is 18 years of age or older.

ASSEMBLY BILL 75**SECTION 2321**

1 (b) The requirements under par. (a) apply to all partners of a partnership, all
2 members of limited liability company, all agents of a limited liability company or
3 corporation, and all officers of a corporation. Subject to ss. 111.321, 111.322, and
4 111.335, if a business entity has been convicted of a crime, the entity may not be
5 issued a license under sub. (1) unless the entity has terminated its relationship with
6 the individuals whose actions directly contributed to the conviction.

7 **SECTION 2322.** 134.65 (1s) of the statutes is created to read:

8 134.65 **(1s)** (a) No corporation or limited liability company organized under the
9 laws of this state or of any other state or foreign country may be issued a license
10 under this section unless:

11 1. The entity first appoints an agent in the manner prescribed by the city,
12 village, or town issuing the license. In addition to the qualifications under sub. (1r),
13 the agent must, with respect to character, record and reputation, be satisfactory to
14 the city, village, or town.

15 2. The entity vests in the agent, by properly authorized and executed written
16 delegation, full authority and control of the premises described in the entity's license,
17 and of the conduct of all business on the premises relative to the sale of cigarettes and
18 tobacco products, that the licensee could have and exercise if it were a natural
19 person.

20 (b) A corporation or limited liability company may cancel the appointment of
21 an agent and appoint a successor agent to act in the agent's place, for the remainder
22 of the license year or until another agent is appointed, as follows:

23 1. The successor agent shall meet the same qualifications required of the first
24 appointed agent.

ASSEMBLY BILL 75**SECTION 2322**

1 2. The entity shall immediately notify the city, village, or town, in writing, of
2 the appointment of the successor agent and the reason for the cancellation and new
3 appointment.

4 (c) A successor agent shall have all the authority, perform all the functions and
5 be charged with all the duties of the previous agent of the corporation or limited
6 liability company until the next regular or special meeting of the city, village, or town
7 is held. However, the license of the corporation or limited liability company shall
8 cease to be in force if, prior to the next regular or special meeting of the city, village,
9 or town, the city, village, or town clerk receives notice of disapproval of the successor
10 agent by a peace officer of the city, village, or town issuing the license.

11 (d) The license of the corporation or limited liability company shall not be in
12 force after the next regular or special meeting of the city, village, or town unless and
13 until the successor agent or another qualified agent is appointed and approved by the
14 city, village, or town.

15 (e) The corporation or limited liability company shall, following the approval
16 of each successor agent or another qualified agent by the city, village, or town, pay
17 to the city, village, or town a fee of \$10.

18 (f) If an agent appointed under this subsection resigns, he or she shall notify
19 in writing the corporation or limited liability company and the city, village, or town
20 issuing the license within 48 hours of the resignation.

21 **SECTION 2323.** 134.65 (2) (a) of the statutes is amended to read:

22 134.65 **(2)** (a) ~~Except~~ Subject to subs. (1r) and (1s), and except as provided in
23 par. (b), upon filing of a proper written application a license shall be issued on July
24 1 of each year or when applied for and continue in force until the following June 30
25 unless sooner revoked. The city, village or town may charge a fee for the license of

ASSEMBLY BILL 75**SECTION 2323**

1 not less than \$5 nor more than \$100 per year which shall be paid to the city, village
2 or town treasurer before the license is issued.

3 **SECTION 2324.** 134.65 (5) of the statutes is renumbered 134.65 (5) (a) and
4 amended to read:

5 134.65 (5) (a) ~~Any~~ Except as provided in par. (b), any person violating this
6 section shall be fined not more than ~~\$100~~ \$1,000 nor less than ~~\$25~~ \$500 for the first
7 offense and shall be fined not more than ~~\$200~~ \$5,000 nor less than ~~\$25~~ \$1,000 or
8 imprisoned for not more than 180 days or both for the 2nd or subsequent offense. If
9 ~~upon such 2nd or subsequent violation, the person so violating this section was~~
10 ~~personally guilty of a failure to exercise due care to prevent violation thereof, the~~
11 ~~person shall be fined not more than \$300 nor less than \$25 or imprisoned not~~
12 ~~exceeding 60 days or both.~~ Conviction Upon conviction of a 2nd or subsequent
13 offense, the court shall immediately terminate the license of the person convicted of
14 ~~being personally guilty of such failure to exercise due care~~ and the person shall not
15 be entitled to another license hereunder for a period of 5 years thereafter, nor shall
16 the person in that period act as the servant or agent of a person licensed hereunder
17 for the performance of the acts authorized by such license.

18 **SECTION 2325.** 134.65 (5) (b) of the statutes is created to read:

19 134.65 (5) (b) No penalty shall be imposed under par. (a) if any of the following
20 apply:

21 1. The secretary of revenue determines that imposing a penalty would be
22 inequitable because of inadvertent acts, mistakes, or unusual circumstances related
23 to the violation.

24 2. The person who is subject to a penalty under par. (a) had good cause to violate
25 this section, and such violation did not result from the person's neglect.

ASSEMBLY BILL 75**SECTION 2326**

1 **SECTION 2326.** 134.66 (2) (d) of the statutes is created to read:

2 134.66 **(2)** (d) No retailer, direct marketer, manufacturer, distributor, jobber or
3 subjobber, no agent, employee or independent contractor of a retailer, direct
4 marketer, manufacturer, distributor, jobber or subjobber, and no agent or employee
5 of an independent contractor may provide cigarettes or tobacco products for nominal
6 or no consideration to any person under the age of 18.

7 **SECTION 2327.** 134.66 (3m) of the statutes is created to read:

8 134.66 **(3m)** DEFENSE OF DIRECT MARKETER. Proof of all of the following facts by
9 a direct marketer who sells cigarettes or tobacco products to a person under the age
10 of 18 is a defense to any prosecution for a violation under sub. (2) (a):

11 (a) That the direct marketer used a mechanism, approved by the department
12 of revenue, for verifying the age of the purchaser.

13 (b) That the purchaser falsely represented that he or she had attained the age
14 of 18 and presented a copy or facsimile of an identification card.

15 (c) That the name and birthdate of the purchaser, as indicated by the purchaser,
16 matched the name and birthdate on the identification presented under par. (b).

17 (d) That the sale was made in good faith, in reasonable reliance on the
18 mechanism described in par. (a) and the representation and identification under
19 pars. (b) and (c), and in the belief that the purchaser had attained the age of 18.

20 **SECTION 2328.** 134.80 of the statutes is amended to read:

21 **134.80 Home heating fuel dealers.** Any dealer selling fuel of any kind for
22 the purpose of heating a private residence shall notify each private residential
23 customer whose account is subject to disconnection of the existence of the fuel
24 assistance programs provided by the ~~department of administration~~ commission
25 under s. ~~16.27~~ 196.3746.

ASSEMBLY BILL 75**SECTION 2329**

SECTION 2329. 139.30 (4n) of the statutes is repealed and recreated to read:

139.30 **(4n)** “Identification card” has the meaning given in s. 134.66 (1) (c).

SECTION 2330. 139.30 (7) of the statutes is amended to read:

139.30 **(7)** “Manufacturer” means any person who directly manufactures cigarettes for the purpose of sale, including the authorized agent of a person who directly manufactures cigarettes for the purpose of sale.

SECTION 2331. 139.30 (8s) of the statutes is created to read:

139.30 **(8s)** “Person” means any individual, sole proprietorship, partnership, limited liability company, corporation, or association, or any owner of a single-owner entity that is disregarded as a separate entity under ch. 71.

SECTION 2332. 139.31 (1) (a) of the statutes is amended to read:

139.31 **(1)** (a) On cigarettes weighing not more than 3 pounds per thousand, ~~88.5~~ 126 mills on each cigarette.

SECTION 2333. 139.31 (1) (b) of the statutes is amended to read:

139.31 **(1)** (b) On cigarettes weighing more than 3 pounds per thousand, ~~177~~ 252 mills on each cigarette.

SECTION 2334. 139.32 (4) of the statutes is amended to read:

139.32 **(4)** In lieu of stamps the secretary may authorize impressions applied by the use of ~~meter~~ machines. The secretary shall prescribe by rule the type of impression and the kind of machines which may be used.

SECTION 2335. 139.32 (5) of the statutes is amended to read:

139.32 **(5)** Manufacturers, bonded direct marketers, and distributors who are authorized by the department to purchase tax stamps shall receive a discount of ~~0.7~~ 0.5 percent of the tax paid on stamp purchases.

SECTION 2336. 139.321 (1) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2336**

1 139.321 **(1)** (intro.) It is unlawful for any person to purchase or possess
2 cigarettes unless the required stamps are properly affixed as provided in ss. 139.32
3 (1) and 139.33 (4).

4 **SECTION 2337.** 139.321 (1) (a) 1. of the statutes is amended to read:

5 139.321 **(1)** (a) 1. Manufacturers, bonded direct marketers, distributors or
6 warehouse operators possessing valid permits issued by the secretary.

7 **SECTION 2338.** 139.323 (3) of the statutes is amended to read:

8 139.323 **(3)** The land on which the sale occurred was designated a reservation
9 or trust land on or before January 1, 1983, or on a later date as determined by an
10 agreement between the department and the tribal council.

11 **SECTION 2339.** 139.34 (1) (a) of the statutes is amended to read:

12 139.34 **(1)** (a) No person may manufacture cigarettes in this state or sell
13 cigarettes in this state as a distributor, manufacturer, jobber, vending machine
14 operator, direct marketer, or multiple retailer and no person may operate a
15 warehouse in this state for the storage of cigarettes for another person without first
16 filing an application for and obtaining the proper permit to perform such operations
17 from the department.

18 **SECTION 2340.** 139.34 (1) (b) of the statutes is repealed.

19 **SECTION 2341.** 139.34 (1) (c) (intro.) of the statutes is repealed and recreated
20 to read:

21 139.34 **(1)** (c) (intro.) A permit under this section may only be issued to a person
22 to whom all of the following apply:

23 **SECTION 2342.** 139.34 (1) (c) 1. of the statutes is repealed.

24 **SECTION 2343.** 139.34 (1) (c) 1m. of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 2343**

1 139.34 **(1)** (c) 1m. Subject to ss. 111.321, 111.322, and 111.335, the person does
2 not have an arrest record or a conviction record.

3 **SECTION 2344.** 139.34 (1) (c) 2. of the statutes is amended to read:

4 139.34 **(1)** (c) 2. The Unless pardoned, the person has not been convicted of a
5 felony, ~~unless pardoned or as a habitual offender.~~

6 **SECTION 2345.** 139.34 (1) (c) 3. of the statutes is repealed.

7 **SECTION 2346.** 139.34 (1) (c) 3m. of the statutes is created to read:

8 139.34 **(1)** (c) 3m. The person is the holder of a seller's permit or use tax
9 registration certificate as required by this subchapter or has been informed by an
10 employee of the department that the department will issue a seller's permit or use
11 tax registration certificate to that person.

12 **SECTION 2347.** 139.34 (1) (c) 4. of the statutes is repealed.

13 **SECTION 2348.** 139.34 (1) (c) 4m. of the statutes is created to read:

14 139.34 **(1)** (c) 4m. The person is 18 years of age or older.

15 **SECTION 2349.** 139.34 (1) (c) 5. of the statutes is repealed.

16 **SECTION 2350.** 139.34 (1) (c) 6. of the statutes is repealed.

17 **SECTION 2351.** 139.34 (1) (c) 7. of the statutes is renumbered 139.34 (1) (c) 5m.

18 **SECTION 2352.** 139.34 (1) (cm) of the statutes is created to read:

19 139.34 **(1)** (cm) The requirements under par. (c) apply to all partners of a
20 partnership, all members of a limited liability company, all agents of a limited
21 liability company or corporation, and all officers of a corporation.

22 **SECTION 2353.** 139.34 (1s) of the statutes is created to read:

23 139.34 **(1s)** (a) No corporation or limited liability company organized under the
24 laws of this state or of any other state or foreign country may be issued a permit under
25 this section unless:

ASSEMBLY BILL 75**SECTION 2353**

1 1. The entity first appoints an agent in the manner prescribed by the
2 department. In addition to the qualifications under sub. (1), the agent must, with
3 respect to character, record and reputation, be satisfactory to the department.

4 2. The entity vests in the agent, by properly authorized and executed written
5 delegation, full authority and control of the premises described in the entity's permit,
6 and of the conduct of all business on the premises relative to the sale of cigarettes,
7 that the permittee could have and exercise if it were a natural person.

8 (b) A corporation or limited liability company may cancel the appointment of
9 an agent and appoint a successor agent to act in the agent's place, for the remainder
10 of the permit year or until another agent is appointed, as follows:

11 1. The successor agent shall meet the same qualifications required of the first
12 appointed agent.

13 2. The entity shall immediately notify the department, in writing, of the
14 appointment of the successor agent and the reason for the cancellation and new
15 appointment.

16 (c) A successor agent shall have all the authority, perform all the functions and
17 be charged with all the duties of the previous agent of the corporation or limited
18 liability company until the department approves or disapproves of the successor
19 agent.

20 (d) The corporation or limited liability company shall, following the
21 department's approval of each successor agent or another qualified agent, pay the
22 department a fee of \$10.

23 (e) If an agent appointed under this subsection resigns, he or she shall notify
24 in writing the corporation or limited liability company and the department within
25 48 hours of the resignation.

ASSEMBLY BILL 75**SECTION 2354**

SECTION 2354. 139.34 (4) of the statutes is amended to read:

139.34 **(4)** A separate permit shall be required of and issued to each class of permittee and the holder of any permit shall perform only the operations thereby authorized. Such permit shall not be transferable from one person to another or from one premises to another. A separate permit shall be required for each place where cigarettes are stamped or where cigarettes are stored for sale at wholesale or, through vending machines or multiple retail outlets, or by direct marketing.

SECTION 2355. 139.34 (6) of the statutes is amended to read:

139.34 **(6)** A vending machine operator or a multiple retailer may acquire unstamped cigarettes from the manufacturers thereof and affix the stamps to packages or other containers only if the vending machine operator or multiple retailer also holds a permit as a distributor or bonded direct marketer.

SECTION 2356. 139.34 (8) of the statutes is amended to read:

139.34 **(8)** The holder of a warehouse permit is entitled to store cigarettes on the premises described in the permit. The warehouse permit shall not authorize the holder to sell cigarettes. Unstamped cigarettes stored in a warehouse for a manufacturer, bonded direct marketer, or distributor may be delivered only to a person holding a permit as a manufacturer or, distributor, or bonded direct marketer who is authorized by the department to purchase and affix tax stamps.

SECTION 2357. 139.345 (1) (a) of the statutes is amended to read:

139.345 **(1)** (a) No person may sell cigarettes to consumers in this state as a direct marketer or solicit sales of cigarettes to consumers in this state by direct marketing unless the person ~~submits to~~ has obtained a permit under s. 139.34 from the department ~~the person's name, trade name, address of the person's principal place of business, phone number, e-mail address, and Web site address~~ to make such

ASSEMBLY BILL 75**SECTION 2357**

1 sales or solicitations. The person shall file an application for a permit under this
2 subsection with the department, in the manner prescribed by the department.

3 **SECTION 2358.** 139.345 (1) (b) of the statutes is amended to read:

4 139.345 **(1)** (b) No person may sell cigarettes as described under this section
5 unless the person obtains a permit under par. (a) and certifies to the department, in
6 the manner prescribed by the department, that the person shall acquire stamped
7 cigarettes from a licensed distributor or unstamped cigarettes from the
8 manufacturer thereof, pay the tax imposed under this subchapter on all unstamped
9 cigarettes and affix stamps to the cigarette packages or containers as provided under
10 s. 139.32 (1), store such packages or containers, and sell only such packages or
11 containers to consumers in this state by direct marketing; or acquire cigarettes from
12 a distributor, to the packages or containers of which stamps have been affixed as
13 provided under s. 139.32 (1), and sell only such packages or containers to consumers
14 in this state by direct marketing.

15 **SECTION 2359.** 139.345 (1) (d) of the statutes is amended to read:

16 139.345 **(1)** (d) No person may sell cigarettes as described in this section unless
17 the person obtains a permit under par. (a) and certifies to the department, in the
18 manner prescribed by the department, that the person shall register with credit card
19 and debit card companies; that the invoices and all means of solicitation for all
20 shipments of cigarette sales from the person shall bear the person's name and
21 address and the permit number of the permit ultimately issued under this
22 subsection; and that the person shall provide the department any information the
23 department considers necessary to administer this section.

24 **SECTION 2360.** 139.345 (3) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2360**

1 139.345 **(3)** (intro.) No person may sell cigarettes to consumers a consumer in
2 this state unless the person does all of the following:

3 **SECTION 2361.** 139.345 (3) (a) (intro.) of the statutes is amended to read:

4 139.345 **(3)** (a) (intro.) Verifies the consumer's ~~name~~ identity and address and
5 that the consumer is at least 18 years of age by any of the following methods:

6 **SECTION 2362.** 139.345 (3) (a) 2. of the statutes is amended to read:

7 139.345 **(3)** (a) 2. The person receives from the consumer, at the time of
8 purchase, a copy of ~~a government issued~~ an identification card and verifies that the
9 name specified on the identification card matches the name of the consumer and that
10 the birth date on the identification card indicates that the consumer is at least 18
11 years of age.

12 **SECTION 2363.** 139.345 (7) of the statutes is repealed.

13 **SECTION 2364.** 139.345 (8) of the statutes is created to read:

14 139.345 **(8)** (a) No person may sell cigarettes to consumers in this state by direct
15 marketing unless the tax imposed under s. 139.31 (1) is paid on the cigarettes and
16 stamps are affixed to the cigarette packages or containers as provided under s.
17 139.32.

18 (b) No person may sell cigarettes to consumers in this state by direct marketing
19 unless the cigarette brands are approved by the department and listed in the
20 directory of certified tobacco product manufacturers and brands as provided under
21 s. 995.12 (2) (b).

22 **SECTION 2365.** 139.345 (9) of the statutes is created to read:

23 139.345 **(9)** Except as provided in sub. (12), any person who, without having
24 a valid permit under sub. (1), sells or solicits sales of cigarettes to consumers in this
25 state by direct marketing shall pay a penalty to the department of \$5,000 or an

ASSEMBLY BILL 75**SECTION 2365**

1 amount that is equal to \$50 for every 200 cigarettes, or fraction of 200 cigarettes, sold
2 to consumers in this state by direct marketing, whichever is greater.

3 **SECTION 2366.** 139.345 (10) of the statutes is created to read:

4 139.345 **(10)** (a) No sale of cigarettes to a consumer in this state by direct
5 marketing may exceed 10 cartons for each invoice or 20 cartons in a 30-day period
6 for each purchaser or address.

7 (b) Except as provided in sub. (12), any person who sells cigarettes in an amount
8 that exceeds the amounts allowed under par. (a) shall pay a penalty to the
9 department of \$5,000 or an amount that is equal to \$50 for every 200 cigarettes, or
10 fraction of 200 cigarettes, sold in excess of the amounts allowed under par. (a),
11 whichever is greater.

12 (c) Except as provided in sub. (12), any person who purchases cigarettes in an
13 amount that exceeds the amounts allowed under par. (a) shall apply for a permit
14 under s. 139.34 and shall pay a penalty to the department of \$25 for every 200
15 cigarettes, or fraction of 200 cigarettes, purchased in excess of the amounts allowed
16 under par. (a).

17 **SECTION 2367.** 139.345 (11) of the statutes is created to read:

18 139.345 **(11)** (a) Any nonresident or foreign direct marketer that has not
19 registered to do business in this state as a foreign corporation or business entity
20 shall, as a condition precedent to obtaining a permit under s. 139.34 (1), appoint and
21 continually engage the services of an agent in this state to act as agent for the service
22 of process on whom all processes, and any action or proceeding against it concerning
23 or arising out of the enforcement of this chapter, may be served in any manner
24 authorized by law. That service shall constitute legal and valid service of process on
25 the direct marketer. The direct marketer shall provide the name, address, phone

ASSEMBLY BILL 75**SECTION 2367**

1 number, and proof of the appointment and availability of the agent to the
2 department.

3 (b) A direct marketer described under par. (a) shall provide notice to the
4 department no later than 30 calendar days before termination of the authority of an
5 agent under par. (a) and shall provide proof to the satisfaction of the department of
6 the appointment of a new agent no later than 5 calendar days before the termination
7 of an existing appointment. In the event an agent terminates an appointment, the
8 direct marketer shall notify the department of that termination no later than 5
9 calendar days after the termination and shall include proof to the satisfaction of the
10 department of the appointment of a new agent.

11 (c) The secretary of state is the agent in this state for the service of process of
12 any direct marketer who has not appointed and engaged an agent as provided under
13 par. (a), except that the secretary of state acting as the direct marketer's agent for
14 the service of process does not satisfy the requirements imposed by par. (a).

15 **SECTION 2368.** 139.345 (12) of the statutes is created to read:

16 139.345 **(12)** No penalty shall be imposed under subs. (9) and (10) if any of the
17 following apply:

18 (a) The secretary of revenue determines that imposing a penalty would be
19 inequitable because of inadvertent acts, mistakes, or unusual circumstances related
20 to the violation.

21 (b) The person who is subject to a penalty under sub. (9) or (10) had good cause
22 to violate sub. (9) or (10), and such violation did not result from the person's neglect.

23 **SECTION 2369.** 139.37 (1) (a) of the statutes is amended to read:

24 139.37 **(1)** (a) No person shall sell or cigarettes, take orders for cigarettes for
25 resale, or solicit cigarette sales in this state ~~for any manufacturer or permittee~~

ASSEMBLY BILL 75**SECTION 2369**

1 ~~without first obtaining a~~ unless the person has filed an application for and obtained
2 a valid certificate under s. 73.03 (50) and a salesperson's permit from the department
3 ~~of revenue. No manufacturer or permittee shall authorize any person to sell or~~
4 cigarettes, take orders for cigarettes, or solicit cigarette sales in this state ~~without~~
5 ~~first having such person secure~~ unless the person has filed an application for and
6 obtained a valid certificate under s. 73.03 (50) and a salesperson's permit. No person
7 shall authorize the sale of cigarettes or the solicitation of cigarette sales in this state
8 unless the person has filed an application for and obtained a valid certificate under
9 s. 73.03 (50) and a valid permit under s. 139.34. The department shall issue the
10 required number of permits to ~~manufacturers and~~ permittees who hold a valid
11 certificate issued under s. 73.03 (50). Each application for a salesperson's permit
12 shall disclose the name and address of the employer or the person for whom the
13 salesperson is selling or soliciting and such permit shall remain effective only while
14 the salesperson represents such named employer or person. If such salesperson is
15 thereafter employed by another ~~manufacturer or permittee~~ person, the salesperson
16 shall obtain a new salesperson's permit. ~~Each manufacturer and The~~ The permittee of
17 any such salesperson shall notify the department within 10 days after the
18 resignation or dismissal of ~~any such~~ the salesperson holding a permit.

19 **SECTION 2370.** 139.40 (1) of the statutes is amended to read:

20 139.40 (1) All cigarettes acquired, owned, imported, possessed, kept, stored,
21 made, sold, distributed or transported in violation of this chapter or s. 134.65, and
22 all personal property used in connection therewith is unlawful property and subject
23 to seizure by the secretary or any peace officer. All cigarettes seized for violating s.
24 139.31 (4) or (5) shall be destroyed, except as provided in sub. (2).

25 **SECTION 2371.** 139.40 (2) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2371**

1 139.40 ~~(2)~~ If cigarettes which do not bear the proper tax stamps or on which
2 the tax has not been paid Cigarettes that are so seized they as provided under sub.
3 ~~(1)~~ may be given to law enforcement officers to use in criminal investigations or sold
4 to qualified buyers by the secretary, without notice. If the cigarettes are sold, after
5 deducting the costs of the sale and ~~the keeping of~~ storing the property, the proceeds
6 of the sale shall be paid into the state treasury. If the secretary finds that such
7 cigarettes may deteriorate or become unfit for use in criminal investigations or for
8 sale or that those uses would otherwise be impractical, the secretary may order them
9 destroyed ~~or give them to a charitable or penal institution for free distribution to~~
10 ~~patients or inmates.~~

11 **SECTION 2372.** 139.44 (1m) of the statutes is amended to read:

12 139.44 **(1m)** Any person who falsely or fraudulently tampers with a cigarette
13 ~~meter~~ tax impression machine or tax indicia in order to evade the tax under s. 139.31
14 is guilty of a Class G felony.

15 **SECTION 2373.** 139.44 (2) of the statutes is amended to read:

16 139.44 **(2)** Any person who makes or signs any false or fraudulent report or who
17 attempts to evade the tax imposed by s. 139.31 or 139.76, or who aids in or abets the
18 evasion or attempted evasion of that tax ~~may be fined not more than \$10,000 or~~
19 ~~imprisoned for not more than 9 months or both,~~ is guilty of a Class H felony.

20 **SECTION 2374.** 139.44 (3) of the statutes is amended to read:

21 139.44 **(3)** Any permittee or licensee who fails to keep the records required by
22 ss. ~~134.65,~~ 139.30 to 139.42, or 139.77 to 139.82 shall be fined not less than ~~\$100~~ \$500
23 nor more than ~~\$500~~ \$1,000 for the first offense and shall be fined not less than \$1,000
24 nor more than \$5,000 or imprisoned not more than ~~6 months~~ 180 days or both for a
25 2nd or subsequent offense.

ASSEMBLY BILL 75**SECTION 2375**

1 **SECTION 2375.** 139.44 (4) of the statutes is amended to read:

2 139.44 **(4)** Any person who refuses to permit the examination or inspection
3 authorized in s. 139.39 (2) or 139.83 may be fined not ~~more~~ less than \$500 nor more
4 than \$1,000 or imprisoned not more than ~~90~~ 180 days or both. Such refusal shall be
5 cause for immediate ~~suspension or~~ revocation of permit or license by the secretary.

6 **SECTION 2376.** 139.44 (5) of the statutes is amended to read:

7 139.44 **(5)** Any person who violates any of the provisions of ss. 139.30 to 139.41
8 or 139.75 to 139.83 for which no other penalty is prescribed shall be fined not less
9 ~~than \$100 nor more than \$1,000~~ \$10,000 or imprisoned not ~~less than 10 days nor~~
10 ~~more than 90 days~~ 9 months or both.

11 **SECTION 2377.** 139.44 (6) of the statutes is amended to read:

12 139.44 **(6)** Any person who violates any of the rules of the department shall be
13 fined not less than ~~\$100~~ \$500 nor more than ~~\$500~~ \$1,000 or be imprisoned not more
14 than ~~6~~ 9 months or both.

15 **SECTION 2378.** 139.44 (6m) of the statutes is created to read:

16 139.44 **(6m)** Any person who manufactures or sells cigarettes in this state
17 without holding the proper permit or license issued under this subchapter is guilty
18 of a Class I felony.

19 **SECTION 2379.** 139.44 (7) of the statutes is amended to read:

20 139.44 **(7)** In addition to the penalties imposed for violation of ss. 139.30 to
21 139.41 or 139.75 to 139.83 or any of the rules of the department, the permit of any
22 person convicted of a 2nd or subsequent offense shall be automatically revoked and
23 ~~he or she~~ the person shall not be granted another permit for a period of ~~2~~ 5 years
24 following such revocation.

25 **SECTION 2380.** 139.44 (13) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 2380**

1 139.44 **(13)** Notwithstanding subs. (1) to (8), no penalty shall be imposed under
2 subs. (1) to (8) if any of the following apply:

3 (a) The secretary of revenue determines that imposing a penalty would be
4 inequitable because of inadvertent acts, mistakes, or unusual circumstances related
5 to the violation.

6 (b) The person who is subject to a penalty under subs. (1) to (8) had good cause
7 to commit the violation to which the penalty applies, and such violation did not result
8 from the person's neglect.

9 **SECTION 2381.** 139.46 of the statutes is amended to read:

10 **139.46 Lists List.** The department shall compile and maintain a list of direct
11 marketers who have complied with the requirements of s. 139.345 ~~and a list of direct~~
12 ~~marketers who the department knows have not complied with such requirements.~~
13 The department shall provide copies of the ~~lists described under this section~~ list to
14 the attorney general and to each person who delivers cigarettes to consumers in this
15 state that are sold by direct marketing under s. 139.345.

16 **SECTION 2382.** 139.75 (2) of the statutes is amended to read:

17 139.75 **(2)** “Consumer” means any individual who receives tobacco products for
18 his or her personal use or consumption or any person individual who has title to or
19 possession of tobacco products ~~in storage for use or other consumption in this state~~
20 any purpose other than for sale or resale.

21 **SECTION 2383.** 139.75 (3g) of the statutes is created to read:

22 139.75 **(3g)** “Direct marketer” means any person who solicits sales of or sells
23 tobacco products to consumers in this state by direct marketing.

24 **SECTION 2384.** 139.75 (3r) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 2384**

1 139.75 **(3r)** “Direct marketing” means publishing or making accessible an offer
2 for the sale of tobacco products to consumers in this state, or selling tobacco products
3 to consumers in this state, using any means by which the consumer is not physically
4 present on a premise that sells tobacco products.

5 **SECTION 2385.** 139.75 (4) (a) of the statutes is amended to read:

6 139.75 **(4)** (a) Any person in this state engaged in the business of selling tobacco
7 products ~~in this state~~ who brings, or causes to be brought, into this state from outside
8 the state any tobacco products for sale or resale;

9 **SECTION 2386.** 139.75 (4) (c) of the statutes is amended to read:

10 139.75 **(4)** (c) Any person outside this state engaged in the business of selling
11 tobacco products ~~outside this state~~ who ships or transports tobacco products to
12 retailers in this state to be sold by those retailers.

13 **SECTION 2387.** 139.75 (4) (cm) of the statutes is created to read:

14 139.75 **(4)** (cm) Any person outside this state engaged in the business of selling
15 tobacco products who ships or transports tobacco products to consumers in this state.

16 **SECTION 2388.** 139.75 (4n) of the statutes is created to read:

17 139.75 **(4n)** “Identification card” has the meaning given in s. 134.66 (1) (c).

18 **SECTION 2389.** 139.75 (5s) of the statutes is created to read:

19 139.75 **(5s)** “Person” means any individual, sole proprietorship, partnership,
20 limited liability company, corporation, or association, or any owner of a single-owner
21 entity that is disregarded as a separate entity under ch. 71.

22 **SECTION 2390.** 139.75 (7) of the statutes is amended to read:

23 139.75 **(7)** “Retail outlet” means each place of business from which tobacco
24 products are sold to consumers by a retailer.

25 **SECTION 2391.** 139.75 (8) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2391**

1 139.75 **(8)** ~~“Retailer” means any person engaged in the business of selling~~
2 ~~tobacco products to ultimate consumers~~ has the meaning given in s. 134.66 (1) (g).

3 **SECTION 2392.** 139.76 (1) of the statutes is amended to read:

4 139.76 **(1)** An excise tax is imposed upon the sale, offering or exposing for sale,
5 possession with intent to sell or removal for consumption or sale or other disposition
6 for any purpose of tobacco products by any person engaged as a distributor of them
7 at the rate, for tobacco products, not including moist snuff, of ~~50~~ 71 percent of the
8 manufacturer’s established list price to distributors without diminution by volume
9 or other discounts on domestic products and, for moist snuff, at the rate of ~~\$1.31~~ \$1.87
10 per ounce, and at a proportionate rate for any other quantity or fractional part
11 thereof, of the moist snuff’s net weight, as listed by the manufacturer. The tax
12 imposed under this subsection on cigars shall not exceed an amount equal to ~~50~~ 71
13 cents for each cigar. On products imported from another country, not including moist
14 snuff, the rate of tax is ~~50~~ 71 percent of the amount obtained by adding the
15 manufacturer’s list price to the federal tax, duties and transportation costs to the
16 United States. The tax attaches at the time the tobacco products are received by the
17 distributor in this state. The tax shall be passed on to the ultimate consumer of the
18 tobacco products. All tobacco products received in this state for sale or distribution
19 within this state, except tobacco products actually sold as provided in sub. (2), shall
20 be subject to such tax. ~~The weight-based tax imposed under this subsection on moist~~
21 ~~snuff does apply to moist snuff that is the inventory of a distributor on January 1,~~
22 ~~2008, and for which the tax levied under this subsection, 2005, stats., has been paid.~~

23 **SECTION 2393.** 139.76 (3) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 2393**

1 139.76 **(3)** Except as provided in sub. (2), no person may possess tobacco
2 products in this state unless the tax imposed under sub. (1) is paid on such tobacco
3 products.

4 **SECTION 2394.** 139.765 of the statutes is created to read:

5 **139.765 Moist snuff inventory tax imposed. (1)** On the effective date of
6 any increase in the sum of the rate under s. 139.76 (1), an inventory tax is imposed
7 upon moist snuff held in inventory for sale or resale on which the moist snuff tax has
8 been paid at the prior rate and in the possession of distributors. Any person liable
9 for this tax shall determine the ounces of moist snuff in the person's possession on
10 the effective date of the increase, and by the 30th day after the effective date of the
11 increase the person shall file a return and shall by that date pay the tax due.

12 **(2)** The moist snuff inventory tax under this section is computed by multiplying
13 the ounces of moist snuff held in inventory for sale by the difference between the prior
14 tax rate and the new tax rate.

15 **(3)** Sections 71.74 (1), (2), (10), (11), (13) and (14), 71.75 (4) to (7), 71.80 (12),
16 71.82 (2), 71.83 (2) (b) 3., 71.88 (1) (a) and (2) (a), 71.89, 71.90, 71.91 (1) (a) and (c)
17 and (2) to (7), 71.92, 73.01, 73.015, and 73.0301, as they apply to income and
18 franchise taxes, apply to the tax imposed under this section.

19 **(4)** Any person who fails to file a moist snuff tax return when due shall pay a
20 late filing fee of \$10. A return that is mailed is timely if it is mailed in a properly
21 addressed envelope with postage prepaid, if the envelope is postmarked, or marked
22 or recorded electronically as provided under section 7502 (f) (2) (c) of the Internal
23 Revenue Code, on the due date and if the return is actually received by the
24 department or at the destination that the department prescribes no later than 5 days
25 after the due date. A return that is not mailed is timely if it is received on or before

ASSEMBLY BILL 75**SECTION 2394**

1 the due date by the department or at the destination that the department prescribes.
2 For purposes of this subsection, “mailed” includes delivery by a delivery service
3 designated under section 7502 (f) of the Internal Revenue Code.

4 **(5)** If any person does not timely pay the tax imposed under this section, that
5 person is liable for interest at the rate of 1.5 percent per month or fraction of a month
6 from the date the tax is due until the date when the tax is paid.

7 **(6)** If any person who is liable for the tax under this section files a false or
8 fraudulent return, that person is also liable, in addition to the tax due, for an amount
9 equal to the amount of tax the person evaded or attempted to evade.

10 **SECTION 2395.** 139.78 (1) of the statutes is amended to read:

11 139.78 **(1)** A tax is imposed upon the use or storage by consumers of tobacco
12 products in this state at the rate, for tobacco products, not including moist snuff, of
13 ~~50~~ 71 percent of the cost of the tobacco products and, for moist snuff, at the rate of
14 ~~\$1.31~~ \$1.87 per ounce, and at a proportionate rate for any other quantity or fractional
15 part thereof, of the moist snuff’s net weight, as listed by the manufacturer. The tax
16 imposed under this subsection on cigars shall not exceed an amount equal to ~~50~~ 71
17 cents for each cigar. The tax does not apply if the tax imposed by s. 139.76 (1) on the
18 tobacco products has been paid or if the tobacco products are exempt from the tobacco
19 products tax under s. 139.76 (2).

20 **SECTION 2396.** 139.78 (1m) of the statutes is created to read:

21 139.78 **(1m)** Except as provided in s. 139.76 (2), no person other than a
22 distributor with a valid permit under s. 139.79 may import, ship, or transport into
23 this state tobacco products for which the tax imposed under s. 139.76 (1) has not been
24 paid.

25 **SECTION 2397.** 139.79 (title) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2397**

1 **139.79** (title) **Permits; ~~distributor; subjobber.~~**

2 **SECTION 2398.** 139.79 (1) of the statutes is amended to read:

3 139.79 **(1)** No person may engage in the business of a distributor, direct
4 marketer, or subjobber of tobacco products at any place of business unless that
5 person has filed an application for and obtained a permit from the department to
6 engage in that business at such place.

7 **SECTION 2399.** 139.79 (2) of the statutes is amended to read:

8 139.79 **(2)** Section 139.34 (1) ~~(b)~~ (c) to (f), (1s), (4) and (9) applies to the permits
9 under this section.

10 **SECTION 2400.** 139.795 of the statutes is created to read:

11 **139.795 Direct marketing. (1)** (a) No person may sell tobacco products by
12 direct marketing to consumers in this state as a direct marketer or solicit sales of
13 tobacco products to consumers in this state by direct marketing unless the person has
14 obtained a permit from the department to make such sales or solicitations. The
15 person shall file an application for a permit under this subsection with the
16 department, in the manner prescribed by the department.

17 (b) No person may be issued a permit under this subsection unless the person
18 holds a valid distributor's permit under s. 139.79. Section 139.34 (1) (c) to (f), (4), and
19 (9), as it applies to permits issued under s. 139.34, applies to permits issued under
20 this subsection.

21 (c) No person may be issued a permit under this subsection unless the person
22 certifies to the department, in the manner prescribed by the department, that the
23 person shall register with credit card and debit card companies; that the invoices and
24 all means of solicitation for all shipments of tobacco product sales from the person
25 shall bear the person's name and address and the permit number of the permit

ASSEMBLY BILL 75**SECTION 2400**

ultimately issued under this subsection; and that the person shall provide the department any information the department considers necessary to administer this section.

(2) No person may sell tobacco products to consumers in this state by direct marketing unless the tax imposed under s. 139.76, and under s. 77.52 or 77.53, has been paid with regard to such products.

(3) No person may sell tobacco products to a consumer in this state by direct marketing unless the person does all of the following:

(a) Verifies the consumer's identity and address and that the consumer is at least 18 years of age by any of the following methods:

1. The person uses a database that includes information based on public records.

2. The person receives from the consumer, at the time of purchase, a copy of an identification card and verifies that the name specified on the identification card matches the name of the consumer and that the birth date on the identification card indicates that the consumer is at least 18 years of age.

3. The person uses a mechanism, other than a mechanism specified under subd. 1. or 2., that is approved by the department.

(b) Obtains from the consumer, at the time of purchase, a statement signed by the consumer that confirms all of the following:

1. The consumer's name, address, and birth date.

2. That the consumer understands that no person who is under 18 years of age may purchase or possess tobacco products or falsely represent his or her age for the purpose of receiving tobacco products, as provided under s. 254.92.

ASSEMBLY BILL 75**SECTION 2400**

1 3. That the consumer understands that any person who, for the purpose of
2 obtaining credit, goods, or services, intentionally uses, attempts to use, or possesses
3 with intent to use, any personal identifying information or personal identification
4 document of an individual, including a deceased individual, without the
5 authorization or consent of the individual and by representing that he or she is the
6 individual, that he or she is acting with the authorization or consent of the
7 individual, or that the information or document belongs to him or her, is guilty of a
8 Class H felony, as provided under s. 943.201.

9 **(4)** Any person who, without having a valid permit under sub. (1), sells or
10 solicits sales of tobacco products to consumers in this state by direct marketing shall
11 pay a penalty to the department of \$5,000 or an amount that is equal to 50 percent
12 of the tax due on the tobacco products the person sold, without having a valid permit
13 under sub. (1), to consumers in this state by direct marketing, whichever is greater.

14 **(5)** All packages of tobacco products shipped to consumers in this state shall
15 be clearly labelled “TOBACCO PRODUCTS” on the outside of such packages.

16 **(6)** (a) Any nonresident or foreign direct marketer that has not registered to
17 do business in this state as a foreign corporation or business entity shall, as a
18 condition precedent to obtaining a permit under s. 139.79 (1), appoint and
19 continually engage the services of an agent in this state to act as agent for the service
20 of process on whom all processes, and any action or proceeding against it concerning
21 or arising out of the enforcement of this chapter, may be served in any manner
22 authorized by law. That service shall constitute legal and valid service of process on
23 the direct marketer. The direct marketer shall provide the name, address, phone
24 number, and proof of the appointment and availability of the agent to the
25 department.

ASSEMBLY BILL 75**SECTION 2400**

1 (b) A direct marketer described under par. (a) shall provide notice to the
2 department no later than 30 calendar days before termination of the authority of an
3 agent under par. (a) and shall provide proof to the satisfaction of the department of
4 the appointment of a new agent no later than 5 calendar days before the termination
5 of an existing appointment. In the event an agent terminates an appointment, the
6 direct marketer shall notify the department of that termination no later than 5
7 calendar days after the termination and shall include proof to the satisfaction of the
8 department of the appointment of a new agent.

9 (c) The secretary of state is the agent in this state for the service of process of
10 any direct marketer who has not appointed and engaged an agent as provided under
11 par. (a), except that the secretary of state acting as the direct marketer's agent for
12 the service of process does not satisfy the requirements imposed by par. (a).

13 **SECTION 2401.** 139.803 (3) of the statutes is amended to read:

14 139.803 (3) The land on which the sale occurred was designated a reservation
15 or trust land on or before January 1, 1983, or on a later date as determined by an
16 agreement between the department and the tribal council.

17 **SECTION 2402.** 139.81 (1) of the statutes is amended to read:

18 139.81 (1) No person may sell ~~or take orders for~~ tobacco products for resale or
19 solicit sales of tobacco products in this state ~~for any manufacturer or permittee~~
20 unless the person has filed an application for and obtained a valid certificate under
21 s. 73.03 (50) and a salesperson's permit from the department. ~~No manufacturer or~~
22 ~~permittee shall authorize any person to sell or take orders for~~ tobacco products or
23 solicit sales of tobacco products in this state unless the person has filed an application
24 for and obtained a valid certificate under s. 73.03 (50) and a salesperson's permit.
25 No person may authorize the sale of tobacco products or the solicitation of sales of

ASSEMBLY BILL 75**SECTION 2402**

1 tobacco products in this state unless the person has filed an application for and
2 obtained a valid certificate under s. 73.03 (50) and a valid permit under s. 139.79.

3 Each application for a salesperson's permit shall disclose the name and address of
4 the employer or the person for whom the salesperson is selling or soliciting and shall
5 remain effective only while the salesperson represents the named employer or
6 person. If the salesperson is thereafter employed by another ~~manufacturer or~~
7 ~~permittee~~ person the salesperson shall obtain a new salesperson's permit. Each
8 ~~manufacturer and permittee~~ The employer of any such salesperson shall notify the
9 department within 10 days after the resignation or dismissal of ~~any~~ the salesperson
10 ~~holding a permit~~.

11 **SECTION 2403.** 139.81 (2) of the statutes is amended to read:

12 139.81 **(2)** Section 139.34 (1) (b) ~~(c)~~ to (e) applies to the permits under this
13 section.

14 **SECTION 2404.** 139.86 of the statutes is amended to read:

15 **139.86 Prosecutions by attorney general.** Upon request by the secretary
16 of revenue, the attorney general may represent this state or assist a district attorney
17 in prosecuting any case arising under this subchapter. The attorney general may
18 take any action necessary to enforce s. 139.795.

19 **SECTION 2405.** 139.87 of the statutes is created to read:

20 **139.87 Lists.** The department shall compile and maintain a list of direct
21 marketers who have complied with the requirements of s. 139.795. The department
22 shall provide copies of the list to the attorney general and to each person who delivers
23 tobacco products to consumers in this state that are sold by direct marketing under
24 s. 139.795.

25 **SECTION 2406.** 145.08 (1) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2406**

1 145.08 (1) (intro.) The department shall ~~fix, by rule, the amount of the~~ establish
2 fees by rule for the examinations, licenses, and registrations specified in this section.
3 The fees ~~specified in this section are not returnable and may not exceed the amounts~~
4 ~~stated in this section as follows~~ established by the department shall as closely as
5 possible equal the cost of providing the following services:

6 **SECTION 2407.** 145.08 (1) (a) of the statutes is amended to read:

7 145.08 (1) (a) ~~For~~ Administering a master plumber's examination, ~~\$50.~~ For
8 each subsequent examination, \$30.

9 **SECTION 2408.** 145.08 (1) (b) of the statutes is amended to read:

10 145.08 (1) (b) ~~For~~ Issuing a master plumber's license, ~~\$500, and \$500 for each~~
11 renewal of the 4-year license if application is made prior to the date of expiration;
12 ~~after that date an additional fee of \$20.~~

13 **SECTION 2409.** 145.08 (1) (c) of the statutes is amended to read:

14 145.08 (1) (c) ~~For~~ Administering a journeyman plumber's examination, ~~\$30.~~
15 For each subsequent examination, \$20.

16 **SECTION 2410.** 145.08 (1) (d) of the statutes is amended to read:

17 145.08 (1) (d) ~~For~~ Issuing a journeyman plumber's license, ~~\$180, and \$180 for~~
18 each renewal of the 4-year license if application is made prior to the date of
19 expiration; ~~after that date an additional fee of \$10.~~

20 **SECTION 2411.** 145.08 (1) (e) of the statutes is amended to read:

21 145.08 (1) (e) ~~For~~ Issuing a temporary permit pending examination and
22 issuance of a license for master plumber, \$400; ~~for~~ or journeyman \$150 and which
23 ~~shall also cover the examination fee prescribed and the license fee for the 4-year~~
24 ~~period in which issued~~ plumber.

25 **SECTION 2412.** 145.08 (1) (f) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2412**

1 145.08 (1) (f) ~~For Administering a master plumber's (restricted) examination,~~
2 \$50. ~~For each subsequent examination, \$30.~~

3 **SECTION 2413.** 145.08 (1) (g) of the statutes is amended to read:

4 145.08 (1) (g) ~~For Issuing a master plumber's license (restricted), \$500, and~~
5 \$500 ~~for each renewal of the 4-year license if application is made prior to the date~~
6 of expiration; ~~after that date an additional fee of \$20.~~

7 **SECTION 2414.** 145.08 (1) (h) of the statutes is amended to read:

8 145.08 (1) (h) ~~For Administering a journeyman plumber's (restricted)~~
9 examination, \$30. ~~For each subsequent examination, \$20.~~

10 **SECTION 2415.** 145.08 (1) (i) of the statutes is amended to read:

11 145.08 (1) (i) ~~For Issuing a journeyman plumber's license (restricted), \$180,~~
12 and \$180 ~~for each renewal of the 4-year license if application is made prior to the date~~
13 of expiration; ~~after that date an additional fee of \$10.~~

14 **SECTION 2416.** 145.08 (1) (k) of the statutes is amended to read:

15 145.08 (1) (k) ~~For Administering an automatic fire sprinkler contractor's~~
16 examination, \$100.

17 **SECTION 2417.** 145.08 (1) (L) of the statutes is amended to read:

18 145.08 (1) (L) ~~For Issuing an automatic fire sprinkler contractor's license,~~
19 \$2,000, and \$2,000 ~~for each renewal of the 4-year license if application is made prior~~
20 to the date of expiration; ~~after that date an additional fee of \$25.~~

21 **SECTION 2418.** 145.08 (1) (Lm) of the statutes is amended to read:

22 145.08 (1) (Lm) ~~For Issuing an automatic fire sprinkler – maintenance only~~
23 registration, \$400, and \$400 ~~for each renewal of the 4-year registration if application~~
24 is made prior to the date of expiration; ~~after that date an additional fee of \$25.~~

25 **SECTION 2419.** 145.08 (1) (m) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2419**

1 145.08 (1) (m) ~~For Administering a journeyman automatic fire sprinkler~~
2 ~~fitter's examination, \$20 and \$20 for each subsequent examination.~~

3 **SECTION 2420.** 145.08 (1) (n) of the statutes is amended to read:

4 145.08 (1) (n) ~~For Issuing a journeyman automatic fire sprinkler fitter's~~
5 ~~license, \$180, and \$180 for each renewal of the 4-year license if application is made~~
6 ~~prior to the date of expiration; after that date an additional fee of \$10.~~

7 **SECTION 2421.** 145.08 (1) (nm) of the statutes is amended to read:

8 145.08 (1) (nm) ~~For Issuing an automatic fire sprinkler fitter – maintenance~~
9 ~~only registration certificate, \$60, and \$60 for each renewal of the 4-year registration~~
10 ~~if application is made prior to the date of expiration; after that date an additional fee~~
11 ~~of \$10.~~

12 **SECTION 2422.** 145.08 (1) (o) of the statutes is amended to read:

13 145.08 (1) (o) ~~For Issuing a utility contractor's license, \$500 and \$500 for each~~
14 ~~renewal of the 4-year license if application is made prior to the date of expiration;~~
15 ~~after that date an additional fee of \$10.~~

16 **SECTION 2423.** 145.08 (1) (p) of the statutes is renumbered 145.08 (1g) and
17 amended to read:

18 145.08 (1g) ~~For The department may not charge a plumbing supervisor~~
19 ~~employed by the department in accord with s. 145.02 (3) (a), no cost a fee for the~~
20 ~~appropriate 4-year license for which the plumbing supervisor has previously~~
21 ~~qualified.~~

22 **SECTION 2424.** 145.08 (1) (q) of the statutes is amended to read:

23 145.08 (1) (q) ~~For Issuing a pipelayer's registration, \$180 at the time of~~
24 ~~registration and \$180 for each subsequent 4-year period of registration.~~

25 **SECTION 2425.** 145.08 (3) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2425**

1 145.08 **(3)** To establish a record of beginning an apprenticeship, as a plumber,
2 as an automatic fire sprinkler system apprentice, or as a plumber learner
3 (restricted), every plumbing and automatic fire sprinkler system apprentice and
4 every plumbing learner (restricted) shall within 30 days after beginning an
5 apprenticeship or learnership register with the department. A fee of ~~\$15~~ established
6 by the department by rule shall be paid at the time of registration and before January
7 1 of each subsequent calendar year during which the apprentice is engaged in the
8 apprenticeship or learnership.

9 **SECTION 2426.** 146.19 (2) (intro.) of the statutes is amended to read:

10 146.19 **(2)** AMERICAN INDIAN HEALTH PROJECT GRANTS. (intro.) From the
11 appropriation account under s. 20.435 ~~(5)~~ (1) (ke), the department shall award grants
12 for American Indian health projects in order to address specific problem areas in the
13 field of American Indian health. A tribe, tribal agency, or inter-tribal organization
14 may apply, in the manner specified by the department, for a grant of up to \$10,000
15 to conduct an American Indian health project that is designed to do any of the
16 following:

17 **SECTION 2427.** 146.45 (4) of the statutes is created to read:

18 146.45 **(4)** In each fiscal year, there is transferred from the appropriation
19 account under s. 20.435 (4) (jz) to the appropriation account under s. 20.435 (4) (jw)
20 an amount, determined by the secretary, that is sufficient for the department to
21 administer a contract with an entity to operate the purchasing pool established
22 under sub. (2), but not more than 5 percent of the total amount paid by persons to
23 purchase prescription drugs as members of the purchasing pool in the fiscal year.

24 **SECTION 2428.** 146.65 (1) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2428**

1 146.65 **(1)** (intro.) From the appropriation account under s. 20.435 ~~(5)~~ **(1)** (dm),
2 the department shall distribute moneys as follows:

3 **SECTION 2429.** 146.68 (intro.) of the statutes is amended to read:

4 **146.68 Grant for colposcopies and other services.** (intro.) From the
5 appropriation account under s. 20.435 ~~(5)~~ **(1)** (dg), the department shall provide
6 \$100,000 ~~in fiscal year 2007–08~~ and \$75,000 in each subsequent fiscal year to an
7 entity that satisfies the following criteria to provide colposcopic examinations and
8 to provide services to medical assistance recipients or persons who are eligible for
9 medical assistance:

10 **SECTION 2430.** 146.81 (5) of the statutes is amended to read:

11 146.81 **(5)** “Person authorized by the patient” means the parent, guardian, or
12 legal custodian of a minor patient, as defined in s. 48.02 (8) and (11), the person
13 vested with supervision of the child under s. 938.183 or 938.34 (4d), (4h), (4m), or
14 (4n), the guardian of a patient adjudicated incompetent in this state, the personal
15 representative ~~or~~ spouse, or domestic partner under ch. 770 of a deceased patient,
16 any person authorized in writing by the patient or a health care agent designated by
17 the patient as a principal under ch. 155 if the patient has been found to be
18 incapacitated under s. 155.05 (2), except as limited by the power of attorney for
19 health care instrument. If no spouse or domestic partner survives a deceased
20 patient, “person authorized by the patient” also means an adult member of the
21 deceased patient’s immediate family, as defined in s. 632.895 (1) (d). A court may
22 appoint a temporary guardian for a patient believed incompetent to consent to the
23 release of records under this section as the person authorized by the patient to decide
24 upon the release of records, if no guardian has been appointed for the patient.

25 **SECTION 2431.** 146.82 (2) (a) 8. of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2431**

1 146.82 (2) (a) 8. To the department under s. 255.04 and to the persons specified
2 under s. 255.04 (3). The release of a patient health care record under this subdivision
3 shall be limited to the information prescribed by the department under s. 255.04 (2).

4 **SECTION 2432.** 146.82 (2) (a) 18m. of the statutes is amended to read:

5 146.82 (2) (a) 18m. If the subject of the patient health care records is a child
6 or juvenile who has been placed in a foster home, ~~treatment foster home~~, group home,
7 residential care center for children and youth, or juvenile correctional facility,
8 including a placement under s. 48.205, 48.21, 938.205, or 938.21, or for whom
9 placement in a foster home, ~~treatment foster home~~, group home, residential care
10 center for children and youth, or juvenile correctional facility is recommended under
11 s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by
12 a court to prepare a court report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831
13 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for preparing a court report
14 under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency
15 responsible for preparing a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1)
16 (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the
17 child or juvenile, or to an agency that placed the child or juvenile or arranged for the
18 placement of the child or juvenile in any of those placements and, by any of those
19 agencies, to any other of those agencies and, by the agency that placed the child or
20 juvenile or arranged for the placement of the child or juvenile in any of those
21 placements, to the foster parent ~~or treatment foster parent~~ of the child or juvenile
22 or the operator of the group home, residential care center for children and youth, or
23 juvenile correctional facility in which the child or juvenile is placed, as provided in
24 s. 48.371 or 938.371.

25 **SECTION 2433.** 146.82 (2) (c) of the statutes is amended to read:

ASSEMBLY BILL 75

SECTION 2433

146.82 **(2)** (c) Notwithstanding sub. (1), patient health care records shall be released to appropriate examiners, investigators, and facilities in accordance with s. 971.17 (2) (e), (4) (c), and (7) (c). The recipient of any information from the records shall keep the information confidential except as necessary to comply with s. 971.17.

SECTION 2434. 149.12 (2) (f) 2. h. of the statutes is created to read:

149.12 **(2)** (f) 2. h. Benefits under BadgerCare Plus under s. 49.471 (11).

SECTION 2435. 150.345 (1) (a) of the statutes is repealed.

SECTION 2436. 150.345 (1) (b) of the statutes is repealed.

SECTION 2437. 155.01 (12) of the statutes is repealed and recreated to read:

155.01 **(12)** “Relative” means an individual related by blood within the 3rd degree of kinship as computed under s. 990.001 (16); a spouse, domestic partner under ch. 770, or an individual related to a spouse or domestic partner within the 3rd degree as so computed; and includes an individual in an adoptive relationship within the 3rd degree.

SECTION 2438. 155.10 (2) (a) of the statutes is amended to read:

155.10 **(2)** (a) Related to the principal by blood, marriage, or adoption, or the domestic partner under ch. 770 of the individual.

SECTION 2439. 155.30 (1) (form) of the statutes is amended to read:

155.30 **(1)** (form)

“NOTICE TO PERSON

MAKING THIS DOCUMENT

YOU HAVE THE RIGHT TO MAKE DECISIONS ABOUT YOUR HEALTH CARE. NO HEALTH CARE MAY BE GIVEN TO YOU OVER YOUR OBJECTION, AND NECESSARY HEALTH CARE MAY NOT BE STOPPED OR WITHHELD IF YOU OBJECT.

ASSEMBLY BILL 75**SECTION 2439**

1 BECAUSE YOUR HEALTH CARE PROVIDERS IN SOME CASES MAY NOT
2 HAVE HAD THE OPPORTUNITY TO ESTABLISH A LONG-TERM
3 RELATIONSHIP WITH YOU, THEY ARE OFTEN UNFAMILIAR WITH YOUR
4 BELIEFS AND VALUES AND THE DETAILS OF YOUR FAMILY
5 RELATIONSHIPS. THIS POSES A PROBLEM IF YOU BECOME PHYSICALLY
6 OR MENTALLY UNABLE TO MAKE DECISIONS ABOUT YOUR HEALTH CARE.

7 IN ORDER TO AVOID THIS PROBLEM, YOU MAY SIGN THIS LEGAL
8 DOCUMENT TO SPECIFY THE PERSON WHOM YOU WANT TO MAKE
9 HEALTH CARE DECISIONS FOR YOU IF YOU ARE UNABLE TO MAKE THOSE
10 DECISIONS PERSONALLY. THAT PERSON IS KNOWN AS YOUR HEALTH
11 CARE AGENT. YOU SHOULD TAKE SOME TIME TO DISCUSS YOUR
12 THOUGHTS AND BELIEFS ABOUT MEDICAL TREATMENT WITH THE
13 PERSON OR PERSONS WHOM YOU HAVE SPECIFIED. YOU MAY STATE IN
14 THIS DOCUMENT ANY TYPES OF HEALTH CARE THAT YOU DO OR DO NOT
15 DESIRE, AND YOU MAY LIMIT THE AUTHORITY OF YOUR HEALTH CARE
16 AGENT. IF YOUR HEALTH CARE AGENT IS UNAWARE OF YOUR DESIRES
17 WITH RESPECT TO A PARTICULAR HEALTH CARE DECISION, HE OR SHE IS
18 REQUIRED TO DETERMINE WHAT WOULD BE IN YOUR BEST INTERESTS IN
19 MAKING THE DECISION.

20 THIS IS AN IMPORTANT LEGAL DOCUMENT. IT GIVES YOUR AGENT
21 BROAD POWERS TO MAKE HEALTH CARE DECISIONS FOR YOU. IT
22 REVOKES ANY PRIOR POWER OF ATTORNEY FOR HEALTH CARE THAT YOU
23 MAY HAVE MADE. IF YOU WISH TO CHANGE YOUR POWER OF ATTORNEY
24 FOR HEALTH CARE, YOU MAY REVOKE THIS DOCUMENT AT ANY TIME BY
25 DESTROYING IT, BY DIRECTING ANOTHER PERSON TO DESTROY IT IN

ASSEMBLY BILL 75**SECTION 2439**

1 YOUR PRESENCE, BY SIGNING A WRITTEN AND DATED STATEMENT OR BY
2 STATING THAT IT IS REVOKED IN THE PRESENCE OF TWO WITNESSES. IF
3 YOU REVOKE, YOU SHOULD NOTIFY YOUR AGENT, YOUR HEALTH CARE
4 PROVIDERS AND ANY OTHER PERSON TO WHOM YOU HAVE GIVEN A COPY.
5 IF YOUR AGENT IS YOUR SPOUSE OR DOMESTIC PARTNER AND YOUR
6 MARRIAGE IS ANNULLED OR YOU ARE DIVORCED OR THE DOMESTIC
7 PARTNERSHIP IS TERMINATED AFTER SIGNING THIS DOCUMENT, THE
8 DOCUMENT IS INVALID.

9 YOU MAY ALSO USE THIS DOCUMENT TO MAKE OR REFUSE TO MAKE
10 AN ANATOMICAL GIFT UPON YOUR DEATH. IF YOU USE THIS DOCUMENT
11 TO MAKE OR REFUSE TO MAKE AN ANATOMICAL GIFT, THIS DOCUMENT
12 REVOKES ANY PRIOR RECORD OF GIFT THAT YOU MAY HAVE MADE. YOU
13 MAY REVOKE OR CHANGE ANY ANATOMICAL GIFT THAT YOU MAKE BY
14 THIS DOCUMENT BY CROSSING OUT THE ANATOMICAL GIFTS PROVISION
15 IN THIS DOCUMENT.

16 DO NOT SIGN THIS DOCUMENT UNLESS YOU CLEARLY UNDERSTAND
17 IT.

18 IT IS SUGGESTED THAT YOU KEEP THE ORIGINAL OF THIS
19 DOCUMENT ON FILE WITH YOUR PHYSICIAN.”

20 **SECTION 2440.** 155.30 (3) (form) of the statutes is amended to read:

21 155.30 **(3)** (form)

22 POWER OF ATTORNEY FOR HEALTH CARE

23 Document made this.... day of.... (month),.... (year).

24 CREATION OF POWER OF ATTORNEY

25 FOR HEALTH CARE

ASSEMBLY BILL 75**SECTION 2440**

1 I,... (print name, address and date of birth), being of sound mind, intend by this
2 document to create a power of attorney for health care. My executing this power of
3 attorney for health care is voluntary. Despite the creation of this power of attorney
4 for health care, I expect to be fully informed about and allowed to participate in any
5 health care decision for me, to the extent that I am able. For the purposes of this
6 document, “health care decision” means an informed decision to accept, maintain,
7 discontinue or refuse any care, treatment, service or procedure to maintain, diagnose
8 or treat my physical or mental condition.

9 In addition, I may, by this document, specify my wishes with respect to making
10 an anatomical gift upon my death.

DESIGNATION OF HEALTH CARE AGENT

12 If I am no longer able to make health care decisions for myself, due to my
13 incapacity, I hereby designate.... (print name, address and telephone number) to be
14 my health care agent for the purpose of making health care decisions on my behalf.
15 If he or she is ever unable or unwilling to do so, I hereby designate.... (print name,
16 address and telephone number) to be my alternate health care agent for the purpose
17 of making health care decisions on my behalf. Neither my health care agent nor my
18 alternate health care agent whom I have designated is my health care provider, an
19 employee of my health care provider, an employee of a health care facility in which
20 I am a patient or a spouse of any of those persons, unless he or she is also my relative.
21 For purposes of this document, “incapacity” exists if 2 physicians or a physician and
22 a psychologist who have personally examined me sign a statement that specifically
23 expresses their opinion that I have a condition that means that I am unable to receive
24 and evaluate information effectively or to communicate decisions to such an extent

ASSEMBLY BILL 75**SECTION 2440**

1 that I lack the capacity to manage my health care decisions. A copy of that statement
2 must be attached to this document.

3 GENERAL STATEMENT OF AUTHORITY GRANTED

4 Unless I have specified otherwise in this document, if I ever have incapacity I
5 instruct my health care provider to obtain the health care decision of my health care
6 agent, if I need treatment, for all of my health care and treatment. I have discussed
7 my desires thoroughly with my health care agent and believe that he or she
8 understands my philosophy regarding the health care decisions I would make if I
9 were able. I desire that my wishes be carried out through the authority given to my
10 health care agent under this document.

11 If I am unable, due to my incapacity, to make a health care decision, my health
12 care agent is instructed to make the health care decision for me, but my health care
13 agent should try to discuss with me any specific proposed health care if I am able to
14 communicate in any manner, including by blinking my eyes. If this communication
15 cannot be made, my health care agent shall base his or her decision on any health
16 care choices that I have expressed prior to the time of the decision. If I have not
17 expressed a health care choice about the health care in question and communication
18 cannot be made, my health care agent shall base his or her health care decision on
19 what he or she believes to be in my best interest.

20 LIMITATIONS ON MENTAL HEALTH TREATMENT

21 My health care agent may not admit or commit me on an inpatient basis to an
22 institution for mental diseases, an intermediate care facility for persons with mental
23 retardation, a state treatment facility or a treatment facility. My health care agent
24 may not consent to experimental mental health research or psychosurgery,
25 electroconvulsive treatment or drastic mental health treatment procedures for me.

ASSEMBLY BILL 75**SECTION 2440**

1 ADMISSION TO NURSING HOMES OR
2 COMMUNITY-BASED RESIDENTIAL FACILITIES

3 My health care agent may admit me to a nursing home or community-based
4 residential facility for short-term stays for recuperative care or respite care.

5 If I have checked “Yes” to the following, my health care agent may admit me for
6 a purpose other than recuperative care or respite care, but if I have checked “No” to
7 the following, my health care agent may not so admit me:

8 1. A nursing home — Yes.... No....

9 2. A community-based residential facility — Yes.... No....

10 If I have not checked either “Yes” or “No” immediately above, my health care
11 agent may admit me only for short-term stays for recuperative care or respite care.

12 PROVISION OF A FEEDING TUBE

13 If I have checked “Yes” to the following, my health care agent may have a
14 feeding tube withheld or withdrawn from me, unless my physician has advised that,
15 in his or her professional judgment, this will cause me pain or will reduce my comfort.

16 If I have checked “No” to the following, my health care agent may not have a feeding
17 tube withheld or withdrawn from me.

18 My health care agent may not have orally ingested nutrition or hydration
19 withheld or withdrawn from me unless provision of the nutrition or hydration is
20 medically contraindicated.

21 Withhold or withdraw a feeding tube — Yes.... No....

22 If I have not checked either “Yes” or “No” immediately above, my health care
23 agent may not have a feeding tube withdrawn from me.

24 HEALTH CARE DECISIONS FOR
25 PREGNANT WOMEN

ASSEMBLY BILL 75**SECTION 2440**

1 If I have checked “Yes” to the following, my health care agent may make health
2 care decisions for me even if my agent knows I am pregnant. If I have checked “No”
3 to the following, my health care agent may not make health care decisions for me if
4 my health care agent knows I am pregnant.

5 Health care decision if I am pregnant — Yes.... No....

6 If I have not checked either “Yes” or “No” immediately above, my health care
7 agent may not make health care decisions for me if my health care agent knows I am
8 pregnant.

9 STATEMENT OF DESIRES,

10 SPECIAL PROVISIONS OR LIMITATIONS

11 In exercising authority under this document, my health care agent shall act
12 consistently with my following stated desires, if any, and is subject to any special
13 provisions or limitations that I specify. The following are specific desires, provisions
14 or limitations that I wish to state (add more items if needed):

15 1) –

16 2) –

17 3) –

18 INSPECTION AND DISCLOSURE OF

19 INFORMATION RELATING TO MY PHYSICAL

20 OR MENTAL HEALTH

21 Subject to any limitations in this document, my health care agent has the
22 authority to do all of the following:

23 (a) Request, review and receive any information, oral or written, regarding my
24 physical or mental health, including medical and hospital records.

ASSEMBLY BILL 75**SECTION 2440**

1 (b) Execute on my behalf any documents that may be required in order to obtain
2 this information.

3 (c) Consent to the disclosure of this information.

4 (The principal and the witnesses all must sign the document at the same time.)

5 SIGNATURE OF PRINCIPAL

6 (person creating the power of attorney for health care)

7 Signature.... Date....

8 (The signing of this document by the principal revokes all previous powers of
9 attorney for health care documents.)

10 STATEMENT OF WITNESSES

11 I know the principal personally and I believe him or her to be of sound mind and
12 at least 18 years of age. I believe that his or her execution of this power of attorney
13 for health care is voluntary. I am at least 18 years of age, am not related to the
14 principal by blood, marriage, or adoption, am not the domestic partner under ch. 770
15 of the principal, and am not directly financially responsible for the principal's health
16 care. I am not a health care provider who is serving the principal at this time, an
17 employee of the health care provider, other than a chaplain or a social worker, or an
18 employee, other than a chaplain or a social worker, of an inpatient health care facility
19 in which the declarant is a patient. I am not the principal's health care agent. To
20 the best of my knowledge, I am not entitled to and do not have a claim on the
21 principal's estate.

22 Witness No. 1:

23 (print) Name.... Date....

24 Address....

25 Signature....

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Witness No. 2:

(print) Name.... Date....

Address....

Signature....

STATEMENT OF HEALTH CARE AGENT AND

ALTERNATE HEALTH CARE AGENT

I understand that.... (name of principal) has designated me to be his or her health care agent or alternate health care agent if he or she is ever found to have incapacity and unable to make health care decisions himself or herself. (name of principal) has discussed his or her desires regarding health care decisions with me.

Agent's signature....

Address....

Alternate's signature....

Address....

Failure to execute a power of attorney for health care document under chapter 155 of the Wisconsin Statutes creates no presumption about the intent of any individual with regard to his or her health care decisions.

This power of attorney for health care is executed as provided in chapter 155 of the Wisconsin Statutes.

ANATOMICAL GIFTS (optional)

Upon my death:

.... I wish to donate only the following organs or parts: (specify the organs or parts).

.... I wish to donate any needed organ or part.

.... I wish to donate my body for anatomical study if needed.

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.... I refuse to make an anatomical gift. (If this revokes a prior commitment that I have made to make an anatomical gift to a designated donee, I will attempt to notify the donee to which or to whom I agreed to donate.)

Failing to check any of the lines immediately above creates no presumption about my desire to make or refuse to make an anatomical gift.

Signature....

Date....

SECTION 2441. 155.40 (2) of the statutes is amended to read:

155.40 **(2)** If the health care agent is the principal's spouse or domestic partner under ch. 770 and, subsequent to the execution of a power of attorney for health care instrument, the marriage is annulled or divorce from the spouse is obtained or the domestic partnership under ch. 770 is terminated, the power of attorney for health care is revoked and the power of attorney for health care instrument is invalid.

SECTION 2442. 157.05 of the statutes is amended to read:

157.05 Autopsy. Consent for a licensed physician to conduct an autopsy on the body of a deceased person shall be deemed sufficient when given by whichever one of the following assumes custody of the body for purposes of burial: Father, mother, husband, wife, child, guardian, next of kin, domestic partner under ch. 770, or in the absence of any of the foregoing, a friend, or a person charged by law with the responsibility for burial. If 2 or more such persons assume custody of the body, the consent of one of them shall be deemed sufficient.

SECTION 2443. 157.06 (9) (a) 2. of the statutes is amended to read:

157.06 **(9)** (a) 2. The spouse or domestic partner under ch. 770 of the individual.

SECTION 2444. 165.25 (4) (ar) of the statutes is amended to read:

165.25 **(4)** (ar) The department of justice shall furnish all legal services required by the department of agriculture, trade and consumer protection relating

ASSEMBLY BILL 75**SECTION 2444**

1 to the enforcement of ss. 91.68, 93.73, 100.171, 100.173, 100.174, 100.175, 100.177,
2 100.18, 100.182, 100.195, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37,
3 100.42, 100.50, ~~and~~ 100.51, and 100.55, and chs. 126, 136, 344, 704, 707, and 779,
4 together with any other services as are necessarily connected to the legal services.

5 **SECTION 2445.** 165.60 of the statutes is amended to read:

6 **165.60 Law enforcement.** The department of justice is authorized to enforce
7 ss. 101.123 (2), ~~(5), (2m)~~, and (8), 944.30, 944.31, 944.33, 944.34, 945.02 (2), 945.03
8 (1m), and 945.04 (1m) and ch. 108 and is invested with the powers conferred by law
9 upon sheriffs and municipal police officers in the performance of those duties. This
10 section does not deprive or relieve sheriffs, constables, and other local police officers
11 of the power and duty to enforce those sections, and those officers shall likewise
12 enforce those sections.

13 **SECTION 2446.** 165.755 (1) (a) of the statutes is amended to read:

14 165.755 **(1)** (a) Except as provided in par. (b), a court shall impose under ch. 814
15 a crime laboratories and drug law enforcement surcharge of \$8 \$13 if the court
16 imposes a sentence, places a person on probation, or imposes a forfeiture for a
17 violation of state law or for a violation of a municipal or county ordinance.

18 **SECTION 2447.** 165.755 (1) (b) of the statutes is amended to read:

19 165.755 **(1)** (b) A court may not impose the crime laboratories and drug law
20 enforcement surcharge under par. (a) for a violation of s. 101.123 (2) ~~(a), (am) 1., (ar),~~
21 ~~(bm), (br), or (bv) or (5) (b) or (2m)~~, for a first violation of s. 23.33 (4c) (a) 2., 30.681
22 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation
23 had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the
24 violation, or for a violation of a state law or municipal or county ordinance involving

ASSEMBLY BILL 75**SECTION 2447**

1 a nonmoving traffic violation, a violation under s. 343.51 (1m) (b), or a safety belt use
2 violation under s. 347.48 (2m).

3 **SECTION 2448.** 165.82 (1) (a) and (ag) of the statutes are consolidated,
4 renumbered 165.82 (1) (a) and amended to read:

5 165.82 **(1)** (a) For each record check, except a fingerprint card record check,
6 requested by a nonprofit organization, \$2. ~~(ag) For each record check, except a~~
7 ~~fingerprint card record check, requested~~ or by a governmental agency, \$5 \$7.

8 **SECTION 2449.** 165.842 of the statutes is created to read:

9 **165.842 Motor vehicle stops; collection and analysis of information;**
10 **annual report. (1) DEFINITIONS.** In this section:

11 (a) “Department” means the department of justice.

12 (b) “Law enforcement agency” has the meaning given in s. 165.77 (1) (b).

13 (c) “Law enforcement officer” means a person who is employed by a law
14 enforcement agency for the purpose of detecting and preventing crime and enforcing
15 laws or ordinances and who is authorized to make arrests for violations of the laws
16 or ordinances that the person is employed to enforce, whether that enforcement
17 authority extends to all laws or ordinances or is limited to specific laws or ordinances.

18 (d) “Motor vehicle stop” means a stop or detention of a motor vehicle that is
19 traveling in, or the detention of an occupied motor vehicle that is already stopped in,
20 any public or private place in a county having a population of 125,000 or more, for
21 the purpose of investigating any alleged or suspected violation of a state or federal
22 law or city, village, town, or county ordinance.

23 **(2) INFORMATION COLLECTION REQUIRED.** All persons in charge of law
24 enforcement agencies shall obtain, or cause to be obtained, all of the following

ASSEMBLY BILL 75**SECTION 2449**

1 information with respect to each motor vehicle stop made on or after January 1, 2011,
2 by a law enforcement officer employed by the law enforcement agency:

3 (a) The name, address, gender, and race of the operator of the motor vehicle.
4 If information regarding the operator's race is not available to the officer through an
5 electronic database or other similar source, the officer shall subjectively select the
6 operator's race from the following list:

- 7 1. Caucasian.
- 8 2. African American.
- 9 3. Hispanic.
- 10 4. American Indian or Alaska Native.
- 11 5. Asian or Pacific Islander.

12 (b) The reason that the officer stopped or detained the motor vehicle.

13 (c) The make and year of the motor vehicle.

14 (d) The date, time, and location of the motor vehicle stop.

15 (e) Whether or not a law enforcement officer conducted a search of the motor
16 vehicle, the operator, or any passenger and, if so, whether the search was with
17 consent or by other means.

18 (f) The name, address, gender, and race of any person searched, with the officer
19 obtaining information regarding the person's race from any available electronic
20 database or other similar source if possible or, if not possible, by subjectively
21 selecting the person's race from the list under par. (a).

22 (g) The name and badge number of the officer making the motor vehicle stop.

23 **(3)** SUBMISSION OF INFORMATION COLLECTED. The person in charge of a law
24 enforcement agency shall submit the information obtained under sub. (2) to the
25 department using the form prescribed by the rules promulgated under sub. (5) and

ASSEMBLY BILL 75**SECTION 2449**

1 in accordance with the reporting schedule established under the rules promulgated
2 under sub. (5).

3 **(4) ANALYSIS AND REPORT BY DEPARTMENT.** (a) The department shall compile the
4 information submitted to it by law enforcement agencies under sub. (3) and shall
5 analyze the information, along with any other relevant information, to determine,
6 both for each law enforcement agency submitting information under sub. (3) and as
7 an aggregated total for all law enforcement agencies submitting information under
8 sub. (3), all of the following:

9 1. Whether the number of motor vehicle stops and searches involving motor
10 vehicles operated or occupied by members of a racial minority compared to the
11 number of motor vehicle stops and searches involving motor vehicles operated or
12 occupied solely by persons who are not members of a racial minority is
13 disproportionate based on an estimate of the population and characteristics of
14 persons traveling on highways in the counties for which information is submitted
15 under sub. (3), on an estimate of the populations and characteristics of persons
16 traveling on highways in the counties for which information is submitted under sub.
17 (3) who are violating a law or ordinance, or on some other relevant population
18 estimate.

19 2. A determination as to whether any disproportion found under subd. 1. is the
20 result of racial profiling, racial stereotyping, or other race-based discrimination or
21 selective enforcement.

22 (b) For each year, the department shall prepare an annual report that
23 summarizes the information submitted to it under sub. (3) concerning motor vehicle
24 stops made during the year and that describes the methods and conclusions of its
25 analysis of the information. On or before March 31, 2012, and on or before each

ASSEMBLY BILL 75**SECTION 2449**

1 March 31 thereafter, the department shall submit the annual report required under
2 this paragraph to the legislature under s. 13.172 (2), to the governor, and to the
3 director of state courts.

4 **(5) RULES.** The department shall promulgate rules to implement the
5 requirements of this section, including rules prescribing a form for use in obtaining
6 information under sub. (2) and establishing a schedule for submitting the
7 information obtained to the department. The department shall make the form
8 prescribed by its rules available to law enforcement agencies. The department may,
9 by rule, require the collection of information in addition to that specified in sub. (2)
10 (a) to (g) if the department determines that the information will help to make the
11 determinations required under sub. (4) (a).

12 **(6) ACCESS TO RECORDS.** Information collected under sub. (2) is not subject to
13 inspection or copying under s. 19.35 (1).

14 **SECTION 2450.** 165.85 (4) (b) 1d. f. of the statutes is created to read:

15 165.85 **(4)** (b) 1d. f. Training concerning cultural diversity, including sensitivity
16 toward racial and ethnic differences. The training shall be designed to prevent the
17 use of race, racial profiling, racial stereotyping, or other race-based discrimination
18 or selection as a basis for detaining, searching, or arresting a person or for otherwise
19 treating a person differently from persons of other races and shall emphasize the fact
20 that the primary purposes of enforcement of traffic regulations are safety and equal
21 and uniform enforcement under the law.

22 **SECTION 2451.** 167.10 (7) of the statutes is amended to read:

23 167.10 **(7) PARENTAL LIABILITY.** A parent, foster parent, ~~treatment foster parent,~~
24 family-operated group home parent, or legal guardian of a minor who consents to the

ASSEMBLY BILL 75**SECTION 2451**

1 use of fireworks by the minor is liable for damages caused by the minor's use of the
2 fireworks.

3 **SECTION 2452.** 167.31 (4) (cg) 5. of the statutes is amended to read:

4 167.31 **(4)** (cg) 5. The vehicle bears a special registration plates plate issued
5 under s. 341.14 (1), (1a), (1e), (1m) or (1r) or displays a sign that is at least 11 inches
6 square on which is conspicuously written "disabled hunter".

7 **SECTION 2453.** 175.35 (2i) of the statutes is amended to read:

8 175.35 **(2i)** The department shall charge a firearms dealer ~~an \$8~~ a \$30 fee for
9 each firearms restrictions record search that the firearms dealer requests under sub.
10 (2) (c). The firearms dealer may collect the fee from the transferee. The department
11 may refuse to conduct firearms restrictions record searches for any firearms dealer
12 who fails to pay any fee under this subsection within 30 days after billing by the
13 department.

14 **SECTION 2454.** 196.025 (1) (ag) 2. of the statutes is amended to read:

15 196.025 **(1)** (ag) 2. "Wholesale supplier" has the meaning given in s. ~~16.957~~
16 196.3746 (1) (w).

17 **SECTION 2455.** 196.07 (1) of the statutes is amended to read:

18 196.07 **(1)** Each public utility shall close its accounts annually on December 31
19 and promptly prepare a balance sheet of that date. On or before the following April
20 1 every public utility shall file with the commission the balance sheet together with
21 any other information the commission prescribes, verified by an officer of the public
22 utility. The commission, ~~for good cause shown~~, may extend the time for filing the
23 balance sheet and prescribed information.

24 **SECTION 2456.** 196.09 (9) (a) 2. of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2456**

1 196.09 **(9)** (a) 2. The commission shall review ~~biennially~~ triennially the
2 guidelines established under subd. 1., except that if the commission receives, more
3 than 365 days before the deadline for a ~~biennial~~ review, a written request from a
4 telecommunications utility for a review, the commission shall review the guidelines
5 no later than 365 days after receiving the request.

6 **SECTION 2457.** 196.196 (5) (f) 1. (intro.) of the statutes is amended to read:

7 196.196 **(5)** (f) 1. (intro.) ~~Before January 1, 1996, and biennially thereafter~~
8 Biennially, the commission shall submit a report to the ~~joint committee on~~
9 ~~information policy and technology~~ legislature under s. 13.172 (2) describing the
10 status of investments in advanced telecommunications infrastructure in this state.
11 The report shall include information on ~~the progress made in all of the following~~
12 ~~areas~~ uses if the commission determines that there are issues with the availability
13 or deployment of telecommunications infrastructure for those uses:

14 **SECTION 2458.** 196.196 (5) (f) 1. e. of the statutes is repealed.

15 **SECTION 2459.** 196.196 (5) (f) 1. f. of the statutes is amended to read:

16 196.196 **(5)** (f) 1. f. Other ~~infrastructure investments~~ uses identified by the
17 commission.

18 **SECTION 2460.** 196.196 (5) (f) 3. of the statutes is amended to read:

19 196.196 **(5)** (f) 3. The commission ~~may~~ shall combine its report under this
20 paragraph with its report under s. 196.218 (5r).

21 **SECTION 2461.** 196.218 (3) (a) 3. b. of the statutes is amended to read:

22 196.218 **(3)** (a) 3. b. The amounts appropriated under ss. 20.255 (3) (q) ~~and~~,
23 (qm), ~~and (r)~~, 20.285 (1) (q), and 20.505 (4) (s), (t), (tm), (tu), and (tw).

24 **SECTION 2462.** 196.218 (4) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2462**

1 196.218 **(4)** ESSENTIAL SERVICES AND ADVANCED SERVICE CAPABILITIES. ~~Before~~
2 January 1, 1996, and biennially thereafter, the The commission shall promulgate
3 rules that define a basic set of essential telecommunications services that shall be
4 available to all customers at affordable prices and that are a necessary component
5 of universal service. ~~Before January 1, 1996, and biennially thereafter, the~~ The
6 commission shall promulgate rules that define a set of advanced service capabilities
7 that shall be available to all areas of this state at affordable prices within a
8 reasonable time and that are a necessary component of universal service. For rules
9 promulgated ~~before January 1, 1996, a reasonable time for the availability of the~~
10 ~~defined set of advance service capabilities shall be no later than January 1, 2005,~~
11 ~~and, for rules promulgated thereafter~~ after December 31, 1995, a reasonable time for
12 the availability of additional advanced service capabilities in the defined set shall be
13 no later than 7 years after the effective date of the rules. These essential services
14 and advanced service capabilities shall be based on market, social, economic
15 development and infrastructure development principles rather than on specific
16 technologies or providers. Essential services include single-party service with
17 touch-tone capability, line quality capable of carrying facsimile and data
18 transmissions, equal access, emergency services number capability, a statewide
19 telecommunications relay service and blocking of long distance toll service.

20 **SECTION 2463.** 196.218 (5) (a) 13. of the statutes is created to read:

21 196.218 **(5)** (a) 13. To pay the costs of library service contracts under s. 43.03
22 (6) and (7).

23 **SECTION 2464.** 196.218 (5m) of the statutes is amended to read:

24 196.218 **(5m)** RULE REVIEW. ~~At least biennially, the~~ The commission shall
25 review and revise as appropriate rules promulgated under this section.

ASSEMBLY BILL 75**SECTION 2465**

SECTION 2465. 196.218 (5r) (a) (intro.) of the statutes is amended to read:

196.218 **(5r)** (a) (intro.) ~~Annually~~ Biennially, the commission shall submit a universal service fund report to the ~~joint committee on information policy and technology legislature under s. 13.172 (2).~~ The report shall include information about all of the following:

SECTION 2466. 196.374 (1) (f) of the statutes is amended to read:

196.374 **(1)** (f) “Load management program” means a program to allow an energy utility, municipal utility, wholesale electric cooperative, as defined in s. ~~16.957~~ 196.3746 (1) (v), retail electric cooperative, or municipal electric company, as defined in s. 66.0825 (3) (d), to control or manage daily or seasonal customer demand associated with equipment or devices used by customers or members.

SECTION 2467. 196.374 (1) (h) of the statutes is amended to read:

196.374 **(1)** (h) “Municipal utility” has the meaning given in s. ~~16.957~~ 196.3746 (1) (q).

SECTION 2468. 196.374 (1) (L) of the statutes is amended to read:

196.374 **(1)** (L) “Retail electric cooperative” has the meaning given in s. ~~16.957~~ 196.3746 (1) (t).

SECTION 2469. 196.374 (1) (n) of the statutes is amended to read:

196.374 **(1)** (n) “Wholesale supplier” has the meaning given in s. ~~16.957~~ 196.3746 (1) (w).

SECTION 2470. 196.374 (1) (o) of the statutes is amended to read:

196.374 **(1)** (o) “Wholesale supply percentage” has the meaning given in s. ~~16.957~~ 196.3746 (1) (x).

SECTION 2471. 196.374 (2) (d) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 2471**

1 196.374 **(2)** (d) *Immediate savings energy efficiency programs.* 1. The
2 commission may, upon application by an energy utility, authorize the energy utility
3 to administer, fund, or provide administrative services for an immediate savings
4 energy efficiency program that invests in energy efficiency improvements for utility
5 customers in which the costs borne by a customer for an improvement are offset by
6 the energy savings resulting from the improvement.

7 2. An energy utility for which an immediate savings energy efficiency program
8 is authorized under subd. 1. shall file a tariff specifying the terms and conditions of
9 utility and nonutility service provided to customers for whom improvements are
10 made under the program. A tariff filed under this subdivision shall have no effect
11 until approved by the commission. A tariff filed by an energy utility under this
12 subdivision shall include all of the following:

13 a. Terms and conditions for billing customers for utility and nonutility service
14 related to improvements benefiting the customers.

15 b. A contract between the energy utility and an owner of property benefited by
16 an improvement that requires the owner to inform any property lessees who are
17 liable for utility service that the cost of the improvement will appear on the lessees'
18 utility bills.

19 c. A contract between the energy utility and an owner of property benefited by
20 an improvement that requires the owner to inform any purchaser of the property
21 that the purchaser, or any other person who is liable for utility service at the property,
22 is liable for the unpaid cost of the improvement and that such unpaid cost will appear
23 on utility bills for the property.

24 d. Any other term or condition required by the commission.

ASSEMBLY BILL 75**SECTION 2471**

1 3. An energy utility for which a tariff is approved under subd. 2. for an
2 immediate savings energy efficiency program may include a separate line item on
3 bills of a customer at a property benefited by an improvement made under the
4 program that offsets the costs of the program borne by the customer with the energy
5 savings resulting from the improvement. Notwithstanding s. 218.04, an energy
6 utility need not obtain a license as a collection agency for this billing practice.

7 4. Any costs that an energy utility incurs to administer, fund, or provide
8 administrative services for an immediate savings energy efficiency program are in
9 addition to the amounts the commission shall require the energy utility to spend
10 under sub. (3) (b) 2.

11 5. An energy utility may not recover from ratepayers any bad debt related to
12 nonutility services provided under an immediate savings energy efficiency program.

13 **SECTION 2472.** 196.374 (3) (a) of the statutes is amended to read:

14 196.374 **(3)** (a) *In general.* The commission shall have oversight of programs
15 under sub. (2). The commission shall maximize coordination of program delivery,
16 including coordination between programs under subs. (2) (a) 1., (b) 1. and 2., and (c)
17 and (7), ordered programs, low-income weatherization programs under s. 16.957
18 196.3746, renewable resource programs under s. 196.378, and other energy
19 efficiency or renewable resource programs. The commission shall cooperate with the
20 department of natural resources to ensure coordination of energy efficiency and
21 renewable resource programs with air quality programs and to maximize and
22 document the air quality improvement benefits that can be realized from energy
23 efficiency and renewable resource programs.

24 **SECTION 2473.** 196.3746 (2) (a) of the statutes, as affected by 2009 Wisconsin
25 Act (this act), is repealed and recreated to read:

ASSEMBLY BILL 75**SECTION 2473**

1 196.3746 **(2)** (a) *Low-income programs*. After holding a hearing, establish
2 programs to be administered by the commission for awarding grants from the
3 appropriation under s. 20.155 (3) (r) to provide low-income assistance. In each fiscal
4 year, the amount awarded under this paragraph shall be sufficient to ensure that an
5 amount equal to 47% of the sum of the following is spent for weatherization and other
6 energy conservation services:

7 1. All moneys received from the federal government under 42 USC 6861 to 6873
8 and 42 USC 8621 to 8629 in a fiscal year.

9 2. All moneys spent in a fiscal year for low-income programs established under
10 s. 196.374, 2003 stats.

11 3. All moneys spent in a fiscal year on programs established under this
12 paragraph.

13 4. The moneys collected in low-income assistance fees under sub. (5) (a).

14 **SECTION 2474.** 196.3746 (2) (d) 2m. of the statutes, as affected by 2009
15 Wisconsin Act (this act), is repealed.

16 **SECTION 2475.** 196.378 (1) (p) of the statutes is amended to read:

17 196.378 **(1)** (p) “Wholesale supplier” has the meaning given in s. ~~16.957~~
18 196.3746 (1) (w).

19 **SECTION 2476.** 196.859 of the statutes is created to read:

20 **196.859 Assessment for telecommunications utility trade practices. (1)**

21 The commission shall annually assess against telecommunications utilities the total
22 of the amount appropriated under s. 20.115 (1) (jm).

23 **(2)** The commission shall assess a sum equal to the annual total amount under
24 sub. (1) to telecommunications utilities in proportion to their gross operating
25 revenues during the last calendar year. A telecommunications utility shall pay the

ASSEMBLY BILL 75**SECTION 2476**

1 assessment within 30 days after the bill has been mailed to the assessed
2 telecommunications utility. The bill constitutes notice of the assessment and
3 demand of payment. Payments shall be credited to the appropriation account under
4 s. 20.115 (1) (jm).

5 **(3)** Section 196.85 (3) to (8), as it applies to assessments under s. 196.85 (1) or
6 (2), applies to assessments under this section.

7 **(4)** A telecommunications utility may not recover the assessment under this
8 section by billing a customer for the assessment on a separate line in a billing
9 statement.

10 **SECTION 2477.** 227.01 (13) (t) of the statutes is amended to read:

11 227.01 **(13)** (t) Ascertains and determines prevailing wage rates under ss.
12 66.0903, 66.0904, 103.49, 103.50, and 229.8275, except that any action or inaction
13 which ascertains and determines prevailing wage rates under ss. 66.0903, 66.0904,
14 103.49, 103.50, and 229.8275 is subject to judicial review under s. 227.40.

15 **SECTION 2478.** 227.01 (13) (yL) of the statutes is created to read:

16 227.01 **(13)** (yL) Relates to administration of the southeast Wisconsin transit
17 capital assistance program under s. 85.11.

18 **SECTION 2479.** 227.42 (7) of the statutes is created to read:

19 227.42 **(7)** This section does not apply to a determination issued under s.
20 101.055 (8) (cm), 103.10 (12) (bm), 106.50 (6) (c) 4., 106.52 (4) (a) 4m., 111.39 (4) (bm),
21 or 230.85 (2) (c).

22 **SECTION 2480.** 227.54 of the statutes is amended to read:

23 **227.54 Stay of proceedings.** The institution of the proceeding for review
24 shall not stay enforcement of the agency decision. The reviewing court may order a

ASSEMBLY BILL 75**SECTION 2480**

1 stay upon such terms as it deems proper, except as otherwise provided in ss. ~~49.17~~
2 ~~(7), 96.43~~ 196.43, 253.06, and 448.02 (9).

3 **SECTION 2481.** 230.01 (3) of the statutes is amended to read:

4 230.01 **(3)** Nothing in this chapter shall be construed to either infringe upon
5 or supersede the rights guaranteed state employees under subch. V or VI of ch. 111.

6 **SECTION 2482.** 230.03 (3) of the statutes is amended to read:

7 230.03 **(3)** “Agency” means any board, commission, committee, council, or
8 department in state government or a unit thereof created by the constitution or
9 statutes if such board, commission, committee, council, department, unit, or the
10 head thereof, is authorized to appoint subordinate staff by the constitution or
11 statute, except a legislative or judicial board, commission, committee, council,
12 department, or unit thereof or an authority created under subch. II of ch. 114 or
13 subch. III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, or 279. “Agency”
14 does not mean any local unit of government or body within one or more local units
15 of government that is created by law or by action of one or more local units of
16 government.

17 **SECTION 2483.** 230.04 (18) of the statutes is created to read:

18 230.04 **(18)** The director may provide any services and materials to agencies
19 and may charge the agencies for providing the services and materials. All moneys
20 received from the charges shall be deposited in the appropriation account under s.
21 20.545 (1) (k).

22 **SECTION 2484.** 230.046 (10) (a) of the statutes is amended to read:

23 230.046 **(10)** (a) Conduct off-the-job employee development and training
24 programs relating to functions under this chapter or subch. V or VI of ch. 111.

25 **SECTION 2485.** 230.05 (9) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 2485**

1 230.05 **(9)** The administrator may provide any services and materials to
2 agencies and may charge the agencies for providing the services and materials. All
3 moneys received from the charges shall be deposited in the appropriation account
4 under s. 20.545 (1) (k).

5 **SECTION 2486.** 230.08 (2) (eg) of the statutes is created to read:

6 230.08 **(2)** (eg) A chief legal advisor position in each of the following agencies:

7 1. Department of administration.

8 3. Department of agriculture, trade and consumer protection.

9 2. Department of children and families.

10 4. Department of corrections.

11 5. Department of health services.

12 6. Department of natural resources.

13 7. Department of transportation.

14 8. Department of workforce development.

15 **SECTION 2487.** 230.08 (2) (pd) of the statutes is amended to read:

16 230.08 **(2)** (pd) The chairperson of the ~~parole~~ earned release review
17 commission.

18 **SECTION 2488.** 230.12 (3) (e) 1. of the statutes is amended to read:

19 230.12 **(3)** (e) 1. The director, after receiving recommendations from the board
20 of regents, shall submit to the joint committee on employment relations a proposal
21 for adjusting compensation and employee benefits for employees under ss. 20.923
22 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included in a collective bargaining
23 unit under subch. V or VI of ch. 111 for which a representative is certified. The
24 proposal shall include the salary ranges and adjustments to the salary ranges for the
25 university senior executive salary groups 1 and 2 established under s. 20.923 (4g).

ASSEMBLY BILL 75**SECTION 2488**

1 The proposal shall be based upon the competitive ability of the board of regents to
2 recruit and retain qualified faculty and academic staff, data collected as to rates of
3 pay for comparable work in other public services, universities and commercial and
4 industrial establishments, recommendations of the board of regents and any special
5 studies carried on as to the need for any changes in compensation and employee
6 benefits to cover each year of the biennium. The proposal shall also take proper
7 account of prevailing pay rates, costs and standards of living and the state's
8 employment policies. The proposal for such pay adjustments may contain
9 recommendations for across-the-board pay adjustments, merit or other
10 adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf)
11 shall apply to the process for approval of all pay adjustments for such employees
12 under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The proposal as approved
13 by the joint committee on employment relations and the governor shall be based
14 upon a percentage of the budgeted salary base for such employees under ss. 20.923
15 (4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit
16 and adjustments other than across-the-board pay adjustments is available for
17 discretionary use by the board of regents.

18 **SECTION 2489.** 230.35 (2d) (e) of the statutes is amended to read:

19 230.35 **(2d)** (e) For employees who are included in a collective bargaining unit
20 for which a representative is recognized or certified under subch. V or VI of ch. 111,
21 this subsection shall apply unless otherwise provided in a collective bargaining
22 agreement.

23 **SECTION 2490.** 230.35 (3) (e) 6. of the statutes is amended to read:

24 230.35 **(3)** (e) 6. For employees who are included in a collective bargaining unit
25 for which a representative is recognized or certified under subch. V or VI of ch. 111,

ASSEMBLY BILL 75**SECTION 2490**

1 this paragraph shall apply unless otherwise provided in a collective bargaining
2 agreement.

3 **SECTION 2491.** 230.85 (2) of the statutes is renumbered 230.85 (2) (a) and
4 amended to read:

5 230.85 **(2)** (a) The division of equal rights shall receive and, except as provided
6 in s. 230.45 (1m), investigate any complaint under sub. (1). In the course of
7 investigating or otherwise processing such a complaint, the division of equal rights
8 may require that an interview with any employee described in s. 230.80 (3), except
9 a management or supervisory employee who is a party to or is immediately involved
10 in the subject matter of the complaint, be conducted outside the presence of the
11 appointing authority or any representative or agent ~~thereof~~ of the appointing
12 authority unless the employee voluntarily requests that presence. An appointing
13 authority shall permit an employee to be interviewed without loss of pay and to have
14 an employee representative present at the interview. An appointing authority of an
15 employee to be interviewed may require the division of equal rights to give the
16 appointing authority reasonable notice prior to the interview.

17 (b) If the division of equal rights finds probable cause to believe that a
18 retaliatory action has occurred or was threatened, it the division may endeavor to
19 remedy the problem through conference, conciliation, or persuasion. If that
20 endeavor is not successful, the division of equal rights shall issue and serve a written
21 notice of hearing, specifying the nature of the retaliatory action ~~which~~ that has
22 occurred or was threatened, and requiring the person named, in this section called
23 the “respondent”, to answer the complaint at a hearing. The notice shall specify the
24 place of hearing and a time of hearing not less than 30 days after service of the
25 complaint upon the respondent nor less than 10 days after service of the notice of

ASSEMBLY BILL 75**SECTION 2491**

1 hearing. If, however, the division of equal rights determines that an emergency
2 exists with respect to a complaint, the notice of hearing may specify a time of hearing
3 within 30 days after service of the complaint upon the respondent, but not less than
4 10 days after service of the notice of hearing. The testimony at the hearing shall be
5 recorded or taken down by a reporter appointed by the division of equal rights.

6 **SECTION 2492.** 230.85 (2) (c) of the statutes is created to read:

7 230.85 **(2)** (c) If the division of equal rights finds no probable cause to believe
8 that a retaliatory action has occurred or was threatened, the division shall dismiss
9 the complaint. If the division of equal rights dismisses the complaint, the order of
10 dismissal is the final determination of the division, which may be appealed under s.
11 230.87. The division of equal rights shall, by a notice to be served with the
12 determination, notify the parties of the complainant's right to appeal the dismissal
13 of the complaint to the circuit court under s. 230.87.

14 **SECTION 2493.** 230.88 (2) (b) of the statutes is amended to read:

15 230.88 **(2)** (b) No collective bargaining agreement supersedes the rights of an
16 employee under this subchapter. However, nothing in this subchapter affects any
17 right of an employee to pursue a grievance procedure under a collective bargaining
18 agreement under subch. V or VI of ch. 111, and if the division of equal rights
19 determines that a grievance arising under such a collective bargaining agreement
20 involves the same parties and matters as a complaint under s. 230.85, it shall order
21 the arbitrator's final award on the merits conclusive as to the rights of the parties
22 to the complaint, on those matters determined in the arbitration which were at issue
23 and upon which the determination necessarily depended.

24 **SECTION 2494.** 230.88 (2) (c) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2494**

1 230.88 **(2)** (c) No later than 10 days before the specified time of hearing under
2 s. 230.85 (2) (b), an employee shall notify the division of equal rights orally or in
3 writing if he or she has commenced or will commence an action in a court of record
4 alleging matters prohibited under s. 230.83 (1). If the employee does not
5 substantially comply with this requirement, the division of equal rights may assess
6 against the employee any costs attributable to the failure to notify. Failure to notify
7 the division of equal rights does not affect a court's jurisdiction to proceed with the
8 action. Upon commencement of such an action in a court of record, the division of
9 equal rights has no jurisdiction to process a complaint filed under s. 230.85 except
10 to dismiss the complaint and, if appropriate, to assess costs under this paragraph.

11 **SECTION 2495.** 234.01 (4n) (a) 3m. e. of the statutes is amended to read:

12 234.01 **(4n)** (a) 3m. e. The facility is located in a targeted area, as determined
13 by the authority after considering the factors set out in s. 560.605 (2m) (c), 2005
14 stats., s. 560.605 (2m) (d), 2005 stats., s. 560.605 (2m) (e), 2005 stats., s. 560.605 (2m)
15 (g), 2007 stats., and s. 560.605 (2m) (a), (b), and (f) ~~to, and~~ (h).

16 **SECTION 2496.** 234.03 (2m) of the statutes is amended to read:

17 234.03 **(2m)** To issue notes and bonds in accordance with ss. 234.08, 234.40,
18 234.50, 234.60, 234.61, 234.626, ~~234.63,~~ and 234.65.

19 **SECTION 2497.** 234.03 (11) of the statutes is amended to read:

20 234.03 **(11)** To collect fees and charges on mortgage loans and economic
21 development loans and airport development loans under s. 234.63 (3), 2007 stats.,
22 for the purpose of paying all or a portion of authority costs as the authority
23 determines are reasonable and as approved by the authority.

24 **SECTION 2498.** 234.08 (1) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2498**

1 234.08 (1) The authority may issue its negotiable notes and bonds in such
2 principal amount, as, in the opinion of the authority, is necessary to provide sufficient
3 funds for achieving its corporate purposes, including the purchase of certain
4 mortgages and securities and the making of secured loans for low- and
5 moderate-income housing, for the rehabilitation of existing structures and for the
6 construction of facilities appurtenant thereto as provided in this chapter; for the
7 making of secured loans to assist eligible elderly homeowners in paying property
8 taxes and special assessments; for the payment of interest on notes and bonds of the
9 authority during construction; ~~for the awarding of airport development loans under~~
10 ~~s. 234.63 (3);~~ for the establishment of reserves to secure such notes and bonds; for the
11 provision of moneys for the housing development fund in order to make temporary
12 loans to sponsors of housing projects as provided in this chapter; and for all other
13 expenditures of the authority incident to and necessary or convenient to carry out its
14 corporate purposes and powers.

15 **SECTION 2499.** 234.265 (2) of the statutes is amended to read:

16 234.265 (2) Records or portions of records consisting of personal or financial
17 information provided by a person seeking a grant or loan under s. 234.63, 2007 stats.,
18 or s. 234.04, 234.08, 234.49, 234.59, 234.61, 234.63, 234.65, 234.67, 234.83, 234.84,
19 234.90, 234.905, 234.907, or 234.91, seeking a loan under ss. 234.621 to 234.626,
20 seeking financial assistance under s. 234.66, 2005 stats., seeking investment of
21 funds under s. 234.03 (18m), or in which the authority has invested funds under s.
22 234.03 (18m), unless the person consents to disclosure of the information.

23 **SECTION 2500.** 234.40 (4) of the statutes is amended to read:

24 234.40 (4) The limitations established in ss. 234.18, 234.50, 234.60, 234.61,
25 ~~234.63,~~ and 234.65 are not applicable to bonds issued under the authority of this

ASSEMBLY BILL 75**SECTION 2500**

1 section. The authority may not have outstanding at any one time bonds for veterans
2 housing loans in an aggregate principal amount exceeding \$61,945,000, excluding
3 bonds being issued to refund outstanding bonds.

4 **SECTION 2501.** 234.50 (4) of the statutes is amended to read:

5 234.50 **(4)** The limitations established in ss. 234.18, 234.40, 234.60, 234.61,
6 ~~234.63~~, and 234.65 are not applicable to bonds issued under the authority of this
7 section. The authority may not have outstanding at any one time bonds for housing
8 rehabilitation loans in an aggregate principal amount exceeding \$100,000,000,
9 excluding bonds being issued to refund outstanding bonds. The authority shall
10 consult with and coordinate the issuance of bonds with the building commission prior
11 to the issuance of bonds.

12 **SECTION 2502.** 234.60 (2) of the statutes is amended to read:

13 234.60 **(2)** The limitations in ss. 234.18, 234.40, 234.50, 234.61, ~~234.63~~, and
14 234.65 do not apply to bonds or notes issued under this section.

15 **SECTION 2503.** 234.61 (1) of the statutes is amended to read:

16 234.61 **(1)** Upon the authorization of the department of health services, the
17 authority may issue bonds or notes and make loans for the financing of housing
18 projects which are residential facilities as defined in s. 46.28 (1) (d) and the
19 development costs of those housing projects, if the department of health services has
20 approved the residential facilities for financing under s. 46.28 (2). The limitations
21 in ss. 234.18, 234.40, 234.50, 234.60, ~~234.63~~, and 234.65 do not apply to bonds or
22 notes issued under this section. The definition of “nonprofit corporation” in s. 234.01
23 (9) does not apply to this section.

24 **SECTION 2504.** 234.63 of the statutes is repealed.

25 **SECTION 2505.** 243.10 (1) (form) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2505**

1 243.10 (1) (form)

2 **WISCONSIN BASIC POWER OF ATTORNEY**

3 **FOR FINANCES AND PROPERTY**

4 NOTICE: THIS IS AN IMPORTANT DOCUMENT. BEFORE SIGNING THIS
5 DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS. BY SIGNING
6 THIS DOCUMENT, YOU ARE NOT GIVING UP ANY POWERS OR RIGHTS TO
7 CONTROL YOUR FINANCES AND PROPERTY YOURSELF. IN ADDITION TO
8 YOUR OWN POWERS AND RIGHTS, YOU ARE GIVING ANOTHER PERSON,
9 YOUR AGENT, BROAD POWERS TO HANDLE YOUR FINANCES AND
10 PROPERTY. THIS BASIC POWER OF ATTORNEY FOR FINANCES AND
11 PROPERTY MAY GIVE THE PERSON WHOM YOU DESIGNATE (YOUR
12 “AGENT”) BROAD POWERS TO HANDLE YOUR FINANCES AND PROPERTY,
13 WHICH MAY INCLUDE POWERS TO ENCUMBER, SELL OR OTHERWISE
14 DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE
15 NOTICE TO YOU OR APPROVAL BY YOU. THE POWERS WILL EXIST AFTER
16 YOU BECOME DISABLED, OR INCAPACITATED, IF YOU CHOOSE THAT
17 PROVISION. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE
18 MEDICAL OR OTHER HEALTH CARE DECISIONS FOR YOU. IF YOU OWN
19 COMPLEX OR SPECIAL ASSETS SUCH AS A BUSINESS, OR IF THERE IS
20 ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU
21 SHOULD ASK A LAWYER TO EXPLAIN THIS FORM TO YOU BEFORE YOU
22 SIGN IT.

23 IF YOU WISH TO CHANGE YOUR BASIC POWER OF ATTORNEY FOR
24 FINANCES AND PROPERTY, YOU MUST COMPLETE A NEW DOCUMENT
25 AND REVOKE THIS ONE. YOU MAY REVOKE THIS DOCUMENT AT ANY TIME

ASSEMBLY BILL 75**SECTION 2505**

1 BY DESTROYING IT, BY DIRECTING ANOTHER PERSON TO DESTROY IT IN
2 YOUR PRESENCE OR BY SIGNING A WRITTEN AND DATED STATEMENT
3 EXPRESSING YOUR INTENT TO REVOKE THIS DOCUMENT. IF YOU
4 REVOKE THIS DOCUMENT, YOU SHOULD NOTIFY YOUR AGENT AND ANY
5 OTHER PERSON TO WHOM YOU HAVE GIVEN A COPY OF THE FORM. YOU
6 ALSO SHOULD NOTIFY ALL PARTIES HAVING CUSTODY OF YOUR ASSETS.
7 THESE PARTIES HAVE NO RESPONSIBILITY TO YOU UNLESS YOU
8 ACTUALLY NOTIFY THEM OF THE REVOCATION. IF YOUR AGENT IS YOUR
9 SPOUSE OR DOMESTIC PARTNER AND YOUR MARRIAGE IS ANNULLED, OR
10 YOU ARE DIVORCED, OR THE DOMESTIC PARTNERSHIP IS TERMINATED
11 AFTER SIGNING THIS DOCUMENT, THIS DOCUMENT IS INVALID.

12 SINCE SOME 3RD PARTIES OR SOME TRANSACTIONS MAY NOT
13 PERMIT USE OF THIS DOCUMENT, IT IS ADVISABLE TO CHECK IN
14 ADVANCE, IF POSSIBLE, FOR ANY SPECIAL REQUIREMENTS THAT MAY BE
15 IMPOSED.

16 YOU SHOULD SIGN THIS FORM ONLY IF THE AGENT YOU NAME IS
17 RELIABLE, TRUSTWORTHY AND COMPETENT TO MANAGE YOUR AFFAIRS.

18 I (insert your name and address) appoint (insert the name and address
19 of the person appointed) as my agent to act for me in any lawful way with respect to
20 the powers initialed below. If the person appointed is unable or unwilling to act as
21 my agent, I appoint (insert name and address of alternate person appointed) to
22 act for me in any lawful way with respect to the powers initialed below.

23 TO GRANT ONE OR MORE OF THE FOLLOWING POWERS, INITIAL THE
24 LINE IN FRONT OF EACH POWER YOU ARE GRANTING.

ASSEMBLY BILL 75**SECTION 2505**

1 TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF IT.
2 YOU MAY, BUT NEED NOT, CROSS OUT EACH POWER WITHHELD.

HANDLING MY MONEY AND PROPERTY*Initials*

3
4
5 _____ 1. *PAYMENTS OF BILLS*: My agent may make payments that are
6 necessary or appropriate in connection with the administration of my affairs.

7 _____ 2. *BANKING*: My agent may conduct business with financial
8 institutions, including endorsing all checks and drafts made payable to my order and
9 collecting the proceeds; signing in my name checks or orders on all accounts in my
10 name or for my benefit; withdrawing funds from accounts in my name; opening
11 accounts in my name; and entering into and removing articles from my safe deposit
12 box.

13 _____ 3. *INSURANCE*: My agent may obtain insurance of all types, as
14 considered necessary or appropriate, settle and adjust insurance claims and borrow
15 from insurers and 3rd parties using insurance policies as collateral.

16 _____ 4. *ACCOUNTS*: My agent may ask for, collect and receive money,
17 dividends, interest, legacies and property due or that may become due and owing to
18 me and give receipt for those payments.

19 _____ 5. *REAL ESTATE*: My agent may manage real property; sell, convey and
20 mortgage realty for prices and on terms as considered advisable; foreclose mortgages
21 and take title to property in my name; and execute deeds, mortgages, releases,
22 satisfactions and other instruments relating to realty.

23 _____ 6. *BORROWING*: My agent may borrow money and encumber my assets
24 for loans as considered necessary.

ASSEMBLY BILL 75**SECTION 2505**

1 ____ 7. *SECURITIES*: My agent may buy, sell, pledge and exchange securities
2 of all kinds in my name; sign and deliver in my name transfers and assignments of
3 securities; and consent in my name to reorganizations, mergers or exchange of
4 securities for new securities.

5 ____ 8. *INCOME TAXES*: My agent may make and sign tax returns; represent
6 me in all income tax matters before any federal, state, or local tax collecting agency;
7 and receive confidential information and perform any acts that I may perform,
8 including receiving refund checks and the signing of returns.

9 ____ 9. *TRUSTS*: My agent may transfer at any time any of my property to
10 a living trust that has been established by me before the execution of this document.

PROFESSIONAL AND TECHNICAL ASSISTANCE

12 *Initials*

13 ____ 10. *LEGAL ACTIONS*: My agent may retain attorneys on my behalf;
14 appear for me in all actions and proceedings to which I may be a party; commence
15 actions and proceedings in my name; and sign in my name all documents or pleadings
16 of every description.

17 ____ 11. *PROFESSIONAL ASSISTANCE*: My agent may hire accountants,
18 attorneys, clerks, workers and others for the management, preservation and
19 protection of my property and estate.

GENERAL AUTHORITY

21 *Initials*

22 ____ 12. *GENERAL*: My agent may do any act or thing that I could do in my
23 own proper person if personally present, including managing or selling tangible
24 assets, disclaiming a probate or nonprobate inheritance and providing support for
25 a minor child or dependent adult. The specifically enumerated powers of the basic

ASSEMBLY BILL 75**SECTION 2505**

1 power of attorney for finances and property are not a limitation of this intended
2 broad general power except that my agent may not take any action prohibited by law
3 and my agent under this document may not:

4 a. Make medical or health care decisions for me.

5 b. Make, modify or revoke a will for me.

6 c. Other than a burial trust agreement under section 445.125, Wisconsin
7 Statutes, enter into a trust agreement on my behalf or amend or revoke a trust
8 agreement, entered into by me.

9 d. Change any beneficiary designation of any life insurance policy, qualified
10 retirement plan, individual retirement account or payable on death account or the
11 like whether directly or by canceling and replacing the policy or rollover to another
12 plan or account.

13 e. Forgive debts owed to me or disclaim or waive benefits payable to me, except
14 a probate or nonprobate inheritance.

15 f. Appoint a substitute or successor agent for me.

16 g. Make gifts.

17 **COMPENSATION TO AGENT FROM**

18 **PRINCIPAL'S FUNDS**

19 *Initials*

20 _____ 13. *COMPENSATION*. My agent may receive compensation only in an
21 amount not greater than that usual for the services to be performed if expressly
22 authorized in the special instructions portion of this document.

23 **ACCOUNTING**

24 *Initials*

ASSEMBLY BILL 75

SECTION 2505

_____ 14. *ACCOUNTING.* My agent shall render an accounting (monthly) (quarterly) (annually) (CIRCLE ONE) to me or to (insert name and address) during my lifetime and a final accounting to the personal representative of my estate, if any is appointed, after my death.

NOMINATION OF GUARDIAN

Initials

_____ 15. *GUARDIAN*: If necessary, I nominate (name) of (address) as guardian of my person and I nominate (name) of (address) as guardian of my estate.

SPECIAL INSTRUCTIONS

Initials

_____ 16. SPECIAL INSTRUCTIONS:

ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS
REGARDING THE POWERS GRANTED TO YOUR AGENT.

[illegible]

TO ESTABLISH WHEN, AND FOR HOW LONG, THE BASIC POWER OF ATTORNEY FOR FINANCES AND PROPERTY IS IN EFFECT, YOU MUST

ASSEMBLY BILL 75**SECTION 2505**

1 INITIAL ONLY ONE OF THE FOLLOWING 3 OPTIONS. IF YOU DO NOT
2 INITIAL ONE, OR IF YOU INITIAL MORE THAN ONE, THIS BASIC POWER OF
3 ATTORNEY FOR FINANCES AND PROPERTY WILL NOT TAKE EFFECT.

4 *Initials*

5 _____ This basic power of attorney for finances and property becomes effective
6 when I sign it and will continue in effect as a durable power of attorney under section
7 243.07, Wisconsin Statutes, if I become disabled or incapacitated.

8 _____ This basic power of attorney for finances and property becomes effective
9 only when both of the following apply:

10 a. I have signed it; and

11 b. I become disabled or incapacitated.

12 _____ This basic power of attorney for finances and property becomes effective
13 when I sign it BUT WILL CEASE TO BE EFFECTIVE IF I BECOME DISABLED
14 OR INCAPACITATED.

15 I agree that any 3rd party who receives a copy of this document may act under
16 it. Revocation of this basic power of attorney is not effective as to a 3rd party until
17 the 3rd party learns of the revocation. I agree to reimburse the 3rd party for any loss
18 resulting from claims that arise against the 3rd party because of reliance on this
19 basic power of attorney.

20 Signed this day of, (year)

21

22 (Your Signature)

23

24
25 (Your Social Security Number)

ASSEMBLY BILL 75**SECTION 2505**

1 By signing as a witness, I am acknowledging the signature of the principal who
2 signed in my presence and the presence of the other witness, and the fact that he or
3 she has stated that this power of attorney reflects his or her wishes and is being
4 executed voluntarily. I believe him or her to be of sound mind and capable of creating
5 this power of attorney. I am not related to him or her by blood, marriage or adoption,
6 and, to the best of my knowledge, I am not entitled to any portion of his or her estate
7 under his or her will.

Witness

Dated:

Signature:

Print Name:

Address:

State of

County of

Witness

Dated:

Signature:

Print Name:

Address:

15 This document was acknowledged before me on (date) by (name of
16 principal).

....

(Signature of Notarial Officer)

(Seal, if any)

(Title)

[My commission is permanent or expires:]

23 BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, THE AGENT
24 ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES AND
25 LIABILITIES OF AN AGENT.

ASSEMBLY BILL 75**SECTION 2505**

1

2 (Name of Agent)

3

4

5 (Signature of Agent)

6 This document was drafted by (signature of person preparing the
7 document).

8 **SECTION 2506.** 243.10 (7) (b) of the statutes is amended to read:

9 243.10 **(7)** (b) A principal may revoke a Wisconsin basic power of attorney for
10 finances and property and invalidate it at any time by destroying it, by directing
11 another person to destroy it in the principal's presence or by signing a written and
12 dated statement expressing the principal's intent to revoke. If the agent under the
13 Wisconsin basic power of attorney for finances and property is the principal's spouse
14 and the marriage is annulled, or the agent and principal are divorced, or the agent
15 is the principal's domestic partner under ch. 770 and the domestic partnership is
16 terminated under s. 770.12, after signing the document, the Wisconsin basic power
17 of attorney for finances and property is invalid.

18 **SECTION 2507.** 250.10 (title) of the statutes is amended to read:

19 **250.10** (title) ~~Grant for dental~~ **Dental services.**

20 **SECTION 2508.** 250.10 (intro.) of the statutes is repealed.

21 **SECTION 2509.** 250.10 (1) of the statutes is renumbered 250.10 (1m) (a) and
22 amended to read:

23 250.10 **(1m)** (a) ~~The department shall provide~~ Provide funding in each fiscal
24 year to the Marquette University School of Dentistry for clinical education of
25 Marquette University School of Dentistry students through the provision of dental

ASSEMBLY BILL 75**SECTION 2509**

1 services by the students and faculty of the Marquette University School of Dentistry
2 in underserved areas and to underserved populations in the state, as determined by
3 the department in conjunction with the Marquette University School of Dentistry;
4 to inmates of correctional centers in Milwaukee County; and in clinics in the city of
5 Milwaukee.

6 **SECTION 2510.** 250.10 (1m) (intro.) of the statutes is created to read:

7 250.10 **(1m)** (intro.) The department shall do all of the following:

8 **SECTION 2511.** 250.10 (2) of the statutes is renumbered 250.10 (1m) (b) and
9 amended to read:

10 250.10 **(1m)** (b) ~~The department shall distribute~~ Award in each fiscal year to
11 qualified applicants grants totaling \$25,000 for fluoride supplements, \$25,000 for a
12 fluoride mouth-rinse program, and \$120,000 for a school-based dental sealant
13 program.

14 **SECTION 2512.** 250.15 (2) (intro.) of the statutes is created to read:

15 250.15 **(2)** (intro.) From the appropriation account under s. 20.435 (1) (fh), the
16 department shall, in each fiscal year, award all of the following as grants:

17 **SECTION 2513.** 250.15 (2) (a) of the statutes is amended to read:

18 250.15 **(2)** (a) ~~From the appropriation under s. 20.435 (5) (fh), the department~~
19 ~~shall award \$50,000 in each fiscal year as a grant to~~ To a community health center
20 in a 1st class city, \$50,000.

21 **SECTION 2514.** 250.15 (2) (b) of the statutes is amended to read:

22 250.15 **(2)** (b) ~~From the appropriation under s. 20.435 (5) (fh), the department~~
23 ~~shall award grants in each fiscal year to~~ To community health centers that receive
24 federal grants under 42 USC 254b (e), (g) or (h). Each grant shall equal the amount
25 that results from multiplying the total amount available for grants under this

ASSEMBLY BILL 75**SECTION 2514**

1 paragraph in the fiscal year in which the grants are to be awarded by the quotient
2 obtained by dividing the amount that the community health center received under
3 42 USC 254b (e), (g) or (h) in the most recently concluded federal fiscal year in which
4 those grants were made by the total amount of federal grants under 42 USC 254b (e),
5 (g) and (h) made in that federal fiscal year to community health centers in this state.

6 **SECTION 2515.** 250.15 (2) (c) of the statutes is amended to read:

7 250.15 **(2)** (c) ~~From the appropriation under s. 20.435 (5) (fh), the department~~
8 ~~shall award \$50,000 in each fiscal year as a grant to~~ To HealthNet of Janesville, Inc.,
9 \$50,000.

10 **SECTION 2516.** 250.16 (1) of the statutes is amended to read:

11 250.16 **(1)** ~~The~~ From the appropriation account under s. 20.435 (1) (gi), the
12 ~~department shall enter into an agreement with the Wisconsin Women's Health~~
13 ~~Foundation, Inc., to make payments from the appropriation under s. 20.435 (5) (fi)~~
14 ~~to the Wisconsin Women's Health Foundation, Inc., to be used by the Wisconsin~~
15 ~~Women's Health Foundation, Inc., to fund its efforts to provide women's health~~
16 ~~outreach and education programs and support for women's health research that~~
17 ~~improves the quality of life for women and families in this state.~~

18 **SECTION 2517.** 250.17 (1) of the statutes is amended to read:

19 250.17 **(1)** ~~The~~ From the appropriation account under s. 20.435 (1) (g), the
20 ~~department shall enter into an agreement with Donate Life Wisconsin to make~~
21 ~~payments from the appropriation under s. 20.435 (5) (g) to Donate Life Wisconsin,~~
22 ~~to be used to fund its efforts to encourage organ and tissue donation by providing~~
23 ~~educational programs, promoting or advancing research and patient services, and,~~
24 ~~at its~~ the discretion of Donate Life Wisconsin, distributing portions of these
25 payments to any other organ and tissue procurement and donation organization in

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1 this state that is exempt from taxation under section 501 (a) of the Internal Revenue
2 Code, to be used for these same purposes.

3 **SECTION 2518.** 250.20 (3) of the statutes is amended to read:

4 250.20 **(3)** From the appropriation account under s. 20.435 ~~(5)~~ (1) (kb), the
5 department shall annually award grants for activities to improve the health status
6 of economically disadvantaged minority group members. A person may apply, in the
7 manner specified by the department, for a grant of up to \$50,000 in each fiscal year
8 to conduct these activities. An awardee of a grant under this subsection shall
9 provide, for at least 50% of the grant amount, matching funds that may consist of
10 funding or an in-kind contribution. An applicant that is not a federally qualified
11 health center, as defined under 42 CFR 405.2401 (b) shall receive priority for grants
12 awarded under this subsection.

13 **SECTION 2519.** 250.20 (4) of the statutes is amended to read:

14 250.20 **(4)** From the appropriation account under s. 20.435 ~~(5)~~ (1) (kb), the
15 department shall award a grant of up to \$50,000 in each fiscal year to a private
16 nonprofit corporation that applies, in the manner specified by the department, to
17 conduct a public information campaign on minority health.

18 **SECTION 2520.** 250.20 (5) (intro.) of the statutes is amended to read:

19 250.20 **(5)** AMERICAN INDIAN HEALTH PROJECT GRANTS. (intro.) From the
20 appropriation under s. 20.435 ~~(5)~~ (1) (ke), the department shall award grants for
21 American Indian health projects in order to address specific problem areas in the
22 field of American Indian health. A tribe, tribal agency, or inter-tribal organization
23 may apply, in the manner specified by the department, for a grant of up to \$10,000
24 to conduct an American Indian health project that is designed to do any of the
25 following:

ASSEMBLY BILL 75**SECTION 2521**

1 **SECTION 2521.** 252.04 (11) of the statutes is repealed.

2 **SECTION 2522.** 252.06 (10) (b) 4. of the statutes is repealed.

3 **SECTION 2523.** 252.07 (10) of the statutes is amended to read:

4 252.07 **(10)** Inpatient care for isolated pulmonary tuberculosis patients, and
5 inpatient care exceeding 30 days for other pulmonary tuberculosis patients, who are
6 not eligible for federal medicare benefits, or for medical assistance under subch. IV
7 of ch. 49 ~~or for health care services funded by a relief block grant under subch. II of~~
8 ~~ch. 49~~ may be reimbursed if provided by a facility contracted by the department. If
9 the patient has private health insurance, the state shall pay the difference between
10 health insurance payments and total charges.

11 **SECTION 2524.** 252.10 (6) (g) of the statutes is amended to read:

12 252.10 **(6)** (g) The reimbursement by the state under pars. (a) and (b) shall
13 apply only to funds that the department allocates for the reimbursement under the
14 appropriation account under s. 20.435 ~~(5)~~ (1) (e).

15 **SECTION 2525.** 252.10 (7) of the statutes is amended to read:

16 252.10 **(7)** Drugs necessary for the treatment of mycobacterium tuberculosis
17 shall be purchased by the department from the appropriation account under s.
18 20.435 ~~(5)~~ (1) (e) and dispensed to patients through the public health dispensaries,
19 local health departments, physicians or advanced practice nurse prescribers.

20 **SECTION 2526.** 252.12 (2) (a) (intro.) of the statutes is amended to read:

21 252.12 **(2)** (a) *HIV and related infections, including hepatitis C virus infections;*
22 *services.* (intro.) From the ~~appropriations~~ appropriation accounts under s. 20.435
23 (1) (a) and ~~(5)~~ (am), the department shall distribute funds for the provision of services
24 to individuals with or at risk of contracting HIV infection, as follows:

25 **SECTION 2527.** 252.12 (2) (a) 8. (intro.) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2527**

1 252.12 (2) (a) 8. ‘Mike Johnson life care and early intervention services grants.’
2 (intro.) The department shall award not more than \$2,969,900 in fiscal year 2007=08
3 and not more than \$3,569,900 in fiscal year 2008=09 and each fiscal year thereafter
4 in grants to applying organizations for the provision of needs assessments;
5 assistance in procuring financial, medical, legal, social and pastoral services;
6 counseling and therapy; homecare services and supplies; advocacy; and case
7 management services. These services shall include early intervention services. The
8 department shall also award not more than \$74,000 in each year from the
9 appropriation account under s. 20.435 (7) (5) (md) for the services under this
10 subdivision. The state share of payment for case management services that are
11 provided under s. 49.45 (25) (be) to recipients of medical assistance shall be paid from
12 the appropriation account under s. 20.435 (5) (1) (am). All of the following apply to
13 grants awarded under this subdivision:

14 **SECTION 2528.** 252.12 (2) (c) 1. (intro.) of the statutes is amended to read:

15 252.12 (2) (c) 1. (intro.) From the appropriation account under s. 20.435 (5) (1)
16 (md), the department shall award to applying nonprofit corporations or public
17 agencies up to \$75,000 in each fiscal year, on a competitive basis, as grants for
18 services to prevent HIV. Criteria for award of the grants shall include all of the
19 following:

20 **SECTION 2529.** 252.12 (2) (c) 2. of the statutes is amended to read:

21 252.12 (2) (c) 2. From the appropriation account under s. 20.435 (5) (1) (am),
22 the department shall award \$75,000 in each fiscal year as grants for services to
23 prevent HIV infection and related infections, including hepatitis C virus infection.
24 Criteria for award of the grants shall include the criteria specified under subd. 1. The
25 department shall award 60% of the funding to applying organizations that receive

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1 funding under par. (a) 8. and 40% of the funding to applying community-based
2 organizations that are operated by minority group members, as defined in s. 560.036
3 (1) (f).

4 **SECTION 2530.** 252.12 (2) (c) 3. of the statutes is amended to read:

5 252.12 **(2)** (c) 3. From the appropriation account under s. 20.435 ~~(5)~~ **(1)** (am),
6 the department shall award to the African American AIDS task force of the Black
7 Health Coalition of Wisconsin, Inc., \$25,000 in each fiscal year as grants for services
8 to prevent HIV infection and related infections, including hepatitis C infection.

9 **SECTION 2531.** 252.15 (5) (a) 19. of the statutes is amended to read:

10 252.15 **(5)** (a) 19. If the test was administered to a child who has been placed
11 in a foster home, ~~treatment foster home~~, group home, residential care center for
12 children and youth, or juvenile correctional facility, as defined in s. 938.02 (10p),
13 including a placement under s. 48.205, 48.21, 938.205, or 938.21, or for whom
14 placement in a foster home, ~~treatment foster home~~, group home, residential care
15 center for children and youth, or juvenile correctional facility is recommended under
16 s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by
17 a court to prepare a court report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831
18 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for preparing a court report
19 under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency
20 responsible for preparing a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1)
21 (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the
22 child, or to an agency that placed the child or arranged for the placement of the child
23 in any of those placements and, by any of those agencies, to any other of those
24 agencies and, by the agency that placed the child or arranged for the placement of
25 the child in any of those placements, to the child's foster parent or ~~treatment foster~~

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parent or the operator of the group home, residential care center for children and youth, or juvenile correctional facility in which the child is placed, as provided in s. 48.371 or 938.371.

SECTION 2532. 252.16 (1) (ar) of the statutes is amended to read:

252.16 **(1)** (ar) “Dependent” means a spouse or domestic partner under ch. 770, an unmarried child under the age of 19 years, an unmarried child who is a full-time student under the age of 21 years and who is financially dependent upon the parent, or an unmarried child of any age who is medically certified as disabled and who is dependent upon the parent.

SECTION 2533. 252.16 (2) of the statutes is amended to read:

252.16 **(2)** SUBSIDY PROGRAM. From the appropriation account under s. 20.435 (5) (1) (am), the department shall distribute funding in each fiscal year to subsidize the premium costs under s. 252.17 (2) and, under this subsection, the premium costs for health insurance coverage available to an individual who has HIV infection and who is unable to continue his or her employment or must reduce his or her hours because of an illness or medical condition arising from or related to HIV infection.

SECTION 2534. 252.16 (4) (b) of the statutes is amended to read:

252.16 **(4)** (b) The obligation of the department to make payments under this section is subject to the availability of funds in the appropriation account under s. 20.435 (5) (1) (am).

SECTION 2535. 252.17 (2) of the statutes is amended to read:

252.17 **(2)** SUBSIDY PROGRAM. The department shall establish and administer a program to subsidize, ~~from the appropriation under s. 20.435 (5) (am)~~, as provided in s. 252.16 (2), the premium costs for coverage under a group health plan that are paid by an individual who has HIV infection and who is on unpaid medical leave from

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1 his or her employment because of an illness or medical condition arising from or
2 related to HIV infection.

3 **SECTION 2536.** 252.17 (3) (d) of the statutes is amended to read:

4 252.17 **(3)** (d) Is covered under a group health plan through his or her
5 employment and pays part or all of the premium for that coverage, including any
6 premium for coverage of the individual's spouse or domestic partner under ch. 770
7 and dependents.

8 **SECTION 2537.** 252.17 (4) (a) of the statutes is amended to read:

9 252.17 **(4)** (a) Except as provided in pars. (b), (c), and (d), if an individual
10 satisfies sub. (3), the department shall pay the amount of each premium payment for
11 coverage under the group health plan under sub. (3) (d) that is due from the
12 individual on or after the date on which the individual becomes eligible for a subsidy
13 under sub. (3). The department may not refuse to pay the full amount of the
14 individual's contribution to each premium payment because the coverage that is
15 provided to the individual who satisfies sub. (3) includes coverage of the individual's
16 spouse or domestic partner under ch. 770 and dependents. Except as provided in par.
17 (b), the department shall terminate the payments under this section when the
18 individual's unpaid medical leave ends, when the individual no longer satisfies sub.
19 (3) or upon the expiration of 29 months after the unpaid medical leave began,
20 whichever occurs first.

21 **SECTION 2538.** 252.17 (4) (b) of the statutes is amended to read:

22 252.17 **(4)** (b) The obligation of the department to make payments under this
23 section is subject to the availability of funds in the appropriation account under s.
24 20.435 (5) (1) (am).

25 **SECTION 2539.** 252.17 (4) (d) of the statutes is amended to read:

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1 252.17 **(4)** (d) For an individual who satisfies sub. (3) and who has a family
2 income, as defined by rule under sub. (6) (a), that exceeds 200% but does not exceed
3 300% of the federal poverty line, as defined under 42 USC 9902 (2), for a family the
4 size of the individual's family, the department shall pay a portion of the amount of
5 each premium payment for the individual's coverage under the group health plan
6 under sub. (3) (d). The portion that the department pays shall be determined
7 according to a schedule established by the department by rule under sub. (6) (c). The
8 department shall pay the portion of the premium determined according to the
9 schedule regardless of whether the individual's coverage under the group health
10 plan under sub. (3) (d) includes coverage of the individual's spouse or domestic
11 partner under ch. 770 and dependents.

12 **SECTION 2540.** 253.07 (4) (intro.) of the statutes is amended to read:

13 253.07 **(4)** FAMILY PLANNING SERVICES. (intro.) From the appropriation account
14 under s. 20.435 (5) (1) (f), the department shall ~~allocate~~ distribute funds in the
15 following amounts, for the following services:

16 **SECTION 2541.** 253.08 of the statutes is amended to read:

17 **253.08 Pregnancy counseling services.** The department shall ~~make~~ award
18 grants from the appropriation account under s. 20.435 (5) (1) (eg) to individuals and
19 organizations to provide pregnancy counseling services. For a program to be eligible
20 under this section, an applicant must demonstrate that moneys provided in a grant
21 under s. 20.435 (5) (eg) this section will not be used to engage in any activity specified
22 in s. 20.9275 (2) (a) 1. to 3.

23 **SECTION 2542.** 253.085 (2) of the statutes is amended to read:

24 253.085 **(2)** In addition to the amounts appropriated under s. 20.435 (5) (1) (ev),
25 the department shall ~~allocate~~ distribute \$250,000 for each fiscal year from moneys

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1 received under the maternal and child health services block grant program, 42 USC
2 701 to 709, for the outreach program under this section.

3 **SECTION 2543.** 253.10 (3) (c) 2. c. of the statutes is amended to read:

4 253.10 **(3)** (c) 2. c. That the woman has a legal right to continue her pregnancy
5 and to keep the child; to place the child in a foster home ~~or treatment foster home~~ for
6 6 months or to petition a court for placement of the child in a foster home, ~~treatment~~
7 ~~foster home~~ or group home or with a relative; or to place the child for adoption under
8 a process that involves court approval both of the voluntary termination of parental
9 rights and of the adoption.

10 **SECTION 2544.** 253.115 (2) of the statutes is repealed.

11 **SECTION 2545.** 253.12 (4) (d) of the statutes is repealed.

12 **SECTION 2546.** 253.13 (2) of the statutes is amended to read:

13 253.13 **(2)** TESTS; DIAGNOSTIC, DIETARY AND FOLLOW-UP COUNSELING PROGRAM;
14 FEES. The department shall contract with the state laboratory of hygiene to perform
15 the tests specified under this section and to furnish materials for use in the tests.
16 The department shall provide necessary diagnostic services, special dietary
17 treatment as prescribed by a physician for a patient with a congenital disorder as
18 identified by tests under sub. (1) or (1m) and follow-up counseling for the patient and
19 his or her family. The state laboratory of hygiene board, on behalf of the department,
20 shall impose a fee for tests performed under this section sufficient to pay for services
21 provided under the contract. The state laboratory of hygiene board shall include as
22 part of this fee amounts the department determines are sufficient to fund the
23 provision of diagnostic and counseling services, special dietary treatment, and
24 periodic evaluation of infant screening programs, the costs of consulting with experts
25 under sub. (5), and the costs of administering the congenital disorder program under

ASSEMBLY BILL 75**SECTION 2546**

1 this section and shall credit these amounts to the ~~appropriations~~ appropriation
2 accounts under s. 20.435 (1) (ja) and (jb) and ~~(5) (ja)~~.

3 **SECTION 2547.** 253.15 (2) of the statutes is amended to read:

4 253.15 **(2)** INFORMATIONAL MATERIALS. The board shall purchase or prepare or
5 arrange with a nonprofit organization to prepare printed and audiovisual materials
6 relating to shaken baby syndrome and impacted babies. The materials shall include
7 information regarding the identification and prevention of shaken baby syndrome
8 and impacted babies, the grave effects of shaking or throwing on an infant or young
9 child, appropriate ways to manage crying, fussing, or other causes that can lead a
10 person to shake or throw an infant or young child, and a discussion of ways to reduce
11 the risks that can lead a person to shake or throw an infant or young child. The
12 materials shall be prepared in English, Spanish, and other languages spoken by a
13 significant number of state residents, as determined by the board. The board shall
14 make those written and audiovisual materials available to all hospitals, maternity
15 homes, and nurse-midwives licensed under s. 441.15 that are required to provide or
16 make available materials to parents under sub. (3) (a) 1., to the department and to
17 all county departments and nonprofit organizations that are required to provide the
18 materials to day care providers under sub. (4), and to all school boards and nonprofit
19 organizations that are permitted to provide the materials to pupils in one of grades
20 5 to 8 and in one of grades 10 to 12 under sub. (5). The board shall also make those
21 written materials available to all county departments and Indian tribes that are
22 providing home visitation services under s. 48.983 (4) (b) 1. ~~or 2.~~ and to all providers
23 of prenatal, postpartum, and young child care coordination services under s. 49.45
24 (44). The board may make available the materials required under this subsection

ASSEMBLY BILL 75**SECTION 2547**

1 to be made available by making those materials available at no charge on the board's
2 Internet site.

3 **SECTION 2548.** 253.15 (4) of the statutes is amended to read:

4 253.15 **(4)** TRAINING FOR DAY CARE PROVIDERS. Before an individual may obtain
5 a license to operate a day care center under s. 48.65 for the care and supervision of
6 children under 5 years of age or enter into a contract to provide a day care program
7 under s. 120.13 (14) for the care and supervision of children under 5 years of age, the
8 individual shall receive training relating to shaken baby syndrome and impacted
9 babies that is approved or provided by the department or that is provided by a
10 nonprofit organization arranged by the department to provide that training. Before
11 an individual may be certified under s. 48.651 as a day care provider of children
12 under 5 years of age, the individual shall receive training relating to shaken baby
13 syndrome and impacted babies that is approved or provided by the certifying county
14 department or agency contracted with under s. 48.651 (2) or that is provided by a
15 nonprofit organization arranged by that county department or contracted agency to
16 provide that training. Before an employee or volunteer of a day care center licensed
17 under s. 48.65, a day care provider certified under s. 48.651, or a day care program
18 established under s. 120.13 (14) may provide care and supervision for children under
19 5 years of age, the employee or volunteer shall receive training relating to shaken
20 baby syndrome and impacted babies that is approved or provided by the department
21 or the certifying county department or agency contracted with under s. 48.651 (2) or
22 that is provided by a nonprofit organization arranged by the department or that
23 county department or contracted agency to provide that training. The person
24 conducting the training shall provide to the individual receiving the training,
25 without cost to the individual, a copy of the written materials purchased or prepared

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1 under sub. (2), a presentation of the audiovisual materials purchased or prepared
2 under sub. (2), and an oral explanation of those written and audiovisual materials.

3 **SECTION 2549.** 253.15 (6) of the statutes is amended to read:

4 253.15 **(6)** INFORMATION TO HOME VISITATION OR CARE COORDINATION SERVICES
5 RECIPIENTS. A county department or Indian tribe that is providing home visitation
6 services under s. 48.983 (4) (b) 1. ~~or 2.~~ and a provider of prenatal, postpartum, and
7 young child care coordination services under s. 49.45 (44) shall provide to a recipient
8 of those services, without cost, a copy of the written materials purchased or prepared
9 under sub. (2) and an oral explanation of those materials.

10 **SECTION 2550.** 253.15 (7) (e) of the statutes is amended to read:

11 253.15 **(7)** (e) A county department or Indian tribe that is providing home
12 visitation services under s. 48.983 (4) (b) 1. ~~or 2.~~ and a provider of prenatal,
13 postpartum, and young child care coordination services under s. 49.45 (44) is
14 immune from liability for any damages resulting from any good faith act or omission
15 in providing or failing to provide the written materials and oral explanation specified
16 in sub. (6).

17 **SECTION 2551.** 254.151 (intro.) of the statutes is amended to read:

18 **254.151 Lead poisoning or lead exposure prevention grants.** (intro.)
19 From the appropriation account under s. 20.435 (5) ~~(1)~~ (ef), the department shall
20 award the following grants under criteria that the department shall establish in
21 rules promulgated under this section:

22 **SECTION 2552.** 254.34 (1) (h) 5. of the statutes is amended to read:

23 254.34 **(1)** (h) 5. Develop standards of performance for the regional radon
24 centers and, from the appropriation account under s. 20.435 (5) ~~(1)~~ (ed), allocate

ASSEMBLY BILL 75**SECTION 2552**

1 distribute funds based on compliance with the standards to provide radon protection
2 information dissemination from the regional radon centers.

3 **SECTION 2553.** 255.01 (2m) of the statutes is created to read:

4 255.01 **(2m)** “Research” means a systematic investigation through scientific
5 inquiry, including development, testing, and evaluation, that is designed to develop
6 or contribute to generalizable knowledge.

7 **SECTION 2554.** 255.01 (2n) of the statutes is created to read:

8 255.01 **(2n)** “Researcher” means a person who performs research.

9 **SECTION 2555.** 255.04 (3) (c) of the statutes is created to read:

10 255.04 **(3)** (c) A researcher who proposes to conduct research, if all of the
11 following conditions are met:

12 1. The researcher applies in writing to the department for approval of access
13 to individually identifiable information under sub. (1) or (5) that is necessary for
14 performance of the proposed research, and the department approves the application.
15 An application under this subdivision shall include all of the following:

16 a. A written protocol to perform research.

17 b. The researcher’s professional qualifications to perform the proposed
18 research.

19 c. Documentation of approval of the research protocol by an institutional
20 review board of a domestic institution that has a federalwide assurance approved by
21 the office for human research protections of the federal department of health and
22 human services.

23 d. Any other information requested by the department.

24 2. The proposed research is for the purpose of studying cancer, cancer
25 prevention, or cancer control.

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SECTION 2556. 255.04 (6) of the statutes is created to read:

255.04 **(6)** The department may charge a reasonable fee for disclosing information to a researcher under sub. (3) (c).

SECTION 2557. 255.04 (7) of the statutes is created to read:

255.04 **(7)** Information obtained by the department under sub. (1) or (5) or obtained by a person under sub. (3) (c) is not subject to inspection, copying, or receipt under s. 19.35 (1).

SECTION 2558. 255.04 (8) of the statutes is created to read:

255.04 **(8)** No person to whom information is disclosed under sub. (3) (c) may do any of the following:

(a) Use the information for a purpose other than for the performance of research as specified in the application under sub. (3) (c) 1., as approved by the department.

(b) Disclose the information to a person who is not connected with performance of the research.

(c) Reveal in the final research product information that may identify an individual whose information is disclosed under sub. (3) (c).

SECTION 2559. 255.04 (9) of the statutes is created to read:

255.04 **(9)** Whoever violates sub. (8) (a), (b), or (c) is liable to the subject of the information for actual damages and costs, plus exemplary damages of up to \$1,000 for a negligent violation and up to \$5,000 for an intentional violation.

SECTION 2560. 255.04 (10) of the statutes is created to read:

255.04 **(10)** (a) Whoever intentionally violates sub. (8) (a), (b), or (c) may be fined not more than \$15,000 or imprisoned for not more than one year in the county jail or both.

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1 (b) Any person who violates sub. (8) (a), (b), or (c) may be required to forfeit not
2 more than \$100 for each violation. Each day of continued violation constitutes a
3 separate offense, except that no day in the period between the date on which a
4 request for a hearing is filed under s. 227.44 and the date of the conclusion of all
5 administrative and judicial proceedings arising out of a decision under this
6 paragraph constitutes a violation.

7 (c) The department may directly assess forfeitures under par. (b). If the
8 department determines that a forfeiture should be assessed for a particular violation
9 or for failure to correct the violation, the department shall send a notice of
10 assessment to the alleged violator. The notice shall specify the alleged violation of
11 the statute and the amount of the forfeiture assessed and shall inform the alleged
12 violator of the right to contest the assessment under s. 227.44.

13 **SECTION 2561.** 255.05 (2) of the statutes is amended to read:

14 255.05 **(2)** From the appropriation account under s. 20.435 ~~(5)~~ (1) (cc), the
15 department shall allocate award up to \$400,000 in each fiscal year to provide as
16 grants to applying individuals, institutions or organizations for the conduct of
17 projects on cancer control and prevention. Funds shall be awarded on a matching
18 basis, under which, for each grant awarded, the department shall provide 50%, and
19 the grantee 50%, of the total grant funding.

20 **SECTION 2562.** 255.06 (2) (intro.) of the statutes is amended to read:

21 255.06 **(2)** (intro.) From the appropriation account under s. 20.435 ~~(5)~~ (1) (cb),
22 the department shall administer a well-woman program to provide reimbursement
23 for health care screenings, referrals, follow-ups, case management, and patient
24 education provided to low-income, underinsured, and uninsured women.
25 Reimbursement to service providers under this section shall be at the rate of

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1 reimbursement for identical services provided under medicare, except that, if
2 projected costs under this section exceed the amounts appropriated under s. 20.435
3 ~~(5)~~ (1) (cb), the department shall modify services or reimbursement accordingly.
4 Within this limitation, the department shall implement the well-woman program to
5 do all of the following:

6 **SECTION 2563.** 255.15 (3) (b) (intro.) of the statutes is amended to read:

7 255.15 **(3)** (b) (intro.) From the appropriation account under s. 20.435 ~~(5)~~ (1)
8 (fm), the department may distribute award grants for any of the following:

9 **SECTION 2564.** 255.15 (3) (bm) of the statutes is amended to read:

10 255.15 **(3)** (bm) From the appropriation account under s. 20.435 ~~(5)~~ (1) (fm), the
11 department shall distribute \$96,000 annually for programs to discourage use of
12 smokeless tobacco.

13 **SECTION 2565.** 255.15 (4) of the statutes is repealed.

14 **SECTION 2566.** 255.15 (5) of the statutes is amended to read:

15 255.15 **(5)** FUNDS. The department may accept for any of the purposes under
16 this section any donations and grants of money, equipment, supplies, materials and
17 services from any person. ~~The department shall include in the report under sub. (4)~~
18 ~~any donation or grant accepted by the department under this subsection, including~~
19 ~~the nature, amount and conditions, if any, of the donation or grant and the identity~~
20 ~~of the donor.~~

21 **SECTION 2567.** 255.35 (3) (a) of the statutes is amended to read:

22 255.35 **(3)** (a) The department shall implement a statewide poison control
23 system, which shall provide poison control services that are available statewide, on
24 a 24-hour per day and 365-day per year basis and shall provide poison information
25 and education to health care professionals and the public. From the appropriation

ASSEMBLY BILL 75**SECTION 2567**

1 account under s. 20.435 ~~(5)~~ (1) (ds), the department shall, if the requirement under
2 par. (b) is met, distribute total funding of not more than \$425,000 in each fiscal year
3 to supplement the operation of the system and to provide for the statewide collection
4 and reporting of poison control data. The department may, but need not, distribute
5 all of the funds in each fiscal year to a single poison control center.

6 **SECTION 2568.** 256.04 (8) of the statutes is amended to read:

7 256.04 **(8)** Review the annual budget prepared by the department for the
8 expenditures under s. 20.435 ~~(5)~~ (1) (ch).

9 **SECTION 2569.** 256.08 (1) (c) of the statutes is repealed.

10 **SECTION 2570.** 256.12 (2m) (a) of the statutes is amended to read:

11 256.12 **(2m)** (a) The department shall contract with a physician to direct the
12 state emergency medical services program. The department may expend from the
13 funding under the federal preventive health services project grant program under
14 42 USC 2476 under the appropriation account under s. 20.435 (1) (mc), \$25,000 in
15 each fiscal year for this purpose.

16 **SECTION 2571.** 256.12 (4) (a) of the statutes is amended to read:

17 256.12 **(4)** (a) From the appropriation account under s. 20.435 ~~(5)~~ (1) (ch), the
18 department shall annually distribute funds for ambulance service vehicles or vehicle
19 equipment, emergency medical services supplies or equipment or emergency
20 medical training for personnel to an ambulance service provider that is a public
21 agency, a volunteer fire department or a nonprofit corporation, under a funding
22 formula consisting of an identical base amount for each ambulance service provider
23 plus a supplemental amount based on the population of the ambulance service
24 provider's primary service or contract area, as established under s. 256.15 (5).

25 **SECTION 2572.** 256.12 (5) (a) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2572**

1 256.12 **(5)** (a) From the appropriation account under s. 20.435 ~~(5)~~ **(1)** (ch), the
2 department shall annually distribute funds to ambulance service providers that are
3 public agencies, volunteer fire departments, or nonprofit corporations to purchase
4 the training required for licensure and renewal of licensure as an emergency medical
5 technician – basic under s. 256.15 (6), and to pay for administration of the
6 examination required for licensure or renewal of licensure as an emergency medical
7 technician – basic under s. 256.15 (6) (a) 3. and (b) 1.

8 **SECTION 2573.** 256.35 (3m) (em) of the statutes is created to read:

9 256.35 **(3m)** (em) *Fund limitation.* Except for grants under par. (d) or (e), the
10 commission may not make any distribution from the wireless 911 fund to any person.

11 **SECTION 2574.** 281.12 (6) of the statutes is created to read:

12 281.12 **(6)** The department shall, in consultation with the coastal management
13 council created under executive order 62, dated August 2, 1984, administer this
14 state's coastal zone management program submitted to the U.S. secretary of
15 commerce under 16 USC 1455.

16 **SECTION 2575.** 281.16 (3) (e) of the statutes is amended to read:

17 281.16 **(3)** (e) An owner or operator of an agricultural facility or practice that
18 is in existence before October 14, 1997, may not be required by this state or a
19 municipality to comply with the performance standards, prohibitions, conservation
20 practices or technical standards under this subsection unless cost-sharing is
21 available, under s. 92.14 or 281.65 or from any other source, to the owner or operator.
22 For the purposes of this paragraph, sub. (4) and ss. 92.07 (2), ~~92.105 (1)~~, 92.15 (4) and
23 823.08 (3) (c) 2., the department of natural resources shall promulgate rules that
24 specify criteria for determining whether cost-sharing is available under s. 281.65
25 and the department of agriculture, trade and consumer protection shall promulgate

ASSEMBLY BILL 75**SECTION 2575**

1 rules that specify criteria for determining whether cost-sharing is available under
2 s. 92.14 or from any other source. The rules may not allow a determination that
3 cost-sharing is available to meet local regulations under s. 92.07 (2), ~~92.105 (1)~~ or
4 92.15 that are consistent with or that exceed the performance standards,
5 prohibitions, conservation practices or technical standards under this subsection
6 unless the cost-sharing is at least 70% of the cost of compliance or is from 70% to 90%
7 of the cost of compliance in cases of economic hardship, as defined in the rules.

8 **SECTION 2576.** 281.20 (5) of the statutes is repealed.

9 **SECTION 2577.** 281.34 (3) of the statutes is renumbered 281.34 (3) (a).

10 **SECTION 2578.** 281.34 (3) (b) and (c) of the statutes are created to read:

11 281.34 **(3)** (b) The department may appoint any person who is not an employee
12 of the department as the department's agent to accept and process notifications and
13 collect the fees under par. (a).

14 (c) Any person, including the department, who accepts and processes a well
15 notification under par. (a) shall collect in addition to the fee under par. (a) a
16 processing fee of 50 cents. An agent appointed under par. (b) may retain the
17 processing fee to compensate the agent for the agent's services in accepting and
18 processing the notification.

19 **SECTION 2579.** 281.346 (12) of the statutes is created to read:

20 281.346 **(12)** FEES. (a) A person who has a water supply system with the
21 capacity to make a withdrawal from the waters of the state averaging 100,000
22 gallons per day or more in any 30-day period shall pay to the department an annual
23 fee of \$125, except that the department may promulgate a rule specifying a different
24 amount.

ASSEMBLY BILL 75**SECTION 2579**

(b) In addition to the fee under par. (a), a person who withdraws from the Great Lakes basin more than 50,000,000 gallons per year shall pay to the department an annual fee in an amount specified under par. (c).

(c) The department shall promulgate a rule specifying the amount of the fee under par. (b).

(d) A person who submits an application under sub. (4) shall pay to the department a review fee of \$5,000.

SECTION 2580. 281.58 (12) (a) 1. of the statutes is amended to read:

281.58 **(12)** (a) 1. Except as modified under par. (f) and except as restricted by sub. (8) (b), (c), (f) or (h), the interest rate for projects specified in sub. (7) (b) 1. and 2. is ~~55%~~ 70 percent of market interest rate.

SECTION 2581. 281.59 (3e) (b) 1. of the statutes is amended to read:

281.59 **(3e)** (b) 1. Equal to ~~\$114,700,000~~ \$114,800,000 during the ~~2007–09~~ 2009–11 biennium.

SECTION 2582. 281.59 (3e) (b) 3. of the statutes is amended to read:

281.59 **(3e)** (b) 3. Equal to \$1,000 for any biennium after the ~~2007–09~~ 2009–11 biennium.

SECTION 2583. 281.59 (3m) (b) 1. of the statutes is amended to read:

281.59 **(3m)** (b) 1. Equal to \$2,700,000 during the ~~2007–09~~ 2009–11 biennium.

SECTION 2584. 281.59 (3m) (b) 2. of the statutes is amended to read:

281.59 **(3m)** (b) 2. Equal to \$1,000 for any biennium after the ~~2007–09~~ 2009–11 biennium.

SECTION 2585. 281.59 (3s) (b) 1. of the statutes is amended to read:

281.59 **(3s)** (b) 1. Equal to ~~\$13,400,000~~ \$17,600,000 during the ~~2007–09~~ 2009–11 biennium.

ASSEMBLY BILL 75**SECTION 2586**

1 **SECTION 2586.** 281.59 (3s) (b) 2. of the statutes is amended to read:

2 281.59 **(3s)** (b) 2. Equal to \$1,000 for any biennium after the 2007–09 2009–11
3 biennium.

4 **SECTION 2587.** 281.59 (4) (f) of the statutes is amended to read:

5 281.59 **(4)** (f) Revenue obligations may be contracted by the building
6 commission when it reasonably appears to the building commission that all
7 obligations incurred under this subsection, and all payments under an agreement or
8 ancillary arrangement entered into under s. 18.55 (6) with respect to revenue
9 obligations issued under this subsection, can be fully paid on a timely basis from
10 moneys received or anticipated to be received. Revenue obligations issued under this
11 subsection for the clean water fund program shall not exceed \$1,984,100,000
12 \$2,402,900,000 in principal amount, excluding obligations issued to refund
13 outstanding revenue obligation notes.

14 **SECTION 2588.** 281.60 (8) (a) (intro.) and 1. of the statutes are consolidated,
15 renumbered 281.60 (8) (a) and amended to read:

16 281.60 **(8)** (a) The department shall establish a funding list for each fiscal year
17 that ranks projects of eligible applicants that submit approvable applications under
18 sub. (5) in the same order that they appear on the priority list under sub. (6). If
19 sufficient funds are not available to fund all approved applications for financial
20 assistance, the department of administration shall allocate funding to projects that
21 are approved under sub. (7) in the order that they appear on the funding list, except
22 as follows: ~~1. The~~ that the department of administration may not allocate more than
23 40% of the funds allocated in each fiscal year to projects to remedy contamination at
24 landfills.

25 **SECTION 2589.** 281.60 (8) (a) 2. of the statutes is repealed.

ASSEMBLY BILL 75**SECTION 2590**

SECTION 2590. 281.65 (2) (be) of the statutes is amended to read:

281.65 **(2)** (be) “Priority lake” means any lake or group of lakes that are identified under ~~sub. s. 281.65 (3) (am), 2007 stats.~~

SECTION 2591. 281.65 (2) (c) of the statutes is amended to read:

281.65 **(2)** (c) “Priority watershed” means any watershed that is identified under ~~sub. s. 281.65 (3) (am), 2007 stats., or sub. (4) (cm) or (co).~~

SECTION 2592. 281.65 (3) of the statutes is repealed.

SECTION 2593. 281.65 (3m) of the statutes is repealed.

SECTION 2594. 281.65 (4) (c) of the statutes is amended to read:

281.65 **(4)** (c) Prepare a list of the watersheds in this state in order of the level of impairment of the waters in each watershed caused by nonpoint source pollution, taking into consideration the location of impaired water bodies that the department has identified to the federal environmental protection agency under 33 USC 1313 (d) (1) (A), ~~and submit the list to the board no later than January 1, 1998.~~

SECTION 2595. 281.65 (4) (cd) of the statutes is amended to read:

281.65 **(4)** (cd) Prepare a list of the lakes in this state in order of the level of impairment of the waters in the lakes caused by nonpoint source pollution, taking into consideration the location of impaired water bodies that the department has identified to the federal environmental protection agency under 33 USC 1313 (d) (1) (A), ~~and submit the list to the board no later than January 1, 1998.~~

SECTION 2596. 281.65 (4) (cg) of the statutes is repealed.

SECTION 2597. 281.65 (4) (e) of the statutes is amended to read:

281.65 **(4)** (e) Promulgate rules, in consultation with the department of agriculture, trade and consumer protection, as are necessary for the proper execution and administration of the program under this section. ~~Before~~

ASSEMBLY BILL 75**SECTION 2597**

1 ~~promulgating rules under this paragraph, the department shall submit the rules to~~
2 ~~the land and water conservation board for review under sub. (3) (at).~~ The rules shall
3 include standards and specifications concerning best management practices which
4 are required for eligibility for cost-sharing grants under this section. The standards
5 and specifications shall be consistent with the performance standards, prohibitions,
6 conservation practices and technical standards under s. 281.16. The department
7 may waive the standards and specifications in exceptional cases. The rules shall
8 specify which best management practices are cost-effective best management
9 practices. Only persons involved in the administration of the program under this
10 section, persons who are grant recipients or applicants and persons who receive
11 notices of intent to issue orders under s. 281.20 (1) (b) are subject to the rules
12 promulgated under this paragraph. Any rule promulgated under this paragraph
13 which relates or pertains to agricultural practices relating to animal waste handling
14 and treatment is subject to s. 13.565.

15 **SECTION 2598.** 281.65 (4) (f) of the statutes is amended to read:

16 281.65 **(4)** (f) Administer the distribution of grants and aids to governmental
17 units for local administration and implementation of the program under this section.
18 A grant awarded under this section may be used for cost-sharing for management
19 practices and capital improvements, easements, or other activities determined by
20 the department to satisfy the requirements of this section. A grant under this section
21 to a lake district for a priority lake ~~identified under sub. (3m) (b) 1.~~ may be used for
22 plan preparation, technical assistance, educational and training assistance, and
23 ordinance development and administration. A grant may not be used for
24 promotional items, except for promotional items that are used for informational
25 purposes, such as brochures or videos.

ASSEMBLY BILL 75**SECTION 2599**

1 **SECTION 2599.** 281.65 (4) (k) of the statutes is repealed.

2 **SECTION 2600.** 281.65 (4) (L) of the statutes is repealed.

3 **SECTION 2601.** 281.65 (4) (o) of the statutes is repealed.

4 **SECTION 2602.** 281.65 (4) (p) of the statutes is amended to read:

5 281.65 **(4)** (p) Jointly with the department of agriculture, trade and consumer
6 protection, prepare the plan required under s. 92.14 (13). ~~The department shall~~
7 ~~review and approve or disapprove the plan and shall notify the land and water~~
8 ~~conservation board of its final action on the plan.~~ The department shall implement
9 any part of the plan for which the plan gives it responsibility.

10 **SECTION 2603.** 281.65 (4) (q) of the statutes is repealed.

11 **SECTION 2604.** 281.65 (4) (s) of the statutes is repealed.

12 **SECTION 2605.** 281.65 (4c) (b) of the statutes is amended to read:

13 281.65 **(4c)** (b) The department shall use the system under par. (d) to determine
14 the score of each project for which it receives an application under par. (a) ~~and shall~~
15 ~~inform the land and water conservation board of the scores no later than September~~
16 ~~1 of each year.~~

17 **SECTION 2606.** 281.65 (4c) (c) of the statutes is amended to read:

18 281.65 **(4c)** (c) After determining project scores under par. (b), the department
19 ~~shall notify the land and water conservation board of the projects that the~~
20 ~~department proposes to select for funding in the following year. The board shall~~
21 ~~review the proposal and make recommendations to the department. Before and~~
22 before November 1 of each year, the department shall select projects for funding
23 under this subsection in the following year. To the extent practicable, within the
24 requirements of this section, the department shall select projects so that projects are
25 distributed evenly around this state.

ASSEMBLY BILL 75**SECTION 2607**

1 **SECTION 2607.** 281.65 (4e) (a) of the statutes is amended to read:

2 281.65 **(4e)** (a) A governmental unit may request funding under this subsection
3 for a project to implement best management practices for animal waste management
4 at an animal feeding operation for which the department has issued a notice of
5 discharge under ch. 283 or a notice of intent to issue a notice of discharge.

6 **SECTION 2608.** 281.65 (4e) (b) of the statutes is amended to read:

7 281.65 **(4e)** (b) The department may grant a request under par. (a) if it
8 determines that providing funding under this subsection is necessary to protect fish
9 and aquatic life the waters of the state.

10 **SECTION 2609.** 281.65 (4e) (bm) of the statutes is created to read:

11 281.65 **(4e)** (bm) The department may provide a cost-sharing grant under this
12 subsection directly to a landowner, or to an operator of an animal feeding operation,
13 for a project to implement best management practices for animal waste management
14 at an animal feeding operation for which the department has issued a notice of
15 discharge under ch. 283 or a notice of intent to issue a notice of discharge if the
16 department determines that providing funding under this subsection is necessary to
17 protect the waters of the state.

18 **SECTION 2610.** 281.65 (4m) (d) of the statutes is amended to read:

19 281.65 **(4m)** (d) After the department considers the comments of the
20 department of agriculture, trade and consumer protection on a plan under par. (c)
21 and receives approval of the plan by every county to which it was sent ~~and by the land~~
22 ~~and water conservation board~~, the department shall designate the plan to be an
23 element of the appropriate areawide water quality management plan under P.L.
24 92-500, section 208.

25 **SECTION 2611.** 281.65 (5) (b) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2611**

1 281.65 **(5)** (b) Prepare sections of the priority watershed or priority lake plan
2 relating to farm-specific implementation schedules, requirements under ~~ss. 92.104~~
3 ~~and 92.105~~ s. 281.16 (3), animal waste management and selection of agriculturally
4 related best management practices and submit those sections to the department for
5 inclusion under sub. (4m) (b). The best management practices shall be cost-effective
6 best management practices, as specified under sub. (4) (e), except in situations in
7 which the use of a cost-effective best management practice will not contribute to
8 water quality improvement or will cause a water body to continue to be impaired as
9 identified to the federal environmental protection agency under 33 USC 1313 (d) (1)
10 (A).

11 **SECTION 2612.** 281.65 (5) (d) of the statutes is amended to read:

12 281.65 **(5)** (d) Develop a grant disbursement and project management schedule
13 for agriculturally related best management practices to be included in a plan
14 established under sub. (4) (g) and identify recommendations for implementing
15 activities or projects under ss. 92.10, 92.104 ~~and 92.105~~ and 281.16 (3).

16 **SECTION 2613.** 281.65 (5) (e) of the statutes is amended to read:

17 281.65 **(5)** (e) Identify areas within a priority watershed or priority lake area
18 that are subject to activities required under ~~ss. 92.104 and 92.105~~ s. 281.16 (3).

19 **SECTION 2614.** 281.65 (5m) of the statutes is amended to read:

20 281.65 **(5m)** Upon completion of plans by the department under sub. (4) (g), the
21 governmental unit or regional planning commission under sub. (4m) and the
22 department of agriculture, trade and consumer protection under sub. (5), ~~and upon~~
23 ~~receiving the approval of the land and water conservation board,~~ the department
24 shall prepare and approve the final plan for a priority watershed or priority lake.

25 **SECTION 2615.** 281.65 (5q) (a) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2615**

1 281.65 **(5q)** (a) Notwithstanding sub. (5s), ~~neither the department nor the land~~
2 ~~and water conservation board~~ may not extend funding under this section for a
3 priority watershed or priority lake project beyond the funding termination date that
4 was in effect for the priority watershed or priority lake project on January 1, 2001,
5 except as provided in par. (b).

6 **SECTION 2616.** 281.65 (5s) of the statutes is amended to read:

7 281.65 **(5s)** The department may make modifications, including designating
8 additional sites as critical sites, in a priority watershed or priority lake plan with the
9 approval of every county to which the department sent the original plan under sub.
10 (4m) (c) ~~and of the land and water conservation board~~. If the owner or operator of
11 a site prevails in a final review under sub. (7) or the site is not designated as a critical
12 site in the original plan under sub. (5m) and the pollution is from an agricultural
13 source and is not caused by animal waste, the department may not make a
14 modification designating the site as a critical site unless the designation is based on
15 a substantial increase in pollution from the site, on information about pollution from
16 the site that was not available when the plan was prepared or on a substantial
17 change to the criteria for designating a site as a critical site. This subsection applies
18 to a priority watershed or priority lake plan completed before, on or after August 12,
19 1993.

20 **SECTION 2617.** 281.65 (5w) of the statutes is amended to read:

21 281.65 **(5w)** After the ~~land and water conservation board approves~~ department
22 completes a priority watershed or priority lake plan or a modification to such a plan
23 that designates a site to be a critical site, the department shall notify the owner or
24 operator of that site of the designation and of the provisions in sub. (7) and either s.

ASSEMBLY BILL 75**SECTION 2617**

1 281.20 or, if the pollution is caused primarily by animal waste, ss. NR 243.21 to
2 243.26, Wis. adm. code.

3 **SECTION 2618.** 281.65 (7) (b) of the statutes is repealed.

4 **SECTION 2619.** 281.65 (7) (c) of the statutes is amended to read:

5 281.65 **(7)** (c) The owner or operator of a site designated as a critical site in a
6 priority watershed or priority lake plan under sub. (5m) or in a modification to such
7 a plan under sub. (5s) may request a contested case hearing under ch. 227 to review
8 the decision of ~~the land and water conservation board under par. (b)~~ a county land
9 conservation committee under par. (a) 2. by filing a written request with the
10 department within 60 days after receiving an adverse decision of the ~~land and water~~
11 ~~conservation board~~ county land conservation committee.

12 **SECTION 2620.** 281.65 (8) (f) of the statutes is amended to read:

13 281.65 **(8)** (f) A cost-sharing grant shall equal the percentage of the cost of
14 implementing the best management practice that is determined by the department
15 in providing a cost-sharing grant under sub. (4e) (a) or by the governmental unit
16 submitting the application under sub. (4c) (a) or (4e) (a) ~~and is approved by the board,~~
17 ~~except as provided under pars. (gm) and (jm) and,~~ except that a cost-sharing grant
18 may not exceed 70% of the cost of implementing the best management practice unless
19 par. (gm) applies.

20 **SECTION 2621.** 281.65 (8) (gm) of the statutes is amended to read:

21 281.65 **(8)** (gm) The department in providing a cost-sharing grant under sub.
22 (4e) (a) or a governmental unit submitting the application under sub. (4c) (a) or (4e)
23 (a) shall may exceed the limit under par. (f) in ~~eases~~ case of economic hardship, as
24 defined by the department by rule. In providing a grant for a project to achieve
25 compliance with a performance standard or prohibition established under s. 281.16

ASSEMBLY BILL 75**SECTION 2621**

1 (3) (a), the department shall provide cost-sharing of 70% of the cost of compliance
2 or 70% to 90% of the cost of compliance in case of economic hardship.

3 **SECTION 2622.** 281.65 (8) (jm) of the statutes is repealed.

4 **SECTION 2623.** 281.65 (11) of the statutes is amended to read:

5 281.65 **(11)** ~~Notwithstanding subs. (3) (am) and (3m), the~~ The South Fork of the
6 Hay River is a priority watershed for the period ending on June 30, 2005.
7 Notwithstanding subs. (2) (a), (4) (dm), (e), (em) and (g) 4., (4m) (b) 3. and (8) (b) and
8 (e), the department, in consultation with the local units of government involved with
9 the priority watershed project, shall establish guidelines for the types of nonpoint
10 source water pollution abatement practices to be eligible for cost-sharing grants in
11 the watershed. Notwithstanding sub. (8) (f), the amount of a cost-sharing grant in
12 the watershed may be based on the amount of pollution reduction achieved rather
13 than on the cost of the practices installed, using guidelines developed by the
14 department, in consultation with the local units of government involved with the
15 priority watershed project. In providing funding under s. 92.14 (3), the department
16 of agriculture, trade and consumer protection shall determine the amount of
17 matching funds required for staff for the priority watershed project as though the
18 funding termination date of June 30, 2005, had been in effect on October 6, 1998. The
19 department and the local governmental staff involved with the priority watershed
20 project shall evaluate the cost effectiveness of the project and the reduction in
21 nonpoint source water pollution associated with the project.

22 **SECTION 2624.** 281.68 (title) of the statutes is amended to read:

23 **281.68 (title) Lake management planning grants and lake monitoring**
24 **contracts.**

25 **SECTION 2625.** 281.68 (2) (b) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2625**

1 281.68 **(2)** (b) The total amount of lake monitoring contracts for each fiscal year
2 may not exceed 10 percent of the total amount appropriated under s. 20.370 (6) (ar)
3 and (as).

4 **SECTION 2626.** 281.68 (3) (bg) of the statutes is amended to read:

5 281.68 **(3)** (bg) The department shall promulgate rules for the administration
6 of the lake monitoring contracts program, which shall specify the eligible activities
7 and qualifications for participation in the statewide lake monitoring network.
8 Eligible activities shall include providing technical assistance to public or private
9 entities that apply for, or have received, a grant under s. 23.22 (2) (c).

10 **SECTION 2627.** 281.75 (4) (b) 3. of the statutes is amended to read:

11 281.75 **(4)** (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231,
12 233, 234, or 237.

13 **SECTION 2628.** 281.87 of the statutes is amended to read:

14 **281.87 Great Lakes contaminated sediment removal.** The department
15 may expend funds from the appropriation under s. 20.866 (2) (ti) to pay a portion of
16 the costs of a project to remove contaminated sediment from Lake Michigan or Lake
17 Superior or a tributary of Lake Michigan or Lake Superior if ~~federal funds are~~
18 ~~provided for the project under 33 USC 1268 (c) (12)~~ the project is in an impaired water
19 body that the department has identified under 33 USC 1313 (d) (1) (A) and the source
20 of the impairment is contaminated sediment.

21 **SECTION 2629.** 283.35 (1m) of the statutes is created to read:

22 283.35 **(1m)** BALLAST WATER DISCHARGES. (a) The department may issue a
23 general permit authorizing a vessel that is 79 feet or greater in length to discharge
24 ballast water into the waters of the state.

ASSEMBLY BILL 75**SECTION 2629**

1 (b) If the department issues a general permit under par. (a), the department
2 shall charge the following fees:

3 1. An application fee of \$1,200 to be paid by any person who applies for coverage
4 under a general permit issued under this subsection.

5 2. An annual fee of \$345 to be paid upon initial coverage under the permit and
6 annually thereafter.

7 (c) Paragraph (b) does not apply after June 30, 2013.

8 (d) On or before June 30, 2013, the department shall promulgate rules
9 establishing application fees and annual fees for coverage under a general permit
10 issued under this subsection. The department shall establish fees that are based on
11 the costs to the department of controlling aquatic invasive species introduced into
12 the waters of the state by the discharge of ballast water. The department shall
13 charge the fees established by rule under this paragraph beginning on July 1, 2013.

14 (e) Coverage under a general permit issued under this subsection is valid for
15 a period of 5 years. The department may renew coverage under a general permit
16 issued under this subsection upon application.

17 (f) The department shall credit the fees collected under this subsection to the
18 appropriation account under s. 20.370 (4) (aj).

19 **SECTION 2630.** 283.84 (5) of the statutes is amended to read:

20 283.84 (5) Beginning no later than September 1, 1998, and annually thereafter,
21 the department shall report to the governor, and the secretary of administration ~~and~~
22 ~~the land and water conservation board~~ on the progress and status of each pilot project
23 in achieving water quality goals and coordinating state and local efforts to improve
24 water quality.

25 **SECTION 2631.** 285.48 (4) (b) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2631**

1 285.48 **(4)** (b) The implementation of low-income weatherization and energy
2 conservation measures, including programs established under s. ~~46.957~~ 196.3746 (2)
3 (a) ~~or (b)~~ or programs under s. 196.374.

4 **SECTION 2632.** 285.59 (1) (b) of the statutes is amended to read:

5 285.59 **(1)** (b) “State agency” means any office, department, agency, institution
6 of higher education, association, society or other body in state government created
7 or authorized to be created by the constitution or any law which is entitled to expend
8 moneys appropriated by law, including the legislature and the courts, the Wisconsin
9 Housing and Economic Development Authority, the Bradley Center Sports and
10 Entertainment Corporation, the University of Wisconsin Hospitals and Clinics
11 Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace
12 Authority, the Wisconsin Quality Home Care Authority, and the Wisconsin Health
13 and Educational Facilities Authority.

14 **SECTION 2633.** 285.66 (2) (c) of the statutes is created to read:

15 285.66 **(2)** (c) Notwithstanding par. (a), the department may specify a term of
16 longer than 5 years for an operation permit or specify that an operation permit does
17 not expire if all of the following apply:

18 1. The operation permit is for a stationary source for which an operation permit
19 is required under s. 285.60 but not under the federal clean air act.

20 2. The operation permit is not a registration permit or a general permit.

21 **SECTION 2634.** 285.69 (1) (a) 3. of the statutes is repealed.

22 **SECTION 2635.** 285.69 (1g) of the statutes is repealed.

23 **SECTION 2636.** 285.69 (2) (title) of the statutes is amended to read:

24 285.69 **(2)** (title) FEES FOR PERSONS REQUIRED TO HAVE FEDERAL OPERATION
25 PERMITS.

ASSEMBLY BILL 75**SECTION 2637**

1 **SECTION 2637.** 285.69 (2) (a) (intro.) of the statutes is amended to read:

2 285.69 **(2)** (a) (intro.) The department shall promulgate rules for the payment
3 and collection of fees by the owner or operator of a stationary source for which an
4 operation permit is required under the federal clean air act. The rules shall provide
5 all of the following:

6 **SECTION 2638.** 285.69 (2) (c) (intro.) of the statutes is amended to read:

7 285.69 **(2)** (c) (intro.) The fees collected under pars. (a) and (e) ~~from the owner~~
8 ~~or operator of a stationary source for which an operation permit is required under~~
9 ~~the federal clean air act~~ shall be credited to the appropriations under s. 20.370 (2)
10 (bg), (3) (bg), (8) (mg) and (9) (mh) for the following:

11 **SECTION 2639.** 285.69 (2) (f) of the statutes is repealed.

12 **SECTION 2640.** 285.69 (2) (g) of the statutes is repealed.

13 **SECTION 2641.** 285.69 (2) (h) of the statutes is repealed.

14 **SECTION 2642.** 285.69 (2) (i) of the statutes is renumbered 285.69 (2m) (b), and
15 285.69 (2m) (b) (intro.), as renumbered, is amended to read:

16 285.69 **(2m)** (b) (intro.) The fees collected under this subsection ~~from the owner~~
17 ~~or operator of a stationary source for which an operation permit is required under~~
18 ~~s. 285.60 but not under the federal clean air act and under sub. (1g)~~ shall be credited
19 to the appropriation account under s. 20.370 (2) (bh) for the following purposes as
20 they relate to stationary sources for which an operation permit is required under s.
21 285.60 but not under the federal clean air act:

22 **SECTION 2643.** 285.69 (2m) of the statutes is created to read:

23 285.69 **(2m)** FEES FOR STATE PERMIT SOURCES. (a) The owner or operator of a
24 stationary source for which an operation permit is required under s. 285.60 but not

ASSEMBLY BILL 75**SECTION 2643**

1 under the federal clean air act shall pay to the department a fee of \$775 per year,
2 except as provided in par. (b).

3 (b) An owner or operator to whom the department has issued an operation
4 permit for one or more points of emission from an existing source in order to limit the
5 source's potential to emit so that the existing source is not a major source shall pay
6 to the department a fee of \$3,475 per year if the operation permit includes federally
7 enforceable conditions that allow the amount of emissions to be at least 80 percent
8 of the amount that results in a stationary source being classified as a major source.

9 **SECTION 2644.** 285.69 (3) (a) of the statutes is amended to read:

10 285.69 **(3)** (a) The department may promulgate rules for the payment and
11 collection of fees for inspecting nonresidential asbestos demolition and renovation
12 projects regulated by the department. The fees under this subsection for an
13 inspection plus the fee under sub. (1) (c) may not exceed ~~\$400~~ \$700 if the combined
14 square and linear footage of friable asbestos-containing material involved in the
15 project is less than 5,000. The fees under this subsection for an inspection plus the
16 fee under sub. (1) (c) may not exceed ~~\$750~~ \$1,325 if the combined square and linear
17 footage of friable asbestos-containing material involved in the project is 5,000 or
18 more. The fees collected under this subsection shall be credited to the appropriation
19 under s. 20.370 (2) (bi) for the direct and indirect costs of conducting inspections of
20 nonresidential asbestos demolition and renovation projects regulated by the
21 department and for inspecting property proposed to be used for a community fire
22 safety training project.

23 **SECTION 2645.** 285.69 (3) (b) of the statutes is renumbered 285.69 (3) (b) (intro.)
24 and amended to read:

ASSEMBLY BILL 75**SECTION 2645**

1 285.69 **(3)** (b) (intro.) In addition to the fees under par. (a), the department may
2 charge ~~the costs~~ all of the following:

3 1. The costs it incurs for laboratory testing for a nonresidential asbestos
4 demolition and renovation project.

5 **SECTION 2646.** 285.69 (3) (b) 2. of the statutes is created to read:

6 285.69 **(3)** (b) 2. A fee in the amount of \$100 for the department to inspect
7 property proposed to be used for a community fire safety training project for which
8 the department requires inspection.

9 **SECTION 2647.** 285.69 (3) (b) 3. of the statutes is created to read:

10 285.69 **(3)** (b) 3. A fee in the amount of \$100 for the department to review a
11 revised notice of an asbestos renovation or demolition activity, submitted by a person
12 required by the department to provide such notice.

13 **SECTION 2648.** 285.69 (3) (b) 4. of the statutes is created to read:

14 285.69 **(3)** (b) 4. An amount equal to the inspection fee under par. (a) to inspect
15 property for a project for which a notice of an asbestos renovation or demolition
16 activity was not provided, as required by the department, before the project was
17 initiated.

18 **SECTION 2649.** 287.03 (1) (f) of the statutes is repealed.

19 **SECTION 2650.** 287.11 (2m) (a) 2. of the statutes is amended to read:

20 287.11 **(2m)** (a) 2. “Cost of selling processed material” means the net cost,
21 including any storage costs, of selling processed material to a broker, dealer or
22 manufacturing facility, plus any cost of transporting the processed material from the
23 waste processing facility to the destination specified by the broker, dealer or
24 manufacturing facility, less the portion of any state financial assistance received
25 under s. 287.23 ~~or 287.25~~ attributable to the processed material.

ASSEMBLY BILL 75**SECTION 2651**

SECTION 2651. 287.11 (2m) (bg) of the statutes is created to read:

287.11 **(2m)** (bg) 1. If the department promulgates a rule under sub. (2) that specifies that in order to qualify as an effective recycling program, a responsible unit's solid waste management program shall provide single-family residences and buildings containing not more than 4 dwelling units in the region with at least monthly curbside collection of materials separated as provided in sub. (2) (b), the department shall, at the request of a responsible unit that has been determined to have an effective recycling program under this section, grant a variance to that responsible unit as provided in subd. 2.

2. A variance granted under subd. 1. shall provide that the monthly curbside collection requirement is satisfied if the responsible unit's solid waste management program provides at least monthly curbside collection of materials separated as provided in sub. (2) (b) to at least 80 percent of single-family residences and buildings containing not more than 4 dwelling units in the region.

SECTION 2652. 287.11 (2m) (br) of the statutes is created to read:

287.11 **(2m)** (br) The department shall, at the request of a responsible unit that has been determined to have an effective recycling program under this section, grant a variance that provides that the requirement under sub. (2) (b) as it applies to occupants of single-family residences and buildings containing not more than 4 dwelling units is satisfied if at least 80 percent of those residences and buildings in the region separate the materials identified in s. 287.07 (3) and (4) from postconsumer waste generated in the region.

SECTION 2653. 287.235 of the statutes is repealed.

SECTION 2654. 287.25 of the statutes is repealed.

SECTION 2655. 287.26 of the statutes is repealed.

ASSEMBLY BILL 75**SECTION 2656**

SECTION 2656. 289.33 (3) (d) of the statutes is amended to read:

289.33 **(3)** (d) “Local approval” includes any requirement for a permit, license, authorization, approval, variance or exception or any restriction, condition of approval or other restriction, regulation, requirement or prohibition imposed by a charter ordinance, general ordinance, zoning ordinance, resolution or regulation by a town, city, village, county or special purpose district, including without limitation because of enumeration any ordinance, resolution or regulation adopted under s. 91.73, 2007 stats., s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2), (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19), (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10), (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4), (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1), (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (5), (6), (7), (8), (10) and (11), 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35, 61.351, 61.354, 62.11, 62.23, 62.231, 62.234, 66.0101, 66.0415, 87.30, 91.73, 196.58, 200.11 (8), 236.45, 281.43 or 349.16 ~~or~~, subch. VIII of ch. 60, or subch III of ch. 91.

SECTION 2657. 289.645 (3) of the statutes is amended to read:

289.645 **(3)** AMOUNT OF RECYCLING FEE. The fee imposed under this section is \$4 \$5 per ton for all solid waste other than high-volume industrial waste.

SECTION 2658. 289.67 (1) (cp) of the statutes is amended to read:

289.67 **(1)** (cp) *Amount of environmental repair fee.* Notwithstanding par. (cm) and except as provided under par. (d), the environmental repair fee imposed under

ASSEMBLY BILL 75**SECTION 2658**

1 par. (a) is ~~50 cents~~ \$1.60 per ton for solid or hazardous waste, other than high-volume
2 industrial waste, disposed of before ~~November 1, 2007~~ July 1, 2009, and ~~\$1.60~~ \$5 per
3 ton disposed of on or after ~~November 1, 2007~~ July 1, 2009.

4 **SECTION 2659.** 289.67 (2) (b) 1. of the statutes is amended to read:

5 289.67 **(2)** (b) 1. A generator of hazardous waste shall pay a base fee of ~~\$210~~
6 \$470, if the generator is a large quantity generator, or \$350, if the generator is a small
7 quantity generator if the generator has generated more than zero pounds in that
8 particular year, plus \$20 per ton of hazardous waste generated during the reporting
9 year.

10 **SECTION 2660.** 289.67 (2) (b) 2. of the statutes is amended to read:

11 289.67 **(2)** (b) 2. No generator ~~may~~ is required to pay a fee that is greater than
12 ~~\$17,000~~ \$17,500.

13 **SECTION 2661.** 289.67 (2) (c) (intro.) of the statutes is amended to read:

14 289.67 **(2)** (c) (intro.) No tonnage fees may be assessed under par. (a) for the
15 following hazardous wastes:

16 **SECTION 2662.** 289.67 (2) (de) of the statutes is created to read:

17 289.67 **(2)** (de) The department shall promulgate a rule that defines “large
18 quantity generator” and “small quantity generator” for the purposes of this
19 subsection.

20 **SECTION 2663.** 292.11 (7) (b) of the statutes is renumbered 292.11 (7) (b) 1.

21 **SECTION 2664.** 292.11 (7) (b) 2. of the statutes is created to read:

22 292.11 **(7)** (b) 2. If the department authorizes reimbursement under subd. 1.
23 to be paid over time, it shall require monthly payments of interest, at a rate
24 determined by the department, on the unpaid balance of the reimbursement.

25 **SECTION 2665.** 292.31 (8) (e) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 2665**

1 292.31 **(8)** (e) *Interest payment*. If the department authorizes an amount that
2 the state is entitled to recover under this subsection to be paid over time, it shall
3 require monthly payments of interest, at a rate determined by the department, on
4 the unpaid balance of that amount.

5 **SECTION 2666.** 301.03 (3) of the statutes is amended to read:

6 301.03 **(3)** Administer parole, extended supervision, and probation matters,
7 except that the decision to grant or deny parole or to grant extended supervision
8 under s. 304.06 (1) to inmates shall be made by the parole earned release review
9 commission and the decision to revoke probation, extended supervision or parole in
10 cases in which there is no waiver of the right to a hearing shall be made by the
11 division of hearings and appeals in the department of administration. The secretary
12 may grant special action parole releases under s. 304.02. The department may
13 discharge inmates from extended supervision under s. 973.01 (4m) and may modify
14 a bifurcated sentence under s. 302.113 (9g) or (9h), and the earned release review
15 commission may discharge inmates from extended supervision under s. 973.01 (4r).
16 The department shall promulgate rules establishing a drug testing program for
17 probationers, parolees and persons placed on extended supervision. The rules shall
18 provide for assessment of fees upon probationers, parolees and persons placed on
19 extended supervision to partially offset the costs of the program.

20 **SECTION 2667.** 301.046 (4) (a) 1. of the statutes is amended to read:

21 301.046 **(4)** (a) 1. “Member of the family” means spouse, domestic partner
22 under ch. 770, child, sibling, parent or legal guardian.

23 **SECTION 2668.** 301.048 (2) (am) 3. of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2668**

1 301.048 **(2)** (am) 3. The ~~parole~~ earned release review commission grants him
2 or her parole under s. 304.06 and requires his or her participation in the program as
3 a condition of parole under s. 304.06 (1x).

4 **SECTION 2669.** 301.048 (4m) (a) 1. of the statutes is amended to read:

5 301.048 **(4m)** (a) 1. “Member of the family” means spouse, domestic partner
6 under ch. 770, child, sibling, parent or legal guardian.

7 **SECTION 2670.** 301.12 (14) (a) of the statutes is amended to read:

8 301.12 **(14)** (a) Except as provided in pars. (b) and (c), liability of a person
9 specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under 17
10 years of age in residential, nonmedical facilities such as group homes, foster homes,
11 ~~treatment foster homes~~, residential care centers for children and youth, and juvenile
12 correctional institutions is determined in accordance with the cost-based fee
13 established under s. 301.03 (18). The department shall bill the liable person up to
14 any amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other
15 3rd-party benefits, subject to rules ~~which~~ that include formulas governing ability to
16 pay promulgated by the department under s. 301.03 (18). Any liability of the resident
17 not payable by any other person terminates when the resident reaches age 17, unless
18 the liable person has prevented payment by any act or omission.

19 **SECTION 2671.** 301.12 (14) (b) of the statutes is amended to read:

20 301.12 **(14)** (b) Except as provided in par. (c) and subject to par. (cm), liability
21 of a parent specified in sub. (2) or s. 301.03 (18) for the care and maintenance of the
22 parent's minor child who has been placed by a court order under s. 938.183, 938.355,
23 or 938.357 in a residential, nonmedical facility such as a group home, foster home,
24 ~~treatment foster home~~, residential care center for children and youth, or juvenile
25 correctional institution shall be determined by the court by using the percentage

ASSEMBLY BILL 75**SECTION 2671**

1 standard established by the department of children and families under s. 49.22 (9)
2 and by applying the percentage standard in the manner established by the
3 department under par. (g).

4 **SECTION 2672.** 301.21 (1m) (c) of the statutes is amended to read:

5 301.21 **(1m)** (c) Any hearing to consider parole or whether to grant extended
6 supervision, if the inmate is sentenced under s. 973.01 to which an inmate confined
7 under this contract may be entitled by the laws of Wisconsin will be conducted by the
8 Wisconsin parole earned release review commission under rules of the department.

9 **SECTION 2673.** 301.21 (2m) (c) of the statutes is amended to read:

10 301.21 **(2m)** (c) Any hearing to consider parole or whether to grant extended
11 supervision, if the prisoner is sentenced under s. 973.01 to which a prisoner confined
12 under a contract under this subsection may be entitled by the laws of Wisconsin shall
13 be conducted by the Wisconsin parole earned release review commission under rules
14 of the department.

15 **SECTION 2674.** 301.26 (3) (c) of the statutes is amended to read:

16 301.26 **(3)** (c) Within the limits of the appropriations under s. 20.410 (1) (kd)
17 and (3) (cd) and (ko), the department shall allocate funds to each county for services
18 under this section.

19 **SECTION 2675.** 301.26 (4) (d) 2. of the statutes is amended to read:

20 301.26 **(4)** (d) 2. Beginning on July 1, ~~2007~~ 2009, and ending on June 30, ~~2008~~
21 2010, the per person daily cost assessment to counties shall be ~~\$259~~ \$270 for care in
22 a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$259~~ \$270 for care
23 for juveniles transferred from a juvenile correctional institution under s. 51.35 (3),
24 ~~\$277~~ \$294 for care in a residential care center for children and youth, ~~\$165~~ \$190 for
25 care in a group home for children, ~~\$67~~ \$72 for care in a foster home, ~~\$132~~ \$126 for

ASSEMBLY BILL 75**SECTION 2675**

1 care in a treatment foster home, ~~\$99~~ \$101 for departmental corrective sanctions
2 services, and ~~\$35~~ \$40 for departmental aftercare services.

3 **SECTION 2676.** 301.26 (4) (d) 2. of the statutes, as affected by 2009 Wisconsin
4 Act (this act), is amended to read:

5 301.26 **(4)** (d) 2. Beginning on July 1, ~~2009~~ January 1, 2010, and ending on June
6 30, 2010, the per person daily cost assessment to counties shall be \$270 for care in
7 a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), \$270 for care for
8 juveniles transferred from a juvenile correctional institution under s. 51.35 (3), \$294
9 for care in a residential care center for children and youth, \$190 for care in a group
10 home for children, \$72 for care in a foster home, \$126 for care in a treatment foster
11 home under rules promulgated under s. 48.62 (8) (c), \$101 for departmental
12 corrective sanctions services, and \$40 for departmental aftercare services.

13 **SECTION 2677.** 301.26 (4) (d) 3. of the statutes is amended to read:

14 301.26 **(4)** (d) 3. Beginning on July 1, ~~2008~~ 2010, and ending on June 30, 2009
15 2011, the per person daily cost assessment to counties shall be ~~\$268~~ \$275 for care in
16 a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$268~~ \$275 for care
17 for juveniles transferred from a juvenile correctional institution under s. 51.35 (3),
18 ~~\$296~~ \$309 for care in a residential care center for children and youth, ~~\$172~~ \$200 for
19 care in a group home for children, ~~\$74~~ \$75 for care in a foster home, ~~\$145~~ \$132 for
20 care in a treatment foster home, ~~\$101~~ \$103 for departmental corrective sanctions
21 services, and ~~\$37~~ \$41 for departmental aftercare services.

22 **SECTION 2678.** 301.26 (4) (d) 3. of the statutes, as affected by 2009 Wisconsin
23 Act (this act), is amended to read:

24 301.26 **(4)** (d) 3. Beginning on July 1, 2010, and ending on June 30, 2011, the
25 per person daily cost assessment to counties shall be \$275 for care in a Type 1

ASSEMBLY BILL 75**SECTION 2678**

1 juvenile correctional facility, as defined in s. 938.02 (19), \$275 for care for juveniles
2 transferred from a juvenile correctional institution under s. 51.35 (3), \$309 for care
3 in a residential care center for children and youth, \$200 for care in a group home for
4 children, \$75 for care in a foster home, \$132 for care in a treatment foster home under
5 rules promulgated under s. 48.62 (8) (c), \$103 for departmental corrective sanctions
6 services, and \$41 for departmental aftercare services.

7 **SECTION 2679.** 301.26 (4) (e) of the statutes is amended to read:

8 301.26 **(4)** (e) For foster care, ~~treatment foster care~~, group home care, and
9 institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and
10 (14), and 938.52 all payments and deductions made under this subsection and
11 uniform fee collections under s. 301.03 (18) shall be credited to the appropriation
12 account under s. 20.410 (3) (ho).

13 **SECTION 2680.** 301.26 (4) (ed) of the statutes is amended to read:

14 301.26 **(4)** (ed) For foster care, ~~treatment foster care~~, group home care, and
15 institutional child care to serious juvenile offenders under ss. 49.19 (10) (d), 938.48
16 (4) and (14), and 938.52 all uniform fee collections under s. 301.03 (18) shall be
17 credited to the appropriation account under s. 20.410 (3) (ho).

18 **SECTION 2681.** 301.26 (6) (a) of the statutes is amended to read:

19 301.26 **(6)** (a) The intent of this subsection is to develop criteria to assist the
20 legislature in allocating funding, excluding funding for base allocations, from the
21 appropriations under s. 20.410 (1) (kd) and (3) (cd) and (ko) for purposes described
22 in this section.

23 **SECTION 2682.** 301.26 (7) (intro.) of the statutes is amended to read:

24 301.26 **(7)** ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability
25 of federal funds and of the appropriations under s. 20.410 (1) (kd) and (3) (cd) and

ASSEMBLY BILL 75**SECTION 2682**

(ko), the department shall allocate funds for community youth and family aids for the period beginning on July 1, ~~2007~~ 2009, and ending on June 30, ~~2009~~ 2011, as provided in this subsection to county departments under ss. 46.215, 46.22, and 46.23 as follows:

SECTION 2683. 301.26 (7) (a) (intro.) of the statutes is amended to read:

301.26 **(7)** (a) (intro.) For community youth and family aids under this section, amounts not to exceed ~~\$49,395,100~~ \$49,891,100 for the last 6 months of ~~2007~~, ~~\$99,790,200 for 2008~~ \$99,782,300 for 2010, and ~~\$50,395,100~~ \$49,891,200 for the first 6 months of ~~2009~~ 2011.

SECTION 2684. 301.26 (7) (b) (intro.) of the statutes is amended to read:

301.26 **(7)** (b) (intro.) Of the amounts specified in par. (a), the department shall allocate \$2,000,000 for the last 6 months of ~~2007~~ 2009, \$4,000,000 for ~~2008~~ 2010, and \$2,000,000 for the first 6 months of ~~2009~~ 2011 to counties based on each of the following factors weighted equally:

SECTION 2685. 301.26 (7) (bm) of the statutes is amended to read:

301.26 **(7)** (bm) Of the amounts specified in par. (a), the department shall allocate ~~\$5,250,000~~ \$6,250,000 for the last 6 months of ~~2007~~, ~~\$11,500,000 for 2008~~ 2009, \$12,500,000 for 2010, and \$6,250,000 for the first 6 months of ~~2009~~ 2011 to counties based on each county's proportion of the number of juveniles statewide who are placed in a juvenile correctional facility during the most recent 3-year period for which that information is available.

SECTION 2686. 301.26 (7) (c) of the statutes is amended to read:

301.26 **(7)** (c) Of the amounts specified in par. (a), the department shall allocate \$1,053,200 for the last 6 months of ~~2007~~ 2009, \$2,106,500 for ~~2008~~ 2010, and \$1,053,300 for the first 6 months of ~~2009~~ 2011 to counties based on each of the factors

ASSEMBLY BILL 75**SECTION 2686**

1 specified in par. (b) 1. to 3. weighted equally, except that no county may receive an
2 allocation under this paragraph that is less than 93% nor more than 115% of the
3 amount that the county would have received under this paragraph if the allocation
4 had been distributed only on the basis of the factor specified in par. (b) 3.

5 **SECTION 2687.** 301.26 (7) (e) of the statutes is amended to read:

6 301.26 **(7)** (e) For emergencies related to community youth and family aids
7 under this section, amounts not to exceed \$125,000 for the last 6 months of ~~2007~~
8 2009, \$250,000 for ~~2008~~ 2010, and \$125,000 for the first 6 months of ~~2009~~ 2011. A
9 county is eligible for payments under this paragraph only if it has a population of not
10 more than 45,000.

11 **SECTION 2688.** 301.26 (7) (h) of the statutes is amended to read:

12 301.26 **(7)** (h) For counties that are participating in the corrective sanctions
13 program under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~2007~~ 2009,
14 \$2,124,800 in ~~2008~~ 2010, and \$1,062,400 in the first 6 months of ~~2009~~ 2011 for the
15 provision of corrective sanctions services for juveniles from that county. In
16 distributing funds to counties under this paragraph, the department shall determine
17 a county's distribution by dividing the amount allocated under this paragraph by the
18 number of slots authorized for the program under s. 938.533 (2) and multiplying the
19 quotient by the number of slots allocated to that county by agreement between the
20 department and the county. The department may transfer funds among counties as
21 necessary to distribute funds based on the number of slots allocated to each county.

22 **SECTION 2689.** 301.26 (8) of the statutes is amended to read:

23 301.26 **(8)** ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the
24 allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last

ASSEMBLY BILL 75**SECTION 2689**

1 6 months of ~~2007~~ 2009, \$1,333,400 in ~~2008~~ 2010, and \$666,700 in the first 6 months
2 of ~~2009~~ 2011 for alcohol and other drug abuse treatment programs.

3 **SECTION 2690.** 301.38 (1) (a) of the statutes is amended to read:

4 301.38 **(1)** (a) “Member of the family” means spouse, domestic partner under
5 ch. 770, child, sibling, parent or legal guardian.

6 **SECTION 2691.** 301.46 (3) (a) 1. of the statutes is amended to read:

7 301.46 **(3)** (a) 1. “Member of the family” means spouse, domestic partner under
8 ch. 770, child, parent, sibling or legal guardian.

9 **SECTION 2692.** 301.46 (4) (a) 6. of the statutes is amended to read:

10 301.46 **(4)** (a) 6. A foster home ~~or treatment foster home~~ licensed under s. 48.62.

11 **SECTION 2693.** 301.48 (1) (d) of the statutes is amended to read:

12 301.48 **(1)** (d) “Lifetime tracking” means global positioning system tracking
13 that is required for a person for the remainder of the person’s life ~~or until terminated~~
14 ~~under sub. (2m), sub. (6), if applicable, or sub. (7) or (7m).~~ “Lifetime tracking” does
15 not include global positioning system tracking under sub. (2) (d), regardless of how
16 long it is required.

17 **SECTION 2694.** 301.48 (2) (a) (intro.) of the statutes is amended to read:

18 301.48 **(2)** (a) (intro.) Except as provided in sub. subs. (2m), (6), (7), and (7m).
19 the department shall maintain lifetime tracking of a person if any of the following
20 occurs with respect to the person on or after January 1, 2008:

21 **SECTION 2695.** 301.48 (2) (b) (intro.) of the statutes is amended to read:

22 301.48 **(2)** (b) (intro.) The Except as provided in subs. (7) and (7m), the
23 department shall maintain lifetime tracking of a person if any of the following occurs
24 with respect to the person on or after January 1, 2008:

25 **SECTION 2696.** 301.48 (2) (d) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2696**

1 301.48 (2) (d) If, on or after January 1, 2008, a person is being placed on
2 probation, extended supervision, parole, or lifetime supervision for committing a sex
3 offense and par. (a) or (b) does not apply, the department may have the person tracked
4 using a global positioning system tracking device, or passive positioning system
5 tracking, as a condition of the person's probation, extended supervision, parole, or
6 lifetime supervision.

7 **SECTION 2697.** 301.48 (2m) of the statutes is amended to read:

8 301.48 (2m) PASSIVE POSITIONING SYSTEM TRACKING. ~~If a person who is subject~~
9 ~~to lifetime tracking under sub. (2) (a) 1., 1m., 2., 2m., 3., or 3m. completes his or her~~
10 ~~sentence, including any probation, parole, or extended supervision, the~~ The
11 department may use passive positioning system tracking instead of maintaining
12 lifetime tracking global positioning system tracking to track a person who is subject
13 to lifetime tracking under sub. (2) (a) 1., 1m., 2., 2m., 3., or 3m. if the department
14 determines that passive positioning tracking is appropriate for the person and if the
15 person has been subject to global positioning system tracking for at least 12 months.

16 **SECTION 2698.** 301.48 (3) (c) of the statutes is amended to read:

17 301.48 (3) (c) For each person who is subject to global positioning system
18 tracking under this section, the department shall create individualized exclusion
19 and inclusion zones for the person, if necessary to protect public safety. In creating
20 exclusion zones, the department shall focus on areas where children congregate,
21 with perimeters of 100 to 250 feet, and on areas where the person has been prohibited
22 from going as a condition of probation, extended supervision, parole, conditional
23 release, supervised release, or lifetime supervision. In creating inclusion zones for
24 a person on supervised release, the department shall consider s. 980.08 (9) (a).

25 **SECTION 2699.** 301.48 (7m) of the statutes is amended to read:

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1 301.48 **(7m)** TERMINATION IF PERSON MOVES OUT OF STATE. ~~Notwithstanding sub.~~
2 ~~(2), if~~ If a person who is subject to being tracked under this section moves out of state,
3 the department shall terminate the person's tracking. If the person returns to the
4 state, the department shall reinstate the person's tracking except as provided under
5 sub. (6) or (7).

6 **SECTION 2700.** 302.045 (1) of the statutes is amended to read:

7 302.045 **(1)** PROGRAM. The department shall provide a challenge incarceration
8 program for inmates selected to participate under sub. (2). The program shall
9 provide participants with manual labor, ~~personal development counseling,~~
10 ~~substance abuse treatment and education,~~ military drill and ceremony, ~~counseling,~~
11 and strenuous physical exercise, for participants who have not attained the age of
12 30 as of the date on which they begin participating in the program, or
13 age-appropriate strenuous physical exercise, for all other participants, in
14 preparation for release on parole or extended supervision. The program shall
15 provide, according to each participant's needs as assessed under sub. (2) (d),
16 substance abuse treatment and education, including intensive intervention when
17 indicated, personal development counseling, education, employment readiness
18 training, and other treatment options that are directly related to the participant's
19 criminal behavior. The department shall design the program to include not less than
20 50 participants at a time and so that a participant may complete the program in not
21 more than 180 days. The department may restrict participant privileges as
22 necessary to maintain discipline.

23 **SECTION 2701.** 302.045 (2) (d) of the statutes is repealed and recreated to read:

24 302.045 **(2)** (d) The department determines, using evidence-based assessment
25 instruments, that one of the following applies:

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1 1. The inmate has a substance abuse treatment need that requires an intensive
2 level of treatment.

3 2. The inmate has a substance abuse treatment need that does not require an
4 intensive level of treatment but does require education or outpatient services, and
5 the inmate's substance use is not a key factor in his or her criminal behavior.

6 3. The inmate has one or more treatment needs not related to substance use
7 that is directly related to his or her criminal behavior.

8 **SECTION 2702.** 302.045 (3) of the statutes is amended to read:

9 302.045 **(3)** PAROLE ELIGIBILITY. Except as provided in sub. (4), if the department
10 determines that an inmate serving a sentence other than one imposed under s.
11 973.01 has successfully completed the challenge incarceration program, the parole
12 earned release review commission shall parole the inmate for that sentence under
13 s. 304.06, regardless of the time the inmate has served. When the parole earned
14 release review commission grants parole under this subsection, it must require the
15 parolee to participate in an intensive supervision program for drug abusers
16 appropriate to the parolee's rehabilitation needs as a condition of parole.

17 **SECTION 2703.** 302.05 (title) of the statutes is amended to read:

18 **302.05 (title) Wisconsin substance abuse earned release program.**

19 **SECTION 2704.** 302.05 (1) (am) (intro.) of the statutes is renumbered 302.05 (1)
20 and amended to read:

21 302.05 **(1)** The department of corrections and the department of health services
22 may designate a section of a mental health institute as a correctional treatment
23 facility for the treatment of substance abuse of inmates transferred from Wisconsin
24 state prisons. This section shall be administered by the department of corrections
25 and shall be known as the Wisconsin substance abuse program. The department of

ASSEMBLY BILL 75**SECTION 2704**

1 ~~corrections and the department of health services shall ensure that the residents at~~
2 ~~the institution and the residents in the substance abuse program: shall, at any~~
3 ~~correctional facility the department determines is appropriate, provide a~~
4 ~~rehabilitation program for inmates for the purposes of the earned release program~~
5 ~~described in sub. (3).~~

6 **SECTION 2705.** 302.05 (1) (am) 1. of the statutes is repealed.

7 **SECTION 2706.** 302.05 (1) (am) 2. of the statutes is repealed.

8 **SECTION 2707.** 302.05 (1) (c) of the statutes is repealed.

9 **SECTION 2708.** 302.05 (2) of the statutes is amended to read:

10 302.05 (2) Transfer to a correctional ~~treatment~~ facility for the ~~treatment of~~
11 ~~substance abuse participation in a program described in sub. (1)~~ shall be considered
12 a transfer under s. 302.18.

13 **SECTION 2709.** 302.05 (3) (b) of the statutes is amended to read:

14 302.05 (3) (b) Except as provided in par. (d), if the department determines that
15 an eligible inmate serving a sentence other than one imposed under s. 973.01 has
16 successfully completed a ~~treatment~~ rehabilitation program described in sub. (1), the
17 ~~parole~~ earned release review commission shall parole the inmate for that sentence
18 under s. 304.06, regardless of the time the inmate has served. If the ~~parole~~ earned
19 release review commission grants parole under this paragraph, it shall require the
20 parolee to participate in an intensive supervision program ~~for drug abusers~~
21 appropriate to the parolee's rehabilitation needs as a condition of parole.

22 **SECTION 2710.** 302.05 (3) (c) 1. of the statutes is amended to read:

23 302.05 (3) (c) 1. Except as provided in par. (d), if the department determines
24 that an eligible inmate serving the term of confinement in prison portion of a
25 bifurcated sentence imposed under s. 973.01 has successfully completed a ~~treatment~~

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1 rehabilitation program described in sub. (1), the department shall inform the court
2 that sentenced the inmate.

3 **SECTION 2711.** 302.05 (3) (c) 2. (intro.) of the statutes is amended to read:

4 302.05 **(3)** (c) 2. (intro.) Upon being informed by the department under subd.
5 1. that an inmate whom the court sentenced under s. 973.01 has successfully
6 completed a ~~treatment~~ rehabilitation program described in sub. (1), the court shall
7 modify the inmate's bifurcated sentence as follows:

8 **SECTION 2712.** 302.05 (3) (d) of the statutes is amended to read:

9 302.05 **(3)** (d) The department may place intensive sanctions program
10 participants in a ~~treatment~~ rehabilitation program described in sub. (1), but pars. (b)
11 and (c) do not apply to those participants.

12 **SECTION 2713.** 302.105 (1) (a) of the statutes is amended to read:

13 302.105 **(1)** (a) "Member of the family" means spouse, domestic partner under
14 ch. 770, child, sibling, parent or legal guardian.

15 **SECTION 2714.** 302.11 (1g) (b) (intro.) of the statutes is amended to read:

16 302.11 **(1g)** (b) (intro.) Before an incarcerated inmate with a presumptive
17 mandatory release date reaches the presumptive mandatory release date specified
18 under par. (am), the parole earned release review commission shall proceed under
19 s. 304.06 (1) to consider whether to deny presumptive mandatory release to the
20 inmate. If the parole earned release review commission does not deny presumptive
21 mandatory release, the inmate shall be released on parole. The parole earned release
22 review commission may deny presumptive mandatory release to an inmate only on
23 one or more of the following grounds:

24 **SECTION 2715.** 302.11 (1g) (b) 2. of the statutes is amended to read:

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1 302.11 **(1g)** (b) 2. Refusal by the inmate to participate in counseling or
2 treatment that the social service and clinical staff of the institution determines is
3 necessary for the inmate, including pharmacological treatment using an
4 antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious
5 child sex offender as defined in s. 304.06 (1q) (a). The parole earned release review
6 commission may not deny presumptive mandatory release to an inmate because of
7 the inmate's refusal to participate in a rehabilitation program under s. 301.047.

8 **SECTION 2716.** 302.11 (1g) (c) of the statutes is amended to read:

9 302.11 **(1g)** (c) If the parole earned release review commission denies
10 presumptive mandatory release to an inmate under par. (b), the parole earned
11 release review commission shall schedule regular reviews of the inmate's case to
12 consider whether to parole the inmate under s. 304.06 (1).

13 **SECTION 2717.** 302.11 (1g) (d) of the statutes is amended to read:

14 302.11 **(1g)** (d) An inmate may seek review of a decision by the parole earned
15 release review commission relating to the denial of presumptive mandatory release
16 only by the common law writ of certiorari.

17 **SECTION 2718.** 302.11 (1m) of the statutes is amended to read:

18 302.11 **(1m)** An inmate serving a life term is not entitled to mandatory release.
19 Except as provided in ss. 939.62 (2m) (c) and 973.014, the parole earned release
20 review commission may parole the inmate as specified in s. 304.06 (1).

21 **SECTION 2719.** 302.11 (7) (c) of the statutes is amended to read:

22 302.11 **(7)** (c) The parole earned release review commission may subsequently
23 parole, under s. 304.06 (1), and the department may subsequently parole, under s.
24 304.02, a parolee who is returned to prison for violation of a condition of parole.

25 **SECTION 2720.** 302.113 (1) of the statutes is amended to read:

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1 302.113 **(1)** An inmate is subject to this section if he or she is serving a
2 bifurcated sentence imposed under s. 973.01. An inmate convicted of a misdemeanor
3 or of a Class F to Class I felony that is not a violent offense, as defined in s. 301.048
4 (2) (bm) 1., and who is eligible for positive adjustment time under sub. (2) (b)
5 pursuant to s. 973.01 (3d) (b) may be released to extended supervision under sub. (2)
6 (b), (9g), or (9h). An inmate convicted of a Class C to Class E felony or a Class F to
7 Class I felony that is a violent offense, as defined in s. 301.048 (2) (bm) 1., or a Class
8 F to Class I felony that is not a violent offense, as defined under s. 301.048 (2) (bm)
9 1., but who is ineligible for positive adjustment time under sub. (2) (b) pursuant to
10 s. 973.01 (3d) (b) may be released to extended supervision only under sub. (2) (a), (9g),
11 or (9h) or s. 304.06.

12 **SECTION 2721.** 302.113 (2) of the statutes is renumbered 302.113 (2) (a) and
13 amended to read:

14 302.113 **(2)** (a) Except as provided in par. (b) and subs. (3) and (9) and s. 304.06,
15 an inmate subject to this section is entitled to release to extended supervision after
16 he or she has served the term of confinement in prison portion of the sentence
17 imposed under s. 973.01, as modified by the department under sub. (9g) or (9h) or as
18 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., or 302.05
19 (3) (c) 2. a., or 973.195 (1r), if applicable.

20 **SECTION 2722.** 302.113 (2) (b) of the statutes is created to read:

21 302.113 **(2)** (b) An inmate sentenced under s. 973.01 for a misdemeanor or for
22 a Class F to Class I felony that is not a violent offense, as defined in s. 301.048 (2)
23 (bm) 1., may earn one day of positive adjustment time for every 2 days served that
24 he or she does not violate any regulation of the prison or does not refuse or neglect
25 to perform required or assigned duties. An inmate convicted of a misdemeanor or a

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1 Class F to Class I felony that is not a violent offense, as defined in s. 301.048 (2) (bm)
2 1., shall be released to extended supervision when he or she has served the term of
3 confinement in prison portion of his or her bifurcated sentence, as modified by the
4 department under sub. (9g) or by the sentencing court under s. 302.045 (3m) (b) 1.
5 or 302.05 (3) (c) 2. a., if applicable, less positive adjustment time he or she has earned.
6 This paragraph does not apply to a person who is the subject of a bulletin issued
7 under s. 301.46 (2m), a violent offender, as defined in s. 16.964 (12) (a), or a person
8 who is ineligible for positive adjustment time under this paragraph pursuant to s.
9 973.01 (3d) (b).

10 **SECTION 2723.** 302.113 (3) (d) of the statutes is amended to read:

11 302.113 **(3)** (d) If the term of confinement in prison portion of a bifurcated
12 sentence for a Class B felony is increased under this subsection, the term of extended
13 supervision is reduced so that the total length of the bifurcated sentence does not
14 change.

15 **SECTION 2724.** 302.113 (3) (e) of the statutes is created to read:

16 302.113 **(3)** (e) If an inmate is released to extended supervision under sub. (2)
17 (b) after he or she has served less than his or her entire confinement in prison portion
18 of the sentence imposed under s. 973.01, the term of extended supervision is
19 increased so that the total length of the bifurcated sentence does not change.

20 **SECTION 2725.** 302.113 (7) of the statutes is amended to read:

21 302.113 **(7)** Any inmate released to extended supervision under this section is
22 subject to all conditions and rules of extended supervision until the expiration of the
23 term of extended supervision portion of the bifurcated sentence or until the
24 department discharges the inmate under s. 973.01 (4m), whichever is appropriate.

25 The department may set conditions of extended supervision in addition to any

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1 conditions of extended supervision required under s. 302.116, if applicable, or set by
2 the court under sub. (7m) or s. 973.01 (5) if the conditions set by the department do
3 not conflict with the court's conditions.

4 **SECTION 2726.** 302.113 (9) (am) of the statutes is amended to read:

5 302.113 **(9)** (am) If a person released to extended supervision under this section
6 violates a condition of extended supervision, the reviewing authority may revoke the
7 extended supervision of the person. If the extended supervision of the person is
8 revoked, ~~the person shall be returned to the circuit court for the county in which the~~
9 ~~person was convicted of the offense for which he or she was on extended supervision,~~
10 ~~and the court~~ reviewing authority shall order the person to be returned to prison for
11 any specified period of time that does not exceed the time remaining on the bifurcated
12 sentence. The time remaining on the bifurcated sentence is the total length of the
13 bifurcated sentence, less time served by the person in confinement under the
14 sentence before release to extended supervision under sub. (2) and less all time
15 served in confinement for previous revocations of extended supervision under the
16 sentence. The ~~court~~ order returning a person to prison under this paragraph shall
17 provide the person whose extended supervision was revoked with credit in
18 accordance with ss. 304.072 and 973.155.

19 **SECTION 2727.** 302.113 (9) (at) of the statutes is repealed.

20 **SECTION 2728.** 302.113 (9) (b) of the statutes is amended to read:

21 302.113 **(9)** (b) A person who is returned to prison after revocation of extended
22 supervision shall be incarcerated for the entire period of time specified by the ~~court~~
23 order under par. (am). The period of time specified under par. (am) may be extended
24 in accordance with sub. (3). If a person is returned to prison under par. (am) for a
25 period of time that is less than the time remaining on the bifurcated sentence, the

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1 person shall be released to extended supervision after he or she has served the period
2 of time specified by the ~~court~~ order under par. (am) and any periods of extension
3 imposed in accordance with sub. (3).

4 **SECTION 2729.** 302.113 (9) (c) of the statutes is amended to read:

5 302.113 **(9)** (c) A person who is subsequently released to extended supervision
6 after service of the period of time specified by the ~~court~~ order under par. (am) is
7 subject to all conditions and rules under subs. (7) and, if applicable, (7m) until the
8 expiration of the remaining extended supervision portion of the bifurcated sentence
9 or until the department discharges the person under s. 973.01 (4m), whichever is
10 appropriate. The remaining extended supervision portion of the bifurcated sentence
11 is the total length of the bifurcated sentence, less the time served by the person in
12 confinement under the bifurcated sentence before release to extended supervision
13 under sub. (2) and less all time served in confinement for previous revocations of
14 extended supervision under the bifurcated sentence.

15 **SECTION 2730.** 302.113 (9g) (cm) of the statutes is amended to read:

16 302.113 **(9g)** (cm) If, after receiving the petition under par. (c), the program
17 review committee determines that the public interest would be served by a
18 modification of the inmate's bifurcated sentence in the manner provided under par.
19 (f), the committee shall approve the petition for referral to the ~~sentencing court and~~
20 ~~notify the department of its approval. The department shall then refer the inmate's~~
21 ~~petition to the sentencing court and request the court to conduct a hearing on the~~
22 ~~petition~~ department. If the program review committee determines that the public
23 interest would not be served by a modification of the inmate's bifurcated sentence in
24 the manner specified in par. (f), the committee shall deny the inmate's petition.

25 **SECTION 2731.** 302.113 (9g) (d) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2731**

1 302.113 **(9g)** (d) When ~~a court is notified by the~~ committee refers the petition
2 under par. (c) to the department that it is referring to the court an inmate's petition
3 ~~for modification of the inmate's bifurcated sentence~~, the court department shall set
4 a hearing to determine whether the public interest would be served by a modification
5 of the inmate's bifurcated sentence in the manner specified in par. (f). The inmate
6 and the district attorney have the right to be present at the hearing, and any victim
7 of the inmate's crime has the right to be present at the hearing and to provide a
8 statement concerning the modification of the inmate's bifurcated sentence. The
9 ~~court~~ department shall ~~order such~~ give notice of the hearing date as it considers
10 adequate to be given to the ~~department~~, the inmate, the attorney representing the
11 inmate, if applicable, and the district attorney. Victim notification shall be provided
12 as specified under par. (g).

13 **SECTION 2732.** 302.113 (9g) (e) of the statutes is amended to read:

14 302.113 **(9g)** (e) At a hearing scheduled under par. (d), the inmate has the
15 burden of proving by the greater weight of the credible evidence that a modification
16 of the bifurcated sentence in the manner specified in par. (f) would serve the public
17 interest. If the inmate proves that a modification of the bifurcated sentence in the
18 manner specified in par. (f) would serve the public interest, the ~~court~~ department
19 shall modify the inmate's bifurcated sentence in that manner. If the inmate does not
20 prove that a modification of the bifurcated sentence in the manner specified in par.
21 (f) would serve the public interest, the ~~court~~ department shall deny the inmate's
22 petition for modification of the bifurcated sentence.

23 **SECTION 2733.** 302.113 (9g) (f) of the statutes is amended to read:

24 302.113 **(9g)** (f) ~~A court~~ The department may modify an inmate's bifurcated
25 sentence under this section only as follows:

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1 1. The ~~court~~ department shall reduce the term of confinement in prison portion
2 of the inmate's bifurcated sentence in a manner that provides for the release of the
3 inmate to extended supervision within 30 days after the date on which the ~~court~~
4 ~~issues its order modifying~~ department modifies the bifurcated sentence.

5 2. The ~~court~~ department shall lengthen the term of extended supervision
6 imposed so that the total length of the bifurcated sentence originally imposed does
7 not change.

8 **SECTION 2734.** 302.113 (9g) (g) 2. of the statutes is amended to read:

9 302.113 **(9g)** (g) 2. When ~~a court~~ the department sets a hearing date under par.
10 (d), the ~~clerk of the circuit court~~ department shall send a notice of hearing to the
11 victim of the crime committed by the inmate, if the victim has submitted a card under
12 subd. 3. requesting notification. The notice shall inform the victim that he or she may
13 appear at the hearing scheduled under par. (d) and shall inform the victim of the
14 manner in which he or she may provide a statement concerning the modification of
15 the inmate's bifurcated sentence in the manner provided in par. (f). The ~~clerk of the~~
16 ~~circuit court~~ department shall make a reasonable attempt to send the notice of
17 hearing to the last-known address of the inmate's victim, postmarked at least 10
18 days before the date of the hearing.

19 **SECTION 2735.** 302.113 (9g) (g) 3. of the statutes is amended to read:

20 302.113 **(9g)** (g) 3. The director of state courts shall design and prepare cards
21 for ~~a victim~~ victims to send to the ~~clerk of the circuit court for the county in which~~
22 ~~the inmate was convicted and sentenced~~ department. The cards shall have space for
23 a victim to provide his or her name and address, the name of the applicable inmate,
24 and any other information that the director of state courts determines is necessary.
25 The director of state courts shall provide the cards, without charge, to clerks of circuit

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1 court. Clerks of circuit court shall provide the cards, without charge, to victims.
2 Victims may send completed cards to the clerk of the circuit court for the county in
3 ~~which the inmate was convicted and sentenced~~ department. All court records or
4 portions of records that relate to mailing addresses of victims are not subject to
5 inspection or copying under s. 19.35 (1).

6 **SECTION 2736.** 302.113 (9g) (h) of the statutes is amended to read:

7 302.113 **(9g)** (h) ~~An inmate may appeal a court's~~ The department's decision to
8 ~~deny the inmate's petition for modification of his or her bifurcated sentence. The~~
9 ~~state may appeal a court's decision to grant an inmate's petition for a modification~~
10 ~~of the inmate's bifurcated sentence~~ under par. (e) may be appealed under s. 227.52.
11 In an appeal under this paragraph, the appellate court may reverse a decision
12 granting or denying a petition for modification of a bifurcated sentence only if it
13 determines that the ~~sentencing court~~ department erroneously exercised its
14 discretion in granting or denying the petition.

15 **SECTION 2737.** 302.113 (9g) (i) of the statutes is amended to read:

16 302.113 **(9g)** (i) If the program review committee denies an inmate's petition
17 under par. (cm), the inmate may not file another petition within one year after the
18 date of the program review committee's denial. If the program review committee
19 approves an inmate's petition for referral to the ~~sentencing court~~ department under
20 par. (cm) but the ~~sentencing court~~ department denies the petition, the inmate may
21 not file another petition under par. (cm) within one year after the date of the court's
22 department's decision.

23 **SECTION 2738.** 302.113 (9g) (j) of the statutes is amended to read:

24 302.113 **(9g)** (j) An inmate eligible to seek modification of his or her bifurcated
25 sentence under this subsection has a right to be represented by counsel in

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1 proceedings under this subsection. An inmate, or the department on the inmate's
2 behalf, may apply to the state public defender for determination of indigency and
3 appointment of counsel under s. 977.05 (4) (jm) before or after the filing of a petition
4 with the program review committee under par. (c). If an inmate whose petition has
5 been referred to the ~~court~~ department under par. (cm) is without counsel, the ~~court~~
6 department shall refer the matter to the state public defender for determination of
7 indigency and appointment of counsel under s. 977.05 (4) (jm).

8 **SECTION 2739.** 302.113 (9h) of the statutes is created to read:

9 302.113 **(9h)** (a) The department may release to extended supervision certain
10 persons serving the confinement portion of a bifurcated sentence using the sentence
11 modification procedure described in this subsection.

12 (b) The department shall promulgate rules for the determination of whether
13 a bifurcated sentence should be modified under this subsection.

14 (c) A person who is serving the confinement portion of a bifurcated sentence is
15 eligible for sentence modification under this subsection if all of the following
16 conditions are met:

17 1. The person is not serving the confinement portion of a bifurcated sentence
18 following a conviction for a felony assaultive crime.

19 2. The prison social worker or extended supervision agent of record has reason
20 to believe that the person will be able to maintain himself or herself while not
21 confined without engaging in assaultive activity.

22 3. The release to extended supervision date is not more than 12 months before
23 the person's extended supervision eligibility date.

24 (d) If the conditions under pars. (b) and (c) are met, the department may modify,
25 in the manner specified under par. (e), the sentence of any person by releasing him

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1 or her to extended supervision under this subsection, and, if the department releases
2 the person to extended supervision, the department shall:

3 1. Notify the office of the court that participated in the trial or that accepted
4 the person's plea of guilty or no contest, whichever is applicable.

5 2. Notify the office of the district attorney that participated in the trial of the
6 person or that prepared for proceedings under s. 971.08 regarding the person's plea
7 of guilty or no contest, whichever is applicable.

8 (e) The department may modify a person's bifurcated sentence under this
9 subsection only as follows:

10 1. The department shall reduce the term of confinement in prison portion of the
11 person's bifurcated sentence in a manner that provides for the release of the person
12 to extended supervision within 30 days after the date on which the department
13 modifies the bifurcated sentence.

14 2. The department shall lengthen the term of extended supervision imposed so
15 that the total length of the bifurcated sentence originally imposed does not change.

16 **SECTION 2740.** 302.114 (9) (c) of the statutes is amended to read:

17 302.114 **(9)** (c) A person who is subsequently released to extended supervision
18 under par. (bm) is subject to all conditions and rules under sub. (8) until the
19 expiration of the sentence or until the department discharges the person under s.
20 973.01 (4m), whichever is appropriate.

21 **SECTION 2741.** 302.46 (1) (a) of the statutes is amended to read:

22 302.46 **(1)** (a) If a court imposes a fine or forfeiture for a violation of state law
23 or for a violation of a municipal or county ordinance except for a violation of s. 101.123
24 (2) (a), ~~(am) 1., (ar), (bm), (br), or (bv)~~ or ~~(5) (2m)~~, or for a first violation of s. 23.33 (4c)
25 (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed

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1 the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at
2 the time of the violation, or for a violation of state laws or municipal or county
3 ordinances involving nonmoving traffic violations, violations under s. 343.51 (1m)
4 (b), or safety belt use violations under s. 347.48 (2m), the court, in addition, shall
5 impose a jail surcharge under ch. 814 in an amount of 1 percent of the fine or
6 forfeiture imposed or \$10, whichever is greater. If multiple offenses are involved, the
7 court shall determine the jail surcharge on the basis of each fine or forfeiture. If a
8 fine or forfeiture is suspended in whole or in part, the court shall reduce the jail
9 surcharge in proportion to the suspension.

10 **SECTION 2742.** 304.01 (title) of the statutes is amended to read:

11 **304.01 (title) Parole Earned release review commission and**
12 **commission chairperson; general duties.**

13 **SECTION 2743.** 304.01 (1) of the statutes is amended to read:

14 304.01 **(1)** The chairperson of the parole earned release review commission
15 shall administer and supervise the commission and its activities and shall be the
16 final ~~parole-granting~~ authority for granting parole or release to extended
17 supervision, except as provided in s. 304.02.

18 **SECTION 2744.** 304.01 (2) (intro.) of the statutes is amended to read:

19 304.01 **(2)** (intro.) The parole earned release review commission shall conduct
20 regularly scheduled interviews to consider the parole or release to extended
21 supervision of eligible inmates of the adult correctional institutions under the
22 control of the department of corrections, eligible inmates transferred under ch. 51
23 and under the control of the department of health services and eligible inmates in
24 any county house of correction. The department of corrections shall provide all of the
25 following to the parole earned release review commission:

ASSEMBLY BILL 75**SECTION 2745**

1 **SECTION 2745.** 304.01 (2) (b) of the statutes is amended to read:

2 304.01 **(2)** (b) Scheduling assistance for parole interviews for prisoners who
3 have applied for parole or release to extended supervision at the correctional
4 institutions.

5 **SECTION 2746.** 304.01 (2) (c) of the statutes is amended to read:

6 304.01 **(2)** (c) Clerical support related to the parole interviews for prisoners who
7 have applied for parole or release to extended supervision.

8 **SECTION 2747.** 304.01 (2) (d) of the statutes is amended to read:

9 304.01 **(2)** (d) Appropriate physical space at the correctional institutions to
10 conduct the parole interviews for prisoners who have applied for parole or release to
11 extended supervision.

12 **SECTION 2748.** 304.06 (title) of the statutes is amended to read:

13 **304.06** (title) **Paroles Release to parole or extended supervision from**
14 **state prisons and house of correction.**

15 **SECTION 2749.** 304.06 (1) (a) 1. of the statutes is amended to read:

16 304.06 **(1)** (a) 1. “Member of the family” means spouse, domestic partner under
17 ch. 770, child, sibling, parent or legal guardian.

18 **SECTION 2750.** 304.06 (1) (b) of the statutes is amended to read:

19 304.06 **(1)** (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s.
20 302.045 (3), 302.05 (3) (b), 973.01 (6), or 973.0135, the parole earned release review
21 commission may parole an inmate of the Wisconsin state prisons or any felon or any
22 person serving at least one year or more in a county house of correction or a county
23 reforestation camp organized under s. 303.07, when he or she has served 25% of the
24 sentence imposed for the offense, or 6 months, whichever is greater. Except as
25 provided in s. 939.62 (2m) (c) or 973.014 (1) (b) or (c), (1g) or (2), the parole earned

ASSEMBLY BILL 75**SECTION 2750**

1 release review commission may parole an inmate serving a life term when he or she
2 has served 20 years, as modified by the formula under s. 302.11 (1) and subject to
3 extension under s. 302.11 (1q) and (2), if applicable. The person serving the life term
4 shall be given credit for time served prior to sentencing under s. 973.155, including
5 good time under s. 973.155 (4). The secretary may grant special action parole
6 releases under s. 304.02. The department or the parole earned release review
7 commission shall not provide any convicted offender or other person sentenced to the
8 department's custody any parole eligibility or evaluation for parole or release to
9 extended supervision until the person has been confined at least 60 days following
10 sentencing.

11 **SECTION 2751.** 304.06 (1) (bg) of the statutes is created to read:

12 304.06 **(1)** (bg) 1. A person sentenced under s. 973.01 for a felony that is not a
13 violent offense, as defined in s. 301.048 (2) (bm) 1., and who is ineligible for positive
14 adjustment time under s. 302.113 (2) (b) pursuant to s. 973.01 (3d) (b) or for a Class
15 F to Class I felony that is a violent offense, as defined in s. 301.048 (2) (bm) 1., may
16 earn one day of positive adjustment time for every 3 days served that he or she does
17 not violate any regulation of the prison or does not refuse or neglect to perform
18 required or assigned duties. The person may petition the earned release review
19 commission for release to extended supervision when he or she has served the term
20 of confinement in prison portion of his or her bifurcated sentence, as modified by the
21 sentencing court under s. 302.045 (3m) (b) 1. or 302.05 (3) (c) 2. a. or by the
22 department under s. 302.113 (9g), if applicable, less positive adjustment time he or
23 she has earned. This subdivision does not apply to a person who is the subject of a
24 bulletin issued under s. 301.46 (2m).

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1 2. A person sentenced under s. 973.01 for a Class C to Class E felony may earn
2 one day of positive adjustment time for every 5.7 days served that he or she does not
3 violate any regulation of the prison or does not refuse or neglect to perform required
4 or assigned duties. An inmate convicted of a Class C to Class E felony may petition
5 the earned release review commission for release to extended supervision when he
6 or she has served the term of confinement in prison portion of his or her bifurcated
7 sentence, as modified by the sentencing court under s. 302.045 (3m) (b) 1. or 302.05
8 (3) (c) 2. a. or by the department under s. 302.113 (9g), if applicable, less positive
9 adjustment time he or she has earned. This subdivision does not apply to a person
10 who is the subject of a bulletin issued under s. 301.46 (2m).

11 **SECTION 2752.** 304.06 (1) (bn) of the statutes is created to read:

12 304.06 **(1)** (bn) The earned release review commission may consider any of the
13 following as a ground for a petition under par. (bg) for release to extended
14 supervision:

15 1. The inmate's conduct, efforts at and progress in rehabilitation, or
16 participation and progress in education, treatment, or other correctional programs
17 since he or she was sentenced.

18 2. The inmate is subject to a sentence of confinement in another state or the
19 inmate is in the United States illegally and may be deported.

20 3. Sentence adjustment is otherwise in the interests of justice.

21 **SECTION 2753.** 304.06 (1) (br) of the statutes is created to read:

22 304.06 **(1)** (br) The earned release review commission may reduce the term of
23 confinement of a person who petitions under par. (bg) only as follows:

24 1. If the inmate is serving the term of confinement in prison portion of the
25 sentence, a reduction in the term of confinement in prison by the amount of time

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1 remaining in the term of confinement in prison portion of the sentence, less up to 30
2 days, and a corresponding increase in the term of extended supervision.

3 2. If the inmate is confined in prison upon revocation of extended supervision,
4 a reduction in the amount of time remaining in the period of confinement in prison
5 imposed upon revocation, less up to 30 days, and a corresponding increase in the term
6 of extended supervision.

7 **SECTION 2754.** 304.06 (1) (c) (intro.) of the statutes is amended to read:

8 304.06 **(1)** (c) (intro.) If an inmate applies for parole or release to extended
9 supervision under this subsection, the parole earned release review commission
10 shall make a reasonable attempt to notify the following, if they can be found, in
11 accordance with par. (d):

12 **SECTION 2755.** 304.06 (1) (d) 1. of the statutes is amended to read:

13 304.06 **(1)** (d) 1. The notice under par. (c) shall inform the offices and persons
14 under par. (c) 1. to 3. of the manner in which they may provide written statements
15 under this subsection, shall inform persons under par. (c) 3. of the manner in which
16 they may attend interviews or hearings and make statements under par. (eg) and
17 shall inform persons under par. (c) 3. who are victims, or family members of victims,
18 of crimes specified in s. 940.01, 940.03, 940.05, 940.225 (1) ~~or~~, (2), or (3), 948.02 (1)
19 or (2), 948.025, 948.06 or 948.07 of the manner in which they may have direct input
20 in the parole decision-making process under par. (em) for parole or release to
21 extended supervision. The parole earned release review commission shall provide
22 notice under this paragraph for an inmate's first application for parole or release to
23 extended supervision and, upon request, for subsequent applications for parole or
24 release to extended supervision.

25 **SECTION 2756.** 304.06 (1) (d) 2. of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2756**

1 304.06 (1) (d) 2. The notice shall be by 1st class mail to an office's or a person's
2 last-known address sent at least 3 weeks before the interview or hearing upon the
3 parole application for parole or release to extended supervision.

4 **SECTION 2757.** 304.06 (1) (d) 3m. of the statutes is amended to read:

5 304.06 (1) (d) 3m. If applicable, the notice shall state the manner in which the
6 person may have direct input in the parole decision-making process for parole or
7 release to extended supervision.

8 **SECTION 2758.** 304.06 (1) (d) 4. of the statutes is amended to read:

9 304.06 (1) (d) 4. If the notice is for a first application for parole or release to
10 extended supervision, the notice shall inform the offices and persons under par. (c)
11 1. to 3. that notification of subsequent applications for parole or release to extended
12 supervision will be provided only upon request.

13 **SECTION 2759.** 304.06 (1) (e) of the statutes is amended to read:

14 304.06 (1) (e) The parole earned release review commission shall permit any
15 office or person under par. (c) 1. to 3. to provide written statements. The parole
16 earned release review commission shall give consideration to any written statements
17 provided by any such office or person and received on or before the date specified in
18 the notice. This paragraph does not limit the authority of the parole earned release
19 review commission to consider other statements or information that it receives in a
20 timely fashion.

21 **SECTION 2760.** 304.06 (1) (eg) of the statutes is amended to read:

22 304.06 (1) (eg) The parole earned release review commission shall permit any
23 person under par. (c) 3. to attend any interview or hearing on the parole application
24 for parole or release to extended supervision of an applicable inmate and to make a
25 statement at that interview or hearing.

ASSEMBLY BILL 75**SECTION 2761**

SECTION 2761. 304.06 (1) (em) of the statutes is amended to read:

304.06 **(1)** (em) The ~~parole~~ earned release review commission shall promulgate rules that provide a procedure to allow any person who is a victim, or a family member of a victim, of a crime specified in s. 940.01, 940.03, 940.05, 940.225 (1) ~~or~~, (2), ~~or (3)~~, 948.02 (1) or (2), 948.025, 948.06 or 948.07 to have direct input in the ~~parole~~ decision-making process for parole or release to extended supervision.

SECTION 2762. 304.06 (1) (f) of the statutes is amended to read:

304.06 **(1)** (f) The ~~parole~~ earned release review commission shall design and prepare cards for persons specified in par. (c) 3. to send to the commission. The cards shall have space for these persons to provide their names and addresses, the name of the applicable prisoner and any other information the ~~parole~~ earned release review commission determines is necessary. The ~~parole~~ earned release review commission shall provide the cards, without charge, to district attorneys. District attorneys shall provide the cards, without charge, to persons specified in par. (c) 3. These persons may send completed cards to the ~~parole~~ earned release review commission. All commission records or portions of records that relate to mailing addresses of these persons are not subject to inspection or copying under s. 19.35 (1). Before any written statement of a person specified in par. (c) 3. is made a part of the documentary record considered in connection with a ~~parole~~ hearing for parole, or release to extended supervision under this section, the ~~parole~~ earned release review commission shall obliterate from the statement all references to the mailing addresses of the person. A person specified in par. (c) 3. who attends an interview or hearing under par. (eg) may not be required to disclose at the interview or hearing his or her mailing addresses.

SECTION 2763. 304.06 (1) (g) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2763**

1 304.06 **(1)** (g) Before a person is released on parole or released to extended
2 supervision under this subsection, the parole earned release review commission
3 shall so notify the municipal police department and the county sheriff for the area
4 where the person will be residing. The notification requirement under this
5 paragraph does not apply if a municipal department or county sheriff submits to the
6 parole earned release review commission a written statement waiving the right to
7 be notified. If applicable, the department shall also comply with s. 304.063.

8 **SECTION 2764.** 304.06 (1m) (intro.) of the statutes is amended to read:

9 304.06 **(1m)** (intro.) The parole earned release review commission may waive
10 the 25% or 6-month service of sentence requirement under sub. (1) (b) under any of
11 the following circumstances:

12 **SECTION 2765.** 304.06 (1q) (b) of the statutes is amended to read:

13 304.06 **(1q)** (b) The parole earned release review commission or the department
14 may require as a condition of parole that a serious child sex offender undergo
15 pharmacological treatment using an antiandrogen or the chemical equivalent of an
16 antiandrogen. This paragraph does not prohibit the department from requiring
17 pharmacological treatment using an antiandrogen or the chemical equivalent of an
18 antiandrogen as a condition of probation.

19 **SECTION 2766.** 304.06 (1q) (c) of the statutes is amended to read:

20 304.06 **(1q)** (c) In deciding whether to grant a serious child sex offender release
21 on parole under this subsection, the parole earned release review commission may
22 not consider, as a factor in making its decision, that the offender is a proper subject
23 for pharmacological treatment using an antiandrogen or the chemical equivalent of
24 an antiandrogen or that the offender is willing to participate in pharmacological
25 treatment using an antiandrogen or the chemical equivalent of an antiandrogen.

ASSEMBLY BILL 75**SECTION 2767**

SECTION 2767. 304.06 (1x) of the statutes is amended to read:

304.06 **(1x)** The parole earned release review commission may require as a condition of parole that the person is placed in the intensive sanctions program under s. 301.048. In that case, the person is in the legal custody of the department under that section and is subject to revocation of parole under sub. (3).

SECTION 2768. 304.06 (2m) (d) of the statutes is amended to read:

304.06 **(2m)** (d) The parole earned release review commission or the department shall determine a prisoner's county of residence for the purposes of this subsection by doing all of the following:

1. The parole earned release review commission or the department shall consider residence as the voluntary concurrence of physical presence with intent to remain in a place of fixed habitation and shall consider physical presence as prima facie evidence of intent to remain.

2. The parole earned release review commission or the department shall apply the criteria for consideration of residence and physical presence under subd. 1. to the facts that existed on the date that the prisoner committed the serious sex offense that resulted in the sentence the prisoner is serving.

SECTION 2769. 304.06 (3) of the statutes is amended to read:

304.06 **(3)** Every ~~paroled~~ prisoner paroled or released to extended supervision remains in the legal custody of the department unless otherwise provided by the department. If the department alleges that any condition or rule of parole or extended supervision has been violated by the prisoner, the department may take physical custody of the prisoner for the investigation of the alleged violation. If the department is satisfied that any condition or rule of parole or extended supervision has been violated it shall afford the prisoner such administrative hearings as are

ASSEMBLY BILL 75**SECTION 2769**

1 required by law. Unless waived by the parolee or person on extended supervision,
2 the final administrative hearing shall be held before a hearing examiner from the
3 division of hearings and appeals in the department of administration who is licensed
4 to practice law in this state. The hearing examiner shall enter an order revoking or
5 not revoking parole or extended supervision. Upon request by either party, the
6 administrator of the division of hearings and appeals shall review the order. The
7 hearing examiner may order that a deposition be taken by audiovisual means and
8 allow the use of a recorded deposition under s. 967.04 (7) to (10). If the parolee or
9 person on extended supervision waives the final administrative hearing, the
10 secretary of corrections shall enter an order revoking or not revoking parole or
11 extended supervision. If the examiner, the administrator upon review, or the
12 secretary in the case of a waiver finds that the prisoner has violated the rules or
13 conditions of parole or extended supervision, the examiner, the administrator upon
14 review, or the secretary in the case of a waiver, may order the prisoner returned to
15 prison to continue serving his or her sentence, or to continue on parole or extended
16 supervision. If the prisoner claims or appears to be indigent, the department shall
17 refer the prisoner to the authority for indigency determinations specified under s.
18 977.07 (1).

19 **SECTION 2770.** 304.06 (3e) of the statutes is amended to read:

20 304.06 **(3e)** The division of hearings and appeals in the department of
21 administration shall make either an electronic or stenographic record of all
22 testimony at each parole or extended supervision revocation hearing. The division
23 shall prepare a written transcript of the testimony only at the request of a judge who
24 has granted a petition for judicial review of the revocation decision. Each hearing
25 notice shall include notice of the provisions of this subsection and a statement that

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1 any person who wants a written transcript may record the hearing at his or her own
2 expense.

3 **SECTION 2771.** 304.06 (3m) of the statutes is amended to read:

4 304.06 **(3m)** If the convicting court is informed by the department that a
5 prisoner on parole or extended supervision has absconded and that the prisoner's
6 whereabouts are unknown, the court may issue a capias for execution by the sheriff.

7 **SECTION 2772.** 304.071 (1) of the statutes is amended to read:

8 304.071 **(1)** The parole earned release review commission may at any time
9 grant a parole or release to extended supervision to any prisoner in any penal
10 institution of this state, or the department may at any time suspend the supervision
11 of any person who is on probation ~~or~~ parole, or extended supervision to the
12 department, if the prisoner or person on probation ~~or~~ parole, or extended supervision
13 is eligible for induction into the U.S. armed forces. The suspension of parole,
14 extended supervision, or probation shall be for the duration of his or her service in
15 the armed forces; and the parole, extended supervision, or probation shall again
16 become effective upon his or her discharge from the armed forces in accordance with
17 regulations prescribed by the department. If he or she receives an honorable
18 discharge from the armed forces, the governor may discharge him or her and the
19 discharge has the effect of a pardon. Upon the suspension of parole, extended
20 supervision, or probation by the department, the department shall issue an order
21 setting forth the conditions under which the parole, extended supervision, or
22 probation is suspended, including instructions as to where and when and to whom
23 the ~~paroled~~ person on parole or extended supervision shall report upon discharge
24 from the armed forces.

25 **SECTION 2773.** 304.09 (1) (a) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2773**

1 304.09 **(1)** (a) “Member of the family” means spouse, domestic partner under
2 ch. 770, child, sibling, parent or legal guardian.

3 **SECTION 2774.** 321.62 (11) (a) of the statutes is amended to read:

4 321.62 **(11)** (a) No eviction may be made during the period of state active duty
5 in respect to any premises for which the agreed rent does not exceed the amount
6 specified in 50 USC App. 531, occupied chiefly for dwelling purposes by the spouse,
7 children, domestic partner under ch. 770, or other dependents of a service member
8 who is in state active duty, except upon order of a court in an action affecting the right
9 of possession.

10 **SECTION 2775.** 322.0767 (1) (b) of the statutes is amended to read:

11 322.0767 **(1)** (b) The department of health services shall submit ~~all reports a~~
12 report that ~~are~~ is required under s. 971.14 (5) (b) and that ~~pertain~~ pertains to a person
13 subject to a commitment order under par. (a) to the court-martial.

14 **SECTION 2776.** 322.0767 (2) (c) of the statutes is amended to read:

15 322.0767 **(2)** (c) The court-martial has the same authority as a circuit court has
16 under s. 971.17 (2) to order the department of health services to conduct a
17 predisposition investigation using the procedure in s. 972.15 ~~or a mental~~
18 ~~examination as provided under s. 971.17 (2) (b), (c), and (e)~~ to assist the
19 court-martial in determining whether to place the person in institutional care or to
20 conditionally release the person.

21 **SECTION 2777.** 341.085 (2) of the statutes is amended to read:

22 341.085 **(2)** The department ~~may~~ shall adopt rules necessary for
23 administration of this section and prescribe ambulance service equipment and
24 standards therefor, except that any ambulance which does not conform to rules
25 adopted by the department may be used until December 30, 1979.

ASSEMBLY BILL 75**SECTION 2778**

SECTION 2778. 341.085 (3) of the statutes is created to read:

341.085 **(3)** The rules under sub. (2) shall specify the fee to be charged by the department for an ambulance inspection. The department shall credit to the appropriation account under s. 20.395 (5) (dt) all fees collected for inspections of ambulances under this section.

SECTION 2779. 341.09 (1) (a) of the statutes is amended to read:

341.09 **(1)** (a) The department shall issue ~~a~~ temporary operation ~~plates~~ plate as provided under subs. (2), (2m) and (9) and may issue a temporary operation permit or plate for an unregistered vehicle as otherwise provided under this section. Except as provided in par. (b), the permits or ~~plates~~ plate shall contain the date of expiration and sufficient information to identify the vehicle for which and the person to whom it is issued. The department may place the information identifying the vehicle and the person to whom the permit or plate is issued on a separate form. Except as provided in subs. (3) to (5), a temporary operation plate issued under this section is valid for a period of 90 days or until the applicant receives the regular registration ~~plates~~ plate, whichever occurs first.

SECTION 2780. 341.09 (1) (b) of the statutes is amended to read:

341.09 **(1)** (b) The department shall specify by rule the size, color, design, form and specifications of temporary operation plates issued under sub. (2m) or (9) for ~~an automobile or motor truck~~ automobiles or motor trucks having a registered weight of 8,000 pounds or less, and the system to be used to identify the date of issuance of such plates. All temporary operation plates issued under sub. (2m) or (9) for ~~an automobile or motor truck~~ automobiles or motor trucks having a registered weight of 8,000 pounds or less shall contain ~~a~~ registration ~~number~~ numbers composed of letters or numbers.

ASSEMBLY BILL 75**SECTION 2781**

1 **SECTION 2781.** 341.09 (2) (a) of the statutes is amended to read:

2 341.09 **(2)** (a) Upon request therefor by a person who has made a verifiable
3 application for registration and paid the registration fee, the department shall issue
4 a temporary operation permit or plate if it appears that the person would otherwise
5 be unable to lawfully operate the vehicle pending receipt of the registration ~~plates~~
6 plate.

7 **SECTION 2782.** 341.09 (2) (d) of the statutes is amended to read:

8 341.09 **(2)** (d) The department may issue a temporary operation ~~plates~~ plate
9 for use on any vehicle except buses, for-hire vehicles and vehicles which are subject
10 to registration under the international registration plan if the state is a party to such
11 plan or vehicles which are subject to registration under s. 341.41 (9). The department
12 shall determine the size, color, design, form and specifications of the plate. The
13 department shall charge a fee of \$3 for each temporary operation plate issued under
14 this subsection.

15 **SECTION 2783.** 341.09 (9) of the statutes is amended to read:

16 341.09 **(9)** Notwithstanding any other provision of this section, the department
17 shall issue a temporary operation plate or a temporary permit without charge for an
18 automobile or motor truck having a registered weight of 8,000 pounds or less upon
19 receipt of a complete application accompanied by the required fee for registration of
20 the vehicle, including evidence of any inspection under s. 110.20 when required, if
21 the department does not immediately issue the regular registration ~~plates~~ plate for
22 the vehicle and the department determines that the applicant has not otherwise
23 been issued a temporary operation plate or a temporary permit under this section.

24 **SECTION 2784.** 341.11 (4) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2784**

1 341.11 **(4)** In the case of a vehicle registered on the basis of gross weight for
2 which ~~a special registration plates have~~ plate has been issued under s. 341.14 (2), (6),
3 (6m) or (6r) or for which ~~a personalized registration plates have~~ plate has been issued
4 under s. 341.145, or any motor bus, motor home, dual purpose motor home, motor
5 truck, truck tractor or road tractor, the certificate of registration shall be displayed
6 in a prominent place in the driver's compartment of the vehicle to which the
7 certificate refers. Any person who operates and any person in whose name the
8 vehicle is registered who consents to the operation of any such vehicle without the
9 certificate of registration being so displayed may be required to forfeit not more than
10 \$200.

11 **SECTION 2785.** 341.12 (1) of the statutes is amended to read:

12 341.12 **(1)** The department upon registering a vehicle pursuant to s. 341.25 or
13 341.30 shall issue and deliver prepaid to the applicant ~~2 registration plates for an~~
14 ~~automobile, motor truck, motor bus, school bus, motor home, or dual purpose motor~~
15 ~~home and one plate for other vehicles. The department upon registering a vehicle~~
16 ~~pursuant to any other section shall issue one plate unless the department~~
17 ~~determines that 2 plates will better serve the interests of law enforcement~~ one
18 registration plate.

19 **SECTION 2786.** 341.12 (2) of the statutes is amended to read:

20 341.12 **(2)** The department shall purchase plates from the Waupun
21 Correctional Institution unless otherwise approved by the governor. Subject to any
22 specific requirements which may be imposed by statute, the department shall
23 determine the size, color and design of any registration plates plate with a view
24 toward ~~making them visible evidence of the period for which the vehicle is registered~~
25 ~~and the fee class into which the vehicle falls as well as making them~~ the plate a ready

ASSEMBLY BILL 75**SECTION 2786**

1 means of identifying the specific vehicle or owner for which the ~~plates were~~ plate was
2 issued.

3 **SECTION 2787.** 341.12 (3) (c) of the statutes is repealed.

4 **SECTION 2788.** 341.13 (title) of the statutes is amended to read:

5 **341.13 (title) Additional specifications for plate design of certain plates**
6 **and certificate of title requirements.**

7 **SECTION 2789.** 341.13 (1) (intro.) and (a) of the statutes are consolidated,
8 renumbered 341.13 (1) and amended to read:

9 341.13 **(1)** In addition to the matter specified in s. 341.12 (3), registration plates
10 for automobiles registered pursuant to the registration system under s. 341.27,
11 except automobiles registered under s. 341.14 (6r) or 341.145 (1) (c), shall ~~comply~~
12 ~~with the following specifications: (a) The display the words “America’s Dairyland”~~
13 ~~shall be displayed~~ across either the lower or upper portion of the plate at the
14 discretion of the secretary.

15 **SECTION 2790.** 341.13 (1) (b) of the statutes is repealed.

16 **SECTION 2791.** 341.13 (2) of the statutes is amended to read:

17 341.13 **(2)** ~~In addition to the matter specified in s. 341.12 (3), the registration~~
18 ~~plates for~~ For a vehicle registered on the basis of gross weight except a dual purpose
19 ~~motor home or a motor home, motor truck, farm truck, or dual purpose farm truck~~
20 ~~registered under s. 341.14 (1), (1a), (1m), (1q), (1r) (a), (2), (6m), or (6r) or 341.145 (1)~~
21 ~~(a), (b), (c), (d), or (e) or a motor truck or dual purpose farm truck registered under~~
22 ~~s. 341.14 (6) shall indicate the weight class into which the vehicle falls in a manner~~
23 ~~prescribed by the department. The, the gross weight which that determines the~~
24 ~~registration fee for a dual purpose motor home or a motor home, motor truck, farm~~
25 ~~truck, or dual purpose farm truck registered under s. 341.14 (1), (1a), (1m), (1q), (1r)~~

ASSEMBLY BILL 75**SECTION 2791**

1 ~~(a), (2), (6m), or (6r) or 341.145 (1) (a), (b), (c), (d), or (e) or a motor truck or dual~~
2 ~~purpose farm truck registered under s. 341.14 (6) shall be shown on its certificate of~~
3 ~~registration.~~

4 **SECTION 2792.** 341.13 (2r) of the statutes is amended to read:

5 341.13 **(2r)** In addition to the matter specified in s. 341.12 (3), the registration
6 plates plate for a vehicle registered under s. 341.14 (6r) (f) 32. shall display the words
7 “combat-wounded veteran.” The department shall specify one combination of colors
8 and design for a plate issued under s. 341.14 (6r) (f) 32., except that the department
9 may not specify the colors or design unless the colors and design are approved in
10 writing by the department of veterans affairs.

11 **SECTION 2793.** 341.13 (3) of the statutes is amended to read:

12 341.13 **(3)** ~~In lieu of issuing~~ The department is not required to issue a new plate
13 upon each renewal of registration of a vehicle, ~~the department may issue one insert~~
14 ~~tag, decal or other evidence of registration per vehicle to indicate the period of~~
15 ~~registration. The tag, decal or other evidence of registration shall be provided by the~~
16 ~~department and used only if the outstanding plate is in suitable condition for further~~
17 ~~usage. A decal shall be displayed as provided in s. 341.15 (1m).~~

18 **SECTION 2794.** 341.13 (3m) of the statutes is repealed.

19 **SECTION 2795.** 341.13 (4) of the statutes is amended to read:

20 341.13 **(4)** ~~A~~ The certificate of title for a specially designed vehicle which is
21 authorized for operation under s. 343.135 (2) (a) 2. shall bear a tag, decal or other
22 identification issued by the department to indicate that the vehicle may be subject
23 to special equipment standards under s. 347.02 (6) and that the vehicle may be
24 operated only by a person authorized to do so under s. 343.135 (2) (b).

25 **SECTION 2796.** 341.135 (1) (title) of the statutes is repealed.

ASSEMBLY BILL 75**SECTION 2797**

1 **SECTION 2797.** 341.135 (1) and (2m) of the statutes are consolidated,
2 renumbered 341.135 and amended to read:

3 **341.135 Rebasing registration plates.** ~~Every 10th year, the At intervals~~
4 ~~determined by the department, the~~ department shall establish new designs of
5 registration plates to be issued under ss. 341.14 (1), (1a), (1m), (1q), (2), (2m), (6m),
6 and (6r), 341.25 (1) (a), (c), (h), and (j) and (2) (a), (b), and (c), and 341.26 (2) and (3)
7 (a) 1. and (am). Any design for registration plates issued for automobiles and for
8 vehicles registered on the basis of gross weight shall comply with the applicable
9 design requirements of ss. 341.12 (3), 341.13, and 341.14 (6r) (c). The designs for
10 registration plates specified in this ~~subsection~~ section shall be as similar in
11 appearance as practicable during each ~~10-year~~ design interval. Except as provided
12 in ss. 341.13 (2r) and 341.14 (1), each registration plate issued under s. 341.14 (1),
13 (1a), (1m), (1q), (2), (2m), (6m), or (6r), 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c),
14 or 341.26 (2) or (3) (a) 1. or (am) during each ~~10-year~~ design interval shall be of the
15 design established under this ~~subsection~~ section. The department may not redesign
16 registration plates for the special groups under s. 341.14 (6r) (f) 53., 54., or 55. until
17 July 1, 2010. ~~Except for registration plates issued under s. 341.14 (6r) (f) 53., 54., or~~
18 ~~55., the first design cycle for registration plates issued under ss. 341.14 (1), (1a), (1m),~~
19 ~~(1q), (2), (2m), (6m), and (6r), 341.25 (1) (a), (c), (h), and (j) and (2) (a), (b), and (c), and~~
20 ~~341.26 (2) and (3) (a) 1. and (am) began July 1, 2000. (2m) APPLICABILITY.~~
21 Notwithstanding s. 341.13 (3), as the department establishes new designs for
22 registration plates under this section, the department shall, at the time determined
23 appropriate by the department, issue registration plates of the new design to replace
24 registration plates previously issued. This section does not apply to special group
25 plates under s. 341.14 (6r) (f) 19m.

ASSEMBLY BILL 75**SECTION 2798**

SECTION 2798. 341.135 (2) of the statutes is repealed.

SECTION 2799. 341.14 (1) of the statutes is amended to read:

341.14 **(1)** If any resident of this state who is registering or has registered an automobile, or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds, a farm truck which has a gross weight of not more than 12,000 pounds or a motor home submits a statement once every 4 years, as determined by the department, from the U.S. department of veterans affairs certifying to the department that the resident is, by reason of injuries sustained while in the active U.S. military service, a person with a disability that limits or impairs the ability to walk, the department shall procure, issue and deliver to the veteran, ~~plates~~ a plate of a special design in lieu of the ~~plates~~ plate which ordinarily would be issued for the vehicle, and shall renew the ~~plates~~ plate. The ~~plates~~ plate shall be colored red, white, and blue and the department shall consult the department of veterans affairs before specifying the design of the ~~plates~~ plate. The ~~plates~~ plate shall be so designed as to readily apprise law enforcement officers of the fact that the vehicle is owned by a disabled veteran and is entitled to the parking privileges specified in s. 346.50 (2). No charge in addition to the registration fee shall be made for the issuance or renewal of ~~such plates~~ the plate.

SECTION 2800. 341.14 (1a) of the statutes is amended to read:

341.14 **(1a)** If any resident of this state, who is registering or has registered an automobile, or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds, a farm truck which has a gross weight of not more than 12,000 pounds or a motor home, submits a statement once every 4 years, as determined by the department, from a physician licensed to practice medicine in any state, from an advanced practice nurse licensed to practice

ASSEMBLY BILL 75**SECTION 2800**

1 nursing in any state, from a public health nurse certified or licensed to practice in
2 any state, from a physician assistant licensed or certified to practice in any state,
3 from a podiatrist licensed to practice in any state, from a chiropractor licensed to
4 practice chiropractic in any state, or from a Christian Science practitioner residing
5 in this state and listed in the Christian Science journal certifying to the department
6 that the resident is a person with a disability that limits or impairs the ability to
7 walk, the department shall procure, issue and deliver to the disabled person ~~plates~~
8 a plate of a special design in lieu of ~~plates~~ the plate which ordinarily would be issued
9 for the vehicle, and shall renew the ~~plates~~ plate. The ~~plates~~ plate shall be so designed
10 as to readily apprise law enforcement officers of the fact that the vehicle is owned by
11 a nonveteran disabled person and is entitled to the parking privileges specified in s.
12 346.50 (2a). No charge in addition to the registration fee shall be made for the
13 issuance or renewal of ~~such plates~~ the plate.

14 **SECTION 2801.** 341.14 (1m) of the statutes is amended to read:

15 341.14 **(1m)** If any licensed driver submits to the department a statement once
16 every 4 years, as determined by the department, from a physician licensed to practice
17 medicine in any state, from a public health nurse certified or licensed to practice in
18 any state, from an advanced practice nurse licensed to practice nursing in any state,
19 from a physician assistant licensed or certified to practice in any state, from a
20 podiatrist licensed to practice in any state, from a chiropractor licensed to practice
21 chiropractic in any state, or from a Christian Science practitioner residing in this
22 state and listed in the Christian Science journal certifying that another person who
23 is regularly dependent on the licensed driver for transportation is a person with a
24 disability that limits or impairs the ability to walk, the department shall issue and
25 deliver to the licensed driver ~~plates~~ a plate of a special design in lieu of the ~~plates~~

ASSEMBLY BILL 75**SECTION 2801**

1 plate which ordinarily would be issued for the automobile or motor truck, dual
2 purpose motor home or dual purpose farm truck having a gross weight of not more
3 than 8,000 pounds, farm truck having a gross weight of not more than 12,000 pounds
4 or motor home, and shall renew the ~~plates~~ plate. The ~~plates~~ plate shall be so designed
5 as to readily apprise law enforcement officers of the fact that the vehicle is operated
6 by a licensed driver on whom a disabled person is regularly dependent and is entitled
7 to the parking privileges specified in s. 346.50 (2a). No charge in addition to the
8 registration fee may be made for the issuance or renewal of the ~~plates~~ plate. The
9 ~~plates~~ plate shall conform to the plates required in sub. (1a).

10 **SECTION 2802.** 341.14 (1q) of the statutes is amended to read:

11 341.14 **(1q)** If any employer who provides an automobile, or a motor truck, dual
12 purpose motor home or dual purpose farm truck which has a gross weight of not more
13 than 8,000 pounds, a farm truck which has a gross weight of not more than 12,000
14 pounds or a motor home, for an employee's use submits to the department a
15 statement once every 4 years, as determined by the department, from a physician
16 licensed to practice medicine in any state, from an advanced practice nurse licensed
17 to practice nursing in any state, from a public health nurse certified or licensed to
18 practice in any state, from a physician assistant licensed or certified to practice in
19 any state, from a podiatrist licensed to practice in any state, from a chiropractor
20 licensed to practice chiropractic in any state, or from a Christian Science practitioner
21 residing in this state and listed in the Christian Science journal certifying that the
22 employee is a person with a disability that limits or impairs the ability to walk, the
23 department shall issue and deliver to such employer ~~plates~~ a plate of a special design
24 in lieu of the ~~plates~~ plate which ordinarily would be issued for the vehicle, and shall
25 renew the ~~plates~~ plate. The ~~plates~~ plate shall be so designed as to readily apprise

ASSEMBLY BILL 75**SECTION 2802**

1 law enforcement officers of the fact that the vehicle is operated by a disabled person
2 and is entitled to the parking privileges specified in s. 346.50 (2a). No charge in
3 addition to the registration fee may be made for the issuance or renewal of the ~~plates~~
4 plate. The ~~plates~~ plate shall conform to the ~~plates~~ plate required in sub. (1a).

5 **SECTION 2803.** 341.14 (2) of the statutes is amended to read:

6 341.14 **(2)** Upon compliance with the laws relating to registration of
7 automobiles and motor homes; motor trucks, dual purpose motor homes, and dual
8 purpose farm trucks which have a gross weight of not more than 8,000 pounds; and
9 farm trucks which have a gross weight of not more than 12,000 pounds, including
10 payment of the prescribed registration fees therefor plus an additional fee of \$15
11 when a registration ~~plates are~~ plate is issued accompanied by an application showing
12 satisfactory proof that the applicant is the holder of an unexpired amateur radio
13 station license issued by the federal communications commission, the department
14 shall issue a registration ~~plates~~ plate on which, in lieu of the usual registration
15 number, shall be inscribed in large legible form the call letters of such applicant as
16 assigned by the federal communications commission. The fee for reissuance of a
17 plate under this subsection shall be \$15.

18 **SECTION 2804.** 341.14 (2m) of the statutes is amended to read:

19 341.14 **(2m)** Upon compliance with laws relating to registration of motor
20 vehicles, including payment of the prescribed fee, and an additional fee of \$15 when
21 the original or new registration ~~plates are~~ plate is issued and accompanied by an
22 application showing satisfactory proof that the applicant has a collector's
23 identification number as provided in s. 341.266 (2) (d), the department shall issue a
24 registration ~~plates~~ plate on which, in lieu of the usual registration number, shall be
25 inscribed the collector's identification number issued under s. 341.266 (2) (d). The

ASSEMBLY BILL 75**SECTION 2804**

1 words “VEHICLE COLLECTOR” shall be inscribed across the lower or upper portion
2 of the plate at the discretion of the department. Additional registrations under this
3 subsection by the same collector shall bear the same collector’s identification number
4 followed by a suffix letter for vehicle identification. Registration plates issued under
5 this subsection shall expire annually.

6 **SECTION 2805.** 341.14 (5) of the statutes is amended to read:

7 341.14 **(5)** Upon application by any person awarded the congressional medal
8 of honor and submission of proper proof thereof, the department shall issue a special
9 plates plate so designed as to indicate such award. No charge whatever shall be made
10 for the issuance of such plates plate.

11 **SECTION 2806.** 341.14 (6) (c) of the statutes is amended to read:

12 341.14 **(6)** (c) A person who maintains no more than one registration under this
13 subsection at one time shall not be charged a fee for registration of the vehicle or
14 issuance of the plates plate.

15 **SECTION 2807.** 341.14 (6) (d) of the statutes is amended to read:

16 341.14 **(6)** (d) For each additional vehicle, a person who maintains more than
17 one registration under this subsection at one time shall be charged a fee of \$15 for
18 issuance or reissuance of the plates plate in addition to the annual registration fee
19 for the vehicle. Except as provided in par. (c), a motor truck or dual purpose farm
20 truck registered under this subsection shall be registered under this paragraph.

21 **SECTION 2808.** 341.14 (6m) (a) of the statutes is amended to read:

22 341.14 **(6m)** (a) Upon application to register an automobile or a motor home,
23 or a motor truck, dual purpose motor home, or dual purpose farm truck which has
24 a gross weight of not more than 8,000 pounds, or a farm truck which has a gross
25 weight of not more than 12,000 pounds, by any person who is a resident of this state

ASSEMBLY BILL 75**SECTION 2808**

1 and a member or retired member of the national guard, the department shall issue
2 to the person ~~a special plates~~ plate whose colors and design shall be determined by
3 the department and which ~~have~~ has the words “Wisconsin guard member” placed on
4 the ~~plates~~ plate in the manner designated by the department. The department shall
5 consult with or obtain the approval of the adjutant general with respect to any word
6 or symbol used to identify the national guard. An additional fee of \$15 shall be
7 charged for the issuance or reissuance of the ~~plates~~ plate. Registration plates issued
8 under this subsection shall expire annually.

9 **SECTION 2809.** 341.14 (6m) (b) of the statutes is amended to read:

10 341.14 **(6m)** (b) Except as provided in par. (c), if an individual in possession of
11 ~~a special plates~~ plate under this subsection or of ~~a personalized plates~~ plate under
12 s. 341.145 (1) (b) does not maintain membership in the national guard during a year
13 which is not a plate issuance year, the individual shall dispose of the special ~~plates~~
14 plate in a manner prescribed by the department.

15 **SECTION 2810.** 341.14 (6r) (b) 1. of the statutes is amended to read:

16 341.14 **(6r)** (b) 1. Upon application to register an automobile or motor home,
17 or a motor truck, dual purpose motor home or dual purpose farm truck which has a
18 gross weight of not more than 8,000 pounds, or a farm truck which has a gross weight
19 of not more than 12,000 pounds, by any person who is a resident of this state and a
20 member of an authorized special group, the department shall issue to the person
21 special plates whose colors and design shall indicate that the vehicle is owned by a
22 person who is a member of the applicable special group. The department may not
23 issue any special group plates under par. (f) 55. or 60. until 6 months after the
24 department has received information sufficient for the department to determine that
25 any approvals required for use of any logo, trademark, trade name or other

ASSEMBLY BILL 75**SECTION 2810**

1 commercial symbol designating, respectively, the professional football team or the
2 professional baseball team have been obtained.

3 **SECTION 2811.** 341.14 (6r) (b) 1. of the statutes, as affected by 2009 Wisconsin
4 Act (this act), is amended to read:

5 341.14 **(6r)** (b) 1. Upon application to register an automobile or motor home,
6 or a motor truck, dual purpose motor home or dual purpose farm truck which has a
7 gross weight of not more than 8,000 pounds, or a farm truck which has a gross weight
8 of not more than 12,000 pounds, by any person who is a resident of this state and a
9 member of an authorized special group, the department shall issue to the person a
10 special plates plate whose colors and design shall indicate that the vehicle is owned
11 by a person who is a member of the applicable special group. The department may
12 not issue any special group plates under par. (f) 55. or 60. until 6 months after the
13 department has received information sufficient for the department to determine that
14 any approvals required for use of any logo, trademark, trade name or other
15 commercial symbol designating, respectively, the professional football team or the
16 professional baseball team have been obtained. Notwithstanding s. 341.12 (2), the
17 department may not issue any special group plates under par. (f) 59. unless the
18 department purchases the plates from the state of Minnesota. Sections 16.70, 16.71,
19 16.72, 16.75, 16.752 to 16.755, 16.765, 16.77, and 16.82 do not apply to purchases of
20 plates issued under par. (f) 59.

21 **SECTION 2812.** 341.14 (6r) (b) 2. of the statutes is amended to read:

22 341.14 **(6r)** (b) 2. An additional fee of \$15 shall be charged for the issuance or
23 reissuance of the plates plate for special groups specified under par. (f), except that
24 no additional fee may be charged under this subdivision for the issuance or

ASSEMBLY BILL 75**SECTION 2812**

1 reissuance of the ~~plates~~ plate for special groups specified under par. (f) 1. to 32., 49.
2 to 49s., 51., or 56.

3 **SECTION 2813.** 341.14 (6r) (b) 10. of the statutes is amended to read:

4 341.14 **(6r)** (b) 10. An additional fee of \$25 that is in addition to the fee under
5 subd. 2. shall be charged for the issuance or renewal of a plate issued on an annual
6 basis for the special group specified under par. (f) 57. An additional fee of \$50 that
7 is in addition to the fee under subd. 2. shall be charged for the issuance or renewal
8 of a plate issued on the biennial basis for the special group specified under par. (f) 57.
9 if the plate is issued or renewed during the first year of the biennial registration
10 period or \$25 for the issuance or renewal if the plate is issued or renewed during the
11 2nd year of the biennial registration period. All moneys received under this
12 subdivision, in excess of \$27,600 for the initial costs of production of the special group
13 plate under par. (f) 57., shall be credited to the appropriation account under s. 20.435
14 ~~(5) (fi) (1) (gi)~~. To the extent permitted under ch. 71, the fee under this subdivision
15 is deductible as a charitable contribution for purposes of the taxes under ch. 71.

16 **SECTION 2814.** 341.14 (6r) (b) 11. of the statutes is amended to read:

17 341.14 **(6r)** (b) 11. An additional fee of \$25 that is in addition to the fee under
18 subd. 2. shall be charged for the issuance or renewal of a plate issued on an annual
19 basis for the special group specified under par. (f) 58. An additional fee of \$50 that
20 is in addition to the fee under subd. 2. shall be charged for the issuance or renewal
21 of a plate issued on the biennial basis for the special group specified under par. (f) 58.
22 if the plate is issued or renewed during the first year of the biennial registration
23 period or \$25 for the issuance or renewal if the plate is issued or renewed during the
24 2nd year of the biennial registration period. To the extent permitted under ch. 71,
25 the fee under this subdivision is deductible as a charitable contribution for purposes

ASSEMBLY BILL 75**SECTION 2814**

1 of the taxes under ch. 71. All moneys received under this subdivision, in excess of
2 \$43,200 for the initial costs of production of the special group plate under par. (f) 58.,
3 shall be credited to the appropriation account under s. 20.435 ~~(5)~~ (1) (g).

4 **SECTION 2815.** 341.14 (6r) (b) 12. of the statutes is created to read:

5 341.14 **(6r)** (b) 12. A fee of \$25 that is in addition to the fee under subd. 2. shall
6 be charged for the issuance or renewal of a plate issued on an annual basis for the
7 special group specified under par. (f) 59. A fee of \$50 that is in addition to the fee
8 under subd. 2. shall be charged for the issuance or renewal of a plate issued on the
9 biennial basis for the special group specified under par. (f) 59. if the plate is issued
10 or renewed during the first year of the biennial registration period or \$25 for the
11 issuance or renewal if the plate is issued or renewed during the 2nd year of the
12 biennial registration period. All moneys received under this subdivision in excess
13 of \$23,500 shall be deposited in the conservation fund and credited to the
14 appropriation under s. 20.370 (1) (fs). To the extent permitted under ch. 71, the fee
15 under this subdivision is deductible as a charitable contribution for purposes of the
16 taxes under ch. 71.

17 **SECTION 2816.** 341.14 (6r) (b) 13. of the statutes is created to read:

18 341.14 **(6r)** (b) 13. An additional fee of \$25 that is in addition to the fee under
19 subd. 2. shall be charged for the issuance or renewal of a plate issued on an annual
20 basis for the special group specified under par. (f) 60. An additional fee of \$50 that
21 is in addition to the fee under subd. 2. shall be charged for the issuance or renewal
22 of a plate issued on the biennial basis for the special group specified under par. (f) 60.
23 if the plate is issued or renewed during the first year of the biennial registration
24 period or \$25 for the issuance or renewal if the plate is issued or renewed during the
25 2nd year of the biennial registration period. For each professional baseball team for

ASSEMBLY BILL 75**SECTION 2816**

1 which plates are produced under par. (f) 60., all moneys received under this
2 subdivision, in excess of \$24,300 for the initial costs of production for each team's
3 special group plates, shall be deposited into the general fund and credited as follows:

4 a. An amount equal to the costs of licensing fees under par. (i) that are related
5 to that team shall be credited to the appropriation account under s. 20.395 (5) (ej).

6 b. The remainder after crediting the appropriation account as provided in subd.
7 13. a. shall be credited to the appropriation account under s. 20.835 (4) (gb). The
8 department of transportation shall identify and record the percentage of moneys
9 that are attributable to each professional baseball team represented by a plate under
10 par. (f) 60.

11 **SECTION 2817.** 341.14 (6r) (c) of the statutes is amended to read:

12 341.14 **(6r)** (c) Special group plates shall display the word "Wisconsin", the
13 name of the applicable authorized special group, a symbol representing the special
14 group, not exceeding one position, and identifying letters or numbers or both, not
15 exceeding 6 positions and not less than one position. The department shall specify
16 the design for special group plates, but the department shall consult the president
17 of the University of Wisconsin System before specifying the word or symbol used to
18 identify the special groups under par. (f) 35. to 47., the secretary of natural resources
19 before specifying the word or symbol used to identify the special group under par. (f)
20 50., the chief executive officer of the professional football team and an authorized
21 representative of the league of professional football teams described in s. 229.823 to
22 which that team belongs before specifying the design for the applicable special group
23 plate under par. (f) 55., the department of veterans affairs before specifying the
24 design for the special group plates under par. (f) 49d., 49h., and 49s., and the
25 department of tourism and chief executive officer of the organization specified in par.

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1 (f) 55m. before specifying the design and word or symbol used to identify the special
2 group name for special group plates under par. (f) 55m. Special group plates under
3 par. (f) 50. shall be as similar as possible to regular registration plates in color and
4 design. The department shall make available 2 designs for the special group plates
5 under par. (f) 60. The department may not specify any design for the special group
6 plates under par. (f) 60. unless the design is approved by the executive vice president
7 of the Milwaukee Brewers Baseball Club LP.

8 **SECTION 2818.** 341.14 (6r) (c) of the statutes, as affected by 2009 Wisconsin Act
9 (this act), is amended to read:

10 341.14 **(6r)** (c) Special group plates shall display the word “Wisconsin”, the
11 name of the applicable authorized special group, a symbol representing the special
12 group, not exceeding one position, and identifying letters or numbers or both, not
13 exceeding 6 positions and not less than one position. The department shall specify
14 the design for special group plates, but the department shall consult the president
15 of the University of Wisconsin System before specifying the word or symbol used to
16 identify the special groups under par. (f) 35. to 47., the secretary of natural resources
17 before specifying the word or symbol used to identify the special ~~group~~ groups under
18 par. (f) 50. and 59., the chief executive officer of the professional football team and
19 an authorized representative of the league of professional football teams described
20 in s. 229.823 to which that team belongs before specifying the design for the
21 applicable special group plate under par. (f) 55., the department of veterans affairs
22 before specifying the design for the special group plates under par. (f) 49d., 49h., and
23 49s., and the department of tourism and chief executive officer of the organization
24 specified in par. (f) 55m. before specifying the design and word or symbol used to
25 identify the special group name for special group plates under par. (f) 55m. Special

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1 group plates under par. (f) 50. shall be as similar as possible to regular registration
2 plates in color and design. The department shall make available 2 designs for the
3 special group plates under par. (f) 60. The department may not specify any design
4 for the special group plates under par. (f) 60. unless the design is approved by the
5 executive vice president of the Milwaukee Brewers Baseball Club L.P. The word or
6 symbol used to identify the special group under par. (f) 59. shall be different from the
7 word or symbol used to identify the special group under par. (f) 50. and the design
8 shall cover the entire plate.

9 **SECTION 2819.** 341.14 (6r) (e) of the statutes is amended to read:

10 341.14 **(6r)** (e) The department shall specify one combination of colors for
11 special group plates for groups or organizations which are not military in nature and
12 not special group plates under par. (f) 35. to 47. and 50. ~~and~~, for each professional
13 football team under par. (f) 55., and for each professional baseball team under par.
14 (f) 60. The department shall specify one combination of colors for special group plates
15 under par. (f) 35. to 47. Subject to par. (c), the department shall specify the word or
16 words comprising the special group name and the symbol to be displayed upon
17 special group plates for a group or organization which is not military in nature after
18 consultation with the chief executive officer in this state of the group or organization.
19 The department shall require that the word or words and symbol for a university
20 specified under par. (f) 35. to 47. be a registration decal or tag and affixed to the
21 special group plate and be of the colors for a university specified under par. (f) 35. to
22 47. that the president of the University of Wisconsin System specifies.

23 **SECTION 2820.** 341.14 (6r) (e) of the statutes, as affected by 2009 Wisconsin Act
24 (this act), is amended to read:

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1 341.14 **(6r)** (e) The department shall specify one combination of colors for
2 special group plates for groups or organizations which are not military in nature and
3 not special group plates under par. (f) 35. to 47. ~~and, 50., and 59.,~~ for each professional
4 football team under par. (f) 55., and for each professional baseball team under par.
5 (f) 60. The department shall specify one combination of colors for special group plates
6 under par. (f) 35. to 47. Subject to par. (c), the department shall specify the word or
7 words comprising the special group name and the symbol to be displayed upon
8 special group plates for a group or organization which is not military in nature after
9 consultation with the chief executive officer in this state of the group or organization.
10 The department shall require that the word or words and symbol for a university
11 specified under par. (f) 35. to 47. be a registration decal or tag and affixed to the
12 special group plate and be of the colors for a university specified under par. (f) 35. to
13 47. that the president of the University of Wisconsin System specifies.

14 **SECTION 2821.** 341.14 (6r) (f) 59. of the statutes is created to read:

15 341.14 **(6r)** (f) 59. Persons interested in supporting endangered resources.

16 **SECTION 2822.** 341.14 (6r) (f) 60. of the statutes is created to read:

17 341.14 **(6r)** (f) 60. Persons interested in expressing their support of a major
18 league professional baseball team that uses as its home field baseball park facilities
19 that are constructed under subch. III of ch. 229.

20 **SECTION 2823.** 341.14 (6r) (fm) 7. of the statutes is amended to read:

21 341.14 **(6r)** (fm) 7. After October 1, 1998, additional authorized special groups
22 may only be special groups designated by the department under this paragraph. The
23 authorized special groups enumerated in par. (f) shall be limited solely to those
24 special groups specified under par. (f) on October 1, 1998. This subdivision does not

ASSEMBLY BILL 75**SECTION 2823**

1 apply to the special groups specified under par. (f) 3m., 6m., 9g., 9m., 12g., 12m.,
2 19m., 49d., 49h., 49s., 54., 55., 55m., 56., 57., ~~and 58.~~ and 60.

3 **SECTION 2824.** 341.14 (6r) (fm) 7. of the statutes, as affected by 2009 Wisconsin
4 Act (this act), is amended to read:

5 341.14 **(6r)** (fm) 7. After October 1, 1998, additional authorized special groups
6 may only be special groups designated by the department under this paragraph. The
7 authorized special groups enumerated in par. (f) shall be limited solely to those
8 special groups specified under par. (f) on October 1, 1998. This subdivision does not
9 apply to the special groups specified under par. (f) 3m., 6m., 9g., 9m., 12g., 12m.,
10 19m., 49d., 49h., 49s., 54., 55., 55m., 56., 57., 58., 59., and 60.

11 **SECTION 2825.** 341.14 (6r) (g) of the statutes is amended to read:

12 341.14 **(6r)** (g) 1. Except as provided in subd. 2. and sub. (8) (a), if an individual
13 in possession of a special plates plate under par. (f) 33., 34. or 48. or of a personalized
14 plates plate under s. 341.145 (1) (c) of the same color and design as a special plates
15 plate under par. (f) 33., 34. or 48. does not maintain membership in the applicable
16 authorized special group during a year that is not a plate issuance year, the
17 individual shall dispose of the special plates plate in a manner prescribed by the
18 department. This paragraph does not apply to plates a plate issued to the surviving
19 spouse of a fire fighter who died in the line of duty.

20 2. If an individual in possession of a special plates plate under par. (f) 33., 34.,
21 or 48. or of a personalized plates plate under s. 341.145 (1) (c) of the same color and
22 design as a special plates plate under par. (f) 33., 34., or 48. suffers an injury in the
23 course of his or her job duties as a fire fighter, rescue squad member, or emergency
24 medical technician and the injury prevents the individual from subsequently
25 performing such job duties, the individual may retain ~~these~~ this special plates plate.

ASSEMBLY BILL 75**SECTION 2826**

1 **SECTION 2826.** 341.14 (6r) (i) of the statutes is created to read:

2 341.14 **(6r)** (i) From the appropriation under s. 20.395 (5) (ej), the department
3 shall pay 2 percent of all moneys received under par. (b) 13. that are deposited into
4 the general fund for licensing fees relating to the word or words or the symbol on, or
5 otherwise required for, special group plates under par. (f) 60.

6 **SECTION 2827.** 341.14 (7) of the statutes is amended to read:

7 341.14 **(7)** The department shall disseminate information to all applicants for
8 a registration plates plate under sub. (1), (1a), (1e), (1m) or (1q) relating to the
9 parking privileges granted under s. 346.50 (2), (2a) or (3) and their right to request
10 enforcement of s. 346.505.

11 **SECTION 2828.** 341.142 of the statutes is amended to read:

12 **341.142 Veterans honorary medal decals.** If any person who is registering
13 or has registered a vehicle specified in s. 341.14 (6r) (b) 1. submits a statement from
14 the U.S. department of veterans affairs certifying to the department that the person
15 has been awarded a medal authorized under an act of congress relating to that
16 person's service in the U.S. armed forces, as defined in s. 40.02 (57m), the department
17 shall, free of charge, procure, issue and deliver to that veteran one decal, similar in
18 appearance to the medal awarded to that veteran, for each motor vehicle registered
19 in the name of that veteran. Notwithstanding s. 341.61 (3), a decal issued under this
20 section shall be displayed in the manner directed by the department on the rear
21 registration plate of the vehicle registered in the name of the veteran to whom the
22 decal was issued. The department shall specify one combination of colors and design
23 for each medal authorized under an act of congress for which a statement has been
24 received by the department under this section, except that the department may not
25 specify the colors or design unless the colors and design are approved in writing by

ASSEMBLY BILL 75**SECTION 2828**

1 the state department of veterans affairs. Not more than one decal may be issued
2 under this section for each motor vehicle registered in the name of a veteran.

3 **SECTION 2829.** 341.145 (1g) (a) of the statutes is amended to read:

4 341.145 **(1g)** (a) The department may issue a personalized registration ~~plates~~
5 plate under sub. (1) (b) to a person who qualifies for a special ~~plates~~ plate under s.
6 341.14 (6m).

7 **SECTION 2830.** 341.145 (1g) (b) of the statutes is amended to read:

8 341.145 **(1g)** (b) The department may issue a personalized registration ~~plates~~
9 plate under sub. (1) (c) to a person who qualifies for a special ~~plates~~ plate under s.
10 341.14 (6r).

11 **SECTION 2831.** 341.145 (1g) (c) of the statutes is amended to read:

12 341.145 **(1g)** (c) The department may issue a personalized registration ~~plates~~
13 plate under sub. (1) (d) to a person who qualifies for a special ~~plates~~ plate under s.
14 341.14 (1).

15 **SECTION 2832.** 341.145 (1g) (d) of the statutes is amended to read:

16 341.145 **(1g)** (d) The department may issue a personalized registration ~~plates~~
17 plate under sub. (1) (e) to a person who qualifies for a special ~~plates~~ plate under s.
18 341.14 (1a), (1m) or (1q).

19 **SECTION 2833.** 341.145 (1g) (e) of the statutes is amended to read:

20 341.145 **(1g)** (e) The department may issue a personalized registration ~~plates~~
21 plate under sub. (1) (f) to a person who qualifies for a special ~~plates~~ plate under s.
22 341.14 (6w).

23 **SECTION 2834.** 341.145 (1r) of the statutes is repealed.

24 **SECTION 2835.** 341.145 (2) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2835**

1 341.145 **(2)** (intro.) The department shall issue a personalized registration
2 plates plate only upon request and if:

3 **SECTION 2836.** 341.145 (3) of the statutes is amended to read:

4 341.145 **(3)** In addition to the regular application fee provided under s. 341.25
5 (1) (a), (c) or (j) or (2) or 341.26 (3) (a) 2. or (am), the applicant for a personalized
6 registration plate issued on an annual basis shall pay a fee of \$15 for the issuance
7 of the plate and \$15 in each succeeding year to maintain the plate. In addition to the
8 regular application fee provided under s. 341.25 (1) (b) or 341.26 (3) (a) 1., the
9 applicant for a personalized registration plate issued on a biennial basis shall pay
10 a fee of \$30 for issuance of the plate if the plate is issued during the first year of the
11 biennial registration period or \$15 for issuance of the plate if the plate is issued
12 during the 2nd year of the biennial registration period. The fee to maintain a
13 personalized plate issued on a biennial basis is \$30. The fee for reissuance of a
14 personalized plate shall be \$15 for an annual registration and \$30 for a biennial
15 registration. An applicant for a personalized ~~plates~~ plate issued under sub. (1) (b)
16 or (c) shall not be required to pay the fee for initial issuance of the ~~plates~~ plate.

17 **SECTION 2837.** 341.145 (7) of the statutes is amended to read:

18 341.145 **(7)** The department may refuse to issue any combination of letters or
19 numbers, or both, which may carry connotations offensive to good taste or decency,
20 or which would be misleading, or in conflict with the issuance of any other
21 registration ~~plates~~ plate. All decisions of the department with respect to
22 personalized registration plate applications shall be final and not subject to judicial
23 review under ch. 227.

24 **SECTION 2838.** 341.145 (8) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2838**

1 341.145 **(8)** The department may cancel and order the return of any
2 personalized registration plates plate issued which ~~contain~~ contains any
3 combination of letters or numbers, or both, which the department determines may
4 carry connotations offensive to good taste and decency or which may be misleading.
5 Any person ordered to return ~~such plates~~ a plate under this subsection shall either
6 be reimbursed for any additional fees they paid for the plates plate for the
7 registration year in which they are recalled, or be given at no additional cost a
8 replacement personalized registration plates plate, the issuance of which is in
9 compliance with the statutes. A person who fails to return a personalized
10 registration plates plate upon request of the department may be required to forfeit
11 not more than \$200.

12 **SECTION 2839.** 341.15 (1) (intro.) of the statutes is amended to read:

13 341.15 **(1)** (intro.) ~~Whenever 2 registration plates are issued for a vehicle, one~~
14 ~~plate shall be attached to the front and one to the rear of the vehicle. Whenever only~~
15 one registration plate is issued for a vehicle, the plate shall be attached as follows:

16 **SECTION 2840.** 341.15 (1) (b) of the statutes is amended to read:

17 341.15 **(1)** (b) For any other vehicle ~~for which only one plate is issued~~, to the
18 rear, except that a plate issued to or for a municipality under s. 341.26 (2m) may be
19 attached to the front of the vehicle if the design or use of the vehicle is such as to make
20 a plate attached to the rear difficult to see and read.

21 **SECTION 2841.** 341.15 (1g) of the statutes is created to read:

22 341.15 **(1g)** The owner of any vehicle for which 2 registration plates were issued
23 before the effective date of this subsection [LRB inserts date], may remove and
24 destroy one registration plate from the vehicle but is not required to do so until such
25 time as the department issues a new plate upon the renewal of registration of the

ASSEMBLY BILL 75**SECTION 2841**

1 vehicle. If a person removes and destroys one plate, the plate removed may not
2 display a registration decal or tag and the remaining plate must comply with the
3 requirements of sub. (1).

4 **SECTION 2842.** 341.15 (1m) of the statutes is repealed.

5 **SECTION 2843.** 341.15 (2) of the statutes is amended to read:

6 341.15 **(2)** ~~Registration plates~~ A registration plate shall be attached firmly and
7 rigidly in a horizontal position and conspicuous place. The ~~plates~~ plate shall at all
8 times be maintained in a legible condition and shall be so displayed that ~~they~~ it can
9 be readily and distinctly seen and read. Any peace officer may require the operator
10 of any vehicle on which ~~plates are~~ a plate is not properly displayed to display ~~such~~
11 ~~plates~~ the plate as required by this section.

12 **SECTION 2844.** 341.15 (3) (a) of the statutes is amended to read:

13 341.15 **(3)** (a) A person who operates a vehicle for which a current registration
14 plate, ~~insert tag, decal~~ or other evidence of registration has been issued without such
15 plate, ~~tag, decal~~ or other evidence of registration being attached to the vehicle, except
16 when such vehicle is being operated pursuant to a temporary operation permit or
17 plate;

18 **SECTION 2845.** 341.16 (1) (a) of the statutes is amended to read:

19 341.16 **(1)** (a) Whenever a current registration plate is lost or destroyed, the
20 owner of the vehicle to which the plate was attached shall immediately apply to the
21 department for replacement. Except as provided in par. (b) and sub. (2m), upon
22 satisfactory proof of the loss or destruction of the plate and upon payment of a fee of
23 \$2 for each the plate, the department shall issue a replacement.

24 **SECTION 2846.** 341.16 (1) (b) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2846**

1 341.16 **(1)** (b) Upon satisfactory proof of the loss or destruction of a special plate
2 issued under s. 341.14 (6m) (a), (6r) (b), or (6w) or a special personalized plate issued
3 under s. 341.145 (1) (b), (c), or (f) and upon payment of a fee of \$5 for each the plate
4 or, if the plate is for a special group specified under s. 341.14 (6r) (f) 35. to 47. or 53.,
5 \$6 for each the plate, the department shall issue a replacement.

6 **SECTION 2847.** 341.16 (2) of the statutes is amended to read:

7 341.16 **(2)** Whenever a current registration plate becomes illegible, the owner
8 of the vehicle to which the plate is attached shall apply to the department for a
9 replacement. Except as provided in sub. (2m), upon receipt of satisfactory proof of
10 illegibility, and upon payment of a fee of \$2 for each the plate, the department shall
11 issue a replacement. Upon receipt of a replacement plate, the applicant shall destroy
12 the illegible plate.

13 **SECTION 2848.** 341.16 (2m) of the statutes is amended to read:

14 341.16 **(2m)** Upon request therefor and payment of a fee of \$10, the department
15 may issue an applicant for a replacement plates plate for an automobile registered
16 pursuant to the registration system under s. 341.27 a registration plates plate of the
17 design specified in s. 341.13 for the plate issuance cycle next succeeding the cycle
18 under which the original plates were plate was issued. The department may limit
19 the receipt of requests under this subsection to applicants for a renewal registration
20 of a motor vehicle.

21 **SECTION 2849.** 341.16 (3) of the statutes is amended to read:

22 341.16 **(3)** When issuing a replacement plate, the department may assign a
23 new number and issue a new plate rather than a duplicate of the original if in its
24 judgment that is in the best interests of economy or prevention of fraud. Upon receipt
25 of a replacement plate, the applicant shall destroy all plates the plate replaced.

ASSEMBLY BILL 75**SECTION 2850**

SECTION 2850. 341.16 (4) of the statutes is amended to read:

341.16 **(4)** Any person issued a replacement ~~plates~~ plate who fails to destroy the original ~~plates~~ plate as required by sub. (2) or (3) may be required to forfeit not more than \$200.

SECTION 2851. 341.255 (3) of the statutes is repealed.

SECTION 2852. 341.255 (4) of the statutes is repealed.

SECTION 2853. 341.265 (1) of the statutes is amended to read:

341.265 **(1)** Any person who is a resident of this state and the owner or subsequent transferee of a motor vehicle which has a model year of 1945 or earlier and which has not been altered or modified from the original manufacturer's specifications may upon application register the same as an antique vehicle upon payment of a fee of \$5, and be furnished a registration ~~plates~~ plate of a distinctive design, in lieu of the usual registration ~~plates~~ plate, which shall show in addition to the registration number that the vehicle is an antique. The registration shall be valid while the vehicle is owned by the applicant without the payment of any additional fee. The vehicle shall only be used for special occasions such as display and parade purposes or for necessary testing, maintenance and storage purposes. A motorcycle may be registered as an antique vehicle if all of the requirements for registration specified in this subsection are satisfied.

SECTION 2854. 341.265 (1m) of the statutes is amended to read:

341.265 **(1m)** A person who registers an antique motor vehicle under sub. (1) may furnish and display on the vehicle a historical plate from or representing the model year of the vehicle if the registration and ~~plates~~ plate issued by the department are simultaneously carried in or, with respect to an antique motorcycle, with the vehicle and are available for inspection.

ASSEMBLY BILL 75**SECTION 2855**

1 **SECTION 2855.** 341.266 (2) (a) of the statutes is amended to read:

2 341.266 **(2)** (a) Any person who is the owner of a special interest vehicle that
3 is 20 or more years old at the time of making application for registration or transfer
4 of title of the vehicle and who, unless the owner is an historical society that is exempt
5 from federal income taxes, owns, has registered in this state, and uses for regular
6 transportation at least one vehicle that has a regular registration ~~plates~~ plate may
7 upon application register the vehicle as a special interest vehicle upon payment of
8 a fee under par. (b).

9 **SECTION 2856.** 341.266 (2) (c) of the statutes is amended to read:

10 341.266 **(2)** (c) The department shall furnish the owner of the vehicle with a
11 registration ~~plates~~ plate of a distinctive design in lieu of the usual registration ~~plates~~
12 plate, and ~~those plates~~ that plate shall show that the vehicle is a special interest
13 vehicle owned by a Wisconsin collector. Upon application, the owner may reregister
14 the vehicle without the payment of any additional fee.

15 **SECTION 2857.** 341.266 (2) (d) of the statutes is amended to read:

16 341.266 **(2)** (d) Each collector applying for a special interest vehicle registration
17 ~~plates~~ plate will be issued a collector's identification number which will appear on
18 ~~each~~ the plate. Second and all subsequent registrations under this section by the
19 same collector will bear the same collector's identification number followed by a
20 suffix letter for vehicle identification.

21 **SECTION 2858.** 341.266 (2) (e) 3. of the statutes is amended to read:

22 341.266 **(2)** (e) 3. Except as provided in s. 341.09 (7), no special interest vehicle
23 may be operated upon any highway of this state during the month of January unless
24 the owner of the vehicle reregisters the vehicle under s. 341.25 and replaces the

ASSEMBLY BILL 75**SECTION 2858**

1 distinctive registration ~~plates~~ plate issued under par. (c) with a regular registration
2 ~~plates~~ plate or transfers a regular registration ~~plates~~ plate to the vehicle.

3 **SECTION 2859.** 341.266 (3) of the statutes is amended to read:

4 341.266 **(3)** In addition to the fee in sub. (2) (b), there shall be an original (first
5 time only) processing fee of \$50 to defray the cost of issuing the original collector's
6 special interest vehicle registration ~~plates~~ plate and to ensure that each collector will
7 be issued only one collector's identification number.

8 **SECTION 2860.** 341.268 (2) (a) (intro.) of the statutes is amended to read:

9 341.268 **(2)** (a) (intro.) Any person who is the owner of a reconstructed, replica,
10 street modified or homemade vehicle and who owns, has registered in this state and
11 uses for regular transportation at least one vehicle that has a regular registration
12 ~~plates~~ plate may upon application register the vehicle as a reconstructed, replica,
13 street modified or homemade vehicle upon payment of a fee under par. (b), provided
14 that the vehicle is one of the following:

15 **SECTION 2861.** 341.268 (2) (c) of the statutes is amended to read:

16 341.268 **(2)** (c) The department shall furnish the owner of the vehicle with a
17 registration ~~plates~~ plate of a distinctive design in lieu of the usual registration ~~plates~~
18 plate, and ~~those plates~~ that plate shall show that the vehicle is a reconstructed,
19 replica, street modified or homemade vehicle owned by a Wisconsin hobbyist. Upon
20 application, the owner may reregister the vehicle without the payment of any
21 additional fee.

22 **SECTION 2862.** 341.268 (2) (d) of the statutes is amended to read:

23 341.268 **(2)** (d) Each hobbyist applying for a reconstructed, replica, street
24 modified or homemade vehicle registration ~~plates~~ plate will be issued a hobbyist's
25 identification number which will appear on each the plate. Second and all

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1 subsequent registrations under this section by the same hobbyist will bear the same
2 hobbyist's identification number followed by a suffix letter for vehicle identification.

3 **SECTION 2863.** 341.268 (2) (e) 3. of the statutes is amended to read:

4 341.268 **(2)** (e) 3. Except as provided in s. 341.09 (7), no reconstructed, replica,
5 street modified or homemade vehicle may be operated upon any highway of this state
6 during the month of January unless the owner of the vehicle reregisters the vehicle
7 under s. 341.25 and replaces the distinctive registration ~~plates~~ plate issued under
8 par. (c) with a regular registration ~~plates~~ plate or transfers a regular registration
9 ~~plates~~ plate to the vehicle.

10 **SECTION 2864.** 341.268 (3) of the statutes is amended to read:

11 341.268 **(3)** In addition to the fee in sub. (2) (b), there shall be an original (first
12 time only) processing fee of \$50 to defray the cost of issuing the original hobbyist's
13 reconstructed, replica, street modified or homemade vehicle registration ~~plates~~ plate
14 and to ensure that each hobbyist will be issued only one hobbyist's identification
15 number.

16 **SECTION 2865.** 341.27 (3) (a) of the statutes is amended to read:

17 341.27 **(3)** (a) If the applicant holds a current registration ~~plates that were~~ plate
18 that was removed from an automobile that the applicant no longer owns or that has
19 been junked, is no longer used on the highways or has been registered as a special
20 interest vehicle under s. 341.266 (2) (a) or a reconstructed, replica, street modified
21 or homemade vehicle under s. 341.268 (2) (a), and the ~~plates were~~ plate was issued
22 under the system of registration prescribed by this section, the department shall
23 register the automobile which is the subject of the application for the remainder of
24 the unexpired registration period.

25 **SECTION 2866.** 341.27 (3) (b) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2866**

1 341.27 **(3)** (b) If the applicant does not hold a current registration plates plate
2 under the circumstances described in par. (a) and the application is an original
3 rather than renewal application, the department may register the automobile which
4 is the subject of the application for such period or part thereof as the secretary
5 determines will help to equalize the registration and renewal workload of the
6 department.

7 **SECTION 2867.** 341.28 (2) (intro.) of the statutes is amended to read:

8 341.28 **(2)** (intro.) If the applicant for registration holds a current registration
9 ~~plates which were~~ plate that was removed from an automobile which the applicant
10 no longer owns or which has been junked, is no longer being used on the highways
11 or has been registered as a special interest vehicle under s. 341.266 (2) (a) or a
12 reconstructed, replica, street modified or homemade vehicle under s. 341.268 (2) (a),
13 and the ~~plates were~~ plate was issued under the system of registration prescribed by
14 s. 341.27, the applicant is exempt from the payment of a registration fee, except in
15 the following cases:

16 **SECTION 2868.** 341.28 (2) (a) of the statutes is amended to read:

17 341.28 **(2)** (a) If the annual fee prescribed for the automobile being registered
18 is higher than the annual fee prescribed for the automobile from which the ~~plates~~
19 ~~were~~ plate was removed, the applicant shall pay a fee computed on the basis of
20 one-twelfth of the difference between the 2 annual fees multiplied by the number of
21 months for which the automobile which is the subject of the application is being
22 registered. The start of the new registration, for the purpose of computing the fee,
23 shall be determined in accordance with sub. (7).

24 **SECTION 2869.** 341.28 (2) (b) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2869**

1 341.28 (2) (b) If the automobile which is the subject of the application was
2 owned by the applicant at any time during the month in which the transfer,
3 termination of the consumer lease, discontinuance of use on the highways, junking
4 or registration under s. 341.266 (2) (a) or 341.268 (2) (a) of the other automobile
5 occurred and was not currently registered at the time of such transfer, termination
6 of the consumer lease, discontinuance of use on the highways, junking or registration
7 under s. 341.266 (2) (a) or 341.268 (2) (a), the applicant shall pay a fee to be computed
8 as provided in subs. (3) to (5) but shall receive a credit for the unused portion of the
9 current registration. The credit shall be computed on the basis of one-twelfth of the
10 annual fee paid for the vehicle from which the ~~plates were~~ plate was removed
11 multiplied by the number of months remaining in the registration period
12 represented by the removed ~~plates~~ plate, including the month during which the
13 applicant transferred, discontinued to use on the highways, junked or registered
14 under s. 341.266 (2) (a) or 341.268 (2) (a) or terminated the consumer lease of the
15 automobile from which the ~~plates were~~ plate was removed.

16 **SECTION 2870.** 341.28 (3) of the statutes is amended to read:

17 341.28 (3) If the applicant does not hold a current registration ~~plates~~ plate
18 under the circumstances described in sub. (2) and the automobile which is the subject
19 of the application has not previously been registered in this state by the applicant,
20 the fee payable by the applicant shall be computed on the basis of one-twelfth of the
21 annual fee multiplied by the number of months for which the automobile is being
22 registered, the start of such registration period to be determined in accordance with
23 sub. (7).

24 **SECTION 2871.** 341.28 (4) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 2871**

1 341.28 **(4)** (intro.) If the applicant does not hold a current registration plates
2 plate under the circumstances described in sub. (2) but the automobile which is the
3 subject of the application has previously been registered in this state by the
4 applicant, the applicant shall pay a fee covering all the time since the end of the
5 period for which the automobile previously was registered unless:

6 **SECTION 2872.** 341.29 (2) of the statutes is amended to read:

7 341.29 **(2)** If an application for registration of a vehicle subject to registration
8 on an annual or biennial basis is received less than 2 months prior to the beginning
9 of any registration period and the vehicle is not registered in this state at the time
10 of application and the applicant desires to register for the succeeding registration
11 period as well as for the remainder of the current period, the department upon
12 registering the vehicle shall issue a registration plates plate designed for the
13 succeeding registration period rather than for the current period. ~~Such plates also~~
14 ~~serve~~ The plate also serves during the remainder of the current registration period
15 as lawful evidence of the registration of the vehicle. This subsection does not affect
16 computation of fee payable by the applicant.

17 **SECTION 2873.** 341.295 (3) (a) of the statutes is amended to read:

18 341.295 **(3)** (a) If the applicant holds a registration plates which were plate that
19 was removed from a vehicle under s. 341.31 (4) (c), 342.15 (4) (a) or 342.34 (1) (c) or
20 (2) (c), and the ~~plates were~~ plate was issued under the monthly series system, the
21 department shall register a replacement vehicle of the same type and gross weight
22 which is the subject of the application for the remainder of the unexpired registration
23 period.

24 **SECTION 2874.** 341.295 (3) (b) of the statutes is amended to read:

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1 341.295 **(3)** (b) If the applicant does not hold a current registration plates plate
2 under the circumstances described in par. (a) and the application is an original
3 rather than renewal application, the department may register the vehicle which is
4 the subject of the application for such period or part of a period as the secretary
5 determines will help to equalize the registration and renewal workload of the
6 department.

7 **SECTION 2875.** 341.31 (1) (b) 5. of the statutes is amended to read:

8 341.31 **(1)** (b) 5. The vehicle is a motorcycle which has been transferred or
9 leased to the applicant and for which a current registration plates plate had been
10 issued to the previous owner; or

11 **SECTION 2876.** 341.31 (4) (b) of the statutes is amended to read:

12 341.31 **(4)** (b) A person retaining a ~~set of plates~~ plate removed from a vehicle
13 under s. 342.15 (4) (a) or 342.34 (1) (c) or (2) (c) and which was junked or transferred,
14 is no longer leased to the person or used on the highways or has been registered as
15 a special interest vehicle under s. 341.266 (2) (a) or a reconstructed, replica, street
16 modified or homemade vehicle under s. 341.268 (2) (a) may receive credit for the
17 unused portion of the registration fee paid when registering a replacement vehicle
18 of the same type and gross weight.

19 **SECTION 2877.** 341.31 (4) (c) of the statutes is amended to read:

20 341.31 **(4)** (c) A person retaining a ~~set of plates~~ plate removed from a motorcycle
21 may receive credit for the unused portion of the registration fee paid when
22 registering a replacement motorcycle.

23 **SECTION 2878.** 341.32 (1) of the statutes is amended to read:

24 341.32 **(1)** Whenever the construction or the use of a registered vehicle is
25 changed in a manner making the vehicle subject to a different registration fee than

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1 the fee for which the vehicle currently is registered, the owner shall immediately
2 make application for reregistration. The fee payable upon such reregistration shall
3 be computed as for a vehicle not previously registered in this state but a credit shall
4 be allowed for the unused portion of the fee paid for the previous registration if the
5 registration ~~plates~~ plate issued upon the previous registration ~~are~~ is returned to the
6 department. The credit shall be computed on the basis of one-twelfth of the annual
7 registration fee or one twenty-fourth of the biennial registration fee prescribed for
8 the vehicle as previously registered multiplied by the number of months of
9 registration which have not fully expired on the date the vehicle became subject to
10 the different fee. The credit may be applied toward the reregistration of the vehicle
11 only up to the date when the previous registration would have expired.

12 **SECTION 2879.** 341.33 (2) of the statutes is amended to read:

13 341.33 (2) The department shall refund the unused portion of a registration fee
14 paid for the registration of a vehicle owned by a person who is entering active service
15 in the naval or military forces of the United States if the person makes application
16 for such refund upon a form prescribed by the department, furnishes such proof as
17 the department may require that the vehicle will not be operated in this or another
18 state during the remainder of the period for which the vehicle is registered, and
19 returns to the department the certificate of registration and registration ~~plates~~ plate.
20 The refund shall be computed on the basis of one-twelfth of the annual registration
21 fee or one twenty-fourth of the biennial registration fee paid for the vehicle,
22 multiplied by the number of full months remaining in the period for which the vehicle
23 is registered when the vehicle ceases to be operated.

24 **SECTION 2880.** 341.33 (3) of the statutes is amended to read:

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1 341.33 **(3)** Upon request, the department shall refund ~~50%~~ 50 percent of a
2 registration fee paid for a vehicle registered on a biennial basis if the person who
3 registered the vehicle furnishes such proof as the department requires that the
4 person has transferred his or her interest in the vehicle or terminated leasing the
5 vehicle before the beginning of the 2nd year of the period for which the vehicle is
6 registered or that the vehicle will not be operated in this state after the beginning
7 of the 2nd year of the period for which the vehicle is registered. The department may
8 require the person to return the certificate of registration and registration ~~plates~~
9 plate for the vehicle to the department. Except as provided in sub. (1), the
10 department may not refund more than ~~50%~~ 50 percent of the fee paid for the
11 registration of a vehicle registered on a biennial basis.

12 **SECTION 2881.** 341.335 (1) of the statutes is amended to read:

13 341.335 **(1)** Whenever any person, after applying for and receiving a
14 registration ~~plates~~ plate, moves from the address named in the application for the
15 registration ~~plates~~ plate or when the name of the licensee is changed by marriage or
16 otherwise, the person shall within 10 days notify the department in writing of the
17 old and new address or of such former and new names and of all registration plate
18 numbers held.

19 **SECTION 2882.** 341.41 (8) (a) of the statutes is amended to read:

20 341.41 **(8)** (a) Residents of the state operating a fleet of 3 or more units
21 consisting of trucks, truck tractors or road tractors with a gross weight of not less
22 than 12,000 pounds shall display a Wisconsin registration ~~plates~~ plate for which
23 ~~100%~~ 100 percent of the fee has been paid on vehicles not exempt from Wisconsin
24 registration and operated in intrastate commerce. Vehicles engaged in interstate
25 commerce may display Wisconsin prorate registration plates for which a

ASSEMBLY BILL 75**SECTION 2882**

1 proportional registration fee has been paid in addition to a full fee registration plate
2 from another jurisdiction. Such proportional registration shall be accomplished
3 either by payment to the department of registration fees in an amount equal to that
4 obtained by applying the proportion of in-state fleet miles divided by the total fleet
5 miles to the total fees which would otherwise be required for the registration of all
6 such vehicles in this state, or by registration of a portion of such vehicles as
7 determined under this subsection. The department may refuse to permit any or all
8 of such vehicles to be registered under apportionment if the department is not
9 satisfied that this state will obtain a fair and equitable share of license registrations
10 of the vehicles comprising such fleet.

11 **SECTION 2883.** 341.51 (2) of the statutes is amended to read:

12 341.51 **(2)** Upon registering a dealer, distributor, manufacturer, or transporter
13 the department also shall issue 2 registration plates sufficient to operate 2 or more
14 vehicles as authorized in ch. 218. The department, upon receiving a fee of \$5 for each
15 additional plate desired by a dealer, distributor or manufacturer of motor vehicles,
16 trailers or semitrailers, \$5 for each additional plate desired by a dealer, distributor
17 or manufacturer of recreational vehicles and \$5 for each additional plate desired by
18 a transporter, shall issue to the registered dealer, distributor, manufacturer or
19 transporter the additional plates as ordered. The department may charge a fee of
20 \$2 per plate for replacing lost, damaged or illegible plates issued under this
21 subsection.

22 **SECTION 2884.** 341.605 (1) of the statutes is amended to read:

23 341.605 **(1)** Except as authorized by the department, no person may transfer
24 to another person or offer for sale a registration plate, ~~insert tag, decal or other~~

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1 evidence of registration issued by the department. This subsection does not apply
2 to transfers of vehicles under s. 342.15 (4) (c).

3 **SECTION 2885.** 341.605 (2) of the statutes is amended to read:

4 341.605 **(2)** No person may transfer to another person or offer for sale a
5 counterfeit, forged or fictitious registration plate, ~~insert tag, decal or other evidence~~
6 of registration.

7 **SECTION 2886.** 341.61 (title) of the statutes is amended to read:

8 **341.61 (title) Improper use of evidence of registration plate.**

9 **SECTION 2887.** 341.61 (1) of the statutes is amended to read:

10 341.61 **(1)** Lends to another a registration plate, ~~insert tag, decal or other~~
11 ~~evidence of registration~~ for display upon a vehicle for which the plate, tag, decal or
12 other evidence of registration has not been issued.

13 **SECTION 2888.** 341.61 (2) of the statutes is amended to read:

14 341.61 **(2)** Displays upon a vehicle a registration plate, ~~insert tag, decal or other~~
15 ~~evidence of registration~~ not issued for such vehicle or not otherwise authorized by
16 law to be used thereon.

17 **SECTION 2889.** 341.61 (3) of the statutes is amended to read:

18 341.61 **(3)** Willfully twists, paints, alters or adds to or cuts off any portion of
19 a registration plate, ~~insert tag, decal or other evidence of registration~~; or who places
20 or deposits, or causes to be placed or deposited on such plate, ~~insert tag, decal or other~~
21 ~~evidence of registration~~ any substance to hinder the normal reading of such plate,
22 ~~insert tag, decal or other evidence of registration~~; or who defaces, disfigures, covers,
23 obstructs, changes or attempts to change any letter or figure thereon; or who causes
24 such plate, ~~insert tag, decal or other evidence of registration~~ to appear to be a
25 different color.

ASSEMBLY BILL 75**SECTION 2890**

SECTION 2890. 341.61 (4) of the statutes is amended to read:

341.61 **(4)** Possesses a fraudulently or unlawfully obtained registration plate,
~~insert tag, decal or other evidence of registration.~~

SECTION 2891. 341.61 (5) of the statutes is amended to read:

341.61 **(5)** Possesses a counterfeit registration plate,~~insert tag, decal or other
evidence of registration.~~

SECTION 2892. 341.615 of the statutes is amended to read:

341.615 Reproducing evidence of registration prohibited. Except as
authorized by the department, any person who reproduces, by any means whatever,
a registration plate,~~insert tag, decal or other evidence of registration~~ shall forfeit not
less than \$200 nor more than \$500.

SECTION 2893. 341.625 (1) of the statutes is amended to read:

341.625 **(1)** Any person who fraudulently procures or uses a special
registration plates plate issued under s. 341.14 (1), (1a), (1e), (1m), (1q) or (1r) (a)
shall forfeit not less than \$200 nor more than \$500.

SECTION 2894. 341.63 (3) of the statutes is amended to read:

341.63 **(3)** Whenever the registration of a vehicle is suspended under this
section or ch. 344, the department may order the owner or person in possession of the
registration plates plate to return ~~them~~ it to the department. Any person who fails
to return the plates plate when ordered to do so by the department may be required
to forfeit not more than \$200.

SECTION 2895. 341.65 (1) (b) of the statutes is amended to read:

341.65 **(1)** (b) “Unregistered motor vehicle” means any motor vehicle that is
located upon a highway and that is not displaying ~~valid registration plates, a
temporary operation plate, or other evidence of registration~~ a registration plate for

ASSEMBLY BILL 75**SECTION 2895**

1 which the department's vehicle registration records indicate valid registration as
2 provided under s. 341.18 (1) for the vehicle's current registration period or for a
3 registration period for the vehicle that expired within the immediately preceding 31
4 days.

5 **SECTION 2896.** 342.01 (2) (ac) of the statutes is created to read:

6 342.01 **(2)** (ac) "Automated format," with respect to any document, record, or
7 other information, includes that document, record, or other information generated
8 or maintained in an electronic or digital form or medium.

9 **SECTION 2897.** 342.05 (5) of the statutes is amended to read:

10 342.05 **(5)** Unless otherwise authorized by rule of the department, a
11 nonresident owner of a vehicle that is not subject to registration in this state may not
12 apply for a certificate of title under this chapter unless the vehicle is subject to a
13 security interest or except as provided in s. 342.16 (1) (a). Notwithstanding any other
14 provision of this section, a nonresident may purchase a temporary operation ~~plates~~
15 plate under s. 341.09 (4). Any temporary operation permit or plate issued under s.
16 341.09 shall not be considered registration of the vehicle for purposes of this
17 subsection.

18 **SECTION 2898.** 342.09 (4) of the statutes is created to read:

19 342.09 **(4)** (a) The department may maintain any certificate of title or other
20 information required to be maintained under this section in an automated format
21 and may consider any record maintained in an automated format under this
22 paragraph to be the original and controlling record, notwithstanding the existence
23 of any printed version of the same record.

24 (b) Records maintained by the department under this section are the official
25 vehicle title records.

ASSEMBLY BILL 75**SECTION 2899**

SECTION 2899. 342.14 (1r) of the statutes is amended to read:

342.14 **(1r)** Upon filing an application under sub. (1) or (3), an environmental impact fee of \$9, by the person filing the application. All moneys collected under this subsection shall be ~~credited to~~ deposited in the environmental fund for environmental management. ~~This subsection does not apply after December 31, 2009.~~ This subsection does not apply to an application for a certificate of title for a neighborhood electric vehicle.

SECTION 2900. 342.14 (2) of the statutes is amended to read:

342.14 **(2)** For the original notation and subsequent release of each security interest noted upon a certificate of title, a single fee of ~~\$4~~ \$10, by the ~~owner of the vehicle~~ applicant.

SECTION 2901. 342.14 (3m) of the statutes is amended to read:

342.14 (3m) Upon filing an application under sub. (1) or (3), a supplemental title fee of \$7.50 by the owner of the vehicle, except that this fee shall be waived with respect to an application under sub. (3) for transfer of a decedent's interest in a vehicle to his or her surviving spouse or domestic partner under ch. 770. The fee specified under this subsection is in addition to any other fee specified in this section. This subsection does not apply to an application for a certificate of title for a neighborhood electric vehicle.

SECTION 2902. 342.15 (4) (a) of the statutes is amended to read:

342.15 **(4)** (a) If the vehicle being transferred is a motorcycle or an automobile registered under s. 341.27 or a motor home or a motor truck, dual purpose motor home or dual purpose farm truck which has a gross weight of not more than 8,000 pounds or a farm truck which has a gross weight of not more than 12,000 pounds, the owner shall remove the registration ~~plates~~ plate and retain and preserve ~~them~~ the

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1 plate for use on any other vehicle of the same type and gross weight which may
2 subsequently be registered in his or her name.

3 **SECTION 2903.** 342.15 (4) (b) of the statutes is amended to read:

4 342.15 **(4)** (b) If the vehicle being transferred is a vehicle registered under s.
5 341.26 at a special fee and the new owner will not be entitled to register the vehicle
6 at such fee, the transferor shall remove and destroy the ~~plates~~ plate.

7 **SECTION 2904.** 342.15 (4) (c) of the statutes is amended to read:

8 342.15 **(4)** (c) In all other cases the transferor shall permit the ~~plates~~ plate to
9 remain attached to the vehicle being transferred, except that if the vehicle has been
10 junked the transferor shall remove and destroy the ~~plates~~ plate.

11 **SECTION 2905.** 342.17 (4) (b) 1. (intro.) and c. and 4. of the statutes are amended
12 to read:

13 342.17 **(4)** (b) 1. (intro.) The department shall transfer the decedent's interest
14 in any vehicle to his or her surviving spouse or domestic partner under ch. 770 upon
15 receipt of the title executed by the surviving spouse or domestic partner and a
16 statement by the spouse or domestic partner which shall state:

17 c. That the spouse or domestic partner is personally liable for the decedent's
18 debts and charges to the extent of the value of the vehicle, subject to s. 859.25.

19 4. The limit in subd. 3. does not apply if the surviving spouse or domestic
20 partner is proceeding under s. 867.03 (1g) and the total value of the decedent's
21 property subject to administration in the state, including the vehicles transferred
22 under this paragraph, does not exceed \$50,000.

23 **SECTION 2906.** 342.19 (2) of the statutes is renumbered 342.19 (2) (a) (intro.)
24 and amended to read:

ASSEMBLY BILL 75**SECTION 2906**

1 342.19 **(2)** (a) (intro.) Except as provided in sub. (2m), a security interest is
2 perfected in one of the following ways:

3 1. If the secured party is an individual or a person exempted by rule under s.
4 342.245 (3), by the delivery to the department of the existing certificate of title, if any,
5 an application for a certificate of title containing the name and address of the secured
6 party, and the required fee. It

7 **(b)** A security interest is perfected as of the later of the following:

8 1. The time of its delivery or the to the department of the certificate of title if
9 perfection occurs under par. (a) 1. or of the application if perfection occurs under par.
10 (a) 2.

11 2. The time of the attachment of the security interest.

12 **SECTION 2907.** 342.19 (2) (a) 2. of the statutes is created to read:

13 342.19 **(2)** (a) 2. Except as provided in s. 342.245 (3), if the secured party is not
14 an individual, by the filing of a security interest statement containing the name and
15 address of the secured party, and payment of the required fee, in the manner
16 specified in s. 342.245 (1).

17 **SECTION 2908.** 342.20 (2) of the statutes is amended to read:

18 342.20 **(2)** The secured party shall immediately cause the certificate,
19 application, and the required fee to be mailed or delivered to the department, except
20 that if the secured party is not an individual or a person exempted by rule under s.
21 342.245 (3), the secured party shall follow the procedure specified in ss. 342.19 (2)
22 (a) 2. and 342.245 (1) and (2).

23 **SECTION 2909.** 342.20 (3) of the statutes is amended to read:

24 342.20 **(3)** Upon receipt of the certificate of title, application, and the required
25 fee, or upon receipt of the security interest statement and required fee if the secured

ASSEMBLY BILL 75**SECTION 2909**

1 party has utilized the process specified in s. 342.245 (1), the department shall issue
2 to the owner a new certificate containing the name and address of the new secured
3 party. The department shall deliver to such new secured party and to the register
4 of deeds of the county of the owner's residence, memoranda, in such form as the
5 department prescribes, evidencing the notation of the security interest upon the
6 certificate; and thereafter, upon any assignment, termination or release of the
7 security interest, additional memoranda evidencing such action.

8 **SECTION 2910.** 342.22 (1) of the statutes is renumbered 342.22 (1) (intro.) and
9 amended to read:

10 342.22 **(1)** (intro.) Within one month or within 10 days following written
11 demand by the debtor after there is no outstanding obligation and no commitment
12 to make advances, incur obligations or otherwise give value, secured by the security
13 interest in a vehicle under any security agreement between the owner and the
14 secured party, the secured party shall do one of the following:

15 (a) If the secured party is an individual or a person exempted by rule under s.
16 342.245 (3), execute and deliver to the owner, as the department prescribes, a release
17 of the security interest in the form and manner prescribed by the department and
18 a notice to the owner stating in no less than 10-point boldface type the owner's
19 obligation under sub. (2). If the secured party fails to execute and deliver the release
20 and notice of the owner's obligation as required by this ~~subsection~~ paragraph, the
21 secured party is liable to the owner for \$25 and for any loss caused to the owner by
22 the failure.

23 **SECTION 2911.** 342.22 (1) (b) of the statutes is created to read:

24 342.22 **(1)** (b) If the secured party is not described in par. (a), deliver to the
25 department a release of the security interest in the manner specified in s. 342.245

ASSEMBLY BILL 75**SECTION 2911**

1 (1) and deliver to the owner a notice stating that the release has been provided to the
2 department.

3 **SECTION 2912.** 342.22 (2) of the statutes is amended to read:

4 342.22 **(2)** ~~The~~ An owner, other than a dealer holding the vehicle for resale,
5 upon receipt of the release and notice of obligation delivered under sub. (1) (a) shall
6 promptly cause the certificate and release to be mailed or delivered to the
7 department, which shall release the secured party's rights on the certificate and
8 issue a new certificate. Upon receipt of the notice under sub. (1) (b), the owner may,
9 in the form and manner prescribed by the department and without additional fee,
10 deliver an application and the certificate of title to the department and the
11 department shall issue a new certificate of title free of the security interest notation.

12 **SECTION 2913.** 342.245 of the statutes is created to read:

13 **342.245 Electronic processing of certain applications. (1)** Except as
14 provided in sub. (3), a secured party shall file a security interest statement and pay
15 the fee under s. 342.19 (2) (a) 2. and deliver a release of a security interest under s.
16 342.22 (1) (b) utilizing an electronic process prescribed by the department under sub.
17 (4).

18 **(2)** Upon receipt of a certificate of title as provided in s. 342.20 (1), a person
19 required to file a security interest statement under sub. (1) shall destroy the
20 certificate of title.

21 **(3)** The department may, by rule, exempt a person or a type of transaction from
22 the requirements of sub. (1). Any person who is exempted under this subsection shall
23 pay a fee to the department for processing applications submitted by the person
24 under s. 342.19 (2) (a) 1. and releases submitted under s. 342.22, utilizing a process
25 other than an electronic process.

ASSEMBLY BILL 75**SECTION 2913**

1 **(4)** The department shall promulgate rules to implement and administer this
2 section.

3 **SECTION 2914.** 342.34 (1) (c) of the statutes is amended to read:

4 342.34 **(1)** (c) If the vehicle is a motorcycle or an automobile registered under
5 s. 341.27 or a motor home or a motor truck, dual purpose motor home or dual purpose
6 farm truck which has a gross weight of not more than 8,000 pounds or a farm truck
7 which has a gross weight of not more than 12,000 pounds, the owner shall remove
8 the registration ~~plates~~ plate and retain and preserve ~~them~~ the plate for use on any
9 other vehicle of the same type which may subsequently be registered in his or her
10 name. If the vehicle is not a motorcycle or an automobile registered under s. 341.27,
11 or a motor home or a motor truck, dual purpose motor home or dual purpose farm
12 truck which has a gross weight of not more than 8,000 pounds or a farm truck which
13 has a gross weight of not more than 12,000 pounds, he or she shall remove and
14 destroy the ~~plates~~ plate.

15 **SECTION 2915.** 342.34 (2) (c) of the statutes is amended to read:

16 342.34 **(2)** (c) Remove and either retain or destroy the registration ~~plates~~ plate
17 for the vehicle as provided in sub. (1) (c).

18 **SECTION 2916.** 343.03 (7) (c) of the statutes is amended to read:

19 343.03 **(7)** (c) Within 10 days after a conviction of the holder of a commercial
20 driver license issued by another jurisdiction for violating any state law or local
21 ordinance of this state or any law of a federally recognized American Indian tribe or
22 band in this state in conformity with any state law relating to motor vehicle traffic
23 control, other than parking violations, or after a conviction of the holder of an
24 operator's license issued by another jurisdiction, other than a commercial driver
25 license, for any such violation while operating a commercial motor vehicle ~~without~~

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1 a-commercial driver license, the department shall notify the driver licensing agency
2 of the jurisdiction that issued the license of the conviction.

3 **SECTION 2917.** 343.15 (4) (a) 3. of the statutes is amended to read:

4 343.15 **(4)** (a) 3. A person who is a ward of the state, county, or court and who
5 has been placed in a foster home ~~or a treatment foster home~~ or in the care of a
6 religious welfare service.

7 **SECTION 2918.** 343.16 (1) (b) 2. of the statutes is amended to read:

8 343.16 **(1)** (b) 2. The department, the applicable federal highway
9 ~~administration~~ agency, or its a representative of the applicable federal agency may
10 conduct random examinations, inspections, and audits of the 3rd-party tester
11 without any prior notice.

12 **SECTION 2919.** 343.16 (3) (a) of the statutes is amended to read:

13 343.16 **(3)** (a) The department shall examine every applicant for the renewal
14 of an operator's license once every 8 years. The department may institute a method
15 of selecting the date of renewal so that such examination shall be required for each
16 applicant for renewal of a license to gain a uniform rate of examinations. The
17 examination shall consist of a test of eyesight. The department shall make
18 provisions for giving such examinations at examining stations ~~in each county~~ to all
19 applicants for an operator's license. The person to be examined shall appear at the
20 examining station nearest the person's place of residence or at such time and place
21 as the department designates in answer to an applicant's request. In lieu of
22 examination, the applicant may present or mail to the department a report of
23 examination of the applicant's eyesight by an ophthalmologist, optometrist or
24 physician licensed to practice medicine. The report shall be based on an examination
25 made not more than 3 months prior to the date it is submitted. The report shall be

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1 on a form furnished and in the form required by the department. The department
2 shall decide whether, in each case, the eyesight reported is sufficient to meet the
3 current eyesight standards.

4 **SECTION 2920.** 343.16 (3) (a) of the statutes, as affected by 2007 Wisconsin Act
5 20 and 2009 Wisconsin Act (this act), is repealed and recreated to read:

6 343.16 **(3)** (a) Except as provided in s. 343.165 (4) (d), the department shall
7 examine every applicant for the renewal of an operator's license once every 8 years.
8 The department may institute a method of selecting the date of renewal so that such
9 examination shall be required for each applicant for renewal of a license to gain a
10 uniform rate of examinations. The examination shall consist of a test of eyesight.
11 The department shall make provisions for giving such examinations at examining
12 stations to all applicants for an operator's license. The person to be examined shall
13 appear at the examining station nearest the person's place of residence or at such
14 time and place as the department designates in answer to an applicant's request. In
15 lieu of examination, the applicant may present or mail to the department a report
16 of examination of the applicant's eyesight by an ophthalmologist, optometrist, or
17 physician licensed to practice medicine. The report shall be based on an examination
18 made not more than 3 months prior to the date it is submitted. The report shall be
19 on a form furnished and in the form required by the department. The department
20 shall decide whether, in each case, the eyesight reported is sufficient to meet the
21 current eyesight standards.

22 **SECTION 2921.** 343.20 (2) (b) of the statutes is amended to read:

23 343.20 **(2)** (b) Notwithstanding par. (a), at least ~~180~~ 60 days prior to the
24 expiration of an "H" endorsement specified in s. 343.17 (3) (d) 1m., the department
25 of transportation shall mail a notice to the last-known address of the licensee that

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1 the licensee is required to pass a security threat assessment screening by the federal
2 transportation security administration of the federal department of homeland
3 security as part of the application to renew the endorsement. The notice shall inform
4 the licensee that the licensee may commence the federal security threat assessment
5 screening at any time, but no later than 90 30 days before expiration of the
6 endorsement.

7 **SECTION 2922.** 343.21 (1) (n) of the statutes is amended to read:

8 343.21 **(1)** (n) In addition to any other fee under this subsection, for the
9 issuance, renewal, upgrading, or reinstatement of any license, endorsement, or
10 instruction permit, a ~~federal security verification mandate~~ license issuance fee of
11 \$10.

12 **SECTION 2923.** 343.23 (2) (b) of the statutes is amended to read:

13 343.23 **(2)** (b) The information specified in pars. (a) and (am) must be filed by
14 the department so that the complete operator's record is available for the use of the
15 secretary in determining whether operating privileges of such person shall be
16 suspended, revoked, canceled, or withheld, or the person disqualified, in the interest
17 of public safety. The record of suspensions, revocations, and convictions that would
18 be counted under s. 343.307 (2) shall be maintained permanently, except that the
19 department shall purge the record of a first violation of s. 23.33 (4c) (a) 2., 30.681 (1)
20 (b) 1., 346.63 (1) (b), or 350.101 (1) (b) after 10 years, if the person who committed the
21 violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the
22 time of the violation, if the person does not have a commercial driver license, if the
23 violation was not committed by a person operating a commercial motor vehicle, and
24 if the person has no other suspension, revocation, or conviction that would be counted
25 under s. 343.307 during that 10-year period. The record of convictions for

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1 disqualifying offenses under s. 343.315 (2) (h) shall be maintained for at least 10
2 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (f) ~~and~~,
3 (j), ~~and (L)~~, and all records specified in par. (am), shall be maintained for at least 3
4 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (a) to
5 (e) shall be maintained permanently, except that 5 years after a licensee transfers
6 residency to another state such record may be transferred to another state of
7 licensure of the licensee if that state accepts responsibility for maintaining a
8 permanent record of convictions for disqualifying offenses. Such reports and records
9 may be cumulative beyond the period for which a license is granted, but the secretary,
10 in exercising the power of suspension granted under s. 343.32 (2) may consider only
11 those reports and records entered during the 4-year period immediately preceding
12 the exercise of such power of suspension.

13 **SECTION 2924.** 343.23 (2) (b) of the statutes, as affected by 2007 Wisconsin Act
14 20 and 2009 Wisconsin Act (this act), is repealed and recreated to read:

15 343.23 **(2)** (b) The information specified in pars. (a) and (am) must be filed by
16 the department so that the complete operator's record is available for the use of the
17 secretary in determining whether operating privileges of such person shall be
18 suspended, revoked, canceled, or withheld, or the person disqualified, in the interest
19 of public safety. The record of suspensions, revocations, and convictions that would
20 be counted under s. 343.307 (2) shall be maintained permanently, except that the
21 department shall purge the record of a first violation of s. 23.33 (4c) (a) 2., 30.681 (1)
22 (b) 1., 346.63 (1) (b), or 350.101 (1) (b) after 10 years, if the person who committed the
23 violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the
24 time of the violation, if the person does not have a commercial driver license, if the
25 violation was not committed by a person operating a commercial motor vehicle, and

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1 if the person has no other suspension, revocation, or conviction that would be counted
2 under s. 343.307 during that 10-year period. The record of convictions for
3 disqualifying offenses under s. 343.315 (2) (h) shall be maintained for at least 10
4 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (f), (j),
5 and (L), and all records specified in par. (am), shall be maintained for at least 3 years.
6 The record of convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall
7 be maintained permanently, except that 5 years after a licensee transfers residency
8 to another state such record may be transferred to another state of licensure of the
9 licensee if that state accepts responsibility for maintaining a permanent record of
10 convictions for disqualifying offenses. Such reports and records may be cumulative
11 beyond the period for which a license is granted, but the secretary, in exercising the
12 power of suspension granted under s. 343.32 (2) may consider only those reports and
13 records entered during the 4-year period immediately preceding the exercise of such
14 power of suspension. The department shall maintain the digital images of
15 documents specified in s. 343.165 (2) (a) for at least 10 years.

16 **SECTION 2925.** 343.23 (4) (a) of the statutes is amended to read:

17 343.23 **(4)** (a) Any Notwithstanding subs. (1) and (2) (b), any record of an
18 administrative suspension upon receipt of a report from the court hearing the action
19 arising out of the same incident or occurrence that the action has been dismissed or
20 the person has been found innocent of the charge arising out of that incident or
21 occurrence, except that the record of an administrative suspension for a person
22 holding a commercial driver license may be purged only upon receipt of a court order.

23 **SECTION 2926.** 343.24 (2) (intro.) of the statutes is amended to read:

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1 343.24 (2) (intro.) The Except as provided in pars. (b) and (c), the department
2 shall charge the following fees to any person for conducting searches of vehicle
3 operators' records:

4 **SECTION 2927.** 343.24 (2) (b) of the statutes is amended to read:

5 343.24 (2) (b) For each computerized search, \$5. The department may not
6 charge this fee to any governmental unit, as defined in s. 895.51 (1) (dm).

7 **SECTION 2928.** 343.24 (2) (c) of the statutes is amended to read:

8 343.24 (2) (c) For each search requested by telephone, \$6, or an established
9 monthly service rate determined by the department. The department may not
10 charge this fee to any governmental unit, as defined in s. 895.51 (1) (dm).

11 **SECTION 2929.** 343.24 (2) (d) of the statutes is created to read:

12 343.24 (2) (d) For providing a paper copy of an abstract, \$2.

13 **SECTION 2930.** 343.245 (4) (b) of the statutes is amended to read:

14 343.245 (4) (b) Any person who violates sub. (3) (b) shall be fined not less than
15 ~~\$2,500~~ \$2,750 nor more than ~~\$10,000~~ \$25,000 or imprisoned for not more than 90
16 days or both.

17 **SECTION 2931.** 343.315 (1) of the statutes is renumbered 343.315 (1m).

18 **SECTION 2932.** 343.315 (1g) of the statutes is created to read:

19 343.315 (1g) **DEFINITION.** In this section, “engaged in commercial motor
20 vehicle–related activities” means all of the following:

21 (a) Operating or using a commercial motor vehicle.

22 (b) Operating or using any motor vehicle on or after September 30, 2005, if the
23 person operating or using the vehicle has ever held a commercial driver license, has
24 ever operated a commercial motor vehicle on a highway, or has ever been convicted

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1 of a violation related to, or been disqualified from, operating a commercial motor
2 vehicle.

3 **SECTION 2933.** 343.315 (2) (a) (intro.) of the statutes is amended to read:

4 343.315 **(2)** (a) (intro.) Except as provided in ~~par. pars.~~ (b) and (bm), a person
5 shall be disqualified from operating a commercial motor vehicle for a one-year period
6 upon a first conviction of any of the following offenses, ~~committed on or after July 1,~~
7 ~~1987, while driving or operating a commercial motor vehicle or committed on or after~~
8 ~~September 30, 2005, while driving or operating any motor vehicle~~ engaged in
9 commercial motor-vehicle related activities:

10 **SECTION 2934.** 343.315 (2) (a) 5. of the statutes is amended to read:

11 343.315 **(2)** (a) 5. Section 343.305 (7) or (9) or a local ordinance in conformity
12 therewith or a law of a federally recognized American Indian tribe or band in this
13 state in conformity with s. 343.305 (7) or (9) or the law of another jurisdiction
14 prohibiting refusal of a person driving or operating a motor vehicle to submit to
15 chemical testing to determine the person's alcohol concentration or intoxication or
16 the amount of a restricted controlled substance in the person's blood, or prohibiting
17 positive results from such chemical testing, as those or substantially similar terms
18 are used in that jurisdiction's laws.

19 **SECTION 2935.** 343.315 (2) (a) 8. of the statutes is amended to read:

20 343.315 **(2)** (a) 8. Causing a fatality through negligent or criminal operation
21 of a ~~commercial~~ motor vehicle.

22 **SECTION 2936.** 343.315 (2) (am) of the statutes is created to read:

23 343.315 **(2)** (am) Except as provided in par. (b), a person shall be disqualified
24 from operating a commercial motor vehicle for a one-year period upon a first
25 conviction of causing a fatality through negligent or criminal operation of a motor

ASSEMBLY BILL 75**SECTION 2936**

1 vehicle, committed on or after July 1, 1987, and before September 30, 2005, while
2 driving or operating any motor vehicle.

3 **SECTION 2937.** 343.315 (2) (b) of the statutes is amended to read:

4 343.315 **(2)** (b) If any of the violations listed in par. (a) or (am) occurred in the
5 course of transporting hazardous materials requiring placarding or any quantity of
6 a material listed as a select agent or toxin under 42 CFR 73 on or after July 1, 1987,
7 the person shall be disqualified from operating a commercial motor vehicle for a
8 3-year period.

9 **SECTION 2938.** 343.315 (2) (bm) of the statutes is created to read:

10 343.315 **(2)** (bm) The period of disqualification under par. (a) for a
11 disqualification imposed under par. (a) 5. shall be reduced by any period of
12 suspension, revocation, or disqualification under this chapter previously served for
13 an offense if all of the following apply:

14 1. The offense arises out of the same incident or occurrence giving rise to the
15 disqualification.

16 2. The offense relates to a vehicle operator's alcohol concentration or
17 intoxication or the amount of a restricted controlled substance in the operator's
18 blood.

19 **SECTION 2939.** 343.315 (2) (c) of the statutes is amended to read:

20 343.315 **(2)** (c) A person shall be disqualified for life from operating a
21 commercial motor vehicle if convicted of 2 or more violations of any of the offenses
22 listed in par. (a) or (am), or any combination of those offenses, arising from 2 or more
23 separate incidents. The department shall consider only offenses committed on or
24 after July 1, 1987, in applying this paragraph.

25 **SECTION 2940.** 343.315 (2) (e) of the statutes is amended to read:

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1 343.315 (2) (e) A person is disqualified for life from operating a commercial
2 motor vehicle if ~~the person uses a commercial motor vehicle on or after July 1, 1987,~~
3 ~~or uses any motor vehicle on or after September 30, 2005,~~ in the commission of a
4 felony involving the manufacture, distribution, delivery, or dispensing of a controlled
5 substance or controlled substance analog, or possession with intent to manufacture,
6 distribute, deliver, or dispense a controlled substance or controlled substance analog,
7 the person is engaged in commercial motor vehicle-related activities. No person who
8 is disqualified under this paragraph is eligible for reinstatement under par. (d).

9 **SECTION 2941.** 343.315 (2) (f) (intro.) of the statutes is amended to read:

10 343.315 (2) (f) (intro.) A person is disqualified for a period of 60 days from
11 operating a commercial motor vehicle if convicted of 2 serious traffic violations, and
12 120 days if convicted of 3 serious traffic violations, arising from separate occurrences
13 committed within a 3-year period while driving or operating a commercial motor
14 vehicle or while driving or operating any motor vehicle if the person holds a
15 commercial driver license. The 120-day period of disqualification under this
16 paragraph shall be in addition to any other period of disqualification imposed under
17 this paragraph. In this paragraph, “serious traffic violations” means any of the
18 following offenses committed while ~~operating a commercial motor vehicle, or any of~~
19 ~~the following offenses committed while operating any motor vehicle if the offense~~
20 ~~results in the revocation, cancellation, or suspension of the person’s operator’s~~
21 ~~license or operating privilege~~ engaged in commercial motor vehicle-related
22 activities:

23 **SECTION 2942.** 343.315 (2) (f) 2. of the statutes is amended to read:

24 343.315 (2) (f) 2. Violating any state or local law of this state or any law of a
25 federally recognized American Indian tribe or band in this state in conformity with

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1 any state law or any law of another jurisdiction relating to motor vehicle traffic
2 control, arising in connection with a fatal accident, other than parking, vehicle
3 weight or vehicle defect violations, or violations described in par. (a) 8. or (am).

4 **SECTION 2943.** 343.315 (2) (fm) of the statutes is amended to read:

5 343.315 (2) (fm) A person is disqualified for a period of 60 days from operating
6 a commercial motor vehicle if the person is convicted of violating s. 343.14 (5) or
7 345.17, ~~if and~~ and the violation of s. 343.14 (5) or 345.17 relates to an application for a
8 commercial driver license or if the person's commercial driver license is cancelled by
9 the secretary under s. 343.25 (1) or (5).

10 **SECTION 2944.** 343.315 (2) (h) of the statutes is amended to read:

11 343.315 (2) (h) Except as provided in par. (i), a person is shall be disqualified
12 for a period of 90 days from operating a commercial motor vehicle if convicted of an
13 out-of-service violation, or ~~one year~~ 2 years if convicted of 2 out-of-service
14 violations, or 3 years if convicted of 3 or more out-of-service violations, arising from
15 separate occurrences committed within a 10-year period while ~~driving or~~ operating
16 a commercial motor vehicle. A disqualification under this paragraph shall be in
17 addition to any penalty imposed under s. 343.44. In this paragraph, "out-of-service
18 violation" means violating s. 343.44 (1) (c) or a law of another jurisdiction for an
19 offense therein which, if committed in this state, would have been a violation of s.
20 343.44 (1) (c), by operating a commercial motor vehicle while the operator or vehicle
21 is ordered out-of-service under the law of this state or another jurisdiction or under
22 federal law, if the operator holds a commercial driver license or is required to hold
23 a commercial driver license to operate the commercial motor vehicle.

24 **SECTION 2945.** 343.315 (2) (i) of the statutes is amended to read:

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1 343.315 (2) (i) If the violation listed in par. (h) occurred in the course of
2 transporting hazardous materials requiring placarding or any quantity of a material
3 listed as a select agent or toxin under 42 CFR 73, or while operating a vehicle
4 designed to carry, or actually carrying, 16 or more passengers, including the driver,
5 the person shall be disqualified from operating a commercial motor vehicle for 180
6 days upon a first conviction, or for ~~a 3-year period~~ 3 years for a 2nd or subsequent
7 conviction, arising from separate occurrences committed within a 10-year period
8 while ~~driving or~~ operating a commercial motor vehicle. A disqualification under this
9 paragraph shall be in addition to any penalty imposed under s. 343.44.

10 **SECTION 2946.** 343.315 (2) (j) (intro.) of the statutes is amended to read:

11 343.315 (2) (j) (intro.) A person is disqualified for a period of 60 days from
12 operating a commercial motor vehicle if convicted of a railroad crossing violation, or
13 120 days if convicted of 2 railroad crossing violations or one year if convicted of 3 or
14 more railroad crossing violations, arising from separate occurrences committed
15 within a 3-year period while driving or operating a commercial motor vehicle. In this
16 paragraph, “railroad crossing violation” means a violation of a federal, state, or local
17 law, rule, or regulation, or the law of another jurisdiction, relating to any of the
18 following offenses at a railroad crossing:

19 **SECTION 2947.** 343.315 (2) (L) of the statutes is created to read:

20 343.315 (2) (L) If the department receives notice from another jurisdiction of
21 a failure to comply violation by a person issued a commercial driver license by the
22 the department arising from the person’s failure to appear to contest a citation issued
23 in that jurisdiction or failure to pay a judgment entered against the person in that
24 jurisdiction, the person is disqualified from operating a commercial motor vehicle
25 until the department receives notice from the other jurisdiction terminating the

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1 failure to comply violation except that the disqualification may not be less than 30
2 days nor more than 2 years.

3 **SECTION 2948.** 343.315 (3) (b) of the statutes is amended to read:

4 343.315 **(3)** (b) If a person's license or operating privilege is not otherwise
5 revoked or suspended as the result of an offense committed after March 31, 1992,
6 which results in disqualification under sub. (2) (a) to (f), (h), ~~(i), or to (j), or (L)~~, the
7 department shall immediately disqualify the person from operating a commercial
8 motor vehicle for the period required under sub. (2) (a) to (f), (h), ~~(i), or to (j), or (L)~~.
9 Upon proper application by the person and payment of the fees specified in s. 343.21
10 (1) (L) and (n), the department may issue a separate license authorizing only the
11 operation of vehicles other than commercial motor vehicles. Upon expiration of the
12 period of disqualification, the person may apply for authorization to operate
13 commercial motor vehicles under s. 343.26.

14 **SECTION 2949.** 343.315 (3) (bm) of the statutes is created to read:

15 343.315 **(3)** (bm) Notwithstanding pars. (a) and (b) and the time periods for
16 disqualification specified in sub. (2), if a person is convicted in another jurisdiction
17 of a disqualifying offense specified in sub. (2) while the person is not licensed in or
18 a resident of this state, that other jurisdiction disqualified the person from operating
19 a commercial motor vehicle as a result of the conviction, and the period of
20 disqualification in that other jurisdiction has expired, the department may not
21 disqualify the person from operating a commercial motor vehicle as a result of the
22 conviction.

23 **SECTION 2950.** 343.35 (1) (a) of the statutes is renumbered 343.35 (1) and
24 amended to read:

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1 343.35 (1) ~~Except as provided in par. (b), the~~ The department may order any
2 person whose operating privilege has been canceled, revoked or suspended to
3 surrender his or her license or licenses to the department. The department may
4 order any person who is in possession of a canceled, revoked or suspended license of
5 another to surrender the license to the department.

6 **SECTION 2951.** 343.35 (1) (b) of the statutes is repealed.

7 **SECTION 2952.** 343.43 (1) (a) of the statutes is amended to read:

8 343.43 (1) (a) ~~Except as provided in s. 343.35 (1) (b), represent~~ Represent as
9 valid any canceled, revoked, suspended, fictitious or fraudulently altered license; or

10 **SECTION 2953.** 343.44 (1) (c) of the statutes is amended to read:

11 343.44 (1) (c) *Operating while ordered out-of-service.* No person may operate
12 a commercial motor vehicle while the person or the commercial motor vehicle is
13 ordered out-of-service under the law of this state or another jurisdiction or under
14 federal law.

15 **SECTION 2954.** 343.44 (2) (as) of the statutes is amended to read:

16 343.44 (2) (as) Any person who violates sub. (1) (b) after July 27, 2005, shall
17 forfeit not more than \$2,500, except that, ~~if the person has been convicted of a~~
18 ~~previous violation of sub. (1) (b) within the preceding 5-year period or if the~~
19 revocation identified under sub. (1) (b) resulted from an offense that may be counted
20 under s. 343.307 (2), the penalty under par. (b) shall apply.

21 **SECTION 2955.** 343.44 (2) (bm) of the statutes is amended to read:

22 343.44 (2) (bm) Any person who violates sub. (1) (c) shall ~~be fined not less than~~
23 ~~\$1,100 nor more than \$2,750 or imprisoned for not more than one year in the county~~
24 ~~jail or both. In imposing a sentence under this paragraph, the court shall review the~~

ASSEMBLY BILL 75**SECTION 2955**

1 ~~record and consider the factors specified in par. (b) 1. to 5. forfeit \$2,500 for the first~~
2 ~~offense and \$5,000 for the 2nd or subsequent offense within 10 years.~~

3 **SECTION 2956.** 343.44 (4r) of the statutes is amended to read:

4 343.44 **(4r)** VIOLATION OF OUT-OF-SERVICE ORDER. In addition to other penalties
5 for violation of this section, if a person has violated this section after ~~he or she~~ the
6 person or the commercial motor vehicle operated by the person was ordered
7 out-of-service under the law of this state or another jurisdiction or under federal
8 law, the violation shall result in disqualification under s. 343.315 (2) (h) or (i).

9 **SECTION 2957.** 343.50 (5) of the statutes is renumbered 343.50 (5) (a) 1. and
10 amended to read:

11 343.50 **(5)** (a) 1. The Except as provided in subd. 2., the fee for an original card
12 and for the reinstatement of an identification card after cancellation under sub. (10)
13 shall be \$18.

14 (b) The card shall be valid for the succeeding period of 8 years from the
15 applicant's next birthday after the date of issuance, except that a card that is issued
16 to a person who is not a United States citizen and who provides documentary proof
17 of legal status as provided under s. 343.14 (2) (er) shall expire on the date that the
18 person's legal presence in the United States is no longer authorized. If the
19 documentary proof as provided under s. 343.14 (2) (er) does not state the date that
20 the person's legal presence in the United States is no longer authorized, then the card
21 shall be valid for the succeeding period of 8 years from the applicant's next birthday
22 after the date of issuance.

23 **SECTION 2958.** 343.50 (5) of the statutes, as affected by 2007 Wisconsin Act 20,
24 section 3381, and 2009 Wisconsin Act (this act), is repealed and recreated to read:

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1 343.50 (5) (a) 1. Except as provided in subd. 2., the fee for an original card, for
2 renewal of a card, and for the reinstatement of an identification card after
3 cancellation under sub. (10) shall be \$18.

4 2. The department may not charge a fee to an applicant for the initial issuance
5 of an identification card if any of the following apply:

6 a. The department has canceled the applicant's valid operator's license after
7 a special examination under s. 343.16 (5) and, at the time of cancellation, the
8 expiration date for the canceled license was not less than 6 months after the date of
9 cancellation.

10 b. The department has accepted the applicant's voluntary surrender of a valid
11 operator's license under s. 343.265 (1) and, at the time the department accepted
12 surrender, the expiration date for the surrendered license was not less than 6 months
13 after the date that the department accepted surrender.

14 (b) Except as provided in par. (c) and s. 343.165 (4) (c), an original or reinstated
15 card shall be valid for the succeeding period of 8 years from the applicant's next
16 birthday after the date of issuance, and a renewed card shall be valid for the
17 succeeding period of 8 years from the card's last expiration date.

18 (c) Except as provided in s. 343.165 (4) (c) and as otherwise provided in this
19 paragraph, an identification card that is issued to a person who is not a United States
20 citizen and who provides documentary proof of legal status as provided under s.
21 343.14 (2) (es) shall expire on the date that the person's legal presence in the United
22 States is no longer authorized or on the expiration date determined under par. (b),
23 whichever date is earlier. If the documentary proof as provided under s. 343.14 (2)
24 (es) does not state the date that the person's legal presence in the United States is
25 no longer authorized, then the card shall be valid for the period specified in par. (b)

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1 except that, if the card was issued or renewed based upon the person's presenting of
2 any documentary proof specified in s. 343.14 (2) (es) 4. to 7., the card shall, subject
3 to s. 343.165 (4) (c), expire one year after the date of issuance or renewal.

4 **SECTION 2959.** 343.50 (5) (a) 2. of the statutes is created to read:

5 343.50 **(5)** (a) 2. The department may not charge a fee to an applicant for the
6 initial issuance of an identification card if any of the following apply:

7 a. The department has canceled the applicant's valid operator's license after
8 a special examination under s. 343.16 (5) and, at the time of cancellation, the
9 expiration date for the canceled license was not less than 6 months after the date of
10 cancellation.

11 b. The department has accepted the applicant's voluntary surrender of a valid
12 operator's license under s. 343.265 (1) and, at the time the department accepted
13 surrender, the expiration date for the surrendered license was not less than 6 months
14 after the date that the department accepted surrender.

15 **SECTION 2960.** 343.50 (5m) of the statutes is amended to read:

16 343.50 **(5m)** ~~FEDERAL SECURITY VERIFICATION MANDATE~~ CARD ISSUANCE FEE. In
17 addition to any other fee under this section, for the issuance of an original
18 identification card or duplicate identification card or for the renewal or
19 reinstatement of an identification card after cancellation under sub. (10), a ~~federal~~
20 ~~security verification mandate~~ card issuance fee of \$10 shall be paid to the
21 department.

22 **SECTION 2961.** 343.50 (5m) of the statutes, as affected by 2009 Wisconsin Act
23 (this act), is amended to read:

24 343.50 **(5m)** CARD ISSUANCE FEE. In addition to any other fee under this section,
25 for the issuance of an original identification card or duplicate identification card or

ASSEMBLY BILL 75**SECTION 2961**

1 for the renewal or reinstatement of an identification card after cancellation under
2 sub. (10), a card issuance fee of \$10 shall be paid to the department. The fee under
3 this subsection does not apply to an applicant if the department may not charge the
4 applicant a fee under sub. (5) (a) 2.

5 **SECTION 2962.** 343.51 (1) of the statutes is amended to read:

6 343.51 (1) Any person who qualifies for a registration ~~plates~~ plate of a special
7 design under s. 341.14 (1), (1a), (1m) or (1q) or any other person with a disability that
8 limits or impairs the ability to walk may request from the department a special
9 identification card that will entitle any motor vehicle, other than a motorcycle,
10 parked by, or under the direction of, the person, or a motor vehicle, other than a
11 motorcycle, operated by or on behalf of the organization when used to transport such
12 a person, to parking privileges under s. 346.50 (2), (2a) and (3). The department shall
13 issue the card at a fee to be determined by the department, upon submission by the
14 applicant, if the applicant is an individual rather than an organization, of a
15 statement from a physician licensed to practice medicine in any state, from an
16 advanced practice nurse licensed to practice nursing in any state, from a public
17 health nurse certified or licensed to practice in any state, from a physician assistant
18 licensed or certified to practice in any state, from a podiatrist licensed to practice in
19 any state, from a chiropractor licensed to practice chiropractic in any state, or from
20 a Christian Science practitioner residing in this state and listed in the Christian
21 Science journal that the person is a person with a disability that limits or impairs
22 the ability to walk. The statement shall state whether the disability is permanent
23 or temporary and, if temporary, the opinion of the physician, advanced practice
24 nurse, public health nurse, physician assistant, podiatrist, chiropractor or
25 practitioner as to the duration of the disability. The department shall issue the card

ASSEMBLY BILL 75**SECTION 2962**

1 upon application by an organization on a form prescribed by the department if the
2 department believes that the organization meets the requirements under this
3 subsection.

4 **SECTION 2963.** 344.01 (2) (d) of the statutes is amended to read:

5 344.01 **(2)** (d) “Proof of financial responsibility” or “proof of financial
6 responsibility for the future” means proof of ability to respond in damages for
7 liability on account of accidents occurring subsequent to the effective date of such
8 proof, arising out of the maintenance or use of a motor vehicle in the amount of
9 ~~\$25,000~~ \$100,000 because of bodily injury to or death of one person in any one
10 accident and, subject to such limit for one person, in the amount of ~~\$50,000~~ \$300,000
11 because of bodily injury to or death of 2 or more persons in any one accident and in
12 the amount of ~~\$10,000~~ \$25,000 because of injury to or destruction of property of
13 others in any one accident.

14 **SECTION 2964.** 344.15 (1) of the statutes is amended to read:

15 344.15 **(1)** No policy or bond is effective under s. 344.14 unless issued by an
16 insurer authorized to do an automobile liability or surety business in this state,
17 except as provided in sub. (2), or unless the policy or bond is subject, if the accident
18 has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not
19 less than ~~\$25,000~~ \$100,000 because of bodily injury to or death of one person in any
20 one accident and, subject to that limit for one person, to a limit of not less than
21 ~~\$50,000~~ \$300,000 because of bodily injury to or death of 2 or more persons in any one
22 accident and, if the accident has resulted in injury to or destruction of property, to
23 a limit of not less than ~~\$10,000~~ \$25,000 because of injury to or destruction of property
24 of others in any one accident.

25 **SECTION 2965.** 344.33 (2) of the statutes is amended to read:

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1 344.33 **(2)** MOTOR VEHICLE LIABILITY POLICY. A motor vehicle policy of liability
2 insurance shall insure the person named therein using any motor vehicle with the
3 express or implied permission of the owner, or shall insure any motor vehicle owned
4 by the named insured and any person using such motor vehicle with the express or
5 implied permission of the named insured, against loss from the liability imposed by
6 law for damages arising out of the maintenance or use of the motor vehicle within
7 the United States of America or the Dominion of Canada, subject to the limits
8 exclusive of interest and costs, with respect to each such motor vehicle as follows:
9 ~~\$25,000~~ \$100,000 because of bodily injury to or death of one person in any one
10 accident and, subject to such limit for one person, ~~\$50,000~~ \$300,000 because of bodily
11 injury to or death of 2 or more persons in any one accident, and ~~\$10,000~~ \$25,000
12 because of injury to or destruction of property of others in any one accident.

13 **SECTION 2966.** 344.45 (1) of the statutes is amended to read:

14 344.45 **(1)** Whenever a person's operating privilege or registration is suspended
15 under this chapter, the department may order the person to surrender to the
16 department his or her operator's license and the registration ~~plates~~ plate of the any
17 vehicle ~~or vehicles~~ for which registration was suspended. If the person fails
18 immediately to return the operator's license or registration ~~plates~~ plate to the
19 department, the department may direct a traffic officer to take possession thereof
20 and return them to the department.

21 **SECTION 2967.** 344.55 (2) of the statutes is amended to read:

22 344.55 **(2)** The department may not issue a registration ~~plates~~ plate for such
23 a vehicle unless there is on file with the department a certificate of insurance
24 showing that the vehicle is insured in compliance with sub. (1). No such policy may
25 be terminated prior to its expiration or canceled for any reason unless a notice thereof

ASSEMBLY BILL 75**SECTION 2967**

1 is filed with the department at least 30 days prior to the date of termination or
2 cancellation. The department shall suspend the registration of a vehicle on which
3 the insurance policy has been terminated or canceled, effective on the date of
4 termination or cancellation.

5 **SECTION 2968.** 345.05 (1) (a) of the statutes is renumbered 345.05 (1) (am).

6 **SECTION 2969.** 345.05 (1) (ag) of the statutes is created to read:

7 345.05 **(1)** (ag) “Authority” means a transit authority created under s. 66.1039.

8 **SECTION 2970.** 345.05 (2) of the statutes is amended to read:

9 345.05 **(2)** A person suffering any damage proximately resulting from the
10 negligent operation of a motor vehicle owned and operated by a municipality or
11 authority, which damage was occasioned by the operation of the motor vehicle in the
12 course of its business, may file a claim for damages against the municipality or
13 authority concerned and the governing body ~~thereof~~ of the municipality, or the board
14 of directors of the authority, may allow, compromise, settle and pay the claim. In this
15 subsection, a motor vehicle is deemed owned and operated by a municipality or
16 authority if the vehicle is either being rented or leased, or is being purchased under
17 a contract whereby the municipality or authority will acquire title.

18 **SECTION 2971.** 346.01 (2) of the statutes is amended to read:

19 346.01 **(2)** In this chapter, notwithstanding s. 340.01 (42), “owner” means, with
20 respect to a vehicle that is registered, or is required to be registered, by a lessee of
21 the vehicle under ch. 341, the lessee of the vehicle for purposes of vehicle owner
22 liability under ss. 346.175, 346.195, 346.205, 346.375, 346.452, 346.457, 346.465,
23 346.485, 346.505 (3), 346.575, 346.675, and 346.945.

24 **SECTION 2972.** 346.375 of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 2972**

1 **346.375 Owner’s liability for traffic control signal violations detected**
2 **by photographic systems. (1)** In this section, “traffic control photographic
3 system” means an electronic system consisting of a photographic, video, or electronic
4 camera and a vehicle sensor installed for use with an official traffic control signal to
5 automatically produce photographs or video or digital images, stamped with the time
6 and date, of vehicles moving through an intersection.

7 **(2)** The department, and any local authority, may use traffic control
8 photographic systems on highways under its jurisdiction for the purpose of detecting
9 any violation of s. 346.37 (1) (c) 1. or 3. or a local ordinance in conformity with s.
10 346.37 (1) (c) 1. or 3. Subject to sub. (4) (b), the owner of a vehicle involved in a
11 violation of s. 346.37 (1) (c) 1. or 3., or of a local ordinance in conformity with s. 346.37
12 (1) (c) 1. or 3., that is detected by a traffic control photographic system shall be liable
13 for the violation as provided in this section.

14 **(3)** If a traffic officer prepares a uniform traffic citation under s. 345.11 for a
15 violation of this section, the officer shall serve the owner of the vehicle with the
16 citation by mailing the citation by certified mail addressed to the owner’s last-known
17 address within 72 hours after the violation. A traffic officer shall send with the
18 citation a duplicate of each photograph, video, or digital image, taken by the traffic
19 control photographic system, of the vehicle involved in the violation.

20 **(4)** (a) Except as provided in par. (b), it is not a defense to a violation of this
21 section that the owner was not operating the vehicle at the time of the violation.

22 (b) All of the following are defenses to a violation of this section:

23 1. That a report that the vehicle was stolen was made by the owner to a law
24 enforcement agency before the violation occurred or within a reasonable time after
25 the violation occurred.

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1 2. That the owner of the vehicle provided a traffic officer with the name and
2 address of the person operating the vehicle at the time of the violation and the person
3 so named admits operating the vehicle at the time of the violation. In that case, the
4 person operating the vehicle may be charged with a violation of s. 346.37 (1) (c) 1. or
5 3. or a local ordinance in conformity with s. 346.37 (1) (c) 1. or 3.

6 3. That the vehicle is owned by a lessor of vehicles and is registered in the name
7 of the lessor, that at the time of the violation the vehicle was in the possession of a
8 lessee, and that the lessor provided a traffic officer with the information required
9 under s. 343.46 (3). In that case, the lessee may be charged with a violation of s.
10 346.37 (1) (c) 1. or 3. or a local ordinance in conformity with s. 346.37 (1) (c) 1. or 3.

11 4. That the vehicle is owned by a dealer, as defined in s. 340.01 (11) (intro.), but
12 including the persons specified in s. 340.01 (11) (a) to (d), that at the time of the
13 violation the vehicle was being operated by a person on a trial run, and that the
14 dealer provided a traffic officer with the name, address, and operator's license
15 number of the person operating the vehicle. In that case, the person operating the
16 vehicle may be charged with a violation of s. 346.37 (1) (c) 1. or 3. or a local ordinance
17 in conformity with s. 346.37 (1) (c) 1. or 3.

18 **SECTION 2973.** 346.43 (4) of the statutes is created to read:

19 346.43 **(4)** A vehicle owner found liable under s. 346.375 is subject to a
20 forfeiture in the same amount that may be imposed on a vehicle operator for the
21 corresponding violation of s. 346.37 (1) (b) 1. or 3. including, if applicable, the
22 doubling of the forfeiture as provided in sub. (1) (b) 3. For purposes of this subsection,
23 a person's prior violation of s. 346.37 (1) (c) 1. or 3. may be counted as a prior violation
24 of s. 346.375. Imposition of liability under s. 346.375 shall not result in suspension
25 or revocation of a person's operating privilege under s. 343.30 or 343.31, nor shall it

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1 result in demerit points being recorded on a person's driving record under s. 343.32
2 (2) (a).

3 **SECTION 2974.** 346.50 (2) of the statutes is amended to read:

4 346.50 **(2)** Except as provided in sub. (3m), a motor vehicle bearing a special
5 registration plate issued under s. 341.14 (1) or (1r) (a) to a disabled veteran or on his
6 or her behalf is exempt from any ordinance imposing time limitations on parking in
7 any street or highway zone and parking lot, whether municipally owned or leased,
8 or both municipally owned and leased or a parking place owned or leased, or both
9 owned and leased by a municipal parking utility, with one-half hour or more
10 limitation but otherwise is subject to the laws relating to parking. Where the time
11 limitation on a metered stall is one-half hour or more, no meter payment is required.
12 Parking privileges granted by this subsection are limited to the disabled veteran to
13 whom or on whose behalf the special ~~plates were~~ plate was issued and to qualified
14 operators acting under the disabled veteran's express direction with the disabled
15 veteran present.

16 **SECTION 2975.** 346.50 (2a) (intro.) of the statutes is amended to read:

17 346.50 **(2a)** (intro.) Except as provided in sub. (3m), a motor vehicle bearing a
18 special registration ~~plates~~ plate issued under s. 341.14 (1a), (1e), (1m), (1q) or (1r) (a)
19 or a motor vehicle, other than a motorcycle, upon which a special identification card
20 issued under s. 343.51 is displayed or a motor vehicle registered in another
21 jurisdiction upon which is displayed a registration plate, a card or an emblem issued
22 by the other jurisdiction designating the vehicle as a vehicle used by a physically
23 disabled person is exempt from any ordinance imposing time limitations on parking
24 in any street or highway zone and parking lot, whether municipally owned or leased,
25 or both municipally owned and leased or a parking place owned or leased, or both

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1 owned and leased by a municipal parking utility, with one-half hour or more
2 limitation but otherwise is subject to the laws relating to parking. Where the time
3 limitation on a metered stall is one-half hour or more, no meter payment is required.
4 Parking privileges granted by this subsection are limited to the following:

5 **SECTION 2976.** 346.50 (2a) (a) of the statutes is amended to read:

6 346.50 **(2a)** (a) A person to whom ~~plates were~~ a plate was issued under s. 341.14
7 (1a).

8 **SECTION 2977.** 346.50 (2a) (b) of the statutes is amended to read:

9 346.50 **(2a)** (b) A qualified operator acting under the express direction of a
10 person to whom ~~plates were~~ a plate was issued under s. 341.14 (1a) when such person
11 is present.

12 **SECTION 2978.** 346.50 (2a) (c) of the statutes is amended to read:

13 346.50 **(2a)** (c) A person to whom ~~plates were~~ a plate was issued under s. 341.14
14 (1m) when the disabled person for whom the ~~plates were~~ plate was issued is present.

15 **SECTION 2979.** 346.50 (2a) (d) of the statutes is amended to read:

16 346.50 **(2a)** (d) A person for whom ~~plates were~~ a plate was issued under s.
17 341.14 (1q).

18 **SECTION 2980.** 346.50 (2a) (e) of the statutes is amended to read:

19 346.50 **(2a)** (e) A qualified operator acting under the express direction of a
20 person for whom ~~plates were~~ a plate was issued under s. 341.14 (1q) when such
21 person is present.

22 **SECTION 2981.** 346.50 (2a) (f) of the statutes is amended to read:

23 346.50 **(2a)** (f) A person for whom ~~plates were~~ a plate was issued under s. 341.14
24 (1r) (a).

25 **SECTION 2982.** 346.50 (2a) (g) of the statutes is amended to read:

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1 346.50 **(2a)** (g) A qualified operator acting under the express direction of a
2 person for whom ~~plates were~~ a plate was issued under s. 341.14 (1r) (a) when the
3 person is present.

4 **SECTION 2983.** 346.50 (3) of the statutes is amended to read:

5 346.50 **(3)** Except as provided in sub. (3m), a vehicle bearing a special
6 registration ~~plates~~ plate issued under s. 341.14 (1), (1a), (1e), (1m), (1q) or (1r) (a) or
7 a motor vehicle, other than a motorcycle, upon which a special identification card
8 issued under s. 343.51 is displayed or a motor vehicle registered in another
9 jurisdiction upon which is displayed a registration plate, a card or an emblem issued
10 by the other jurisdiction designating the vehicle as a vehicle used by a person with
11 a physical disability is exempt from s. 346.505 (2) (a) or any ordinance in conformity
12 therewith prohibiting parking, stopping or standing upon any portion of a street,
13 highway or parking facility reserved for persons with physical disabilities by official
14 traffic signs indicating the restriction. Stopping, standing and parking privileges
15 granted by this subsection are limited to the persons listed under subs. (2) and (2a)
16 (a) to (m).

17 **SECTION 2984.** 346.50 (3m) (b) 5. of the statutes is amended to read:

18 346.50 **(3m)** (b) 5. The ordinance shall require the city to submit a report by
19 December 31 of each odd-numbered year to the council on physical disabilities ~~under~~
20 ~~s. 46.29 (1) (fm)~~ on implementation and administration of the ordinance, including
21 an evaluation of the effectiveness of time limitations imposed by the ordinance. With
22 respect to spaces reserved by the city for use by a motor vehicle used by a physically
23 disabled person upon any portion of a street, highway or parking facility, the report
24 shall include the total number of spaces; the total number of spaces in a parking
25 facility and the number of those spaces that are subject to a time limitation, and the

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1 duration of any such limitation; and the total number of spaces upon a street or
2 highway and the number of those spaces that are subject to a time limitation, and
3 the duration of any such limitation.

4 **SECTION 2985.** 346.503 (1) of the statutes is amended to read:

5 346.503 **(1)** In this section, “motor vehicle used by a physically disabled person”
6 means a motor vehicle bearing a special registration ~~plates~~ plate issued under s.
7 341.14 (1), (1a), (1e), (1m), (1q) or (1r) (a) or a motor vehicle, other than a motorcycle,
8 upon which a special identification card issued under s. 343.51 is displayed or a
9 motor vehicle registered in another jurisdiction and displaying a registration plate,
10 card or emblem issued by the other jurisdiction which designates the vehicle as a
11 vehicle used by a physically disabled person.

12 **SECTION 2986.** 346.505 (2) (a) of the statutes is amended to read:

13 346.505 **(2)** (a) Except for a motor vehicle used by a physically disabled person
14 as defined under s. 346.503 (1), no person may park, stop or leave standing any
15 vehicle, whether attended or unattended and whether temporarily or otherwise,
16 upon any portion of a street, highway or parking facility reserved, by official traffic
17 signs indicating the restriction, for vehicles displaying a special registration ~~plates~~
18 plate issued under s. 341.14 (1), (1a), (1e), (1m), (1q) or (1r) (a) or a special
19 identification card issued under s. 343.51 or vehicles registered in another
20 jurisdiction and displaying a registration plate, card or emblem issued by the other
21 jurisdiction which designates the vehicle as a vehicle used by a physically disabled
22 person.

23 **SECTION 2987.** 346.505 (2) (b) of the statutes is amended to read:

24 346.505 **(2)** (b) No person may park, stop or leave standing any vehicle, whether
25 attended or unattended and whether temporarily or otherwise, upon any portion of

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1 a street, highway or parking facility so as to obstruct, block or otherwise limit the use
2 of any portion of a street, highway or parking facility reserved, by official traffic signs
3 indicating the restriction, for vehicles displaying a special registration plates plate
4 issued under s. 341.14 (1), (1a), (1e), (1m), (1q) or (1r) (a) or a special identification
5 card issued under s. 343.51 or vehicles registered in another jurisdiction and
6 displaying a registration plate, card or emblem issued by the other jurisdiction which
7 designates the vehicle as a vehicle used by a physically disabled person.

8 **SECTION 2988.** 346.505 (2) (c) of the statutes is amended to read:

9 346.505 **(2)** (c) Notwithstanding par. (b), no person may park, stop or leave
10 standing any vehicle, whether attended or unattended and whether temporarily or
11 otherwise, upon any portion of a street, highway or parking facility that is clearly
12 marked as and intended to be an access aisle to provide entry to and exit from
13 vehicles by persons with physical disabilities and which is immediately adjacent to
14 any portion of a street, highway or parking facility reserved, by official traffic signs
15 indicating the restriction, for vehicles displaying a special registration plates plate
16 issued under s. 341.14 (1), (1a), (1e), (1m), (1q) or (1r) (a) or a special identification
17 card issued under s. 343.51 or vehicles registered in another jurisdiction and
18 displaying a registration plate, card or emblem issued by the other jurisdiction which
19 designates the vehicle as a vehicle used by a person with a physical disability.

20 **SECTION 2989.** 346.575 of the statutes is created to read:

21 **346.575 Owner's liability for speed restriction violations detected by**
22 **photo radar in work zones. (1)** In this section:

23 (a) "Highway work zone" means a highway maintenance or construction area
24 on or adjacent to a highway where persons engaged in work are at risk from traffic.

25 (b) "Photo radar speed detection" has the meaning given in s. 349.02 (3) (a).

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1 **(2)** Notwithstanding s. 349.02 (3) (b), any state or local law enforcement agency
2 with jurisdiction over traffic violations may use photo radar speed detection to
3 determine compliance with any speed restriction established under s. 346.57 or
4 349.11, or a local ordinance in conformity with s. 346.57 or 349.11, in a highway work
5 zone. Subject to sub. (4) (b), the owner of a vehicle involved in a violation of s. 346.57,
6 or a local ordinance in conformity with s. 346.57, in a highway work zone that is
7 determined by photo radar speed detection shall be liable for the violation as
8 provided in this section.

9 **(3)** If a traffic officer prepares a uniform traffic citation under s. 345.11 for a
10 violation of this section, the officer shall serve the owner of the vehicle with the
11 citation by mailing the citation by certified mail addressed to the owner's last-known
12 address within 72 hours after the violation. A traffic officer shall send with the
13 citation a duplicate of each photograph, video, or digital image, taken by the photo
14 radar speed detection system, of the vehicle involved in the violation.

15 **(4)** (a) Except as provided in par. (b), it is not a defense to a violation of this
16 section that the owner was not operating the vehicle at the time of the violation.

17 (b) All of the following are defenses to a violation of this section:

18 1. That a report that the vehicle was stolen was made by the owner to a law
19 enforcement agency before the violation occurred or within a reasonable time after
20 the violation occurred.

21 2. That the owner of the vehicle provided a traffic officer with the name and
22 address of the person operating the vehicle at the time of the violation and the person
23 so named admits operating the vehicle at the time of the violation. In that case, the
24 person operating the vehicle may be charged with a violation of s. 346.57 or a local
25 ordinance in conformity with s. 346.57.

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1 3. That the vehicle is owned by a lessor of vehicles and is registered in the name
2 of the lessor, that at the time of the violation the vehicle was in the possession of a
3 lessee, and that the lessor provided a traffic officer with the information required
4 under s. 343.46 (3). In that case, the lessee may be charged with a violation of s.
5 346.57 or a local ordinance in conformity with s. 346.57.

6 4. That the vehicle is owned by a dealer, as defined in s. 340.01 (11) (intro.), but
7 including the persons specified in s. 340.01 (11) (a) to (d), that at the time of the
8 violation the vehicle was being operated by a person on a trial run, and that the
9 dealer provided a traffic officer with the name, address, and operator's license
10 number of the person operating the vehicle. In that case, the person operating the
11 vehicle may be charged with a violation of s. 346.57 or a local ordinance in conformity
12 with s. 346.57.

13 **SECTION 2990.** 346.60 (6) of the statutes is created to read:

14 346.60 **(6)** A vehicle owner found liable under s. 346.575 is subject to a
15 forfeiture in the same amount that may be imposed on a vehicle operator for the
16 corresponding violation of s. 346.57 including, if applicable, the doubling of the
17 forfeiture as provided in sub. (3m) (a). For purposes of this subsection, a person's
18 prior violation of s. 346.57 may be counted as a prior violation of s. 346.575.
19 Imposition of liability under s. 346.575 shall not result in suspension or revocation
20 of a person's operating privilege under s. 343.30 or 343.31, nor shall it result in
21 demerit points being recorded on a person's driving record under s. 343.32 (2) (a).

22 **SECTION 2991.** 347.48 (2m) (gm) of the statutes is amended to read:

23 347.48 **(2m)** (gm) ~~Notwithstanding s. 349.02, a law enforcement officer may not~~
24 ~~stop or inspect a vehicle solely to determine compliance with this subsection or sub.~~
25 ~~(1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules~~

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1 ~~of the department. This paragraph does not limit the authority of a law enforcement~~
2 ~~officer to issue a citation for a violation of this subsection or sub. (1) or (2) or a local~~
3 ~~ordinance in conformity with this subsection, sub. (1) or (2) or rules of the department~~
4 ~~observed in the course of a stop or inspection made for other purposes, except that~~
5 ~~a A law enforcement officer may not take a person into physical custody solely for~~
6 ~~a violation of this subsection or sub. (1) or (2) or a local ordinance in conformity with~~
7 ~~this subsection, sub. (1) or (2) or rules of the department.~~

8 **SECTION 2992.** 347.50 (2m) (a) of the statutes is amended to read:

9 347.50 **(2m)** (a) Any person who violates s. 347.48 (2m) (b) or (c) and any person
10 16 years of age or older who violates s. 347.48 (2m) (d) may be required to forfeit \$10
11 \$25.

12 **SECTION 2993.** 348.25 (8) (e) of the statutes is amended to read:

13 348.25 **(8)** (e) The officer or agency authorized to issue a permit under s. 348.26
14 or 348.27 may require any applicant for a permit under s. 348.26 or 348.27 to pay the
15 cost of any special investigation undertaken to determine whether a permit should
16 be approved or denied ~~and to pay an additional fee established by the department by~~
17 ~~rule per permit if a department telephone call-in procedure or Internet procedure~~
18 ~~is used. The fee shall approximate the cost to the department for providing this~~
19 ~~service to persons so requesting.~~

20 **SECTION 2994.** 349.13 (1m) of the statutes is amended to read:

21 349.13 **(1m)** In addition to the requirements under s. 346.503 (1m), the
22 department, with respect to state trunk highways outside of corporate limits and
23 parking facilities under its jurisdiction, and local authorities, with respect to
24 highways under their jurisdiction including state trunk highways or connecting
25 highways within corporate limits and parking facilities within corporate limits, may,

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1 by official traffic signs indicating the restriction, prohibit parking, stopping or
2 standing upon any portion of a street, highway or parking facility reserved for any
3 vehicle bearing a special registration plates plate issued under s. 341.14 (1), (1a),
4 (1e), (1m), (1q) or (1r) (a) or a motor vehicle, other than a motorcycle, upon which a
5 special identification card issued under s. 343.51 is displayed or any vehicle
6 registered in another jurisdiction and displaying a registration plate, card or emblem
7 issued by the other jurisdiction which designates the vehicle as a vehicle used by a
8 physically disabled person.

9 **SECTION 2995.** 440.25 of the statutes is amended to read:

10 **440.25 Judicial review.** The department may seek judicial review under ch.
11 227 of any final disciplinary decision of the medical examining board or affiliated
12 credentialing board attached to the medical examining board. The department shall
13 be represented in such review proceedings by an attorney within the department.
14 Upon request of the medical examining board or the interested affiliated
15 credentialing board, the attorney general may represent the board. If the attorney
16 general declines to represent the board, the board may retain special counsel which
17 shall be paid for out of the appropriation under s. 20.165 (1) (g) (hg).

18 **SECTION 2996.** 460.01 (5) of the statutes is amended to read:

19 460.01 **(5)** “Physician’s office” ~~has the meaning given in s. 101.123 (1) (dg)~~
20 means a place, other than a residence or a hospital, that is used primarily to provide
21 medical care and treatment.

22 **SECTION 2997.** 551.614 (1) (a) of the statutes is amended to read:

23 551.614 **(1)** (a) There shall be a filing fee of ~~\$750~~ \$1,000 for every registration
24 statement filed under s. 551.303 or 551.304, and for every notice filing under s.
25 551.302. If a registration statement is denied or withdrawn before the effective date

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1 or a pre-effective stop order is entered under s. 551.306, or a notice filing is
2 withdrawn, the filing fee shall be retained.

3 **SECTION 2998.** 551.614 (1) (b) 1. a. of the statutes is amended to read:

4 551.614 **(1)** (b) 1. a. Elect not to include the information under subd. 1. b. and
5 instead pay a fee of ~~\$1,500~~ \$10,000.

6 **SECTION 2999.** 551.614 (1) (b) 1. b. of the statutes is amended to read:

7 551.614 **(1)** (b) 1. b. Report the amount of securities sold to persons in this state
8 during the preceding fiscal year or, if the registration is terminated, during the
9 portion of the preceding fiscal year during which the registration was effective, and
10 pay a fee of 0.05 percent of the dollar amount of the securities sold to persons in this
11 state, but not less than ~~\$150~~ \$500 nor more than ~~\$1,500~~ \$10,000.

12 **SECTION 3000.** 551.614 (1) (b) 2. a. of the statutes is amended to read:

13 551.614 **(1)** (b) 2. a. Elect not to include the information under subd. 2. b. and
14 instead pay a fee of ~~\$1,500~~ \$10,000.

15 **SECTION 3001.** 551.614 (1) (b) 2. b. of the statutes is amended to read:

16 551.614 **(1)** (b) 2. b. Report the amount of securities sold to persons in this state
17 during the preceding fiscal year or, if sales have terminated, during the portion of the
18 preceding fiscal year during which sales were made, and pay a fee of 0.05 percent of
19 the dollar amount of the securities sold to persons in this state, but not less than ~~\$150~~
20 \$500 nor more than ~~\$1,500~~ \$10,000.

21 **SECTION 3002.** 551.614 (2) of the statutes is amended to read:

22 551.614 **(2)** FEES RELATED TO BROKER-DEALERS, AGENTS, INVESTMENT ADVISERS,
23 INVESTMENT ADVISER REPRESENTATIVES, AND FEDERAL COVERED ADVISERS. Every
24 applicant for an initial or renewal license under s. 551.401, 551.402, 551.403, or
25 551.404 shall pay a filing fee of \$200 in the case of a broker-dealer or investment

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1 adviser and ~~\$30~~ \$60 in the case of an agent representing a broker-dealer or issuer
2 or an investment adviser representative. Every federal covered adviser in this state
3 that is required to make a notice filing under s. 551.405 shall pay an initial or renewal
4 notice filing fee of \$200. A broker-dealer, investment adviser, or federal covered
5 adviser maintaining a branch office within this state shall pay an additional filing
6 fee of ~~\$30~~ \$60 for each branch office. When an application is denied, or an application
7 or a notice filing is withdrawn, the filing fee shall be retained.

8 **SECTION 3003.** 560.031 of the statutes is amended to read:

9 **560.031 Grants for ethanol production facilities.** Notwithstanding ~~ss.~~ s.
10 560.138 (2) (a) and ~~560.17~~ (3), the department may not make a grant for an ethanol
11 production facility on which construction begins after July 27, 2005, unless a
12 competitive bidding process is used for the construction of the ethanol production
13 facility.

14 **SECTION 3004.** 560.036 (1) (e) 1. (intro.) of the statutes is renumbered 560.036
15 (1) (e) (intro.) and amended to read:

16 560.036 **(1)** (e) (intro.) “Minority business” means a sole proprietorship,
17 partnership, limited liability company, joint venture, or corporation that is currently
18 performing a useful business function and fulfills both one of the following
19 requirements:

20 **SECTION 3005.** 560.036 (1) (e) 1. a. of the statutes is renumbered 560.036 (1)
21 (e) 2.

22 **SECTION 3006.** 560.036 (1) (e) 1. b. of the statutes is repealed.

23 **SECTION 3007.** 560.036 (1) (e) 3. of the statutes is created to read:

24 560.036 **(1)** (e) 3. It is at least 30 percent owned by a minority group member
25 or members who are U.S. citizens or persons lawfully admitted to the United States

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1 for permanent residence, as defined under 8 USC 1101 (a) (20) and it fulfills all of the
2 following criteria:

3 a. Its day-to-day operations are controlled by the minority group member or
4 members.

5 b. At least 51 percent of any voting rights attached to its equity securities are
6 held by the minority group member or members.

7 c. At least 51 percent of the members of its board of directors are appointed by
8 the minority group member or members.

9 **SECTION 3008.** 560.037 (1) (intro.) of the statutes is amended to read:

10 560.037 **(1)** (intro.) Subject to sub. (3), the department may make grants from
11 the appropriation under s. 20.143 (1) (~~fg~~) (fw) to the women's business initiative
12 corporation to fund its operating costs if all of the following apply:

13 **SECTION 3009.** 560.06 of the statutes is repealed.

14 **SECTION 3010.** 560.07 (8) of the statutes is repealed.

15 **SECTION 3011.** 560.07 (9) of the statutes is repealed.

16 **SECTION 3012.** 560.122 of the statutes is created to read:

17 **560.122 Film project grants program.** The department may award a grant
18 from the appropriation under s. 20.143 (1) (bp) for a film-related or video-related
19 project that creates long-term jobs in this state. The department shall promulgate
20 rules necessary for the administration of this program.

21 **SECTION 3013.** 560.125 of the statutes is repealed.

22 **SECTION 3014.** 560.126 (2) (b) 2. of the statutes is amended to read:

23 560.126 **(2)** (b) 2. Whether the applicant is a small business, a minority owned
24 business under s. ~~560.80 (8)~~ 560.036 (1) (e), a locally owned business, or a farm.

25 **SECTION 3015.** 560.13 (2) (a) 2. (intro.) of the statutes is amended to read:

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1 560.13 **(2)** (a) 2. (intro.) All of the following are unknown, cannot be located, or
2 are financially unable to pay the cost of brownfields redevelopment or associated
3 environmental remediation activities:

4 **SECTION 3016.** 560.13 (2) (b) 1. of the statutes is amended to read:

5 560.13 **(2)** (b) 1. The contribution required under par. (a) 3. may be in cash or
6 in-kind. Cash contributions may be of private or public funds, excluding funds
7 obtained under the program under s. 560.17 or under any program under subch. II
8 or V or VII of this chapter. In-kind contributions shall be limited to actual
9 remediation services.

10 **SECTION 3017.** 560.13 (3) (a) (intro.) of the statutes is renumbered 560.13 (3)
11 (intro.) and amended to read:

12 560.13 **(3)** (intro.) The department shall award grants may consider the
13 following criteria in making awards under this section ~~on the basis of the following~~
14 criteria:

15 **SECTION 3018.** 560.13 (3) (a) 1. of the statutes is renumbered 560.13 (3) (a).

16 **SECTION 3019.** 560.13 (3) (a) 2. of the statutes is repealed.

17 **SECTION 3020.** 560.13 (3) (a) 3. of the statutes is repealed.

18 **SECTION 3021.** 560.13 (3) (a) 4. of the statutes is repealed.

19 **SECTION 3022.** 560.13 (3) (b) of the statutes is repealed.

20 **SECTION 3023.** 560.13 (3) (c) of the statutes is created to read:

21 560.13 **(3)** (c) The level of financial commitment by the applicant to the project.

22 **SECTION 3024.** 560.13 (3) (d) of the statutes is created to read:

23 560.13 **(3)** (d) The extent and degree of soil and groundwater contamination at
24 the project site.

25 **SECTION 3025.** 560.13 (3) (e) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 3025**

1 560.13 (3) (e) The adequacy and completeness of the site investigation and
2 remediation plan.

3 **SECTION 3026.** 560.13 (3) (f) of the statutes is created to read:

4 560.13 (3) (f) Any other factors considered by the department to be relevant to
5 assessing the viability and feasibility of the project.

6 **SECTION 3027.** 560.138 (1) (at) of the statutes is renumbered 560.138 (1) (at)
7 (intro.) and amended to read:

8 560.138 (1) (at) (intro.) “Professional services” ~~has the meaning given in s.~~
9 ~~560.17 (1) (c).~~ includes all of the following:

10 **SECTION 3028.** 560.138 (1) (at) 1., 2., 3. and 4. of the statutes are created to read:

11 560.138 (1) (at) 1. Preparing preliminary feasibility studies, feasibility studies,
12 or business and financial plans.

13 2. Providing a financial package.

14 3. Performing engineering studies, appraisals, or marketing assistance.

15 4. Providing related legal, accounting, or managerial services.

16 **SECTION 3029.** 560.138 (7) of the statutes is created to read:

17 560.138 (7) The department may charge the recipient of a grant or loan under
18 this section an origination fee of not more than 2 percent of the grant or loan amount
19 if the grant or loan equals or exceeds \$100,000. The department shall deposit all
20 origination fees collected under this subsection into the appropriation account under
21 s. 20.143 (1) (gm).

22 **SECTION 3030.** 560.139 (2) of the statutes is repealed.

23 **SECTION 3031.** 560.139 (3) of the statutes is repealed.

24 **SECTION 3032.** 560.139 (4) of the statutes is created to read:

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1 560.139 **(4)** ORIGATION FEE. The department may charge the recipient of a
2 grant or loan under sub. (1) (a), (2), or (3) an origination fee of not more than 2 percent
3 of the grant or loan amount if the grant or loan equals or exceeds \$100,000. The
4 department shall deposit all origination fees collected under this subsection into the
5 appropriation account under s. 20.143 (1) (gm).

6 **SECTION 3033.** 560.14 of the statutes is repealed.

7 **SECTION 3034.** 560.17 of the statutes is repealed.

8 **SECTION 3035.** 560.183 (title) of the statutes is renumbered 36.60 (title).

9 **SECTION 3036.** 560.183 (1) of the statutes is renumbered 36.60 (1).

10 **SECTION 3037.** 560.183 (2) of the statutes is renumbered 36.60 (2), and 36.60
11 (2) (a), as renumbered, is amended to read:

12 36.60 **(2)** (a) The ~~department~~ board may repay, on behalf of a physician or
13 dentist, up to \$50,000 in educational loans obtained by the physician or dentist from
14 a public or private lending institution for education in an accredited school of
15 medicine or dentistry or for postgraduate medical or dental training.

16 **SECTION 3038.** 560.183 (3) of the statutes is renumbered 36.60 (3) and amended
17 to read:

18 36.60 **(3)** AGREEMENT. (a) The ~~department~~ board shall enter into a written
19 agreement with the physician, in which the physician agrees to practice at least 32
20 clinic hours per week for 3 years in one or more eligible practice areas in this state,
21 except that a physician specializing in psychiatry may only agree to practice
22 psychiatry in a mental health shortage area and a physician in the expanded loan
23 assistance program under sub. (9) may only agree to practice at a public or private
24 nonprofit entity in a health professional shortage area. The physician shall also

ASSEMBLY BILL 75**SECTION 3038**

1 agree to care for patients who are insured or for whom health benefits are payable
2 under medicare, medical assistance, or any other governmental program.

3 (am) The ~~department~~ board shall enter into a written agreement with the
4 dentist, in which the dentist agrees to practice at least 32 clinic hours per week for
5 3 years in one or more dental health shortage areas in this state. The dentist shall
6 also agree to care for patients who are insured or for whom dental health benefits are
7 payable under medicare, medical assistance, or any other governmental program.

8 (b) The agreement shall specify that the responsibility of the ~~department~~ board
9 to make the payments under the agreement is subject to the availability of funds in
10 the appropriations under s. ~~20.143~~ 20.285 (1) (jc), ~~(jm)~~ and ~~(kr)~~ (ks).

11 **SECTION 3039.** 560.183 (4) of the statutes is renumbered 36.60 (4), and 36.60
12 (4) (intro.), as renumbered, is amended to read:

13 36.60 **(4)** LOAN REPAYMENT. (intro.) Principal and interest due on loans,
14 exclusive of any penalties, may be repaid by the ~~department~~ board at the following
15 rate:

16 **SECTION 3040.** 560.183 (5) of the statutes is renumbered 36.60 (5), and 36.60
17 (5) (a) and (b) (intro.) and 6., as renumbered, are amended to read:

18 36.60 **(5)** (a) The obligation of the ~~department~~ board to make payments under
19 an agreement entered into under sub. (3) (b) is subject to the availability of funds in
20 the appropriations under s. ~~20.143~~ 20.285 (1) (jc), ~~(jm)~~ and ~~(kr)~~ (ks).

21 (b) (intro.) If the cost of repaying the loans of all eligible applicants, when added
22 to the cost of loan repayments scheduled under existing agreements, exceeds the
23 total amount in the appropriations under s. ~~20.143~~ 20.285 (1) (jc), ~~(jm)~~ and ~~(kr)~~ (ks),
24 the ~~department~~ board shall establish priorities among the eligible applicants based
25 upon the following considerations:

ASSEMBLY BILL 75**SECTION 3040**

6. Other considerations that the ~~department~~ board may specify by rule.

SECTION 3041. 560.183 (6) of the statutes is renumbered 36.60 (6) and amended to read:

36.60 **(6)** LOCAL PARTICIPATION. The ~~department~~ board shall encourage contributions to the program under this section by counties, cities, villages, and towns. Funds received under this subsection shall be deposited in the appropriation under s. ~~20.143 (1) (jm)~~ 20.285 (1) (jc).

SECTION 3042. 560.183 (6m) of the statutes is renumbered 36.60 (6m), and 36.60 (6m) (a) (intro.) and (b), as renumbered, are amended to read:

36.60 **(6m)** (a) (intro.) The ~~department~~ board shall, by rule, establish penalties to be assessed by the ~~department~~ board against physicians and dentists who breach agreements entered into under sub. (3). The rules shall do all of the following:

(b) Any penalties assessed and collected under this subsection shall be credited to the appropriation account under s. ~~20.143~~ 20.285 (1) (jc).

SECTION 3043. 560.183 (8) (intro.), (b), (d), (e) and (f) of the statutes are renumbered 36.60 (8) (intro.), (b), (d), (e) and (f), and 36.60 (8) (intro.), (b) and (d), as renumbered, are amended to read:

36.60 **(8)** ~~ADMINISTRATIVE CONTRACT~~ ADMINISTRATION. (intro.) ~~From the appropriation under s. 20.143 (1) (kr), the department shall contract with the board of regents of the University of Wisconsin System for administrative services from the office of rural health of the department of professional and community development of the University of Wisconsin Medical School. Under the contract, the office of rural health~~ The board shall do all of the following:

(b) ~~Advise the department and rural health development council on the identification of~~ Identify eligible practice areas with an extremely high need for

ASSEMBLY BILL 75**SECTION 3043**

1 medical care and dental health shortage areas with an extremely high need for
2 dental care.

3 (d) ~~Assist the department to publicize~~ Publicize the program under this section
4 to physicians, dentists, and eligible communities.

5 **SECTION 3044.** 560.183 (8) (g) of the statutes is repealed.

6 **SECTION 3045.** 560.183 (9) of the statutes is renumbered 36.60 (9), and 36.60
7 (9) (intro.), as renumbered, is amended to read:

8 36.60 **(9)** EXPANDED LOAN ASSISTANCE PROGRAM. (intro.) The ~~department~~ board
9 may agree to repay loans as provided under this section on behalf of a physician or
10 dentist under an expanded physician and dentist loan assistance program that is
11 funded through federal funds in addition to state matching funds. To be eligible for
12 loan repayment under the expanded physician and dentist loan assistance program,
13 a physician or dentist must fulfill all of the requirements for loan repayment under
14 this section, as well as all of the following:

15 **SECTION 3046.** 560.184 (title) of the statutes is renumbered 36.61 (title).

16 **SECTION 3047.** 560.184 (1) of the statutes is renumbered 36.61 (1), and 36.61
17 (1) (ac), (ag), (bp) and (d), as renumbered, are amended to read:

18 36.61 **(1)** (ac) “Clinic hours” has the meaning given in s. ~~560.183~~ 36.60 (1) (ac).

19 (ag) “Dental health shortage area” has the meaning given in s. ~~560.183~~ 36.60
20 (1) (ad).

21 (bp) “Health professional shortage area” has the meaning given in s. ~~560.183~~
22 36.60 (1) (aj).

23 (d) “Primary care shortage area” has the meaning given in s. ~~560.183~~ 36.60 (1)
24 (cm).

ASSEMBLY BILL 75**SECTION 3048**

1 **SECTION 3048.** 560.184 (2) of the statutes is renumbered 36.61 (2) and amended
2 to read:

3 36.61 **(2)** ELIGIBILITY. The ~~department~~ board may repay, on behalf of a health
4 care provider, up to \$25,000 in educational loans obtained by the health care provider
5 from a public or private lending institution for education related to the health care
6 provider's field of practice, as determined by the ~~department~~ board with the advice
7 of the council.

8 **SECTION 3049.** 560.184 (3) of the statutes is renumbered 36.61 (3) and amended
9 to read:

10 36.61 **(3)** AGREEMENT. (a) The ~~department~~ board shall enter into a written
11 agreement with the health care provider. In the agreement, the health care provider
12 shall agree to practice at least 32 clinic hours per week for 3 years in one or more
13 eligible practice areas in this state, except that a health care provider in the
14 expanded loan assistance program under sub. (8) who is not a dental hygienist may
15 only agree to practice at a public or private nonprofit entity in a health professional
16 shortage area.

17 (b) The agreement shall specify that the responsibility of the ~~department~~ board
18 to make the payments under the agreement is subject to the availability of funds in
19 the appropriations under s. ~~20.143~~ 20.285 (1) (j), ~~(jL)~~ and ~~(kr)~~ (ks).

20 **SECTION 3050.** 560.184 (4) of the statutes is renumbered 36.61 (4), and 36.61
21 (4) (intro.), as renumbered, is amended to read:

22 36.61 **(4)** LOAN REPAYMENT. (intro.) Principal and interest due on loans,
23 exclusive of any penalties, may be repaid by the ~~department~~ board at the following
24 rate:

ASSEMBLY BILL 75**SECTION 3051**

1 **SECTION 3051.** 560.184 (5) of the statutes is renumbered 36.61 (5), and 36.61
2 (5) (a) and (b) (intro.) and 6., as renumbered, are amended to read:

3 36.61 **(5)** (a) The obligation of the ~~department~~ board to make payments under
4 an agreement entered into under sub. (3) is subject to the availability of funds in the
5 appropriations under s. ~~20.143~~ 20.285 (1) (jc), ~~(jL)~~ and ~~(kr)~~ (ks).

6 (b) (intro.) If the cost of repaying the loans of all eligible applicants, when added
7 to the cost of loan repayments scheduled under existing agreements, exceeds the
8 total amount in the appropriations under s. ~~20.143~~ 20.285 (1) (jc), ~~(jL)~~ and ~~(kr)~~ (ks),
9 the ~~department~~ board shall establish priorities among the eligible applicants based
10 upon the following considerations:

11 6. Other considerations that the ~~department~~ board may specify by rule.

12 **SECTION 3052.** 560.184 (6) of the statutes is renumbered 36.61 (6) and amended
13 to read:

14 36.61 **(6)** LOCAL PARTICIPATION. The ~~department~~ board shall encourage
15 contributions to the program under this section by counties, cities, villages and
16 towns. Funds received under this subsection shall be credited to the appropriation
17 account under s. ~~20.143 (1) (jL)~~ 20.285 (1) (jc).

18 **SECTION 3053.** 560.184 (6m) of the statutes is renumbered 36.61 (6m), and
19 36.61 (6m) (a) (intro.) and (b), as renumbered, are amended to read:

20 36.61 **(6m)** (a) (intro.) The ~~department~~ board shall, by rule, establish penalties
21 to be assessed by the ~~department~~ board against health care providers who breach an
22 agreement entered into under sub. (3) (a). The rules shall do all of the following:

23 (b) Any penalties assessed and collected under this subsection shall be credited
24 to the appropriation account under s. ~~20.143~~ 20.285 (1) (jc).

ASSEMBLY BILL 75**SECTION 3054**

1 **SECTION 3054.** 560.184 (7) (intro.), (a), (b), (c) and (d) of the statutes are
2 renumbered 36.61 (7) (intro.), (a), (b), (c) and (d), and 36.61 (7) (intro.), (a) and (b),
3 as renumbered, are amended to read:

4 36.61 **(7)** ~~ADMINISTRATIVE CONTRACT~~ ADMINISTRATION. (intro.) ~~From the~~
5 ~~appropriation under s. 20.143 (1) (kr), the department shall contract with the board~~
6 ~~of regents of the University of Wisconsin System for administrative services from the~~
7 ~~office of rural health of the department of professional and community development~~
8 ~~of the University of Wisconsin Medical School. Under the contract, the office of rural~~
9 ~~health~~ The board shall do all of the following:

10 (a) ~~Advise the department and council on the identification of~~ Identify
11 communities with an extremely high need for health care, including dental health
12 care.

13 (b) ~~Assist the department to publicize~~ Publicize the program under this section
14 to health care providers and eligible communities.

15 **SECTION 3055.** 560.184 (7) (e) of the statutes is repealed.

16 **SECTION 3056.** 560.184 (8) of the statutes is renumbered 36.61 (8), and 36.61
17 (8) (intro.), as renumbered, is amended to read:

18 36.61 **(8)** EXPANDED LOAN ASSISTANCE PROGRAM. (intro.) ~~The department~~ board
19 may agree to repay loans as provided under this section on behalf of a health care
20 provider under an expanded health care provider loan assistance program that is
21 funded through federal funds in addition to state matching funds. To be eligible for
22 loan repayment under the expanded health care provider loan assistance program,
23 a health care provider must fulfill all of the requirements for loan repayment under
24 this section, as well as all of the following:

ASSEMBLY BILL 75**SECTION 3057**

1 **SECTION 3057.** 560.185 (intro.), (1) and (1m) of the statutes are renumbered
2 36.62 (intro.), (1) and (2) and amended to read:

3 **36.62 Rural health development council.** (intro.) The rural health
4 development council created under s. ~~15.157 (8)~~ 15.917 (1) shall do all of the
5 following:

6 **(1)** Advise the department board on matters related to the physician and
7 dentist loan assistance program under s. ~~560.183~~ 36.60 and the health care provider
8 loan assistance program under s. ~~560.184~~ 36.61.

9 **(2)** Advise the department board on the amount, up to \$25,000, to be repaid on
10 behalf of each health care provider who participates in the health care provider loan
11 assistance program under s. ~~560.184~~ 36.61.

12 **SECTION 3058.** 560.185 (2) of the statutes is repealed.

13 **SECTION 3059.** 560.185 (3) of the statutes is repealed.

14 **SECTION 3060.** 560.185 (4) of the statutes is repealed.

15 **SECTION 3061.** 560.205 (1) (intro.) of the statutes is amended to read:

16 560.205 **(1)** ANGEL INVESTMENT TAX CREDITS. (intro.) The department shall
17 implement a program to certify businesses for purposes of s. 71.07 (5d). A business
18 desiring certification shall submit an application to the department in each taxable
19 year for which the business desires certification. The business shall specify in its
20 application the investment amount it wishes to raise and the department may certify
21 the business and determine the amount that qualifies for purposes of s. 71.07 (5d).

22 Unless otherwise provided under the rules of the department, a business may be
23 certified under this subsection, and may maintain such certification, only if the
24 business satisfies all of the following conditions:

25 **SECTION 3062.** 560.205 (1) (f) of the statutes is repealed and recreated to read:

ASSEMBLY BILL 75**SECTION 3062**

1 560.205 **(1)** (f) It has the potential for increasing jobs in this state, increasing
2 capital investment in this state, or both, and any of the following apply:

3 1. It is engaged in, or has committed to engage in, innovation in any of the
4 following:

5 a. Manufacturing, biotechnology, nanotechnology, communications,
6 agriculture, or clean energy creation or storage technology.

7 b. Processing or assembling products, including medical devices,
8 pharmaceuticals, computer software, computer hardware, semiconductors, any
9 other innovative technology products, or other products that are produced using
10 manufacturing methods that are enabled by applying proprietary technology.

11 c. Services that are enabled by applying proprietary technology.

12 2. It is undertaking pre-commercialization activity related to proprietary
13 technology that includes conducting research, developing a new product or business
14 process, or developing a service that is principally reliant on applying proprietary
15 technology.

16 **SECTION 3063.** 560.205 (1) (g) of the statutes is amended to read:

17 560.205 **(1)** (g) 1. It is not primarily engaged in real estate development,
18 insurance, banking, lending, lobbying, political consulting, professional services
19 provided by attorneys, accountants, business consultants, physicians, or health care
20 consultants, wholesale or retail trade, leisure, hospitality, transportation, or
21 construction, except construction of power production plants that derive energy from
22 a renewable resource, as defined in s. 196.378 (1) (h).

23 **SECTION 3064.** 560.205 (1) (k) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 3064**

1 560.205 (1) (k) ~~It~~ For taxable years beginning before January 1, 2008, it has
2 not received more than \$1,000,000 in investments that have qualified for tax credits
3 under s. 71.07 (5d).

4 **SECTION 3065.** 560.205 (1) (kn) of the statutes is created to read:

5 560.205 (1) (kn) For taxable years beginning after December 31, 2007, and
6 before January 1, 2011, it has not received more than \$4,000,000 in investments that
7 have qualified for tax credits under ss. 71.07 (5b) and (5d), 71.28 (5b), 71.47 (5b), and
8 76.638.

9 **SECTION 3066.** 560.205 (1) (L) of the statutes is created to read:

10 560.205 (1) (L) For taxable years beginning after December 31, 2010, it has not
11 received more than \$8,000,000 in investments that have qualified for tax credits
12 under ss. 71.07 (5b) and (5d), 71.28 (5b), 71.47 (5b), and 76.638.

13 **SECTION 3067.** 560.205 (2) of the statutes is amended to read:

14 560.205 (2) **EARLY STAGE SEED INVESTMENT TAX CREDITS.** The department shall
15 implement a program to certify investment fund managers for purposes of ss. 71.07
16 (5b), 71.28 (5b), ~~and 71.47 (5b), and 76.638.~~ An investment fund manager desiring
17 certification shall submit an application to the department. The investment fund
18 manager shall specify in the application the investment amount that the manager
19 wishes to raise and the department may certify the manager and determine the
20 amount that qualifies for purposes of ss. 71.07 (5b), 71.28 (5b), and 71.47 (5b). In
21 determining whether to certify an investment fund manager, the department shall
22 consider the investment fund manager's experience in managing venture capital
23 funds, the past performance of investment funds managed by the applicant, the
24 expected level of investment in the investment fund to be managed by the applicant,
25 and any other relevant factors. The department may certify only investment fund

ASSEMBLY BILL 75**SECTION 3067**

1 managers that commit to consider placing investments in businesses certified under
2 sub. (1).

3 **SECTION 3068.** 560.205 (3) (d) of the statutes is amended to read:

4 560.205 **(3)** (d) *Rules.* The department of commerce, in consultation with the
5 department of revenue, shall promulgate rules to administer this section. The rules
6 shall further define “bona fide angel investment” for purposes of s. 71.07 (5d) (a) 1.
7 The rules shall limit the aggregate amount of tax credits under s. 71.07 (5d) that may
8 be claimed for investments in businesses certified under sub. (1) at \$3,000,000 per
9 calendar year for calendar years beginning after December 31, 2004, and before
10 January 1, 2008, \$5,500,000 per calendar year for calendar years beginning after
11 December 31, 2007, and before January 1, 2011, and \$18,000,000 per calendar year
12 for calendar years beginning after December 31, 2010 plus, for taxable years
13 beginning after December 31, 2010, an additional \$250,000 in tax credits that may
14 be claimed for investments in nanotechnology businesses certified under sub. (1).

15 The rules shall also limit the aggregate amount of the tax credits under ss. 71.07 (5b),
16 71.28 (5b), ~~and 71.47 (5b), and 76.638~~ that may be claimed for investments paid to
17 fund managers certified under sub. (2) at \$3,500,000 per calendar year for calendar
18 years beginning after December 31, 2004, and before January 1, 2008, \$6,000,000 per
19 calendar year for calendar years beginning after December 31, 2007, and before
20 January 1, 2011, and \$18,500,000 per calendar year for calendar years beginning
21 after December 31, 2010 plus, for taxable years beginning after December 31, 2010,
22 an additional \$250,000 in tax credits that may be claimed for investments in
23 nanotechnology businesses certified under sub. (1). The rules shall also provide that,
24 for calendar years beginning after December 31, 2007, no person may receive a credit
25 under ss. 71.07 (5b) and (5d), 71.28 (5b), ~~or 71.47 (5b), or 76.638~~ unless the person's

ASSEMBLY BILL 75**SECTION 3068**

1 investment is kept in a certified business, or with a certified fund manager, for no less
2 than 3 years.

3 **SECTION 3069.** 560.205 (3) (e) of the statutes is created to read:

4 560.205 **(3)** (e) *Transfer.* A person who is eligible to claim a credit under s. 71.07
5 (5b), 71.28 (5b), 71.47 (5b), or 76.638 may sell or otherwise transfer the credit to
6 another person who is subject to the taxes or fees imposed under s. 71.02, 71.23, or
7 71.47 or subch. III of ch. 76, if the person receives prior authorization from the
8 investment fund manager and the manager then notifies the department of
9 commerce and the department of revenue of the transfer and submits with the
10 notification a copy of the transfer documents. No person may sell or otherwise
11 transfer a credit as provided in this paragraph more than once in a 12-month period.
12 The department may charge any person selling or otherwise transferring a credit
13 under this paragraph a fee equal to 1 percent of the credit amount sold or transferred.
14 The department shall deposit all fees collected under this paragraph in the
15 appropriation account under s. 20.143 (1) (gm).

16 **SECTION 3070.** 560.2055 of the statutes is created to read:

17 **560.2055 Jobs tax credit. (1) DEFINITIONS.** In this section:

18 (a) 1. Except as provided in subd. 2., “business” means any organization or
19 enterprise operated for profit, including a proprietorship, partnership, firm,
20 business trust, joint venture, syndicate, corporation, limited liability company, or
21 association.

22 2. “Business” does not include a store or shop in which retail sales is the
23 principal business.

24 (b) “Eligible employee” means a person employed in a full-time job by a person
25 certified under sub. (2).

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1 (c) “Full-time job” means a regular, nonseasonal full-time position in which an
2 individual, as a condition of employment, is required to work at least 2,080 hours per
3 year, including paid leave and holidays, and for which the individual receives pay
4 that is equal to at least 150 percent of the federal minimum wage and benefits that
5 are not required by federal or state law. “Full-time job” does not include initial
6 training before an employment position begins.

7 (d) “Tax benefits” means the jobs tax credit under ss. 71.07 (3q), 71.28 (3q), and
8 71.47 (3q).

9 **(2) CERTIFICATION.** The department may certify a person to receive tax benefits
10 under this section if all of the following apply:

11 (a) The person is operating or intends to operate a business in this state.

12 (b) The person applies under this section and enters into a contract with the
13 department.

14 **(3) ELIGIBILITY FOR TAX BENEFITS.** A person certified under sub. (2) may receive
15 tax benefits under this section if, in each year for which the person claims tax benefits
16 under this section, the person increases net employment in the person’s business and
17 one of the following apply:

18 (a) In a tier I county or municipality, an eligible employee for whom the person
19 claims a tax credit will earn at least \$20,000 but not more than \$100,000 in wages
20 from the person in the year for which the credit is claimed.

21 (b) In a tier II county or municipality, an eligible employee for whom the person
22 claims a tax credit will earn at least \$30,000 but not more than \$100,000 in wages
23 from the person in the year for which the credit is claimed.

24 (c) In a tier I county or municipality or a tier II county or municipality, the
25 person improves the job-related skills of any eligible employee, trains any eligible

ASSEMBLY BILL 75**SECTION 3070**

1 employee on the use of job-related new technologies, or provides job-related training
2 to any eligible employee whose employment with the person represents the
3 employee's first full-time job.

4 **(4) DURATION, LIMITS, AND EXPIRATION.** (a) The certification of a person under
5 sub. (2) may remain in effect for no more than 10 cumulative years.

6 (b) 1. The department may award to a person certified under sub. (2) tax
7 benefits for each eligible employee in an amount equal to up to 10 percent of the
8 wages paid by the person to that employee if that employee earned wages in the year
9 for which the tax benefit is claimed equal to one of the following:

10 a. In a tier I county or municipality, at least \$20,000 but not more than
11 \$100,000.

12 b. In a tier II county or municipality, at least \$30,000 but not more than
13 \$100,000.

14 2. The department may award to a person certified under sub. (2) tax benefits
15 in an amount to be determined by the department by rule for costs incurred by the
16 person to undertake the training activities described in sub. (3) (c).

17 (c) The department may allocate up to \$10,000,000 in tax benefits under this
18 section in any calendar year.

19 **(5) DUTIES OF THE DEPARTMENT.** (a) The department of commerce shall notify
20 the department of revenue when the department of commerce certifies a person to
21 receive tax benefits.

22 (b) The department of commerce shall notify the department of revenue within
23 30 days of revoking a certification made under sub. (2).

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1 (c) The department may require a person to repay any tax benefits the person
2 claims for a year in which the person failed to maintain employment required by an
3 agreement under sub. (2) (b).

4 (d) The department shall determine the maximum amount of the tax credits
5 under ss. 71.07 (3q), 71.28 (3q), and 71.47 (3q) that a certified business may claim
6 and shall notify the department of revenue of this amount.

7 (e) The department shall annually verify the information submitted to the
8 department by the person claiming tax benefits under ss. 71.07 (3q), 71.28 (3q), and
9 71.47 (3q).

10 (f) The department shall promulgate rules for the implementation and
11 operation of this section, including rules relating to the following:

12 1. The definitions of a tier I county or municipality and a tier II county or
13 municipality. The department may consider all of the following information when
14 establishing the definitions required under this subdivision:

15 a. Unemployment rate.

16 b. Percentage of families with incomes below the poverty line established under
17 42 USC 9902 (2).

18 c. Median family income.

19 d. Median per capita income.

20 e. Other significant or irregular indicators of economic distress, such as a
21 natural disaster or mass layoff.

22 2. A schedule of additional tax benefits for which a person who is certified under
23 sub. (2) and who incurs costs related to job training under sub. (3) (c) may be eligible.

24 3. Conditions for the revocation of a certification under par. (b).

25 4. Conditions for the repayment of tax benefits under par. (c).

ASSEMBLY BILL 75**SECTION 3071**

1 **SECTION 3071.** 560.207 (1) of the statutes is amended to read:

2 560.207 **(1)** The department of commerce shall implement a program to certify
3 taxpayers, including taxpayers who are members of dairy cooperatives, as eligible
4 for the dairy manufacturing facility investment credit under ss. 71.07 (3p), 71.28
5 (3p), and 71.47 (3p).

6 **SECTION 3072.** 560.207 (2) of the statutes is amended to read:

7 560.207 **(2)** If the department of commerce certifies a taxpayer under sub. (1),
8 the department of commerce shall determine the amount of credits to allocate to that
9 taxpayer. The total amount of dairy manufacturing facility investment credits
10 allocated to taxpayers in fiscal year 2007–08 may not exceed \$600,000 and the total
11 amount of dairy manufacturing facility investment credits allocated to taxpayers
12 who are not members of dairy cooperatives in fiscal year 2008–09, and in each fiscal
13 year thereafter, may not exceed \$700,000. The total amount of dairy manufacturing
14 facility investment credits allocated to taxpayers who are members of dairy
15 cooperatives in fiscal year 2009–10 may not exceed \$600,000 and the total amount
16 of dairy manufacturing facility investment credits allocated to taxpayers who are
17 members of dairy cooperatives in fiscal year 2010–11, and in each fiscal year
18 thereafter, may not exceed \$700,000.

19 **SECTION 3073.** 560.208 of the statutes is created to read:

20 **560.208 Qualified new business ventures. (1)** The department shall
21 implement a program to certify qualified new business ventures for purposes of s.
22 71.05 (24). A business desiring certification shall submit an application to the
23 department in each taxable year for which the business desires certification. Subject
24 to sub. (2), a business may be certified under this subsection, and may maintain such
25 certification, only if the business is engaged in one of the following:

ASSEMBLY BILL 75**SECTION 3073**

(a) Developing a new product or business process.

(b) Manufacturing, agriculture, or processing or assembling products and conducting research and development.

(2) The department may not certify a business under sub. (1) if the business is engaged in real estate development, insurance, banking, lending, lobbying, political consultation, professional services provided by attorneys, accountants, business consultants, physicians, or health care consultants, wholesale or retail sales, leisure, hospitality, transportation, or construction.

(3) (a) The department shall maintain a list of businesses certified under sub. (1) and shall permit public access to the lists through the department's Internet Web site.

(b) The department of commerce shall notify the department of revenue of every certification issued under sub. (1) and the date on which a certification under sub. (1) is revoked or expires.

SECTION 3074. 560.209 of the statutes is created to read:

560.209 Meat processing facility investment credit. (1) The department of commerce shall implement a program to certify taxpayers as eligible for the meat processing facility investment credit under ss. 71.07 (3r), 71.28 (3r), and 71.47 (3r).

(2) If the department of commerce certifies a taxpayer under sub. (1), the department of commerce shall determine the amount of credits to allocate to that taxpayer. The total amount of meat processing facility investment credits allocated to taxpayers in fiscal year 2009–10 may not exceed \$300,000 and the total amount of meat processing facility investment credits allocated to taxpayers in fiscal year 2010–11, and in each fiscal year thereafter, may not exceed \$700,000.

ASSEMBLY BILL 75**SECTION 3074**

1 **(3)** The department of commerce shall inform the department of revenue of
2 every taxpayer certified under sub. (1) and the amount of credits allocated to the
3 taxpayer.

4 **(4)** The department of commerce, in consultation with the department of
5 revenue, shall promulgate rules to administer this section.

6 **SECTION 3075.** 560.277 of the statutes is created to read:

7 **560.277 Wisconsin venture fund. (1) DEFINITION.** In this section, “eligible
8 institution” means a research institution or nonprofit organization involved in
9 economic development.

10 **(2) CAPITAL CONNECTIONS GRANTS.** From the appropriation under s. 20.143 (1)
11 (bk), the department may award a grant to an eligible institution to fund a project
12 that does any of the following:

13 (a) Expands access for Wisconsin business ventures and entrepreneurs to
14 existing capital networks.

15 (b) Creates or runs a network to connect Wisconsin business ventures and
16 entrepreneurs with available capital.

17 (c) Creates an activity, event, or strategy to connect Wisconsin business
18 ventures and entrepreneurs with available capital.

19 **(3) VENTURE SEED GRANTS.** (a) From the appropriation under s. 20.143 (1) (bk),
20 the department may award a grant to an eligible institution to match funds raised
21 by the institution for funding a new business or determining proof of concept and
22 feasibility of a new business idea, if the department determines the award of a grant
23 will increase the amount of funding for new businesses or will leverage private
24 investment and facilitate the creation of jobs in this state.

ASSEMBLY BILL 75**SECTION 3075**

1 (b) The proceeds of a grant awarded under this subsection shall be used to
2 provide funding as proposed by the institution in the institution's application.

3 **(4) RULE MAKING.** The department shall promulgate rules for the
4 administration of this section.

5 **(5)** The department shall establish by rule a Wisconsin venture fund advisory
6 council, which shall make recommendations to the department regarding all of the
7 following:

8 (a) A process by which the department, the department of financial
9 institutions, and other qualified persons may review proposals.

10 (b) The maximum amount of a grant awarded under sub. (2) or (3).

11 (c) Requirements that applicants for grants under subs. (2) and (3) secure
12 funding from sources other than the state to match a portion of the amount of a grant
13 awarded under sub. (2) or (3).

14 (d) Monitoring of projects funded by grants under sub. (2) or (3), including
15 monitoring of job creation.

16 **SECTION 3076.** Subchapter II of chapter 560 [precedes 560.30] of the statutes
17 is created to read:

18 **CHAPTER 560**

19 **SUBCHAPTER II**

20 **FORWARD INNOVATION FUND**

21 **SECTION 3077.** 560.30 of the statutes is created to read:

22 **560.30 Definitions.** In this subchapter:

23 **(1)** “Board” means the economic policy board created under s. 15.155 (2).

ASSEMBLY BILL 75**SECTION 3077**

1 **(2)** “Business” means a company located in this state, a company that has made
2 a firm commitment to locate a facility in this state, or a group of companies at least
3 80 percent of which are located in this state.

4 **(3)** “Cluster” means a geographic, categorical, horizontal, or vertical
5 concentration of interconnected, interdependent, or synergistic businesses,
6 industries, research centers, or venues for the performance, creation, or display of
7 the arts.

8 **(4)** “Community-based organization” means an organization that is involved
9 in economic development and helps businesses that are likely to employ persons.

10 **(5)** “Economically distressed area” means an area designated by the
11 department using the methodology established by rule under s. 560.301 (2).

12 **(6)** “Eligible activity” means any of the following:

13 (a) The start-up, expansion, or retention of minority businesses.

14 (b) The start-up, expansion, or retention of businesses in economically
15 distressed areas.

16 (c) Innovative proposals to strengthen inner cities.

17 (d) Innovative proposals to strengthen communities in rural municipalities.

18 (e) Innovative programs to strengthen clusters.

19 (f) Innovative proposals to strengthen entrepreneurship.

20 **(7)** “Eligible recipient” means any of the following:

21 (a) A business or small business.

22 (b) The governing body of a municipality.

23 (c) A community-based organization.

24 (d) A cooperative or association incorporated under ch. 185 or organized under
25 ch. 193.

ASSEMBLY BILL 75**SECTION 3077**

(e) A local development corporation.

(f) A nonprofit organization whose primary purpose is to promote the economic development of or community development in a particular area or region in the state.

(8) “Governing body” means a county board, city council, village board, or town board.

(9) “Local development corporation” means any of the following:

(a) The elected governing body of a federally recognized American Indian tribe or band in this state or any business created by the elected governing body.

(b) A corporation organized under ch. 181 that is a nonprofit corporation, as defined in s. 181.0103 (17), that is at least 51 percent controlled and actively managed by minority group members, and that does all of the following:

1. Operates primarily within specific geographic boundaries.

2. Promotes economic development and employment opportunities for minority group members or minority businesses within the specific geographic area.

3. Demonstrates a commitment to or experience in promoting economic development and employment opportunities for minority group members or minority businesses.

(10) “Minority business” has the meaning given in s. 560.036 (1) (e).

(11) “Minority group member” has the meaning given in s. 560.036 (1) (f).

(12) “Municipality” means a county, city, village, or town.

(13) “Rural municipality” means any of the following:

(a) A municipality that is located in a county with a population density of less than 150 persons per square mile.

(b) A municipality with a population of 6,000 or less.

ASSEMBLY BILL 75**SECTION 3077**

1 **(14)** “Small business” means a business with fewer than 100 employees,
2 including employees of any subsidiary or affiliated organization.

3 **SECTION 3078.** 560.301 of the statutes is created to read:

4 **560.301 Rules, policies, and standards for awarding grants and**
5 **making loans.** The department, in consultation with the board, shall promulgate
6 rules that establish procedures, policies, and standards for implementing this
7 subchapter and awarding grants and making loans under this subchapter. The rules
8 shall include all of the following:

9 **(1)** A statement of the department’s economic development objectives for the
10 program under this subchapter, together with the goals and accountability measures
11 required under s. 560.01 (2) (ae).

12 **(2)** The methodology for designating an area as economically distressed. The
13 methodology under this subsection shall require the department to consider the most
14 current data available for the area and for the state on the following indicators:

15 (a) Unemployment rate.

16 (b) Percentage of families with incomes below the poverty line established
17 under 42 USC 9902 (2).

18 (c) Median family income.

19 (d) Median per capita income.

20 (e) Average annual wage.

21 (f) Real property values.

22 (g) Other significant or irregular indicators of economic distress, such as a
23 natural disaster.

24 **(3)** Provisions for the development of a biennial plan for awarding grants and
25 making loans under this subchapter, before the commencement of each

ASSEMBLY BILL 75**SECTION 3078**

1 odd-numbered fiscal year, and for the submission of the biennial plan to the governor
2 and the chief clerk of each house of the legislature for distribution to the appropriate
3 standing committees under s. 13.172 (3).

4 **(4)** Procedures related to grants and loans under s. 560.304 for all of the
5 following:

6 (a) Submitting applications for grants and loans.

7 (b) Evaluating applications.

8 (c) Monitoring project performance.

9 (d) Auditing the grants and loans.

10 **(5)** Conditions applicable to a grant awarded or loan made under s. 560.304.

11 **(6)** Procedures for monitoring the use of grants awarded and loans made under
12 this subchapter, including procedures for verification of economic growth, job
13 creation, and the number and percentage of newly created jobs for which state
14 residents are hired.

15 **SECTION 3079.** 560.302 of the statutes is created to read:

16 **560.302 Grant and loan criteria.** Upon receipt of an application by an
17 eligible recipient, the department may consider any of the following in determining
18 whether to award a grant or make a loan under s. 560.304:

19 **(1)** Whether the eligible activity proposed to be conducted by the eligible
20 recipient serves a public purpose.

21 **(2)** Whether the eligible activity proposed to be conducted by the eligible
22 recipient will retain or increase employment in this state.

23 **(3)** Whether the eligible activity proposed to be conducted by the eligible
24 recipient is likely to occur without the grant or loan.

ASSEMBLY BILL 75**SECTION 3079**

1 **(4)** Whether and the extent to which the eligible activity proposed to be
2 conducted by the eligible recipient will contribute to the economic growth of this state
3 and the well-being of residents of this state.

4 **(5)** Whether the eligible activity proposed to be conducted by the eligible
5 recipient will be located in an economically distressed area.

6 **(6)** The economic condition of the community in which the eligible activity
7 proposed to be conducted by the eligible recipient is proposed to occur.

8 **(7)** The potential of the eligible activity proposed to be conducted by the eligible
9 recipient to promote the employment of minority group members.

10 **(8)** Any other criteria established by the department by rule, including the
11 types of projects that are eligible for funding and the types of eligible projects that
12 will receive priority.

13 **SECTION 3080.** 560.303 of the statutes is created to read:

14 **560.303 Miscellaneous and administrative expenditures.** In each
15 biennium, the department may expend or encumber up to a total of 1 percent of the
16 moneys appropriated under s. 20.143 (1) (fi) for that biennium for any of the
17 following:

18 **(1)** Evaluations of proposed technical research projects.

19 **(3)** Evaluation costs, collection costs, foreclosure costs, and other costs
20 associated with administering the loan portfolio under this subchapter, excluding
21 staff salaries.

22 **SECTION 3081.** 560.304 of the statutes is created to read:

23 **560.304 Forward innovation fund.** The department may award a grant or
24 make a loan to an eligible recipient from the appropriations under s. 20.143 (1) (fi)

ASSEMBLY BILL 75**SECTION 3081**

1 (gm), and (io). The department shall consult with the board prior to awarding a grant
2 or making a loan under this section.

3 **SECTION 3082.** 560.305 of the statutes is created to read:

4 **560.305 Administration. (1)** The department, in cooperation with the board,
5 shall encourage small businesses to apply for grants and loans under this subchapter
6 by ensuring that there are no undue impediments to their participation and by
7 actively encouraging small businesses to apply for grants and loans. The department
8 shall do all of the following:

9 (a) Publish and disseminate information about projects that may be funded by
10 a grant or loan under s. 560.304 and about procedures for applying for grants and
11 loans under s. 560.304.

12 (b) Simplify the application and review procedures for small businesses so that
13 they will not impose unnecessary administrative burdens on small businesses.

14 (c) Assist small businesses in preparing applications for grants and loans.

15 **(2)** The department may charge a grant or loan recipient an origination fee of
16 not more than 2 percent of the grant or loan amount if the grant or loan equals or
17 exceeds \$100,000. The department shall deposit all origination fees collected under
18 this subsection into the appropriation account under s. 20.143 (1) (gm).

19 **(3)** The board shall develop a policy relating to obtaining reimbursement of
20 grants and loans provided under this subchapter. The policy may provide that
21 reimbursement shall be obtained through full repayment of the principal amount of
22 the grant or loan plus interest, through receipt of a share of future profits from or an
23 interest in a product or process, or through any other appropriate means.

ASSEMBLY BILL 75

SECTION 3082

(4) The board shall require, as a condition of a grant or loan, that a recipient contribute to a project an amount that is not less than 25 percent of the amount of the grant or loan.

SECTION 3083. 560.60 (1s) of the statutes is amended to read:

560.60 **(1s)** “Board” means the ~~development finance~~ economic policy board
created under s. 15.155 ~~(1)~~ (2).

SECTION 3084. 560.605 (2m) (g) of the statutes is repealed.

SECTION 3085. 560.605 (7) (e) of the statutes is repealed.

SECTION 3086. 560.68 (3) of the statutes is amended to read:

560.68 **(3)** The department may charge a grant or loan recipient an origination fee of not more than 2% of the grant or loan amount if the grant or loan equals or exceeds ~~\$200,000~~ \$100,000. The department shall deposit all origination fees collected under this subsection in the appropriation account under s. 20.143 (1) (gm).

SECTION 3087. Subchapter VI (title) of chapter 560 [precedes 560.70] of the statutes is repealed and recreated to read:

CHAPTER 560

SUBCHAPTER VI

TAX INCENTIVES FOR BUSINESS

DEVELOPMENT IN WISCONSIN

SECTION 3088. 560.70 (2g) of the statutes is created to read:

560.70 (2g) “Eligible activity” means an activity described under s. 560.702.

SECTION 3089. 560.70 (2m) of the statutes is renumbered 560.70 (2m) (a) and amended to read:

560.70 **(2m)** (a) ~~Full~~ Except as provided in par. (b), “full-time job” means a regular, nonseasonal full-time position in which an individual, as a condition of

ASSEMBLY BILL 75**SECTION 3089**

1 employment, is required to work at least 2,080 hours per year, including paid leave
2 and holidays, and for which the individual receives pay that is equal to at least 150%
3 of the federal minimum wage and benefits that are not required by federal or state
4 law. “Full-time job” does not include initial training before an employment position
5 begins.

6 **SECTION 3090.** 560.70 (2m) (b) of the statutes is created to read:

7 560.70 **(2m)** (b) The department may by rule specify circumstances under
8 which the department may grant exceptions to the requirement under par. (a) that
9 a full-time job means a job in which an individual, as a condition of employment, is
10 required to work at least 2,080 hours per year, but under no circumstances may a
11 full-time job mean a job in which an individual, as a condition of employment, is
12 required to work less than 37.5 hours per week.

13 **SECTION 3091.** 560.70 (4m) of the statutes is created to read:

14 560.70 **(4m)** “Member of a targeted group” means a person who resides in an
15 area designated by the federal government as an economic revitalization area, a
16 person who is employed in an unsubsidized job but meets the eligibility requirements
17 under s. 49.145 (2) and (3) for a Wisconsin Works employment position, a person who
18 is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work, real pay
19 project position under s. 49.147 (3m), a person who is eligible for child care assistance
20 under s. 49.155, a person who is a vocational rehabilitation referral, an economically
21 disadvantaged youth, an economically disadvantaged veteran, a supplemental
22 security income recipient, a general assistance recipient, an economically
23 disadvantaged ex-convict, a dislocated worker, as defined in 29 USC 2801 (9), or a
24 food stamp recipient, if the person has been certified in the manner under 26 USC
25 51 (d) (13) (A) by a designated local agency, as defined in 26 USC 51 (d) (12).

ASSEMBLY BILL 75**SECTION 3092**

1 **SECTION 3092.** 560.70 (7) (a) of the statutes is amended to read:

2 560.70 **(7)** (a) Except as provided in pars. (b) ~~and~~, (c), and (d), “tax benefits”
3 means the development zones credit under ss. 71.07 (2dx), 71.28 (1dx), 71.47 (1dx),
4 and 76.636.

5 **SECTION 3093.** 560.70 (7) (d) of the statutes is created to read:

6 560.70 **(7)** (d) In ss. 560.701 to 560.706, “tax benefits” means the economic
7 development tax credit under ss. 71.07 (2dy), 71.28 (1dy), 71.47 (1dy), and 76.637.

8 **SECTION 3094.** 560.701 of the statutes is created to read:

9 **560.701 Certification for tax benefits. (1) APPLICATION.** Any person may
10 apply to the department on a form prepared by the department for certification under
11 this section. The application shall include all of the following:

12 (a) The name and address of the person.

13 (b) The federal tax identification number of the person.

14 (c) The names and addresses of the locations where the person conducts
15 business and a description of the business activities conducted at those locations.

16 (d) A description of each eligible activity conducted or proposed to be conducted
17 by the person.

18 (e) Other information required by the department or the department of
19 revenue.

20 **(2) CERTIFICATION.** (a) The department may certify a person who submits an
21 application under sub. (1) if, after conducting an investigation, the department
22 determines that the person is conducting or intends to conduct at least one eligible
23 activity.

24 (b) The department shall provide a person certified under this section and the
25 department of revenue with a copy of the certification.

ASSEMBLY BILL 75**SECTION 3094**

1 **(3) CONTRACT.** A person certified under this section shall enter into a written
2 contract with the department. The contract shall include provisions that detail all
3 of the following:

4 (a) A description of each eligible activity being conducted or proposed to be
5 conducted by the person.

6 (b) Whether any of the eligible activities will occur in an economically
7 distressed area, as designated by the department under s. 560.704 (1).

8 (c) Whether any of the eligible activities will benefit members of a targeted
9 group, as determined by the department under s. 560.704 (2).

10 (d) A compliance schedule that includes a sequence of anticipated actions to be
11 taken or goals to be achieved by the person before the person may receive tax benefits
12 under s. 560.703.

13 (e) The reporting requirements with which the person must comply.

14 (f) If feasible, a determination of the tax benefits the person will be authorized
15 to claim under s. 560.703 (2) if the person fulfills the terms of the contract.

16 **SECTION 3095.** 560.702 of the statutes is created to read:

17 **560.702 Eligible activities.** A person who conducts or proposes to conduct
18 any of the following may be certified under s. 560.701 (2):

19 **(1) JOB CREATION PROJECT.** A project that creates and maintains for a period of
20 time established by the department by rule full-time jobs in addition to any existing
21 full-time jobs provided by the person.

22 **(2) CAPITAL INVESTMENT PROJECT.** A project that involves a significant
23 investment of capital, as defined by the department by rule under s. 560.706 (2) (b),
24 by the person in new equipment, machinery, real property, or depreciable personal
25 property.

ASSEMBLY BILL 75**SECTION 3095**

1 **(3) EMPLOYEE TRAINING PROJECT.** A project that involves significant investments
2 in the training or reeducation of employees, as defined by the department by rule
3 under s. 560.706 (2) (c), by the person for the purpose of improving the productivity
4 or competitiveness of the business of the person.

5 **(4) PROJECT RELATED TO PERSONS WITH CORPORATE HEADQUARTERS IN WISCONSIN.**
6 A project that will result in the location or retention of a person's corporate
7 headquarters in Wisconsin or that will result in the retention of employees holding
8 full-time jobs in Wisconsin if the person's corporate headquarters are located in
9 Wisconsin.

10 **SECTION 3096.** 560.703 of the statutes is created to read:

11 **560.703 Limits on tax benefits and claiming tax benefits. (1) LIMITS.** (a)
12 Except as provided in par. (b), the total tax benefits available to be allocated by the
13 department under ss. 560.701 to 560.706 may not exceed the sum of the tax benefits
14 remaining to be allocated under ss. 560.71 to 560.785, 560.797, 560.798, 560.7995,
15 and 560.96 on the effective date of this paragraph [LRB inserts date].

16 (b) The department may submit to the joint committee on finance a request in
17 writing to exceed the total tax benefits specified in par. (a). The department shall
18 submit with its request a justification for seeking an increase under this paragraph.
19 The joint committee on finance, following its review, may approve or disapprove an
20 increase in the total tax benefits available to be allocated under ss. 560.701 to
21 560.706.

22 **(2) AUTHORITY TO CLAIM TAX BENEFITS.** The department may authorize a person
23 certified under s. 560.701 (2) to claim tax benefits only after the person has submitted
24 a report to the department that documents to the satisfaction of the department that

ASSEMBLY BILL 75**SECTION 3096**

1 the person has complied with the terms of the contract under s. 560.701 (3) and the
2 requirements of any applicable rules promulgated under s. 560.706 (2).

3 **(3) NOTICE OF ELIGIBILITY.** The department shall provide to the person and to
4 the department of revenue a notice of eligibility to receive tax benefits that reports
5 the amount of tax benefits for which the person is eligible.

6 **SECTION 3097.** 560.704 of the statutes is created to read:

7 **560.704 Eligible activities in economically distressed areas and**
8 **benefiting members of targeted groups.** The department may authorize a
9 person certified under s. 560.701 (2) to claim additional tax benefits under s. 560.703
10 if, after conducting an investigation, the department determines any of the
11 following:

12 **(1)** The person conducts at least one eligible activity in an area designated by
13 the department as economically distressed. In designating an area as economically
14 distressed under this subsection, the department shall follow the methodology
15 established by rule under s. 560.706 (2) (e).

16 **(2)** The person conducts at least one eligible activity that benefits, creates,
17 retains, or significantly upgrades full-time jobs for, that trains, or that reeducates,
18 members of a targeted group.

19 **SECTION 3098.** 560.705 of the statutes is created to read:

20 **560.705 Revocation of certification.** The department shall revoke the
21 certification of a person who does any of the following:

22 **(1)** Supplies false or misleading information to obtain certification under s.
23 560.701 (2).

24 **(2)** Supplies false or misleading information to obtain tax benefits under s.
25 560.703.

ASSEMBLY BILL 75**SECTION 3098**

1 **(3)** Leaves the state to conduct substantially the same business outside of the
2 state.

3 **(4)** Ceases operations in the state and does not renew operation of the business
4 or a similar business within 12 months.

5 **SECTION 3099.** 560.706 of the statutes is created to read:

6 **560.706 Responsibilities of the department.** The department shall do all
7 of the following:

8 **(1) ACCOUNTABILITY.** (a) Annually verify information submitted to the
9 department of revenue under ss. 71.07 (2dy), 71.28 (1dy), 71.47 (1dy), and 76.637 by
10 persons certified under s. 560.701 (2) and eligible to receive tax benefits under s.
11 560.703.

12 (b) Notify and obtain written approval from the secretary for any certification
13 under sub. (2) (j).

14 **(2) RULES.** Establish by rule all of the following:

15 (a) A schedule of hourly wage ranges to be paid, and health insurance benefits
16 to be provided, to an employee by a person certified under s. 560.701 (2) and the
17 corresponding per employee tax benefit for which a person certified under s. 560.701
18 (2) may be eligible.

19 (b) A definition of “significant investment of capital” for purposes of s. 560.702
20 (2), together with a corresponding schedule of tax benefits for which a person who is
21 certified under s. 560.701 (2) and who conducts a project described in s. 560.702 (2)
22 may be eligible. The department shall include in the definition required under this
23 paragraph a schedule of investments that takes into consideration the size or nature
24 of the business.

ASSEMBLY BILL 75**SECTION 3099**

1 (c) A definition of “significant investments in the training or reeducation of
2 employees” for purposes of s. 560.702 (3), together with a corresponding schedule of
3 tax benefits for which a person who is certified under s. 560.701 (2) and who conducts
4 a project under s. 560.702 (3) may be eligible.

5 (d) A schedule of tax benefits for which a person who is certified under s.
6 560.701 (2) and who conducts a project that will result in the location or retention
7 of a person's corporate headquarters in Wisconsin may be eligible.

8 (e) The methodology for designating an area as economically distressed under
9 s. 560.704 (1). The methodology under this paragraph shall require the department
10 to consider the most current data available for the area and for the state on the
11 following indicators:

- 12 1. Unemployment rate.
- 13 2. Percentage of families with incomes below the poverty line established under
14 42 USC 9902 (2).
- 15 3. Median family income.
- 16 4. Median per capita income.
- 17 5. Average annual wage.
- 18 6. Real property values.
- 19 7. Other significant or irregular indicators of economic distress, such as a
20 natural disaster.

21 (f) A schedule of additional tax benefits for which a person who is certified
22 under s. 560.701 (2) and who conducts an eligible activity described under s. 560.704
23 may be eligible.

ASSEMBLY BILL 75**SECTION 3099**

1 (g) Reporting requirements, minimum benchmarks, and outcomes expected of
2 a person certified under s. 560.701 (2) before that person may receive tax benefits
3 under s. 560.703.

4 (h) Policies, criteria, and methodology for allocating a portion of the tax benefits
5 available under s. 560.703 to rural areas.

6 (i) Policies, criteria, and methodology for allocating a portion of the tax benefits
7 available under s. 560.703 to small businesses.

8 (j) Policies and criteria for certifying a person who may be eligible for tax
9 benefits greater than or equal to \$3,000,000.

10 (k) Procedures for implementing ss. 560.701 to 560.706.

11 **(3)** REPORTING. Annually, 6 months after the report has been submitted under
12 s. 560.01 (2) (am), submit to the joint legislative audit committee and to the
13 appropriate standing committees of the legislature under s. 13.172 (3) a
14 comprehensive report assessing the program under ss. 560.701 to 560.706. The
15 report under this subsection shall update the applicable information provided in the
16 report under s. 560.01 (2) (am).

17 **SECTION 3100.** 560.71 (1) (e) 4. c. of the statutes is amended to read:

18 560.71 **(1)** (e) 4. c. The percentage of households in the area receiving
19 unemployment insurance under ch. 108, ~~relief funded by a relief block grant under~~
20 ~~ch. 49~~ or aid to families with dependent children under s. 49.19 is higher than the
21 state average.

22 **SECTION 3101.** 560.71 (4) of the statutes is created to read:

23 560.71 **(4)** No development zone may be designated under this section after the
24 effective date of this subsection [LRB inserts date].

25 **SECTION 3102.** 560.737 (4) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 3102**

1 560.737 **(4)** No premises of a business incubator may be designated as part of
2 a development zone under this section after the effective date of this subsection
3 [LRB inserts date].

4 **SECTION 3103.** 560.74 (1) of the statutes is amended to read:

5 560.74 **(1)** ~~At~~ Except as provided under sub. (6), at any time after a
6 development zone is designated by the department, a local governing body may
7 submit an application to change the boundaries of the development zone. If the
8 boundary change reduces the size of a development zone, the local governing body
9 shall explain why the area excluded should no longer be in a development zone. The
10 department may require the local governing body to submit additional information.

11 **SECTION 3104.** 560.74 (6) of the statutes is created to read:

12 560.74 **(6)** The department may not accept any applications under sub. (1) to
13 change the boundaries of a development zone designated under s. 560.71 on or after
14 the effective date of this subsection [LRB inserts date].

15 **SECTION 3105.** 560.745 (1) (b) of the statutes is amended to read:

16 560.745 **(1)** (b) The local governing body may apply to the department for one
17 60-month extension of the designation. The department shall promulgate rules
18 establishing criteria for approving an extension of a designation of an area as a
19 development zone under this subsection. No applications may be accepted by the
20 department under this paragraph on or after the effective date of this paragraph
21 [LRB inserts date].

22 **SECTION 3106.** 560.745 (2) (am) of the statutes is amended to read:

23 560.745 **(2)** (am) Notwithstanding par. (a), the department may increase the
24 established limit for tax benefits for a development zone. The department may not

ASSEMBLY BILL 75**SECTION 3106**

1 increase the limit for tax benefits established for any development zone designated
2 under s. 560.71 on or after the effective date of this paragraph [LRB inserts date].

3 **SECTION 3107.** 560.78 (1m) of the statutes is created to read:

4 560.78 **(1m)** No person may be certified under s. 560.765 (3) on or after the
5 effective date of this subsection [LRB inserts date].

6 **SECTION 3108.** 560.78 (3) (a) of the statutes is amended to read:

7 560.78 **(3)** (a) Except as provided in ~~par.~~ pars. (b) and (c), if the economic activity
8 for which a person is seeking certification under s. 560.765 (3) is the relocation of a
9 business into a development zone from a location that is outside the development
10 zone but within the limits of a city, village, town or federally recognized American
11 Indian reservation in which that development zone is located, the local governing
12 body that nominated that area as a development zone under s. 560.72 shall
13 determine whether sub. (2) (a) or (b) applies.

14 **SECTION 3109.** 560.78 (3) (c) of the statutes is created to read:

15 560.78 **(3)** (c) No local governing body may make any determination under this
16 subsection on or after the effective date of this paragraph [LRB inserts date].

17 **SECTION 3110.** 560.785 (1) (intro.) of the statutes is amended to read:

18 560.785 **(1)** (intro.) For the development zone program under ss. 560.70 and
19 560.71 to 560.78, the development opportunity zone program under s. 560.795 and
20 the enterprise development zone program under s. 560.797, the department shall
21 promulgate rules that further define a person's eligibility for tax benefits. The rules
22 shall do at least all of the following:

23 **SECTION 3111.** 560.797 (2) (a) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 3111**

1 560.797 **(2)** (a) (intro.) Subject to pars. (c) ~~and~~, (d), and (e), the department may
2 designate an area as an enterprise development zone for a project if the department
3 determines all of the following:

4 **SECTION 3112.** 560.797 (2) (a) 4. c. of the statutes is amended to read:

5 560.797 **(2)** (a) 4. c. The percentage of households in the area receiving
6 unemployment insurance under ch. 108, ~~relief funded by a relief block grant under~~
7 ~~ch. 49~~ or aid to families with dependent children under s. 49.19 is higher than the
8 state average.

9 **SECTION 3113.** 560.797 (2) (bg) (intro.) of the statutes is amended to read:

10 560.797 **(2)** (bg) (intro.) Notwithstanding par. (a) and subject to pars. (c) ~~and~~,
11 (d), and (e), the department may designate an area as an enterprise development
12 zone for a project if the department determines all of the following:

13 **SECTION 3114.** 560.797 (2) (e) of the statutes is created to read:

14 560.797 **(2)** (e) The department may not designate any area as an enterprise
15 development zone on or after the effective date of this paragraph [LRB inserts
16 date].

17 **SECTION 3115.** 560.797 (3) (c) of the statutes is created to read:

18 560.797 **(3)** (c) The department may not accept or approve any applications or
19 project plans submitted under par. (a) on or after the effective date of this paragraph
20 [LRB inserts date].

21 **SECTION 3116.** 560.797 (4) (a) of the statutes is amended to read:

22 560.797 **(4)** (a) If Except as provided in par. (h), if the department approves a
23 project plan under sub. (3) and designates the area in which the person submitting
24 the project plan conducts or intends to conduct the project as an enterprise

ASSEMBLY BILL 75**SECTION 3116**

1 development zone under the criteria under sub. (2), the department shall certify the
2 person as eligible for tax benefits.

3 **SECTION 3117.** 560.797 (4) (h) of the statutes is created to read:

4 560.797 **(4)** (h) No person may be certified under this subsection on or after the
5 effective date of this paragraph [LRB inserts date].

6 **SECTION 3118.** 560.798 (2) (a) of the statutes is amended to read:

7 560.798 **(2)** (a) The Except as provided under par. (c), the department may
8 designate one area in the state as an agricultural development zone. The area must
9 be located in a rural municipality. An agricultural business that is located in an
10 agricultural development zone and that is certified by the department under sub. (3)
11 is eligible for tax benefits as provided in sub. (3).

12 **SECTION 3119.** 560.798 (2) (c) of the statutes is created to read:

13 560.798 **(2)** (c) No area may be designated as an agricultural development zone
14 on or after the effective date of this paragraph [LRB inserts date].

15 **SECTION 3120.** 560.798 (3) (a) of the statutes is amended to read:

16 560.798 **(3)** (a) The Except as provided under par. (c), the department may
17 certify for tax benefits in an agricultural development zone a new or expanding
18 agricultural business that is located in the agricultural development zone. In
19 determining whether to certify a business under this subsection, the department
20 shall consider, among other things, the number of jobs that will be created or retained
21 by the business.

22 **SECTION 3121.** 560.798 (3) (c) of the statutes is created to read:

23 560.798 **(3)** (c) No business may be certified under this subsection on or after
24 the effective date of this paragraph [LRB inserts date].

25 **SECTION 3122.** 560.7995 (2) (a) (intro.) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 3122**

1 560.7995 (2) (a) (intro.) Subject to ~~par.~~ pars. (c) and (e), the department may
2 designate an area as an airport development zone if the department determines all
3 of the following:

4 **SECTION 3123.** 560.7995 (2) (d) of the statutes is amended to read:

5 560.7995 (2) (d) Notwithstanding pars. (a) to (c), and except as provided in par.
6 (e), the department shall designate as an airport development zone the area within
7 the boundaries of Adams, Fond du Lac, Green Lake, Juneau, Langlade, Lincoln,
8 Marathon, Marquette, Menominee, Oneida, Portage, Price, Shawano, Taylor,
9 Waupaca, Waushara, Winnebago, Wood, and Vilas counties.

10 **SECTION 3124.** 560.7995 (2) (e) of the statutes is created to read:

11 560.7995 (2) (e) No area may be designated as an airport development zone
12 under this subsection on or after the effective date of this paragraph [LRB inserts
13 date].

14 **SECTION 3125.** 560.7995 (4) (ar) of the statutes is created to read:

15 560.7995 (4) (ar) The department may not accept or approve any applications
16 or business plans submitted under par. (a) on or after the effective date of this
17 paragraph [LRB inserts date].

18 **SECTION 3126.** 560.7995 (4) (b) of the statutes is renumbered 560.7995 (4) (b)
19 1. and amended to read:

20 560.7995 (4) (b) 1. If Except as provided in subd. 2., if the department approves
21 a business plan under par. (a) or (am), the department shall certify the person as
22 eligible for tax benefits. The department shall notify the department of revenue
23 within 30 days of certifying a person under this paragraph.

24 **SECTION 3127.** 560.7995 (4) (b) 2. of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 3127**

1 560.7995 **(4)** (b) 2. No person may be certified under this paragraph on or after
2 the effective date of this subdivision [LRB inserts date].

3 **SECTION 3128.** Subchapter VII of chapter 560 [precedes 560.80] of the statutes
4 is repealed.

5 **SECTION 3129.** 560.96 (2) (a) of the statutes is amended to read:

6 560.96 **(2)** (a) ~~The Except as provided in par. (c), the~~ department may designate
7 up to 8 areas in the state as technology zones. A business that is located in a
8 technology zone and that is certified by the department under sub. (3) is eligible for
9 a tax credit as provided in sub. (3).

10 **SECTION 3130.** 560.96 (2) (c) of the statutes is created to read:

11 560.96 **(2)** (c) No area may be designated as a technology zone under this
12 subsection on or after the effective date of this paragraph [LRB inserts date].

13 **SECTION 3131.** 560.96 (3) (a) (intro.) of the statutes is amended to read:

14 560.96 **(3)** (a) (intro.) ~~The Except as provided in par. (e), the~~ department may
15 certify for tax credits in a technology zone a business that satisfies all of the following
16 requirements:

17 **SECTION 3132.** 560.96 (3) (e) of the statutes is created to read:

18 560.96 **(3)** (e) No business may be certified under this subsection on or after the
19 effective date of this paragraph [LRB inserts date].

20 **SECTION 3133.** 563.03 (1) of the statutes is amended to read:

21 563.03 **(1)** “Adult family home” has the meaning given in s. 50.01 (1) (a) or (b).

22 **SECTION 3134.** 600.03 (34) of the statutes is amended to read:

23 600.03 **(34)** “Office” means ~~“the office of the insurance commissioner”~~
24 commissioner of insurance of this state.

25 **SECTION 3135.** 601.31 (1) (n) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 3135**

1 601.31 **(1)** (n) For ~~listing~~ appointing, or renewing ~~a listing~~ an appointment of,
2 an agent under s. 628.11, a fee to be set by the commissioner by rule ~~but not to exceed~~
3 ~~\$8 annually for resident agents or \$24 annually for nonresident agents~~ and paid at
4 times and under procedures set by the commissioner.

5 **SECTION 3136.** 601.41 (10) of the statutes is created to read:

6 601.41 **(10)** UNIFORM APPLICATION FOR INDIVIDUAL HEALTH INSURANCE POLICIES.

7 (a) The commissioner shall by rule prescribe uniform questions and the format for
8 applications, which may not exceed 10 pages in length, for individual major medical
9 health insurance policies.

10 (b) After the effective date of the rules promulgated under par. (a), an insurer
11 may use only the prescribed questions and format for individual major medical
12 health insurance policy applications. The commissioner shall publish a notice in the
13 Wisconsin Administrative Register that states the effective date of the rules
14 promulgated under par. (a).

15 (c) For purposes of this subsection, an individual major medical health
16 insurance policy includes health coverage provided on an individual basis through
17 an association.

18 **SECTION 3137.** 601.428 of the statutes is created to read:

19 **601.428 Cancellation and rescission reports.** Beginning in 2009, every
20 insurer that issues individual health insurance policies shall annually report to the
21 commissioner the total number of individual health insurance policies that the
22 insurer issued in the preceding year and the total number of individual health
23 insurance policies with respect to which the insurer initiated or completed a
24 cancellation or rescission in the preceding year.

25 **SECTION 3138.** 609.755 of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 3138**

1 **609.755 Coverage of dependents.** Limited service health organizations,
2 preferred provider plans, and defined network plans are subject to s. 632.895 (14m).

3 **SECTION 3139.** 611.11 (4) (a) of the statutes is amended to read:

4 611.11 **(4)** (a) In this subsection, “municipality” has the meaning given in s.
5 345.05 (1) (c), but also includes any transit authority created under s. 66.1039.

6 **SECTION 3140.** 614.10 (2) (c) 3. of the statutes is amended to read:

7 614.10 **(2)** (c) 3. Notwithstanding s. 614.01 (1) (a) 2., on the application of an
8 employee specified in subd. 2., provide insurance benefits to the employee’s spouse
9 or domestic partner under ch. 770 or a child of the employee who receives financial
10 services or support from the employee.

11 **SECTION 3141.** 619.01 (1) (a) of the statutes is amended to read:

12 619.01 **(1)** (a) *Establishment of plans.* If the commissioner finds after a hearing
13 that in any part of this state automobile insurance, property insurance, health care
14 liability insurance, liability insurance but not to include coverage for risks which
15 that are determined to be uninsurable, worker’s compensation insurance, insurance
16 coverage for foster homes ~~or treatment foster homes,~~ or insurance coverage for group
17 homes is not readily available in the voluntary market, and that the public interest
18 requires such that availability, the commissioner may by rule either promulgate
19 plans to provide such insurance coverages for any risks in this state ~~which~~ that are
20 equitably entitled to, but otherwise unable to obtain ~~such,~~ that coverage, or may call
21 upon the insurance industry to prepare plans for the commissioner’s approval.

22 **SECTION 3142.** 619.01 (1) (c) 1. of the statutes is amended to read:

23 619.01 **(1)** (c) 1. Each plan, except a health care liability insurance plan, a foster
24 home protection insurance plan, ~~a treatment foster home protection insurance plan~~
25 or a group home protection insurance plan, shall require participation by all insurers

ASSEMBLY BILL 75**SECTION 3142**

1 doing any business in this state of the types covered by the specific plan and all
2 agents licensed to represent such those insurers in this state for the specified types
3 of business, except that the commissioner may exclude classes of persons for
4 administrative convenience or because it is not equitable or practicable to require
5 them to participate in the plan.

6 **SECTION 3143.** 619.01 (1) (c) 4m. of the statutes is repealed.

7 **SECTION 3144.** 619.01 (9) of the statutes is amended to read:

8 619.01 **(9)** FOSTER HOME PROTECTION INSURANCE. In this section “foster home
9 protection insurance” means insurance coverage to protect persons who receive a
10 license to operate a foster home under s. 48.62 (1) ~~(a)~~ against the unique risks,
11 determined by the commissioner, to which such those persons are exposed. If the
12 persons have insurance which that covers any of ~~these~~ those risks, the foster home
13 protection insurance may insure against any or all of the other risks, and may
14 provide additional or excess limits coverage for any or all of ~~these~~ those risks.

15 **SECTION 3145.** 619.01 (9m) of the statutes is repealed.

16 **SECTION 3146.** 628.47 of the statutes is created to read:

17 **628.47 Requirement before paying certain claims.** Before paying an
18 insurance claim of \$500 or more to any individual, an insurer shall comply with s.
19 49.895.

20 **SECTION 3147.** 631.43 (3) of the statutes is amended to read:

21 631.43 **(3)** EXCEPTION. Subsection (1) does not affect the rights of insurers to
22 ~~exclude, limit or reduce~~ restrict coverage under s. 632.32 (5) (b), or (c) ~~or (f) to (j).~~

23 **SECTION 3148.** 632.32 (2) (a) of the statutes is renumbered 632.32 (2) (at).

24 **SECTION 3149.** 632.32 (2) (am) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 3149**

1 632.32 (2) (am) “Medical payments coverage” means coverage to indemnify for
2 medical payments or chiropractic payments or both for the protection of all persons
3 using the insured motor vehicle from losses resulting from bodily injury or death.

4 **SECTION 3150.** 632.32 (2) (c) of the statutes is renumbered 632.32 (2) (h).

5 **SECTION 3151.** 632.32 (2) (cm) of the statutes is created to read:

6 632.32 (2) (cm) “Umbrella or excess liability policy” means an insurance
7 contract providing at least \$1,000,000 of liability coverage per person or per
8 occurrence in excess of certain required underlying liability insurance coverage or
9 a specified amount of self-insured retention.

10 **SECTION 3152.** 632.32 (2) (d) of the statutes is created to read:

11 632.32 (2) (d) “Underinsured motor vehicle” means a motor vehicle to which all
12 of the following apply:

13 1. The motor vehicle is involved in an accident with a person who has
14 underinsured motorist coverage.

15 2. A bodily injury liability insurance policy applies to the motor vehicle at the
16 time of the accident.

17 3. The limits under the bodily injury liability insurance policy are less than the
18 amount needed to fully compensate the insured for his or her damages.

19 **SECTION 3153.** 632.32 (2) (e) of the statutes is created to read:

20 632.32 (2) (e) “Underinsured motorist coverage” means coverage for the
21 protection of persons insured under that coverage who are legally entitled to recover
22 damages for bodily injury, death, sickness, or disease from owners or operators of
23 underinsured motor vehicles.

24 **SECTION 3154.** 632.32 (2) (f) of the statutes is created to read:

ASSEMBLY BILL 75**SECTION 3154**

632.32 (2) (f) “Uninsured motor vehicle” means a motor vehicle that is involved in an accident with a person who has uninsured motorist coverage and with respect to which, at the time of the accident, a bodily injury liability insurance policy is not in effect and the owner or operator has not furnished proof of financial responsibility for the future under subch. III of ch. 344. “Uninsured motor vehicle” also includes both of the following motor vehicles involved in an accident with a person who has uninsured motorist coverage:

1. An insured motor vehicle if before or after the accident the liability insurer of the motor vehicle is declared insolvent by a court of competent jurisdiction.

2. An unidentified motor vehicle.

SECTION 3155. 632.32 (2) (g) of the statutes is created to read:

632.32 (2) (g) “Uninsured motorist coverage” means coverage for the protection of persons insured under that coverage who are legally entitled to recover damages for bodily injury, death, sickness, or disease from owners or operators of uninsured motor vehicles.

SECTION 3156. 632.32 (4) (title) of the statutes is amended to read:

632.32 (4) (title) REQUIRED UNINSURED MOTORIST, UNDERINSURED MOTORIST, AND MEDICAL PAYMENTS COVERAGES.

SECTION 3157. 632.32 (4) (intro.) (except 632.32 (4) (title)) of the statutes is renumbered 632.32 (4) (a) (intro.) and amended to read:

632.32 (4) (a) (intro.) Every policy of insurance subject to this section that insures with respect to any motor vehicle registered or principally garaged in this state against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance, or use of a motor

ASSEMBLY BILL 75**SECTION 3157**

1 vehicle shall contain therein or supplemental thereto ~~the following provisions for all~~
2 of the following coverages:

3 **SECTION 3158.** 632.32 (4) (a) (title) of the statutes is repealed.

4 **SECTION 3159.** 632.32 (4) (a) 1. of the statutes is amended to read:

5 632.32 **(4)** (a) 1. ~~For the protection of persons injured who are legally entitled~~
6 ~~to recover damages from owners or operators of uninsured motor vehicles because~~
7 ~~of bodily injury, sickness or disease, including death resulting therefrom~~ Excluding
8 a policy written by a town mutual organized under ch. 612, uninsured motorist
9 coverage, in limits of at least \$25,000 \$100,000 per person and \$50,000 \$300,000 per
10 accident.

11 **SECTION 3160.** 632.32 (4) (a) 2. of the statutes is repealed.

12 **SECTION 3161.** 632.32 (4) (a) 2m. of the statutes is created to read:

13 632.32 **(4)** (a) 2m. Excluding a policy written by a town mutual organized under
14 ch. 612, uninsured motorist coverage, in limits of at least \$100,000 per person and
15 \$300,000 per accident.

16 **SECTION 3162.** 632.32 (4) (a) 3. of the statutes is renumbered 632.32 (4) (c) and
17 amended to read:

18 632.32 **(4)** (c) ~~Insurers~~ Unless an insurer waives the right to subrogation,
19 insurers making payment under ~~the uninsured motorists' coverage~~ any of the
20 coverages under this subsection shall, to the extent of the payment, be subrogated
21 to the rights of their insureds.

22 **SECTION 3163.** 632.32 (4) (b) (title) of the statutes is repealed.

23 **SECTION 3164.** 632.32 (4) (b) of the statutes is renumbered 632.32 (4) (a) 3m.
24 and amended to read:

ASSEMBLY BILL 75**SECTION 3164**

1 632.32 **(4)** (a) 3m. ~~To indemnify for medical payments or chiropractic payments~~
2 ~~or both Medical payments coverage, in the amount of at least \$1,000 \$10,000 per~~
3 ~~person for protection of all persons using the insured motor vehicle from losses~~
4 ~~resulting from bodily injury or death. The named insured may reject the coverage.~~
5 ~~If the named insured rejects the coverage, it need not be provided in a subsequent~~
6 ~~renewal policy issued by the same insurer unless the insured requests it in writing.~~
7 ~~Under the medical or chiropractic payments coverage, the insurer shall be~~
8 ~~subrogated to the rights of its insured to the extent of its payments. Coverage written~~
9 ~~under this paragraph subdivision may be excess coverage over any other source of~~
10 ~~reimbursement to which the insured person has a legal right.~~

11 **SECTION 3165.** 632.32 (4) (bc) of the statutes is created to read:

12 632.32 **(4)** (bc) Notwithstanding par. (a) 3m., the named insured may reject
13 medical payments coverage. If the named insured rejects the coverage, the coverage
14 need not be provided in a subsequent renewal policy issued by the same insurer
15 unless the insured requests it in writing.

16 **SECTION 3166.** 632.32 (4m) of the statutes is repealed.

17 **SECTION 3167.** 632.32 (4r) of the statutes is created to read:

18 632.32 **(4r)** REQUIRED WRITTEN OFFERS OF UNINSURED MOTORIST AND
19 UNDERINSURED MOTORIST COVERAGES FOR UMBRELLA OR EXCESS LIABILITY POLICIES. (a)
20 An insurer writing umbrella or excess liability policies that insure with respect to a
21 motor vehicle registered or principally garaged in this state against loss resulting
22 from liability imposed by law for bodily injury or death suffered by a person arising
23 out of the ownership, maintenance, or use of a motor vehicle shall provide written
24 offers of uninsured motorist coverage and underinsured motorist coverage, which
25 offers shall include a brief description of the coverage offered. An insurer is required

ASSEMBLY BILL 75**SECTION 3167**

1 to provide the offers required under this subsection only one time with respect to any
2 policy in the manner provided in par. (b).

3 (b) 1. Each application for an umbrella or excess liability policy issued on or
4 after the effective date of this subdivision [LRB inserts date], shall contain a
5 written offer of uninsured motorist coverage and a written offer of underinsured
6 motorist coverage.

7 2. For umbrella or excess liability policies that are in effect on the effective date
8 of this subdivision [LRB inserts date], the insurer shall provide a written offer of
9 uninsured motorist coverage to the named insureds under each policy that does not
10 include uninsured motorist coverage and a written offer of underinsured motorist
11 coverage to the named insureds under each policy that does not include
12 underinsured motorist coverage. The insurer shall provide an offer under this
13 subdivision in conjunction with the notice of the first renewal of the policy occurring
14 after the effective date of this subdivision [LRB inserts date].

15 (c) An applicant or named insureds may reject one or both of the coverages
16 offered, but must do so in writing. If the applicant or named insureds reject either
17 of the coverages offered, the insurer is not required to provide the rejected coverage
18 under a policy that is renewed to the person by that insurer unless an insured under
19 the policy subsequently requests the rejected coverage in writing.

20 (d) If an umbrella or excess liability policy that was issued on or after the
21 effective date of this paragraph [LRB inserts date], or an umbrella or excess
22 liability policy that was in effect on, but renewed after, the effective date of this
23 paragraph [LRB inserts date], includes neither uninsured motorist coverage nor
24 underinsured motorist coverage, or only one of the coverages, and the insurer did not
25 provide a written offer required under par. (b) 1. or 2. with respect to the coverage

ASSEMBLY BILL 75**SECTION 3167**

1 or coverages not included, on the request of the insured the court shall reform the
2 policy to include the coverage or coverages not included and for which the insurer did
3 not provide a written offer, with the same limits as the liability coverage limits under
4 the policy.

5 (e) This subsection does not apply to a town mutual organized under ch. 612.

6 **SECTION 3168.** 632.32 (5) (f) of the statutes is renumbered 632.32 (6) (d) and
7 amended to read:

8 632.32 **(6)** (d) ~~A~~ No policy may provide that, regardless of the number of
9 policies involved, vehicles involved, persons covered, claims made, vehicles or
10 premiums shown on the policy, or premiums paid, the limits for any coverage under
11 the policy may not be added to the limits for similar coverage applying to other motor
12 vehicles to determine the limit of insurance coverage available for bodily injury or
13 death suffered by a person in any one accident.

14 **SECTION 3169.** 632.32 (5) (g) of the statutes is renumbered 632.32 (6) (e) and
15 amended to read:

16 632.32 **(6)** (e) ~~A~~ No policy may provide that the maximum amount of uninsured
17 motorist coverage or underinsured motorist coverage available for bodily injury or
18 death suffered by a person who was not using a motor vehicle at the time of an
19 accident is ~~the highest~~ any single limit of uninsured motorist coverage or
20 underinsured motorist coverage, whichever is applicable, for any motor vehicle with
21 respect to which the person is insured.

22 **SECTION 3170.** 632.32 (5) (h) of the statutes is renumbered 632.32 (6) (f) and
23 amended to read:

24 632.32 **(6)** (f) ~~A~~ No policy may provide that the maximum amount of medical
25 payments coverage available for bodily injury or death suffered by a person who was

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1 not using a motor vehicle at the time of an accident is ~~the highest~~ any single limit of
2 medical payments coverage for any motor vehicle with respect to which the person
3 is insured.

4 **SECTION 3171.** 632.32 (5) (i) of the statutes is renumbered 632.32 (6) (g), and
5 632.32 (6) (g) (intro.), as renumbered, is amended to read:

6 632.32 **(6)** (g) (intro.) ~~A~~ No policy may provide that the limits under the policy
7 for uninsured motorist coverage or underinsured motorist coverage for bodily injury
8 or death resulting from any one accident shall be reduced by any of the following that
9 apply:

10 **SECTION 3172.** 632.32 (5) (j) of the statutes is renumbered 632.32 (6) (h), and
11 632.32 (6) (h) (intro.), as renumbered, is amended to read:

12 632.32 **(6)** (h) (intro.) ~~A~~ No policy may provide that any coverage under the
13 policy does not apply to a loss resulting from the use of a motor vehicle that meets
14 all of the following conditions:

15 **SECTION 3173.** 632.72 (1g) (b) of the statutes is amended to read:

16 632.72 **(1g)** (b) “Medical benefits or assistance” means health care services
17 funded by a relief block grant ~~under ch. 49, as defined in s. 49.001 (5p);~~ medical
18 assistance, as defined under s. 49.43 (8); or maternal and child health services under
19 s. 253.05.

20 **SECTION 3174.** 632.7497 of the statutes is created to read:

21 **632.7497 Modifications at renewal. (1)** In this section, “individual major
22 medical or comprehensive health benefit plan” includes coverage under a group
23 health benefit plan that is underwritten on an individual basis and issued to
24 individuals or families.

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1 **(2)** An insurer that issues an individual major medical or comprehensive
2 health benefit plan shall, at the time of a coverage renewal, at the request of an
3 insured, permit the insured to do either of the following:

4 (a) Change his or her coverage to any of the following:

5 1. A different but comparable individual major medical or comprehensive
6 health benefit plan currently offered by the insurer.

7 2. An individual major medical or comprehensive health benefit plan currently
8 offered by the insurer with more limited benefits.

9 3. An individual major medical or comprehensive health benefit plan currently
10 offered by the insurer with higher deductibles.

11 (b) Modify his or her existing coverage by electing an optional higher
12 deductible, if any, under the individual major medical or comprehensive health
13 benefit plan.

14 **(3)** (a) The insurer may not impose any new preexisting condition exclusion
15 under the new or modified coverage under sub. (2) that did not apply to the insured's
16 original coverage and shall allow the insured credit under the new or modified
17 coverage for the period of original coverage.

18 (b) For the new or modified coverage, the insurer may not rate for health status
19 other than on the insured's health status at the time the insured applied for the
20 original coverage and as the insured disclosed on the original application.

21 **(4)** (a) Annually, the insurer shall mail to each insured under an individual
22 major medical or comprehensive health benefit plan issued by the insurer, a notice
23 that includes all of the following information:

24 1. That the insured has the right to elect alternative coverage as described in
25 sub. (2).

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1 2. A description of the alternatives available to the insured.

2 3. The procedure for making the election.

3 (b) The insurer shall mail the notice under par. (a) not more than 3 months nor
4 less than 60 days before the renewal date of the insured's plan.

5 **(5)** (a) Nothing in this section requires an insurer to issue alternative coverage
6 under sub. (2) if the insured's coverage may be nonrenewed or discontinued under
7 s. 632.7495 (2), (3) (b), or (4).

8 (b) Notwithstanding s. 600.01 (1) (b) 3. and 4., this section applies to a group
9 health benefit plan described in s. 600.01 (1) (b) 3. or 4. if that group health benefit
10 plan is an individual major medical or comprehensive health benefit plan as defined
11 in sub. (1).

12 **SECTION 3175.** 632.76 (2) (a) of the statutes is amended to read:

13 632.76 **(2)** (a) No claim for loss incurred or disability commencing after ~~2 years~~
14 12 months from the date of issue of the policy may be reduced or denied on the ground
15 that a disease or physical condition existed prior to the effective date of coverage,
16 unless the condition was excluded from coverage by name or specific description by
17 a provision effective on the date of loss. This paragraph does not apply to a group
18 health benefit plan, as defined in s. 632.745 (9), which is subject to s. 632.746.

19 **SECTION 3176.** 632.76 (2) (ac) of the statutes is created to read:

20 632.76 **(2)** (ac) An individual disability insurance policy, as defined in s.
21 632.895 (1) (a), may not define a preexisting condition more restrictively than a
22 condition, whether physical or mental, regardless of the cause of the condition, for
23 which medical advice, diagnosis, care, or treatment was recommended or received
24 within 12 months before the effective date of coverage.

25 **SECTION 3177.** 632.76 (2) (b) of the statutes is amended to read:

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1 632.76 **(2)** (b) Notwithstanding par. (a), no claim for loss incurred or disability
2 commencing after 6 months from the date of issue of a medicare supplement policy,
3 medicare replacement policy or long-term care insurance policy may be reduced or
4 denied on the ground that a disease or physical condition existed prior to the effective
5 date of coverage. ~~–A– Notwithstanding par. (ac), a~~ medicare supplement policy,
6 medicare replacement policy, or long-term care insurance policy may not define a
7 preexisting condition more restrictively than a condition for which medical advice
8 was given or treatment was recommended by or received from a physician within 6
9 months before the effective date of coverage. Notwithstanding par. (a), if on the basis
10 of information contained in an application for insurance a medicare supplement
11 policy, medicare replacement policy, or long-term care insurance policy excludes
12 from coverage a condition by name or specific description, the exclusion must
13 terminate no later than 6 months after the date of issue of the medicare supplement
14 policy, medicare replacement policy, or long-term care insurance policy. The
15 commissioner may by rule exempt from this paragraph certain classes of medicare
16 supplement policies, medicare replacement policies, and long-term care insurance
17 policies, if the commissioner finds the exemption is not adverse to the interests of
18 policyholders and certificate holders.

19 **SECTION 3178.** 632.835 (title) of the statutes is amended to read:

20 **632.835 (title) Independent review of adverse and experimental**
21 **treatment coverage denial determinations.**

22 **SECTION 3179.** 632.835 (1) (ag) of the statutes is created to read:

23 632.835 **(1)** (ag) “Coverage denial determination” means an adverse
24 determination, an experimental treatment determination, a preexisting condition
25 exclusion denial determination, or the rescission of a policy or certificate.

ASSEMBLY BILL 75**SECTION 3180**

1 **SECTION 3180.** 632.835 (1) (cm) of the statutes is created to read:

2 632.835 **(1)** (cm) “Preexisting condition exclusion denial determination” means
3 a determination by or on behalf of an insurer that issues a health benefit plan
4 denying or terminating treatment or payment for treatment on the basis of a
5 preexisting condition exclusion, as defined in s. 632.745 (23).

6 **SECTION 3181.** 632.835 (2) (a) of the statutes is amended to read:

7 632.835 **(2)** (a) Every insurer that issues a health benefit plan shall establish
8 an independent review procedure whereby an insured under the health benefit plan,
9 or his or her authorized representative, may request and obtain an independent
10 review of ~~an adverse determination or an experimental treatment~~ a coverage denial
11 determination made with respect to the insured.

12 **SECTION 3182.** 632.835 (2) (b) of the statutes is amended to read:

13 632.835 **(2)** (b) If ~~an adverse determination or an experimental treatment~~ a
14 coverage denial determination is made, the insurer involved in the determination
15 shall provide notice to the insured of the insured’s right to obtain the independent
16 review required under this section, how to request the review, and the time within
17 which the review must be requested. The notice shall include a current listing of
18 independent review organizations certified under sub. (4). An independent review
19 under this section may be conducted only by an independent review organization
20 certified under sub. (4) and selected by the insured.

21 **SECTION 3183.** 632.835 (2) (bg) 3. of the statutes is amended to read:

22 632.835 **(2)** (bg) 3. For any ~~adverse determination or experimental treatment~~
23 coverage denial determination for which an explanation of benefits is not provided
24 to the insured, the insurer provides a notice that the insured may have a right to an
25 independent review after the internal grievance process and that an insured may be

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1 entitled to expedited, independent review with respect to an urgent matter. The
2 notice shall also include a reference to the section of the policy or certificate that
3 contains the description of the independent review procedure as required under
4 subd. 1. The notice shall provide a toll-free telephone number and website, if
5 appropriate, where consumers may obtain additional information regarding
6 internal grievance and independent review processes.

7 **SECTION 3184.** 632.835 (2) (c) of the statutes is amended to read:

8 632.835 **(2)** (c) Except as provided in par. (d), an insured must exhaust the
9 internal grievance procedure under s. 632.83 before the insured may request an
10 independent review under this section. Except as provided in sub. (9) (a), an insured
11 who uses the internal grievance procedure must request an independent review as
12 provided in sub. (3) (a) within 4 months after the insured receives notice of the
13 disposition of his or her grievance under s. 632.83 (3) (d).

14 **SECTION 3185.** 632.835 (2) (e) of the statutes is created to read:

15 632.835 **(2)** (e) Nothing in this section affects an insured's right to commence
16 a civil proceeding relating to a coverage denial determination.

17 **SECTION 3186.** 632.835 (3) (a) of the statutes is amended to read:

18 632.835 **(3)** (a) To request an independent review, an insured or his or her
19 authorized representative shall provide timely written notice of the request for
20 independent review, and of the independent review organization selected, to the
21 insurer that made or on whose behalf was made the ~~adverse or experimental~~
22 ~~treatment~~ coverage denial determination. The insurer shall immediately notify the
23 commissioner and the independent review organization selected by the insured of
24 the request for independent review. ~~The insured or his or her authorized~~
25 ~~representative must pay a \$25 fee to the independent review organization. If the~~

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1 ~~insured prevails on the review, in whole or in part, the entire amount paid by the~~
2 ~~insured or his or her authorized representative shall be refunded by the insurer to~~
3 ~~the insured or his or her authorized representative.~~ For each independent review in
4 which it is involved, an insurer shall pay a fee to the independent review
5 organization.

6 **SECTION 3187.** 632.835 (3) (e) of the statutes is amended to read:

7 632.835 **(3)** (e) In addition to the information under pars. (b) and (c), the
8 independent review organization may accept for consideration any typed or printed,
9 verifiable medical or scientific evidence that the independent review organization
10 determines is relevant, regardless of whether the evidence has been submitted for
11 consideration at any time previously. The insurer and the insured shall submit to
12 the other party to the independent review any information submitted to the
13 independent review organization under this paragraph and pars. (b) and (c). If, on
14 the basis of any additional information, the insurer reconsiders the insured's
15 grievance and determines that the treatment that was the subject of the grievance
16 should be covered, or that the policy or certificate that was rescinded should be
17 reinstated, the independent review is terminated.

18 **SECTION 3188.** 632.835 (3) (f) of the statutes is renumbered 632.835 (3) (f) 1.
19 and amended to read:

20 632.835 **(3)** (f) 1. If the independent review is not terminated under par. (e), the
21 independent review organization shall, within 30 business days after the expiration
22 of all time limits that apply in the matter, make a decision on the basis of the
23 documents and information submitted under this subsection. The decision shall be
24 in writing, signed on behalf of the independent review organization and served by
25 personal delivery or by mailing a copy to the insured or his or her authorized

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1 representative and to the insurer. ~~A~~ Except as provided in subd. 2., a decision of an
2 independent review organization is binding on the insured and the insurer.

3 **SECTION 3189.** 632.835 (3) (f) 2. of the statutes is created to read:

4 632.835 **(3)** (f) 2. A decision of an independent review organization regarding
5 a preexisting condition exclusion denial determination or a rescission is not binding
6 on the insured.

7 **SECTION 3190.** 632.835 (3m) (a) of the statutes is amended to read:

8 632.835 **(3m)** (a) A decision of an independent review organization regarding
9 an adverse determination or a preexisting condition exclusion denial determination
10 must be consistent with the terms of the health benefit plan under which the adverse
11 determination or preexisting condition exclusion denial determination was made.

12 **SECTION 3191.** 632.835 (6m) (a) of the statutes is amended to read:

13 632.835 **(6m)** (a) ~~Be~~ Unless the review relates to a rescission, be a health care
14 provider who is expert in treating the medical condition that is the subject of the
15 review and who is knowledgeable about the treatment that is the subject of the
16 review through current, actual clinical experience.

17 **SECTION 3192.** 632.835 (7) (b) of the statutes is amended to read:

18 632.835 **(7)** (b) A health benefit plan that is the subject of an independent
19 review and the insurer that issued the health benefit plan shall not be liable to any
20 person for damages attributable to the insurer's or plan's actions taken in compliance
21 with any decision regarding an adverse determination or an experimental treatment
22 determination rendered by a certified independent review organization.

23 **SECTION 3193.** 632.835 (8) of the statutes is renumbered 632.835 (8) (a) and
24 amended to read:

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1 632.835 **(8)** (a) Adverse and experimental treatment determinations. The
2 commissioner shall make a determination that at least one independent review
3 organization has been certified under sub. (4) that is able to effectively provide the
4 independent reviews required under this section for adverse determinations and
5 experimental treatment determinations and shall publish a notice in the Wisconsin
6 Administrative Register that states a date that is 2 months after the commissioner
7 makes that determination. The date stated in the notice shall be the date on which
8 the independent review procedure under this section begins operating with respect
9 to adverse determinations and experimental treatment determinations.

10 **SECTION 3194.** 632.835 (8) (b) of the statutes is created to read:

11 632.835 **(8)** (b) Preexisting condition exclusion denials and rescissions. The
12 commissioner shall make a determination that at least one independent review
13 organization has been certified under sub. (4) that is able to effectively provide the
14 independent reviews required under this section for preexisting condition exclusion
15 denial determinations and rescissions and shall publish a notice in the Wisconsin
16 Administrative Register that states a date that is 2 months after the commissioner
17 makes that determination. The date stated in the notice shall be the date on which
18 the independent review procedure under this section begins operating with respect
19 to preexisting condition exclusion denial determinations and rescissions.

20 **SECTION 3195.** 632.835 (9) of the statutes is renumbered 632.835 (9) (a) and
21 amended to read:

22 632.835 **(9)** (a) Adverse and experimental treatment determinations. The
23 independent review required under this section with respect to an adverse
24 determination or an experimental treatment determination shall be available to an
25 insured who receives notice of the disposition of his or her grievance under s. 632.83

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(3) (d) on or after December 1, 2000. Notwithstanding sub. (2) (c), an insured who receives notice of the disposition of his or her grievance under s. 632.83 (3) (d) on or after December 1, 2000, but before June 15, 2002, with respect to an adverse determination or an experimental treatment determination must request an independent review no later than 4 months after June 15, 2002.

SECTION 3196. 632.835 (9) (b) of the statutes is created to read:

632.835 **(9) (b)** *Preexisting condition exclusion denials and rescissions.* The independent review required under this section with respect to a preexisting condition exclusion denial determination or a rescission shall be available to an insured who receives notice of the disposition of his or her grievance under s. 632.83 (3) (d) on or after the date stated in the notice published in the Wisconsin Administrative Register by the commissioner under sub. (8) (b).

SECTION 3197. 632.845 of the statutes is created to read:

632.845 Prohibiting refusal to cover services because liability policy may cover. (1) In this section, “health care plan” has the meaning given in s. 628.36 (2) (a) 1.

(2) An insurer that provides coverage under a health care plan may not refuse to cover health care services that are provided to an insured under the plan and for which there is coverage under the plan on the basis that there may be coverage for the services under a liability insurance policy.

SECTION 3198. 632.895 (14m) of the statutes is created to read:

632.895 **(14m)** **COVERAGE OF DEPENDENTS.** (a) Subject to par. (b), every disability insurance policy, and every self-insured health plan of the state or a county, city, town, village, or school district, that provides coverage for a person as a dependent of an insured shall provide dependent coverage for a child of an insured.

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1 (b) A policy or plan is not required to provide dependent coverage for a child of
2 an insured if any of the following applies:

- 3 1. The child is 27 years of age or older.
- 4 2. The child is married.
- 5 3. The child has other health care coverage.
- 6 4. The child is employed full time and his or her employer offers health care
7 coverage to its employees.
- 8 5. Coverage of the insured through whom the child has dependent coverage
9 under the policy or plan is discontinued or not renewed.

10 **SECTION 3199.** Chapter 648 of the statutes is created to read:

11 **CHAPTER 648**

12 **REGULATION OF CARE**

13 **MANAGEMENT ORGANIZATIONS**

14 **648.01 Definitions.** In this chapter:

15 **(1)** “Care management organization” means an entity described in s. 46.284
16 (3m).

17 **(2)** “Department” means the department of health services.

18 **(3)** “Enrollee” has the meaning given in s. 46.2805 (3).

19 **(4)** “Permittee” means a care management organization issued a permit under
20 this chapter.

21 **648.03 Applicability of other laws.** Notwithstanding s. 600.01 (1) (b) 10. a.,
22 ss. 600.01, 600.02, 600.03, and 600.12 apply to this chapter.

23 **648.05 Permit. (1) PERMIT REQUIRED.** After December 31, 2009, no care
24 management organization may provide services to its enrollees without a permit
25 under this chapter.

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1 **(2) APPLICATION.** A care management organization applying for a permit shall
2 submit all of the following information in the format required by the commissioner:

3 (a) The names, addresses and occupations of all controlling persons and
4 directors and principal officers of the care management organization currently and
5 for the preceding 10 years, unless the commissioner waives this requirement.

6 (b) Business organization documents, including articles and bylaws if
7 applicable.

8 (c) A business plan approved by the department, including a projection of the
9 anticipated operating results at the end of each of the next 3 years of operation, based
10 on reasonable estimates of income and operating expenses.

11 (d) Any other relevant documents or information that the commissioner
12 reasonably requires after consulting with the department.

13 **(3) STANDARDS FOR ISSUING PERMIT.** The commissioner may issue a permit to the
14 care management organization if the commissioner finds, after consulting with the
15 department, all of the following:

16 (a) All requirements of law have been met.

17 (b) All the directors and principal officers or any controlling person are
18 trustworthy and competent and collectively have the competence and experience to
19 engage in the proposed services and are not excluded from participation under 42
20 USC 1320a-7 or 42 USC 1320a-7a.

21 (c) The business plan is consistent with the interests of the care management
22 organization's enrollees and the public.

23 **(4) SUSPENSION OR REVOCATION.** The commissioner may suspend or revoke a
24 permit issued under this chapter if the commissioner finds, after consulting with the
25 department, any of the following:

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1 (a) The permittee violated a law or rule, including a rule establishing standards
2 for the financial condition of care management organizations.

3 (b) The permittee is in a financially hazardous condition.

4 (c) The permittee is controlled or managed by persons who are incompetent or
5 untrustworthy.

6 (d) The permittee conceals records from the commissioner.

7 (e) The permittee's business plan is not in the public interest or is not prudent.

8 (f) The permittee ceases to be certified by or maintain a contract with the
9 department.

10 **648.10 Powers and duties of the commissioner.** The commissioner may
11 do any of the following:

12 **(1)** Promulgate rules that are necessary to carry out the intent of this chapter,
13 including, after consulting with the department, standards for the financial
14 condition of care management organizations.

15 **(2)** Use the authority granted under ss. 601.41, 601.42, 601.43, 601.44, 601.61,
16 601.62, 601.63, and 601.64, including the authority to issue orders, to enforce this
17 chapter and to ensure that a care management organization has sufficient financial
18 resources.

19 **648.15 Reports and replies. (1) REPORTS.** The commissioner may require
20 from any care management organization any of the following:

21 (a) Statements, reports, answers to questionnaires, and other information in
22 whatever reasonable form the commissioner designates and at such reasonable
23 intervals as the commissioner chooses, or from time to time.

24 (b) Full explanation of the programming of any data storage or communication
25 system in use.

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1 (c) Information from any books, records, electronic data processing systems,
2 computers, or any other information storage system at any reasonable time in any
3 reasonable manner.

4 (d) Statements, reports, audits, or certification from a certified public
5 accountant or an actuary approved by the commissioner.

6 **(2) FORMS.** The commissioner, after consulting with the department, may
7 prescribe forms for the reports under sub. (1) and specify who shall execute or certify
8 such reports.

9 **(3) ACCOUNTING METHODS.** The commissioner, after consulting with the
10 department, may prescribe reasonable minimum standards and techniques of
11 accounting and data handling to ensure that timely and reliable information will
12 exist and will be available to the commissioner.

13 **(4) REPLIES.** Any officer or manager of a care management organization, any
14 person controlling or having a contract under which the person has a right to control
15 a care management organization, whether exclusively or otherwise, or any person
16 with executive authority over or in charge of any segment of such a care management
17 organization's affairs, shall reply promptly in writing or in another designated form,
18 to any written inquiry from the commissioner requesting a reply.

19 **(5) VERIFICATION.** The commissioner may require that any communication
20 made to the commissioner under this section be verified.

21 **(6) IMMUNITY.** In the absence of actual malice, no person shall be subject to
22 damages in an action for defamation based on a communication to the commissioner
23 required by law under this chapter or by the commissioner under this chapter.

24 **(7) EXPERTS.** The commissioner may employ experts to assist the commissioner
25 in an examination or in the review of any transaction subject to approval under this

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chapter. The care management organization that is the subject of the examination, or that is a party to a transaction under review, including the person acquiring, controlling, or attempting to acquire the care management organization, shall pay the reasonable costs incurred by the commissioner for the expert and related expenses.

648.20 Examinations. (1) POWER TO EXAMINE. (a) To inform himself or herself about a matter related to the enforcement of this chapter, the commissioner may examine the affairs and condition of any permittee.

(b) So far as reasonably necessary for an examination under par. (a), the commissioner may examine the accounts, records, or documents so far as they relate to the permittee, of any of the following:

1. An officer, manager, employee, or person who has executive authority over or is in charge of any segment of the permittee's affairs.

2. A person controlling or having a contract under which the person has the right to control the permittee whether exclusively or with others.

3. A person who is under the control of the permittee, or a person who is under the control of a person who controls or has a right to control the permittee whether exclusively or with others.

(c) On demand, every permittee shall make available to the commissioner for examination any of its own accounts, records, documents, or evidences of transactions.

(d) On order of the commissioner any examinee under this chapter shall bring to the office for examination such records as the order reasonably requires.

(2) AUDITS OR ACTUARIAL OR OTHER EVALUATIONS. In lieu of all or part of an examination under sub. (1), or in addition to it, the commissioner may order an

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1 independent audit by certified public accountants or an actuarial or other evaluation
2 by actuaries or other experts approved by the commissioner of any permittee. Any
3 accountant, actuary, or other expert selected is subject to rules respecting conflicts
4 of interest promulgated by the commissioner. Any audit or evaluation under this
5 section is subject to s. 648.25, so far as applicable.

6 **(3) ALTERNATIVES TO EXAMINATION.** In lieu of all or part of an examination under
7 this section, the commissioner may accept the report of an audit already made by
8 certified public accountants or of an actuarial or other evaluation already made by
9 actuaries or other experts approved by the commissioner, or the report of an
10 examination made by another government agency in this state, the federal
11 government, or another state.

12 **(4) PURPOSE AND SCOPE OF EXAMINATION.** An examination may but need not cover
13 comprehensively all aspects of the permittee's affairs and condition. The
14 commissioner shall determine the exact nature and scope of each examination, and
15 in doing so shall take into account all relevant factors, including the length of time
16 the permittee has been doing business, the length of time the permittee has been
17 certified by the department, the nature of the business being examined, the nature
18 of the accounting records available, and the nature of examinations performed
19 elsewhere.

20 **648.25 Conducting examinations. (1) ORDER OF EXAMINATION.** For each
21 examination under s. 648.20, the commissioner shall issue an order stating the scope
22 of the examination and designating the examiner in charge. Upon demand, a copy
23 of the order shall be provided to the examinee.

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1 **(2) ACCESS TO EXAMINEE.** Any examiner authorized by the commissioner shall,
2 for the purposes of the examination, have access at all reasonable hours to the
3 premises and to any property of the examinee.

4 **(3) COOPERATION.** The officers, employees, and agents of the examinee shall
5 comply with every reasonable request of the examiners for assistance in any matter
6 relating to the examination. No person may obstruct or interfere with the
7 examination in any way other than by legal process.

8 **(4) CORRECTION OF BOOKS.** If the commissioner finds the accounts or records to
9 be inadequate for proper examination of the condition and affairs of the permittee
10 or improperly kept or posted, the commissioner may employ experts to rewrite, post,
11 or balance them at the expense of the permittee.

12 **(5) REPORT ON EXAMINATION.** The examiner in charge of an examination shall
13 make a proposed report of the examination, including information and analysis
14 ordered in sub. (1), together with the examiner's recommendations. Preparation of
15 the proposed report may include conferences with the examinee or the examinee's
16 representatives at the option of the examiner in charge. The commissioner shall
17 serve the final examination report on the examinee.

18 **(6) COPIES FOR BOARD.** The permittee shall furnish copies of the final
19 examination report to each member of its board or governing body.

20 **(7) REPORT AS EVIDENCE.** In any proceeding by or against the permittee or any
21 officer or agent of the permittee the final examination report shall be admissible as
22 evidence of the facts stated in the report. In any proceeding commenced under this
23 chapter, the final examination report shall be admissible as evidence of the facts
24 stated in the report. In any proceeding by or against the examinee, the facts asserted

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1 in any final examination report properly admitted in evidence shall be presumed to
2 be true in the absence of contrary evidence.

3 **648.27 Costs. (1)** COSTS TO BE PAID BY CARE MANAGEMENT ORGANIZATIONS.
4 Permittees shall pay the reasonable estimate of costs of examinations under s.
5 648.20, of review of applications under s. 648.05, and of analysis and financial
6 monitoring of care management organizations by the commissioner and the
7 department, including overhead and fixed costs, by a system of regular annual
8 billings.

9 **(2)** DETERMINATION OF COSTS. Annually, the commissioner shall determine the
10 estimated costs under sub. (1) for the commissioner and the department. The
11 commissioner shall serve a request for payment on each permittee allocating the cost
12 to each permittee in an amount that the commissioner determines reflects the
13 permittee's proportionate share of projected enrollment in the department's annual
14 contracting period.

15 **(3)** PAYMENT DEADLINE. The permittee shall pay the amount determined by the
16 commissioner within 30 days of service of the request for payment under sub. (2).

17 **648.30 Nondisclosure of information. (1)** TYPES OF INFORMATION. The office
18 may refuse to disclose and may prevent any other person from disclosing any of the
19 following:

20 (a) Testimony, reports, records, and information that are obtained, produced,
21 or created in the course of an inquiry under s. 648.15.

22 (b) Testimony, reports, records, and information that are obtained, produced,
23 or created in the course of an examination under s. 648.20.

24 (c) Testimony, reports, records, communications, and information that are
25 obtained by the office from, or provided by the office to, any of the following, under

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1 a pledge of confidentiality or for the purpose of assisting or participating in
2 monitoring activities or in the conduct of any inquiry, investigation, or examination:

3 1. The National Association of Insurance Commissioners.

4 2. An agent or employee of the National Association of Insurance
5 Commissioners.

6 3. The insurance commissioner of another state.

7 4. An agent or employee of the insurance commissioner of another state.

8 5. An international, federal, state, or local regulatory or law enforcement
9 agency, including the department.

10 6. An agent or employee of an agency described in subd. 5.

11 **(2) WAIVER AND APPLICABILITY OF THE PRIVILEGE.** Section 601.465 (2m) (a) to (d)
12 applies to the privilege under sub. (1).

13 **648.35 Enforcement procedure. (1) INJUNCTIONS AND RESTRAINING ORDERS.**
14 The commissioner may commence an action in circuit court in the name of the state
15 to restrain by temporary or permanent injunction or by temporary restraining order
16 any violation of this chapter, any rule promulgated under this chapter, or any order
17 issued under s. 648.10 (2). The commissioner need not show irreparable harm or lack
18 of an adequate remedy at law in an action commenced under this subsection.

19 **(2) ORDERS.** The commissioner shall issue any orders under the procedures
20 described in s. 601.63 and shall hold any hearings under the procedures described
21 in s. 601.62.

22 **(3) COMPULSIVE FORFEITURES.** If a person does not comply with an order issued
23 under s. 648.10 (2) within 2 weeks after the commissioner has given the care
24 management organization notice of the commissioner's intention to proceed under
25 this subsection, the commissioner may commence an action for a forfeiture in such

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1 sum as the court considers just, but not exceeding \$5,000 for each day that the
2 violation continues after the commencement of the action until judgment is
3 rendered. No forfeiture may be imposed under this subsection if at the time the
4 action was commenced the care management organization was in compliance with
5 the order, nor for any violation of an order occurring while any proceeding for judicial
6 review of the order was pending, unless the court in which the proceeding was
7 pending certifies that the claim of invalidity or nonapplicability of the order was
8 frivolous or a sham. If after judgment is rendered the care management organization
9 does not comply with the order, the commissioner may commence a new action for
10 a forfeiture and may continue commencing actions until the person complies. The
11 proceeds of all actions under this subsection, after deduction of the expenses of
12 collection, shall be paid into the common school fund of the state.

13 **(4) FORFEITURES AND CIVIL PENALTIES.** (a) *Restitutionary forfeiture.* Whoever
14 violates an order issued under s. 648.10 (2) that is effective under s. 601.63, any
15 section of this chapter, or any rule relating to this chapter shall forfeit to the state
16 twice the amount of any profit gained from the violation, in addition to any other
17 forfeiture or penalty imposed.

18 (b) *Forfeiture for violation of order.* Whoever violates an order issued under s.
19 648.10 (2) that is effective under s. 601.63 shall forfeit to the state not more than
20 \$1,000 for each violation. Each day that the violation continues is a separate offense.

21 (c) *Forfeiture for violation of statute or rule.* Whoever violates, intentionally
22 aids in violating, or knowingly permits a person over whom he or she has authority
23 to violate a section of this chapter or a rule promulgated under this chapter shall
24 forfeit to the state not more than \$1,000 for each violation. If the section or rule

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1 violated imposes a duty to make a report to the commissioner, each week of delay in
2 complying with the duty is a new violation.

3 (d) *Procedure.* The commissioner may order any person to pay a forfeiture
4 imposed under this subsection, which shall be paid into the common school fund. If
5 the order is issued without a hearing, the affected person may demand a hearing
6 through procedures described under s. 601.62 (3) (a). If the person fails to request
7 a hearing, the order is conclusive as to the person's liability. The scope of review for
8 forfeitures ordered is that specified under s. 227.57. The commissioner may cause
9 an action to be commenced to recover the forfeiture. Before an action is commenced,
10 the commissioner may compromise the forfeiture.

11 **(5) CRIMINAL PENALTY.** Whoever intentionally violates or intentionally permits
12 any person over whom he or she has authority to violate or intentionally aids any
13 person in violating any section of this chapter, any rule promulgated to administer
14 this chapter, or any order issued under s. 648.10 (2) that is effective under s. 601.63
15 is guilty of a Class I felony, unless a specific penalty is provided elsewhere in the
16 statutes. Intent has the meaning expressed under s. 939.23.

17 **648.45 Affiliates of permittee. (1) INFORMATION.** A permittee and a person
18 attempting to acquire or having control of a permittee, shall report to the
19 commissioner the information concerning the permittee, its affiliates, and the person
20 attempting to acquire control of the permittee that the commissioner requires by
21 rule. The commissioner may promulgate rules prescribing the timing of reports
22 under this subsection, including requiring periodic reporting and the form and
23 procedure for filing reports.

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1 **(2) REPORT FOR AFFILIATES.** The permittee may report on behalf of all affiliated
2 entities if it provides all the information that would be required if each affiliate
3 reported separately.

4 **(3) CONSENT TO JURISDICTION.** Every permittee shall promptly submit to the
5 commissioner a statement from each of its affiliates that the affiliate agrees to be
6 subject to the jurisdiction of the commissioner and the courts of this state for the
7 purposes of this chapter. A governmental unit is not subject to this requirement. The
8 commissioner may exempt other affiliates from this subsection.

9 **(4) INFORMATION ORDER.** The commissioner may, by order, require any permittee
10 or any person attempting to acquire or having control of the permittee, to report
11 information under sub. (1) or other information to the commissioner.

12 **(5) TRANSACTIONS WITH AFFILIATES.** Neither a permittee nor an affiliate of the
13 permittee may enter into a transaction between the permittee and affiliate unless
14 all of the following apply:

15 (a) The transaction at the time it is entered into is reasonable and fair to the
16 interests of the permittee.

17 (b) The books, accounts, and records of each party to the transaction are kept
18 in a manner that clearly and accurately discloses the nature and details of the
19 transaction and, in accordance with generally accepted accounting principles,
20 permits ascertainment of charges relating to the transaction.

21 (c) The permittee's financial condition following any dividends or distributions
22 to shareholders or a person having control of the permittee is reasonable in relation
23 to the permittee's outstanding liabilities and is adequate to its financial needs.

24 (d) The transaction complies with any other standard that the commissioner,
25 after consulting with the department, prescribes by rule.

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1 **(6)** TRANSACTIONS SUBJECT TO DISCLOSURE. (a) *Affiliated transactions to be*
2 *reported.* 1. The commissioner, after consulting with the department, may
3 promulgate rules requiring a permittee, a person attempting to acquire or having
4 control of a permittee, and affiliates of a permittee to report a transaction or a group
5 or series of transactions, if all of the following are satisfied:

6 a. The transaction is between a permittee and a person attempting to acquire
7 or having control of the permittee or an affiliate of the permittee, or the transaction
8 directly or indirectly benefits the person or affiliate.

9 b. The transaction is, or the group or series of transactions are, material to the
10 permittee.

11 2. Transactions that are material to a permittee for the purposes of subd. 1.
12 include management contracts, service contracts, and cost-sharing arrangements.
13 The commissioner, after consulting with the department, may prescribe by rule
14 standards for determining whether a transaction is material under this subsection.

15 3. No permittee, person attempting to acquire or having control of a permittee,
16 or affiliate of the permittee may enter into a transaction required to be reported to
17 the commissioner under this subsection unless the permittee, person, and affiliate
18 report the transaction to the commissioner in the form and by the date before the
19 effective date of the transaction that are prescribed by the commissioner by rule,
20 after consulting with the department. The commissioner may not require the
21 transaction to be reported earlier than 30 days before the effective date of the
22 transaction.

23 (b) *Disapproval.* The commissioner may, within the period prescribed in par.
24 (a) 3., disapprove any transaction reported under par. (a) if the commissioner finds,

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1 after consulting with the department, that it would violate the law or would be
2 contrary to the interests of enrollees of the permittee, the department, or the public.

3 (c) *Transactions prohibited.* No permittee, person attempting to acquire or
4 having control of the permittee, or affiliate of the permittee may enter into a
5 transaction that is not reported as required under par. (a) or that is disapproved by
6 the commissioner under par. (b).

7 (d) *Voidable transactions.* If a permittee, person attempting to acquire or
8 having control of the permittee, or affiliate enters into a transaction in violation of
9 this section, the permittee may void the transaction, obtain an injunction, and
10 recover from the person or affiliate the amount necessary to restore the permittee to
11 its condition had the transaction not occurred. The commissioner may order a
12 permittee to void the transaction, to commence an action against the person or
13 affiliate, or to take other action.

14 (e) *Required financial conditions.* The commissioner, after consulting with the
15 department, may promulgate rules for determining adequacy of financial condition
16 under this section.

17 (f) *Exemption if permittee reports.* Paragraph (a) does not apply to a person
18 attempting to acquire or having control of, or an affiliate of, a permittee, if the
19 permittee reports on behalf of the person or on behalf of the affiliate, and the
20 transaction is not disapproved by the commissioner under par. (b).

21 **(7) DIVIDENDS AND DISTRIBUTIONS.** (a) A permittee may not pay a dividend or
22 distribution, and an affiliate of a permittee may not accept a dividend or distribution,
23 unless the permittee reports the dividend or distribution to the commissioner at least
24 30 days before payment and the commissioner does not disapprove the dividend or
25 distribution within that period.

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1 (b) The commissioner, after consulting with the department, may promulgate
2 rules under this section that do any of the following:

3 1. Prescribe the form and content of and procedure for filing reports under this
4 subsection.

5 2. Exempt dividends or distributions from the reporting requirement under
6 par. (a) under conditions that the commissioner determines will not jeopardize the
7 financial condition of the permittee.

8 (c) A permittee may declare a dividend or distribution that is conditioned upon
9 the permittee's compliance with this subsection. A declaration of a dividend or
10 distribution under this subsection does not confer rights to the proposed recipient of
11 the dividend or distribution unless this subsection is complied with and is void if the
12 dividend or distribution is disapproved by the commissioner under par. (a).

13 (d) In addition to any other remedies available, a permittee may recover from
14 the recipient any dividend or distribution paid in violation of this subsection.

15 **(8) DUTIES OF OFFICERS AND DIRECTORS.** (a) No director or officer of a permittee
16 or of an affiliate of a permittee may permit, participate in, or assent to a transaction
17 or payment or acceptance of a dividend or distribution prohibited under this chapter.

18 (b) An officer or director of a permittee or of an affiliate of a permittee who
19 knows, or reasonably should know, that the permittee or affiliate has entered into
20 a transaction or paid a dividend or distribution that violates this chapter shall report
21 the transaction, dividend, or distribution to the commissioner in writing within 30
22 days after attaining that knowledge. Section 648.15 (6) applies to a report under this
23 section, and the report is confidential unless the commissioner finds it necessary to
24 disclose the report for the purpose of enforcing this chapter.

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1 **648.50 Management changes. (1)** APPROVAL REQUIRED. No proposed plan of
2 merger or other plan for acquisition of control of a permittee may be executed unless
3 the commissioner, after consulting with the department, approves the plan.

4 **(2)** GROUNDS FOR APPROVAL. The commissioner shall approve the plan under this
5 section if the commissioner finds, after a hearing, that it would not violate the law
6 or be contrary to the interests of the public, the department, or the enrollees.

7 **(3)** INFORMATION REQUIRED. A permittee shall report to the commissioner any
8 changes in directors or principal officers after a permit is issued, together with
9 biographical data on the new director or officer that the commissioner requires by
10 rule.

11 **648.55 Commissioner's summary orders. (1)** The commissioner, after
12 consulting with the department, may make and serve an order on a permittee,
13 requiring it to stop providing services under the department contract, or to take
14 corrective measures, without notice and before hearing, if it appears to the
15 commissioner that irreparable harm to the property or business of the permittee or
16 to the interests of its enrollees or the public, will occur unless the commissioner acts
17 with immediate effect and one of the following applies:

18 (a) The permittee is not in compliance with a rule establishing standards for
19 the financial condition of care management organizations.

20 (b) Grounds exist to suspend or revoke the permittee's permit.

21 **(2)** An order issued under this subsection is effective immediately.

22 **(3)** The permittee has the rights provided under s. 601.62. The commissioner
23 may serve upon the permittee notice of hearing under the procedures under s. 601.62
24 simultaneously with service of the order under sub. (1).

25 **(4)** The commissioner may keep proceedings under this section confidential.

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1 **648.65 Enrollee immunity. (1) IMMUNITY.** An enrollee of a care management
2 organization is not liable for health care, service, equipment, or supply charges that
3 are covered under the care management organization's contract with the
4 department.

5 **(2) PROHIBITED RECOVERY ATTEMPTS.** No person may bill, charge, collect a deposit
6 from, seek compensation from, file or threaten to file with a credit reporting agency
7 with respect to, or have any recourse against an enrollee or any person acting on the
8 enrollee's behalf, for any health care, service, equipment, or supply charges for which
9 the enrollee or person acting on his or her behalf is not liable under sub. (1).

10 **(3) IMMUNITY NOT AFFECTED.** The immunity of an enrollee under subs. (1) and
11 (2) is not affected by any of the following:

12 (a) A breach or default on an agreement by the care management organization
13 or the failure of any person to compensate the provider.

14 (b) The insolvency of the care management organization or any person
15 contracting with the care management organization or the commencement or the
16 existence of conditions permitting the commencement of insolvency, delinquency, or
17 bankruptcy proceedings involving the care management organization or other
18 person, regardless of whether the care management organization or other person has
19 agreed to compensate, directly or indirectly, the provider for health care, services,
20 equipment, or supplies for which the enrollee is not liable under sub. (1)

21 (c) The inability of the provider or other person who is owed compensation for
22 health care, services, equipment, or supplies to obtain compensation from the care
23 management organization.

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1 **648.75 Insolvency funding. (1) DEPOSIT REQUIRED.** A permittee shall deposit
2 an amount established by the contract with the department, and not less than
3 \$250,000, using the procedures under. s. 601.13.

4 **(2) RELEASE OF DEPOSIT.** A deposit under this section may be released only with
5 the approval of the commissioner, after consulting with the department, by the
6 procedures under s. 601.13 (10) and only in one of the following circumstances:

7 (a) To pay an assessment under sub. (3).

8 (b) To pay creditors of the permittee according to the priority determined by the
9 department if the permittee is insolvent, dissolves, or is subject to an insolvency
10 proceeding, including a bankruptcy proceeding.

11 **(3) ASSESSMENT.** The department may assess an amount from each permittee's
12 deposit for the purpose of funding arrangements for, or to pay expenses related to,
13 services for enrollees of an insolvent or financially hazardous permittee. The
14 department's assessment shall be allocated to each permittee's deposit in an amount
15 that reflects the permittee's proportionate share of projected enrollment in the
16 department's annual contracting period. The commissioner may authorize release,
17 and the department of administration shall pay to the department the assessed
18 amount for the purposes of this subsection.

19 **(4) RESTORATION.** A permittee shall restore its deposit that is subject to an
20 assessment under sub. (3) within 30 days after the assessment, unless the office,
21 after consulting with the department, authorizes a longer period, which shall not
22 exceed 2 years.

23 **(5) RECOVERY.** The department may recover, and may file a claim or bring civil
24 action to recover, from the insolvent or financially hazardous permittee any amount

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1 that the department assesses and pays under sub. (3). Any amount recovered shall
2 be restored to each permittee's deposit in the same proportion as the assessment.

3 **SECTION 3200.** 700.19 (2m) of the statutes is created to read:

4 700.19 **(2m)** DOMESTIC PARTNERS. If persons named as owners in a document
5 of title, transferees in an instrument of transfer, or buyers in a bill of sale are
6 described in the document, instrument, or bill of sale as domestic partners under ch.
7 770, or are in fact domestic partners under ch. 770, they are joint tenants, unless the
8 intent to create a tenancy in common is expressed in the document, instrument, or
9 bill of sale.

10 **SECTION 3201.** 704.05 (5) (a) 2. of the statutes is amended to read:

11 704.05 **(5)** (a) 2. Give the tenant notice, personally or by ordinary mail
12 addressed to the tenant's last-known address, of the landlord's intent to dispose of
13 the personal property by sale or other appropriate means if the property is not
14 repossessed by the tenant. If the tenant fails to repossess the property within 30 days
15 after the date of personal service or the date of the mailing of the notice, the landlord
16 may dispose of the property by private or public sale or any other appropriate means.
17 The landlord may deduct from the proceeds of sale any costs of sale and any storage
18 charges if the landlord has first stored the personalty under subd. 1. If the proceeds
19 minus the costs of sale and minus any storage charges are not claimed within 60 days
20 after the date of the sale of the personalty, the landlord is not accountable to the
21 tenant for any of the proceeds of the sale or the value of the property. The landlord
22 shall send the proceeds of the sale minus the costs of the sale and minus any storage
23 charges to the department of ~~administration~~ commerce for deposit in the
24 appropriation under s. 20.143 (2) (h).

25 **SECTION 3202.** 704.31 (3) of the statutes is amended to read:

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1 704.31 **(3)** This section does not apply to a lease to which a local professional
2 baseball park district created under subch. III of ch. 229, the Wisconsin Quality
3 Home Care Authority, or the Fox River Navigational System Authority is a party.

4 **SECTION 3203.** 709.03 (form) C. 25m. of the statutes is created to read:

5 709.03 (form)

6 C.25m. I am aware that an improvement has been
7 made to the property under an immediate
8 savings energy efficiency program authorized
9 under s. 196.374 (2) (d) and that utility bills
10 for the property will include unpaid costs of
11 the improvement.

12 **SECTION 3204.** 757.05 (1) (a) of the statutes is amended to read:

13 757.05 **(1)** (a) Whenever a court imposes a fine or forfeiture for a violation of
14 state law or for a violation of a municipal or county ordinance except for a violation
15 of s. 101.123 (2) (a), ~~(am) 1., (ar), (bm), (br), or (bv)~~ or ~~(5) (2m)~~, or for a first violation
16 of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person
17 who committed the violation had a blood alcohol concentration of 0.08 or more but
18 less than 0.1 at the time of the violation, or for a violation of state laws or municipal
19 or county ordinances involving nonmoving traffic violations, violations under s.
20 343.51 (1m) (b), or safety belt use violations under s. 347.48 (2m), there shall be
21 imposed in addition a penalty surcharge under ch. 814 in an amount of 26 percent
22 of the fine or forfeiture imposed. If multiple offenses are involved, the penalty
23 surcharge shall be based upon the total fine or forfeiture for all offenses. When a fine
24 or forfeiture is suspended in whole or in part, the penalty surcharge shall be reduced
25 in proportion to the suspension.

ASSEMBLY BILL 75**SECTION 3205**

1 **SECTION 3205.** 758.19 (8) (a) (intro.) of the statutes is amended to read:

2 758.19 **(8)** (a) (intro.) From the appropriation under s. 20.625 (1) (c), the
3 director of state courts shall reimburse counties up to 4 times each year for the actual
4 expenses paid for interpreters required by circuit courts to assist persons with
5 limited English proficiency under s. 885.38 (8) (a) 1. ~~The amount of the~~
6 ~~reimbursement for mileage shall be 20 cents per mile going and returning from his~~
7 ~~or her residence if within the state; or, if without the state, from the point where he~~
8 ~~or she crosses the state boundary to the place of attendance, and returning by the~~
9 ~~usually traveled route between such points.~~ The amount of the maximum hourly
10 reimbursement for court interpreters shall be as follows:

11 **SECTION 3206.** 767.205 (2) (a) 3. of the statutes is amended to read:

12 767.205 **(2)** (a) 3. Whenever aid under s. ~~48.57 (3m) or (3n)~~, 48.645, 49.19, or
13 49.45 is provided on behalf of a dependent child or benefits are provided to the child's
14 custodial parent under ss. 49.141 to 49.161.

15 **SECTION 3207.** 767.205 (2) (a) 4. of the statutes is amended to read:

16 767.205 **(2)** (a) 4. Whenever aid under s. ~~48.57 (3m) or (3n)~~, 48.645, 49.19, or
17 49.45 has, in the past, been provided on behalf of a dependent child, or benefits have,
18 in the past, been provided to the child's custodial parent under ss. 49.141 to 49.161,
19 and the child's family is eligible for continuing child support services under 45 CFR
20 302.33.

21 **SECTION 3208.** 767.407 (1) (c) 1. of the statutes is amended to read:

22 767.407 **(1)** (c) 1. Aid is provided under s. ~~48.57 (3m) or (3n)~~, 48.645, 49.19, or
23 49.45 on behalf of the child, or benefits are provided to the child's custodial parent
24 under ss. 49.141 to 49.161, but the state and its delegate under s. 49.22 (7) are barred

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1 by a statute of limitations from commencing an action under s. 767.80 on behalf of
2 the child.

3 **SECTION 3209.** 767.41 (3) (c) of the statutes is amended to read:

4 767.41 **(3)** (c) The court shall hold a hearing to review the permanency plan
5 within 30 days after receiving a report under par. (b). At least 10 days before the date
6 of the hearing, the court shall provide notice of the time, date, and purpose of the
7 hearing to the agency that prepared the report, the child's parents, the child, if he
8 or she is 12 years of age or over, and the child's foster parent, ~~treatment foster parent~~
9 or the operator of the facility in which the child is living.

10 **SECTION 3210.** 767.521 (intro.) of the statutes is amended to read:

11 **767.521 Action by state for child support.** (intro.) The state or its delegate
12 under s. 49.22 (7) shall bring an action for support of a minor child under s. 767.001
13 (1) (f) or for paternity determination and child support under s. 767.80 if the child's
14 right to support is assigned to the state under s. ~~48.57 (3m) (b) 2. or (3n) (b) 2.,~~ 48.645
15 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.775 (2) (bm) and all of the following apply:

16 **SECTION 3211.** 767.55 (3) (a) 2. of the statutes is amended to read:

17 767.55 **(3)** (a) 2. The child's right to support is assigned to the state under s.
18 ~~48.57 (3m) (b) 2. or (3n) (b) 2.,~~ 48.645 (3), or 49.19 (4) (h) 1. b.

19 **SECTION 3212.** 767.57 (1m) (cm) of the statutes is repealed.

20 **SECTION 3213.** 767.57 (2) of the statutes is amended to read:

21 767.57 **(2)** PROCEDURE IF RECIPIENT ON PUBLIC ASSISTANCE. If a party entitled to
22 maintenance or support, or both, is receiving public assistance under ch. 49, the
23 party may assign the party's right to support or maintenance to the county
24 department under s. 46.215, 46.22, or 46.23 granting the assistance. The assignment
25 shall be approved by order of the court granting the maintenance or support. The

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1 assignment may not be terminated if there is a delinquency in the amount to be paid
2 to the assignee of maintenance and support previously ordered without the written
3 consent of the assignee or upon notice to the assignee and a hearing. When an
4 assignment of maintenance or support, or both, has been approved by the order, the
5 assignee shall be ~~deemed~~ considered a real party in interest ~~within~~ under s. 803.01
6 solely for the purpose of securing payment of unpaid maintenance or support ordered
7 to be paid, by participating in proceedings to secure the payment of unpaid amounts.
8 Notwithstanding assignment under this subsection, and without further order of the
9 court, the department or its designee, upon receiving notice that a party or a minor
10 child of the parties is receiving aid under s. 48.645 or public assistance under ch. 49
11 or that a kinship care relative or long-term kinship care relative of the minor child
12 is receiving kinship care payments or long-term kinship care payments for the minor
13 child, shall forward all support assigned under s. 48.57 (3m) (b) 2. or (3n) (b) 2.,
14 48.645 (3), 49.19 (4) (h) 1., or 49.45 (19) to the assignee under s. 48.57 (3m) (b) 2. or
15 (3n) (b) 2., 48.645 (3), 49.19 (4) (h) 1., or 49.45 (19).

16 **SECTION 3214.** 767.57 (4) of the statutes is amended to read:

17 767.57 (4) PROCEDURE FOR CERTAIN CHILD RECIPIENTS. If an order or judgment
18 providing for the support of one or more children not receiving aid under s. 48.57 (3m)
19 or (3n), 48.645, or 49.19 includes support for a minor who is the beneficiary of aid
20 under s. 48.57 (3m) or (3n), 48.645, or 49.19, any support payment made under the
21 order or judgment is assigned to the state under s. 48.57 (3m) (b) 2. or (3n) (b) 2.,
22 48.645 (3), or 49.19 (4) (h) 1. b. in the amount that is the proportionate share of the
23 minor receiving aid under s. 48.57 (3m) or (3n), 48.645, or 49.19, except as otherwise
24 ordered by the court on the motion of a party.

25 **SECTION 3215.** 767.59 (1c) (a) (intro.) of the statutes is amended to read:

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1 767.59 **(1c)** (a) (intro.) On the petition, motion, or order to show cause of either
2 of the parties, the department, a county department under s. 46.215, 46.22, or 46.23,
3 or a county child support agency under s. 59.53 (5) if an assignment has been made
4 under s. ~~48.57 (3m) (b) 2. or (3n) (b) 2.,~~ 48.645 (3), 49.19 (4) (h), or 49.45 (19) or if either
5 party or their minor children receive aid under s. ~~48.57 (3m) or (3n) or~~ 48.645 or ch.
6 49, a court may, except as provided in par. (b), do any of the following:

7 **SECTION 3216.** 767.87 (6) (a) of the statutes is amended to read:

8 767.87 **(6)** (a) Whenever the state brings the action to determine paternity
9 pursuant to an assignment under s. ~~48.57 (3m) (b) 2. or (3n) (b) 2.,~~ 48.645 (3), 49.19
10 (4) (h) 1., or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157, or 49.159,
11 the natural mother of the child may not be compelled to testify about the paternity
12 of the child if it has been determined that the mother has good cause for refusing to
13 cooperate in establishing paternity as provided in 42 USC 602 (a) (26) (B) and the
14 federal regulations promulgated pursuant to this under that statute, as of
15 July 1, 1981, and pursuant to under any rules promulgated by the department which
16 that define good cause in accordance with the federal regulations, as authorized by
17 42 USC 602 (a) (26) (B) in effect on July 1, 1981.

18 **SECTION 3217.** 767.87 (6) (b) of the statutes is amended to read:

19 767.87 **(6)** (b) Nothing in par. (a) prevents the state from bringing an action to
20 determine paternity pursuant to an assignment under s. ~~48.57 (3m) (b) 2. or (3n) (b)~~
21 ~~2.,~~ 49.19 (4) (h) 1. or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157
22 or 49.159, where when evidence other than the testimony of the mother may
23 establish the paternity of the child.

24 **SECTION 3218.** Chapter 770 of the statutes is created to read:

25 **CHAPTER 770**

ASSEMBLY BILL 75**SECTION 3218****DOMESTIC PARTNERSHIP**

770.01 Definitions. In this chapter:

(1) “Domestic partner” means an individual who has signed and filed a declaration of domestic partnership in the office of the register of deeds of the county in which he or she resides.

(2) “Domestic partnership” means the legal relationship that is formed between 2 individuals under this chapter.

770.05 Criteria for forming a domestic partnership. Two individuals may form a domestic partnership if they satisfy all of the following criteria:

(1) Each individual is at least 18 years old and capable of consenting to the domestic partnership.

(2) Neither individual is married to, or in a domestic partnership with, another individual.

(3) The 2 individuals share a common residence. Two individuals may share a common residence even if any of the following applies:

(a) Only one of the individuals has legal ownership of the residence.

(b) One or both of the individuals have one or more additional residences not shared with the other individual.

(c) One of the individuals leaves the common residence with the intent to return.

(4) The 2 individuals are not nearer of kin to each other than 2nd cousins, whether of the whole or half blood or by adoption.

(5) The individuals are members of the same sex.

770.07 Application and declaration. (1) (a) Individuals who wish to form a domestic partnership shall apply for a declaration of domestic partnership to the

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1 county clerk of the county in which at least one of the individuals has resided for at
2 least 30 days immediately before applying.

3 (b) 1. Except as provided in subd. 2., the county clerk may not issue a
4 declaration of domestic partnership until at least 5 days after receiving the
5 application for the declaration of domestic partnership.

6 2. The county clerk may, at his or her discretion, issue a declaration of domestic
7 partnership less than 5 days after application if the applicant pays an additional fee
8 of not more than \$10 to cover any increased processing cost incurred by the county.
9 The county clerk shall pay this fee into the county treasury.

10 (c) No declaration of domestic partnership may be issued unless the application
11 for it is subscribed to by the parties intending to form the domestic partnership; it
12 contains the social security number of each party who has a social security number;
13 and it is filed with the clerk who issues the declaration of domestic partnership.

14 (d) 1. Each party shall present satisfactory, documentary proof of identification
15 and residence and shall swear, or affirm, to the application before the clerk who is
16 to issue the declaration of domestic partnership. In addition to the social security
17 number of each party who has a social security number, the application shall contain
18 such informational items as the department of health services directs. The portion
19 of the application form that is collected for statistical purposes only shall indicate
20 that the address of an applicant may be provided by a county clerk to a law
21 enforcement officer under the conditions specified under s. 770.18 (2).

22 2. Each applicant shall exhibit to the clerk a certified copy of a birth certificate,
23 and each applicant shall submit a copy of any judgment, certificate of termination
24 of domestic partnership, or death certificate affecting the domestic partnership
25 status. If any applicable birth certificate, death certificate, notice of termination of

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1 domestic partnership, or judgment is unobtainable, other satisfactory documentary
2 proof may be presented instead. Whenever the clerk is not satisfied with the
3 documentary proof presented, he or she shall submit the proof, for an opinion as to
4 its sufficiency, to a judge of a court of record in the county of application.

5 **(2)** If sub. (1) and s. 770.05 are complied with, the county clerk shall issue a
6 declaration of domestic partnership. With each declaration of domestic partnership
7 the county clerk shall provide a pamphlet describing the causes and effects of fetal
8 alcohol syndrome. After the application for the declaration of domestic partnership
9 is filed, the clerk shall, upon the sworn statement of either of the applicants, correct
10 any erroneous, false, or insufficient statement in the application that comes to the
11 clerk's attention and shall notify the other applicant of the correction, as soon as
12 reasonably possible.

13 **770.10 Completion and filing of declaration.** In order to form the legal
14 status of domestic partners, the individuals shall complete the declaration of
15 domestic partnership, sign the declaration, having their signatures acknowledged
16 before a notary, and submit the declaration to the register of deeds of the county in
17 which they reside. The register of deeds shall record the declaration and forward the
18 original to the state registrar of vital statistics.

19 **770.12 Terminating a domestic partnership. (1)** (a) A domestic partner
20 may terminate the domestic partnership by filing a completed notice of termination
21 of domestic partnership form with the county clerk who issued the declaration of
22 domestic partnership and paying the fee under s. 770.17. The notice must be signed
23 by one or both domestic partners and notarized.

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1 (b) If the notice under par. (a) is signed by only one of the domestic partners,
2 that individual must also file with the county clerk an affidavit stating either of the
3 following:

4 1. That the other domestic partner has been served in writing, in the manner
5 provided under s. 801.11, that a notice of termination of domestic partnership is
6 being filed with the county clerk.

7 2. That the domestic partner seeking termination has been unable to locate the
8 other domestic partner after making reasonable efforts and that notice to the other
9 domestic partner has been made by publication as provided in sub. (2).

10 **(2)** If a domestic partner who is seeking to terminate the domestic partnership
11 is unable to find the other domestic partner after making reasonable efforts, the
12 domestic partner seeking termination may provide notice by publication in a
13 newspaper of general circulation in the county in which the residence most recently
14 shared by the domestic partners is located. The notice need not be published more
15 than one time.

16 **(3)** Upon receiving a completed, signed, and notarized notice of termination of
17 domestic partnership, the affidavit under sub. (1) (b) if required, and the fee under
18 s. 770.17, the county clerk shall issue to the domestic partner filing the notice of
19 termination a certificate of termination of domestic partnership. The domestic
20 partner shall submit the certificate of termination of domestic partnership to the
21 register of deeds of the county in which the declaration of domestic partnership is
22 recorded. The register of deeds shall record the certificate and forward the original
23 to the state registrar of vital statistics.

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1 **(4)** (a) Except as provided in par. (b), the termination of a domestic partnership
2 is effective 90 days after the certificate of termination of domestic partnership is
3 recorded under sub. (3).

4 (b) If a party to a domestic partnership enters into a marriage that is recognized
5 as valid in this state, the domestic partnership is automatically terminated on the
6 date of the marriage.

7 **770.15 Forms. (1)** The application and declaration of domestic partnership
8 under s. 770.07 and the notice of termination of domestic partnership and certificate
9 of termination of domestic partnership under s. 770.12 shall contain such
10 information as the department of health services determines is necessary. The form
11 for the declaration of domestic partnership shall require both individuals forming a
12 domestic partnership to sign the form and attest to satisfying all of the criteria under
13 s. 770.05 (1) to (5).

14 **(2)** The department of health services shall prepare the forms under sub. (1)
15 and distribute the forms in sufficient quantities to each county clerk.

16 **770.17 Fees to county clerk.** Each county clerk shall receive as a fee for each
17 declaration of domestic partnership issued and for each certificate of termination of
18 domestic partnership issued the same amount that the clerk receives for issuing a
19 marriage license under s. 765.15. Of the amount that the clerk receives under this
20 section, the clerk shall pay into the state treasury the same amount that the clerk
21 pays into the state treasury from the fee collected for issuing a marriage license. The
22 remainder shall become a part of the funds of the county. For each declaration of
23 domestic partnership issued and for each certificate of termination of domestic
24 partnership issued, the clerk shall also receive a standard notary fee in the same
25 amount that the clerk receives as a standard notary fee in connection with issuing

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1 a marriage license and that may be retained by the clerk if the clerk is operating on
2 a fee or part-fee basis but which otherwise shall become part of the funds of the
3 county.

4 **770.18 Records. (1)** The county clerk shall keep among the records in the
5 office a suitable book called the declaration of domestic partnership docket and shall
6 enter therein a complete record of the applications for and the issuing of all
7 declarations of domestic partnership, and of all other matters which the clerk is
8 required by this chapter to ascertain related to the rights of any person to obtain a
9 declaration of domestic partnership. An application may be recorded by entering
10 into the docket the completed application form, with any portion collected only for
11 statistical purposes removed. The declaration of domestic partnership docket shall
12 be open for public inspection or examination at all times during office hours.

13 **(2)** A county clerk may provide the name of a declaration of domestic
14 partnership applicant and, from the portion of the application form that is collected
15 for statistical purposes, as specified under sub. (1), may provide the address of the
16 declaration of domestic partnership applicant to a law enforcement officer, as defined
17 in s. 51.01 (11). A county clerk shall provide the name and, if it is available, the
18 address, to a law enforcement officer who requests, in writing, the name and address
19 for the performance of an investigation or the service of a warrant. If a county clerk
20 has not destroyed the portion of the declaration of domestic partnership application
21 form that is collected for statistical purposes, he or she shall keep the information
22 on the portion confidential, except as authorized under this subsection. If a written
23 request is made by a law enforcement officer under this subsection, the county clerk
24 shall keep the request with the declaration of domestic partnership application form.

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1 If the county clerk destroys the declaration of domestic partnership application form,
2 he or she shall also destroy the written request.

3 **SECTION 3219.** 779.14 (1) (b) of the statutes is amended to read:

4 779.14 **(1)** (b) With respect to contracts entered into under s. 84.06 (2) or (2m)
5 for highway improvements, any person who has a direct contractual relationship,
6 expressed or implied, with the prime contractor to perform, furnish, or procure labor,
7 services, materials, plans, or specifications.

8 **SECTION 3220.** 779.14 (2) (a) 3. of the statutes is amended to read:

9 779.14 **(2)** (a) 3. With respect to contracts entered into under s. 84.06 (2) or (2m)
10 for highway improvements, failure of the prime contractor to comply with a contract,
11 whether express or implied, with a subcontractor, supplier, or service provider of the
12 prime contractor for performing, furnishing, or procuring labor, services, materials,
13 plans, or specifications for the purpose of making the highway improvement that is
14 the subject of the contract with the governmental entity.

15 **SECTION 3221.** 786.37 (3) of the statutes is amended to read:

16 786.37 **(3)** This section does not apply to the name change of a minor if the
17 parental rights to the minor of both parents have been terminated, guardianship and
18 legal custody of the minor have been transferred under subch. VIII of ch. 48, the
19 minor has been placed in a permanent foster home ~~or a permanent treatment foster~~
20 ~~home~~, and the guardian and legal custodian of the minor have petitioned to change
21 the minor's name to the name or names of the minor's foster parents ~~or treatment~~
22 ~~foster parents~~.

23 **SECTION 3222.** 801.50 (5) of the statutes is amended to read:

24 801.50 **(5)** Venue of an action for certiorari to review a probation, extended
25 supervision, or parole revocation, a denial by a program review committee under s.

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1 302.113 (9g) of a petition for modification of a bifurcated sentence, a decision by the
2 department of corrections under s. 302.113 (9g) on a petition for modification of a
3 bifurcated sentence, or a refusal of parole shall be the county in which the relator was
4 last convicted of an offense for which the relator was on probation, extended
5 supervision, or parole or for which the relator is currently incarcerated.

6 **SECTION 3223.** 805.13 (4) of the statutes is amended to read:

7 805.13 **(4)** INSTRUCTION. The court shall instruct the jury before or after closing
8 arguments of counsel. Failure to object to a material variance or omission between
9 the instructions given and the instructions proposed does not constitute a waiver of
10 error. The court shall provide the jury with one complete set of written instructions
11 providing the burden of proof and the substantive law to be applied to the case to be
12 decided. In a civil action involving contributory negligence, the court shall explain
13 to the jury the effect on awards and liabilities of the percentage of negligence found
14 by the jury to be attributable to each party.

15 **SECTION 3224.** 806.11 (1) (intro.) of the statutes is amended to read:

16 806.11 **(1)** (intro.) At the time of filing the warrant provided by s. 71.74 (14) or,
17 71.91 (5), or 71.93 (8) (b) 5., the clerk of circuit court shall enter the warrant in the
18 judgment and lien docket, including:

19 **SECTION 3225.** 806.11 (2) of the statutes is amended to read:

20 806.11 **(2)** If a warrant provided by s. 71.74 (14) or, 71.91 (5), or 71.93 (8) (b) 5.
21 is against several persons, the warrant shall be entered, in accordance with the
22 procedure under sub. (1), in the judgment and lien docket under the name of each
23 person against whom the warrant was issued.

24 **SECTION 3226.** 806.115 of the statutes is amended to read:

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1 **806.115 Filing of duplicate copy of warrant.** The department of revenue
2 may file in any county a duplicate copy of a warrant filed under s. 71.74 (14) ~~or~~, 71.91
3 (5), or 71.93 (8) (b) 5. and the clerk of circuit court shall enter the duplicate copy on
4 the judgment and lien docket as provided in s. 806.11. When so entered, the duplicate
5 copy shall have the same legal effect as the warrant filed under s. 71.91 (5).

6 **SECTION 3227.** 809.105 (13) of the statutes is amended to read:

7 809.105 **(13)** CERTAIN PERSONS BARRED FROM PROCEEDINGS. No parent, or
8 guardian or legal custodian, if one has been appointed, or foster parent ~~or treatment~~
9 foster parent, if the minor has been placed in a foster home ~~or treatment foster home~~,
10 and the minor's parent has signed a waiver granting the department of children and
11 families, a county department under s. 46.215, 46.22, or 46.23, the foster parent or
12 the treatment foster parent the authority to consent to medical services or treatment
13 on behalf of the minor, or adult family member, as defined in s. 48.375 (2) (b), of any
14 minor who has initiated an appeal under this section may attend or intervene in any
15 proceeding under this section.

16 **SECTION 3228.** 809.30 (1) (c) of the statutes is amended to read:

17 809.30 **(1)** (c) "Postconviction relief" means an appeal or a motion for
18 postconviction relief in a criminal case, other than an appeal, motion, or petition
19 under ss. 302.113 (7m), 302.113 (9g), 973.19, ~~973.195~~, 974.06, or 974.07 (2). In a ch.
20 980 case, the term means an appeal or a motion for postcommitment relief under s.
21 980.038 (4).

22 **SECTION 3229.** 812.30 (9) of the statutes is amended to read:

23 812.30 **(9)** "Need-based public assistance" means aid to families with
24 dependent children, ~~relief funded by a relief block grant under ch. 49~~, relief provided
25 by counties under s. 59.53 (21), medical assistance, supplemental security income,

ASSEMBLY BILL 75**SECTION 3229**

1 food stamps, or benefits received by veterans under s. 45.40 (1) or under 38 USC 501
2 to 562.

3 **SECTION 3230.** 812.44 (4) (form) 2. of the statutes is amended to read:

4 812.44 **(4)** (form)

5 2. You receive aid to families with dependent children, ~~relief funded by a relief~~
6 ~~block grant under ch. 49~~, relief provided by counties under section s. 59.53 (21) of the
7 Wisconsin Statutes, medical assistance, supplemental security income, food stamps,
8 or veterans benefits based on need under 38 USC 501 to 562 or section 45.351 (1) of
9 the Wisconsin Statutes, or have received these benefits within the past 6 months.

10 **SECTION 3231.** 812.44 (5) (form) 2. of the statutes is amended to read:

11 812.44 **(5)** (form)

12 ... 2. ~~(5) (form) paragraph 2.~~ I receive, am eligible for, or have within 6 months
13 received, aid to families with dependent children, ~~relief funded by a relief block grant~~
14 ~~under ch. 49~~, relief provided by counties under section 59.53 (21) of the Wisconsin
15 Statutes, medical assistance, supplemental security income, food stamps, or
16 veterans benefits based on need under 38 USC 501 to 562 or section 45.351 (1) of the
17 Wisconsin Statutes.

18 **SECTION 3232.** 814.29 (1) (d) 1. of the statutes is amended to read:

19 814.29 **(1)** (d) 1. That the person is a recipient of means-tested public
20 assistance, including aid to families with dependent children, ~~relief funded by a relief~~
21 ~~block grant under ch. 49~~, relief provided by counties under s. 59.53 (21), medical
22 assistance, supplemental security income, food stamps, or benefits received by
23 veterans under s. 45.40 (1) or under 38 USC 501 to 562.

24 **SECTION 3233.** 814.63 (1) (c) of the statutes is amended to read:

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1 814.63 **(1)** (c) This subsection does not apply to an action for a violation of s.
2 101.123 (2) ~~(a), (am) 1., (ar), (bm), (br), or (bv)~~ or ~~(5) (2m)~~, for a first violation of s. 23.33
3 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who
4 committed the violation had a blood alcohol concentration of 0.08 or more but less
5 than 0.1 at the time of the violation, or for a violation under s. 343.51 (1m) (b) or a
6 safety belt use violation under s. 347.48 (2m).

7 **SECTION 3234.** 814.67 (1) (c) of the statutes is renumbered 814.67 (1) (c) (intro.)
8 and amended to read:

9 814.67 **(1)** (c) (intro.) For traveling, ~~at the rate of 20 cents per mile~~ going and
10 returning from his or her residence if within the state; or, if without the state, from
11 the point where he or she crosses the state boundary to the place of attendance, and
12 returning by the usually traveled route between such points.;

13 **SECTION 3235.** 814.67 (1) (c) 1. of the statutes is created to read:

14 814.67 **(1)** (c) 1. For witnesses, the rate of 20 cents per mile.

15 **SECTION 3236.** 814.67 (1) (c) 2. of the statutes is created to read:

16 814.67 **(1)** (c) 2. For interpreters, the mileage rate set under s. 20.916 (8).

17 **SECTION 3237.** 814.75 (22m) of the statutes is amended to read:

18 814.75 **(22m)** The supplemental food enforcement surcharge under s. 49.17
19 253.06 (4) (c).

20 **SECTION 3238.** 814.76 (15m) of the statutes is amended to read:

21 814.76 **(15m)** The supplemental food enforcement surcharge under s. 49.17
22 253.06 (4) (c).

23 **SECTION 3239.** 814.80 (11) of the statutes is amended to read:

24 814.80 **(11)** The supplemental food enforcement surcharge under s. 49.17
25 253.06 (4) (c).

ASSEMBLY BILL 75**SECTION 3240**

SECTION 3240. 814.86 (1) of the statutes is amended to read:

814.86 **(1)** Except for an action for a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who committed the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation, or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m), the clerk of circuit court shall charge and collect a ~~\$12~~ \$18 justice information system surcharge from any person, including any governmental unit, as defined in s. 108.02 (17), paying a fee under s. 814.61 (1) (a), (3), or (8) (am), 814.62 (1), (2), or (3) (a) or (b), or 814.63 (1). The justice information system surcharge is in addition to the surcharge listed in sub. (1m).

SECTION 3241. 823.08 (2) (b) of the statutes is amended to read:

823.08 **(2)** (b) “Agricultural use” has the meaning given in s. 91.01 ~~(4)~~ (2).

SECTION 3242. 846.04 (1) of the statutes is amended to read:

846.04 **(1)** The plaintiff may, in the complaint, demand judgment for any deficiency that may remain due the plaintiff after sale of the mortgaged premises against every party who is personally liable for the debt secured by the mortgage. Judgment may be rendered for any deficiency remaining after applying the proceeds of sale to the amount due. The judgment for deficiency shall be ordered in the original judgment and separately rendered against the party liable on or after the confirmation of sale. The judgment for deficiency shall be entered in the judgment and lien docket and, except as provided in subs. (2) and (3), enforced as in other cases. A mortgage foreclosure deficiency judgment entered on or after October 14, 1997, on property ~~devoted primarily to~~ under agricultural use, as defined in s. 91.01 (5), ~~on and after October 14, 1997, (2), for at least 12 consecutive months during the~~ preceding 36-month period shall be recorded as an agriculture judgment.

ASSEMBLY BILL 75**SECTION 3243**

1 **SECTION 3243.** 846.04 (2) of the statutes is amended to read:

2 846.04 **(2)** Except as provided in sub. (3), if a mortgage foreclosure deficiency
3 judgment is entered on property ~~devoted primarily to~~ under agricultural use, as
4 defined in s. 91.01 (5), ~~(2), for at least 12 consecutive months during the preceding~~
5 ~~36-month period,~~ an action on the deficiency judgment shall be commenced within
6 10 years after the date on which the mortgage foreclosure deficiency judgment is
7 entered or be barred.

8 **SECTION 3244.** 851.08 of the statutes is created to read:

9 **851.08 Domestic partner.** “Domestic partner” has the meaning given in s.
10 770.01 (1) and “domestic partnership” has the meaning given in s. 770.01 (2).

11 **SECTION 3245.** 851.17 of the statutes is amended to read:

12 **851.17 Net estate.** “Net estate” means all property subject to administration
13 less the property selected by the surviving spouse or surviving domestic partner
14 under s. 861.33, the allowances made by the court under ss. 861.31, 861.35 and
15 861.41 except as those allowances are charged by the court against the intestate
16 share of the recipient, administration, funeral and burial expenses, the amount of
17 claims paid and federal and state estate taxes payable out of such property.

18 **SECTION 3246.** 851.295 of the statutes is created to read:

19 **851.295 Surviving domestic partner.** “Surviving domestic partner” means
20 a person who was in a domestic partnership under ch. 770 with the decedent, at the
21 time of the decedent’s death.

22 **SECTION 3247.** 852.01 (1) (a) (intro.), 1. and 2. (intro.) and b., (b), (c), (d) and (f)
23 (intro.) of the statutes are amended to read:

24 852.01 **(1)** (a) (intro.) To the spouse or domestic partner:

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1 1. If there are no surviving issue of the decedent, or if the surviving issue are
2 all issue of the surviving spouse or surviving domestic partner and the decedent, the
3 entire estate.

4 2. (intro.) If there are surviving issue one or more of whom are not issue of the
5 surviving spouse or surviving domestic partner, one-half of decedent's property
6 other than the following property:

7 b. The decedent's interest in property held equally and exclusively with the
8 surviving spouse or surviving domestic partner as tenants in common.

9 (b) To the issue, per stirpes, the share of the estate not passing to the spouse
10 or surviving domestic partner, under par. (a), or the entire estate if there is no
11 surviving spouse or surviving domestic partner.

12 (c) If there is no surviving spouse, surviving domestic partner, or issue, to the
13 parents.

14 (d) If there is no surviving spouse, surviving domestic partner, issue, or parent,
15 to the brothers and sisters and the issue of any deceased brother or sister per stirpes.

16 (f) (intro.) If there is no surviving spouse, surviving domestic partner, issue,
17 parent, or issue of a parent, to the grandparents and their issue as follows:

18 **SECTION 3248.** 852.09 of the statutes is amended to read:

19 **852.09 Assignment of home to surviving spouse or surviving domestic**
20 **partner.** If the intestate estate includes an interest in a home, assignment of that
21 interest to the surviving spouse or surviving domestic partner is governed by s.
22 861.21.

23 **SECTION 3249.** 853.11 (2m) and (3) of the statutes are amended to read:

24 853.11 **(2m)** PREMARITAL OR PREDOMESTIC PARTNERSHIP WILL. Entitlements of a
25 surviving spouse or surviving domestic partner under a decedent's will that was

ASSEMBLY BILL 75**SECTION 3249**

1 executed before marriage to the surviving spouse or before recording of the domestic
2 partnership under ch. 770 are governed by s. 853.12.

3 **(3) TRANSFER TO FORMER SPOUSE OR FORMER DOMESTIC PARTNER.** A transfer under
4 a will to a former spouse or former domestic partner is governed by s. 854.15.

5 **SECTION 3250.** 853.12 (title) of the statutes is amended to read:

6 **853.12 (title) Premarital will or predomestic partnership will.**

7 **SECTION 3251.** 853.12 (1), (2) (intro.) and (a), (3) (a) and (b) and (4) (a) of the
8 statutes are amended to read:

9 853.12 **(1) ENTITLEMENT OF SURVIVING SPOUSE OR SURVIVING DOMESTIC PARTNER.**
10 Subject to sub. (3), if the testator married the surviving spouse or recorded a domestic
11 partnership under ch. 770 with the surviving domestic partner after the testator
12 executed his or her will, the surviving spouse or surviving domestic partner is
13 entitled to a share of the probate estate.

14 **(2) VALUE OF SHARE.** (intro.) The value of the share under sub. (1) is the value
15 of the share that the surviving spouse or surviving domestic partner would have
16 received had the testator died with an intestate estate equal to the value of the
17 testator's net estate, but the value of the net estate shall first be reduced by the value
18 of all of the following:

19 (a) All devises to or for the benefit of the testator's children who were born
20 before the marriage to the surviving spouse or the domestic partnership with the
21 surviving domestic partner and who are not also the children of the surviving spouse
22 or surviving domestic partner.

23 **(3) (a)** It appears from the will or other evidence that the will was made in
24 contemplation of the testator's marriage to the surviving spouse or domestic
25 partnership with the surviving domestic partner.

ASSEMBLY BILL 75**SECTION 3251**

(b) It appears from the will or other evidence that the will is intended to be effective notwithstanding any subsequent marriage or domestic partnership, or there is sufficient evidence that the testator considered revising the will after marriage or domestic partnership but decided not to.

(4) (a) Amounts received by the surviving spouse under s. 861.02 and devises made by will to the surviving spouse or surviving domestic partner are applied first.

SECTION 3252. 854.15 (title) of the statutes is amended to read:

854.15 (title) Revocation of provisions in favor of former spouse or former domestic partner.

SECTION 3253. 854.15 (1) (b) of the statutes is renumbered 854.15 (1) (b) (intro.) and amended to read:

854.15 (1) (b) (intro.) “Divorce, annulment or similar event” means any of the following:

1. A divorce, ~~any~~ annulment, ~~or any~~ other event or proceeding that would exclude a spouse as a surviving spouse under s. 851.30.

SECTION 3254. 854.15 (1) (b) 2. of the statutes is created to read:

854.15 (1) (b) 2. A termination of a domestic partnership or other event or proceeding that would exclude a person as a surviving domestic partner under s. 851.295.

SECTION 3255. 854.15 (1) (c) of the statutes is amended to read:

854.15 (1) (c) “Former spouse” means a person whose marriage to the decedent or domestic partnership with the decedent has been the subject of a divorce, annulment or similar event.

SECTION 3256. 854.15 (5) (am) 5. of the statutes is amended to read:

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1 854.15 **(5)** (am) 5. The decedent and the former spouse have remarried or
2 entered into a new domestic partnership before the death of the decedent.

3 **SECTION 3257.** 859.25 (1) (g) of the statutes is amended to read:

4 859.25 **(1)** (g) Property assigned to the surviving spouse or surviving domestic
5 partner under s. 861.41.

6 **SECTION 3258.** 861.21 (title) of the statutes is amended to read:

7 **861.21** (title) **Assignment of home to surviving spouse or surviving**
8 **domestic partner.**

9 **SECTION 3259.** 861.21 (1) (b) of the statutes is amended to read:

10 861.21 **(1)** (b) “Home” means any dwelling in which the decedent had an
11 interest and that at the time of the decedent’s death the surviving spouse or surviving
12 domestic partner occupies or intends to occupy. If there are several such dwellings,
13 any one may be designated by the surviving spouse or surviving domestic partner.
14 “Home” includes a house, a mobile home, a manufactured home, a duplex or multiple
15 apartment building one unit of which is occupied by the surviving spouse or
16 surviving domestic partner and a building used in part for a dwelling and in part for
17 commercial or business purposes. “Home” includes all of the surrounding land,
18 unless the court sets off part of the land as severable from the remaining land under
19 sub. (5).

20 **SECTION 3260.** 861.21 (2), (4) and (5) of the statutes are amended to read:

21 861.21 **(2)** DECEDENT’S PROPERTY INTEREST IN HOME. Subject to subs. (4) and (5),
22 if a married or domestic partnership decedent has a property interest in a home, the
23 decedent’s entire interest in the home shall be assigned to the surviving spouse or
24 surviving domestic partner if the surviving spouse or surviving domestic partner
25 petitions the court requesting such a distribution and if a governing instrument does

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1 not provide a specific transfer of the decedent's interest in the home to someone other
2 than the surviving spouse or surviving domestic partner. The surviving spouse or
3 surviving domestic partner shall file the petition within 6 months after the
4 decedent's death, unless the court extends the time for filing.

5 **(4)** PAYMENT BY SURVIVING SPOUSE OR SURVIVING DOMESTIC PARTNER. The court
6 shall assign the interest in the home under sub. (2) to the surviving spouse or
7 surviving domestic partner upon payment of the value of the decedent's interest in
8 the home that does not pass to the surviving spouse or surviving domestic partner
9 under intestacy or under a governing instrument. Payment shall be made to the
10 fiduciary holding title to the interest. The surviving spouse or surviving domestic
11 partner may use assets due him or her from the fiduciary to satisfy all or part of the
12 payment in kind. Unless the court extends the time, the surviving spouse or
13 surviving domestic partner shall have one year from the decedent's death to pay the
14 value of the assigned interest.

15 **(5)** SEVERANCE OF HOME FROM SURROUNDING LAND. On petition of the surviving
16 spouse or surviving domestic partner or of any interested person that part of the land
17 is not necessary for dwelling purposes and that it would be inappropriate to assign
18 all of the surrounding land as the home under sub. (2), the court may set off for the
19 home as much of the land as is necessary for a dwelling. In determining how much
20 land should be set off, the court shall take into account the use and marketability of
21 the parcels set off as the home and the remaining land.

22 **SECTION 3261.** 861.31 (1m), (2) and (4) (intro.) and (b) of the statutes are
23 amended to read:

24 861.31 **(1m)** The court may, without notice or on such notice as the court
25 directs, order payment by the personal representative or special administrator of an

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1 allowance as the court determines necessary or appropriate for the support of the
2 surviving spouse or surviving domestic partner and any minor children of the
3 decedent during the administration of the estate. The court shall consider the size
4 of the probate estate, other resources available for support, the existing standard of
5 living, and any other factors it considers relevant.

6 **(2)** The court may order that an allowance be made to the spouse or surviving
7 domestic partner for support of the spouse or surviving domestic partner and any
8 minor children of the decedent, or that separate allowances be made to the spouse
9 or surviving domestic partner and to the minor children of the decedent or their
10 guardian, if any, if the court finds separate allowances advisable. If there is no
11 surviving spouse or surviving domestic partner, the court may order that an
12 allowance be made to the minor children of the decedent or to their guardian, if any.

13 **(4)** (intro.) The court may order that the allowance be charged against income
14 or principal, either as an advance or otherwise, but the court may not order that an
15 allowance for support of minor children of the decedent be charged against the
16 income or principal interest of the surviving spouse or surviving domestic partner.
17 The court may order that the allowance for support of the surviving spouse or
18 surviving domestic partner, not including any allowance for support of minor
19 children of the decedent, be applied in satisfaction of any of the following:

20 (b) Any right of the surviving spouse or surviving domestic partner to elect
21 under s. 861.02.

22 **SECTION 3262.** 861.33 (title) of the statutes is amended to read:

23 **861.33 (title) Selection of personalty by surviving spouse or surviving**
24 **domestic partner.**

ASSEMBLY BILL 75**SECTION 3263**

1 **SECTION 3263.** 861.33 (1) (a) (intro.) and 1. and (b) of the statutes are amended
2 to read:

3 861.33 **(1)** (a) (intro.) Subject to this section, in addition to all allowances and
4 distributions, the surviving spouse or surviving domestic partner may file with the
5 court a written selection of the following personal property, which shall then be
6 transferred to the spouse or domestic partner by the personal representative:

7 1. Wearing apparel and jewelry held for personal use by the decedent or the
8 surviving spouse or surviving domestic partner;

9 (b) The selection in par. (a) may not include items specifically bequeathed
10 except that the surviving spouse or surviving domestic partner may in every case
11 select the normal household furniture, furnishings, and appliances necessary to
12 maintain the home. For this purpose antiques, family heirlooms, and collections that
13 are specifically bequeathed are not classifiable as normal household furniture or
14 furnishings.

15 **SECTION 3264.** 861.35 (title) of the statutes is amended to read:

16 **861.35 (title) Special allowance for support of spouse or domestic**
17 **partner and support and education of minor children.**

18 **SECTION 3265.** 861.35 (1m), (2), (3) (a) and (4) of the statutes are amended to
19 read:

20 861.35 **(1m)** If the decedent is survived by a spouse, domestic partner, or by
21 minor children, the court may order an allowance for the support and education of
22 each minor child until he or she reaches a specified age, not to exceed 18, and for the
23 support of the spouse or domestic partner. This allowance may be made whether the
24 estate is testate or intestate. If the decedent is not survived by a spouse or domestic
25 partner, the court also may allot directly to the minor children household furniture,

ASSEMBLY BILL 75**SECTION 3265**

1 furnishings, and appliances. The court may not order an allowance under this
2 section if any of the following applies:

3 (a) The decedent has amply provided for each minor child and for the spouse
4 or domestic partner by the transfer of probate or nonprobate assets, or support and
5 education have been provided for by any other means.

6 (b) In the case of minor children, the surviving spouse or surviving domestic
7 partner is legally responsible for support and education and has ample means to
8 provide them in addition to his or her own support.

9 (c) In the case of the surviving spouse or surviving domestic partner, he or she
10 has ample means to provide for his or her support.

11 **(2)** The court may set aside property to provide an allowance and may appoint
12 a trustee to administer the property, subject to the continuing jurisdiction of the
13 court. If a child dies or reaches the age of 18, or if at any time the property held by
14 the trustee is no longer required for the support of the spouse or domestic partner or
15 the support and education of the minor child, any remaining property is to be
16 distributed by the trustee as the court orders in accordance with the terms of the
17 decedent's will or to the heirs of the decedent in intestacy or to satisfy unpaid claims
18 of the decedent's estate.

19 **(3)** (a) The effect on claims under s. 859.25. The court shall balance the needs
20 of the spouse, domestic partner, or minor children against the nature of the creditors'
21 claims in setting the amount allowed under this section.

22 **(4)** The court may order that the allowance to the surviving spouse or surviving
23 domestic partner, not including any allowance for the support and education of minor
24 children, be applied in satisfaction of any of the following:

ASSEMBLY BILL 75**SECTION 3265**

1 (a) Any entitlement of the surviving spouse or surviving domestic partner
2 under s. 853.12.

3 (b) Any right of the surviving spouse or surviving domestic partner to elect
4 under s. 861.02 (1).

5 **SECTION 3266.** 861.41 of the statutes is amended to read:

6 **861.41 Exemption of property to be assigned to surviving spouse or**
7 **surviving domestic partner. (1)** After the amount of claims against the estate
8 has been ascertained, the surviving spouse or surviving domestic partner may
9 petition the court to set aside as exempt from the claims of creditors under s. 859.25
10 (1) (h) an amount of property reasonably necessary for the support of the spouse or
11 domestic partner, not to exceed \$10,000 in value, if it appears that the assets are
12 insufficient to pay all claims and allowances and still leave the surviving spouse or
13 surviving domestic partner such an amount of property in addition to selection and
14 allowances.

15 **(2)** The court shall grant the petition if it determines that an assignment ahead
16 of creditors is reasonably necessary for the support of the spouse or domestic partner.
17 In determining the necessity and the amount of property to be assigned, the court
18 must take into consideration the availability of a home to the surviving spouse or
19 surviving domestic partner and all other assets and resources available for support.

20 **SECTION 3267.** 867.01 (1) (b) and (3) (f) of the statutes are amended to read:

21 867.01 **(1)** (b) Whenever the estate, less the amount of the debts for which any
22 property in the estate is security, does not exceed \$50,000 in value and the decedent
23 is survived by a spouse or domestic partner, or one or more minor children or both.

24 **(3)** (f) *Order.* If the court is satisfied that the estate may be settled under this
25 section, after 30 days have elapsed since notice to the department of health services

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1 under par. (d), if that notice is required, the court shall assign the property to the
2 persons entitled to it. If the estate may be settled under sub. (1) (b), any property not
3 otherwise assigned shall be assigned to the surviving spouse or surviving domestic
4 partner, or minor children or both as an allowance under s. 861.31. The court shall
5 order any person indebted to or holding money or other property of the decedent to
6 pay the indebtedness or deliver the property to the persons found to be entitled to
7 receive it. The court shall order the transfer of interests in real estate, stocks or
8 bonds registered in the name of the decedent, the title of a licensed motor vehicle, or
9 any other form of property. If the decedent immediately prior to death had an estate
10 for life or an interest as a joint tenant in any property in regard to which a certificate
11 of termination in accordance with s. 867.04 has not been issued, the order shall set
12 forth the termination of that life estate or the right of survivorship of any joint
13 tenant. Every tract of real property in which an interest is assigned or terminated
14 or which is security for a debt in which an interest is assigned or terminated shall
15 be specifically described.

16 **SECTION 3268.** 885.237 (2) of the statutes is amended to read:

17 885.237 (2) Notwithstanding s. 341.04, the fact that an automobile or motor
18 truck having a registered weight of 8,000 pounds or less is located on a highway, as
19 defined in s. 340.01 (22), and is not displaying ~~valid~~ a registration plates plate, a
20 temporary operation plate, or other evidence of registration as provided under s.
21 341.18 (1) is prima facie evidence, for purposes of ch. 341, that the vehicle is an
22 unregistered or improperly registered vehicle. This subsection does not apply to
23 violations of ordinances enacted under s. 341.65, but this subsection does apply to
24 violations of ordinances enacted under s. 341.65, 2003 stats.

25 **SECTION 3269.** 895.04 (2) and (6) of the statutes are amended to read:

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1 895.04 (2) If the deceased leaves surviving a spouse or domestic partner under
2 ch.770, and domestic partner under s. 770.05, and minor children under 18 years of
3 age with whose support the deceased was legally charged, the court before whom the
4 action is pending, or if no action is pending, any court of record, in recognition of the
5 duty and responsibility of a parent to support minor children, shall determine the
6 amount, if any, to be set aside for the protection of such children after considering the
7 age of such children, the amount involved, the capacity and integrity of the surviving
8 spouse or surviving domestic partner, and any other facts or information it may have
9 or receive, and such amount may be impressed by creation of an appropriate lien in
10 favor of such children or otherwise protected as circumstances may warrant, but
11 such amount shall not be in excess of 50% of the net amount received after deduction
12 of costs of collection. If there are no such surviving minor children, the amount
13 recovered shall belong and be paid to the spouse or domestic partner of the deceased;
14 if no spouse or domestic partner survives, to the deceased's lineal heirs as determined
15 by s. 852.01; if no lineal heirs survive, to the deceased's brothers and sisters. If any
16 such relative dies before judgment in the action, the relative next in order shall be
17 entitled to recover for the wrongful death. A surviving nonresident alien spouse or
18 a nonresident alien domestic partner under ch. 770 and minor children shall be
19 entitled to the benefits of this section. In cases subject to s. 102.29 this subsection
20 shall apply only to the surviving spouse's or surviving domestic partner's interest in
21 the amount recovered. If the amount allocated to any child under this subsection is
22 less than \$10,000, s. 807.10 may be applied. Every settlement in wrongful death
23 cases in which the deceased leaves minor children under 18 years of age shall be void
24 unless approved by a court of record authorized to act hereunder.

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1 **(6)** Where the wrongful death of a person creates a cause of action in favor of
2 the decedent's estate and also a cause of action in favor of a spouse, domestic partner
3 under ch. 770, or relatives as provided in this section, such spouse, domestic partner,
4 or relatives may waive and satisfy the estate's cause of action in connection with or
5 as part of a settlement and discharge of the cause of action of the spouse, domestic
6 partner, or relatives.

7 **SECTION 3270.** 895.045 (1) (title) of the statutes is repealed.

8 **SECTION 3271.** 895.045 (1) of the statutes is renumbered 895.045 and amended
9 to read:

10 **895.045 Contributory negligence.** Contributory negligence does not bar
11 recovery in an action by any person or the person's legal representative to recover
12 damages for negligence resulting in death or in injury to the person or property, if
13 that negligence was not greater than the combined negligence of all of the person
14 persons against whom recovery is sought, but any damages allowed shall be
15 diminished in the proportion to the amount of negligence attributed to the person
16 recovering. ~~The negligence of the plaintiff shall be measured separately against the~~
17 ~~negligence of each person found to be causally negligent. The liability of each person~~
18 ~~found to be causally negligent whose percentage of causal negligence is less than 51%~~
19 ~~is limited to the percentage of the total causal negligence attributed to that person.~~
20 ~~A person found to be causally negligent whose percentage of causal negligence is 51%~~
21 ~~or more~~ Any person found to be causally negligent whose percentage of causal
22 negligence is equal to or greater than the negligence of the person recovering shall
23 be jointly and severally liable for the damages allowed.

24 **SECTION 3272.** 895.045 (2) of the statutes is repealed.

25 **SECTION 3273.** 895.485 (title) of the statutes is amended to read:

ASSEMBLY BILL 75**SECTION 3273**

1 **895.485 (title) Civil liability exemption; agencies, foster parents,**
2 **~~treatment foster parents and family-operated group home parents.~~**

3 **SECTION 3274.** 895.485 (1) (c) of the statutes is repealed.

4 **SECTION 3275.** 895.485 (2) (intro.) of the statutes is amended to read:

5 895.485 **(2)** (intro.) Except as provided in ss. 167.10 (7) and 343.15 (2), any
6 foster, ~~treatment foster~~ or family-operated group home parent licensed under s.
7 48.62 or 48.625 is immune from civil liability for any of the following:

8 **SECTION 3276.** 895.485 (2) (a) of the statutes is amended to read:

9 895.485 **(2)** (a) An act or omission of the foster, ~~treatment foster~~ or
10 family-operated group home parent while that parent is acting in his or her capacity
11 as a foster, ~~treatment foster~~ or family-operated group home parent.

12 **SECTION 3277.** 895.485 (2) (b) of the statutes is amended to read:

13 895.485 **(2)** (b) An act or omission of a child who is placed in a foster home,
14 ~~treatment foster home~~ or family-operated group home while the child is in the foster,
15 ~~treatment foster~~ or family-operated group home parent's care.

16 **SECTION 3278.** 895.485 (3) of the statutes is amended to read:

17 895.485 **(3)** The immunity specified in sub. (2) does not apply if the act or
18 omission of a foster, ~~treatment foster~~ or family-operated group home parent was not
19 done in good faith or was not in compliance with any written instructions, received
20 from the agency that placed the child, regarding specific care and supervision of the
21 child. The good faith of a foster, ~~treatment foster~~ or family-operated group home
22 parent and the compliance of the foster, ~~treatment foster~~ or family-operated group
23 home parent with any written instructions received from the agency that placed the
24 child are presumed in a civil action. Any person who asserts that a foster, ~~treatment~~
25 ~~foster~~ or family-operated group home parent did not act in good faith, or did not

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1 comply with written instructions received from the agency that placed the child, has
2 the burden of proving that assertion.

3 **SECTION 3279.** 895.485 (4) (intro.) of the statutes is amended to read:

4 895.485 **(4)** (intro.) Any agency that acts in good faith in placing a child with
5 a foster, ~~treatment foster~~ or family-operated group home parent is immune from civil
6 liability for any act or omission of the agency, the foster, ~~treatment foster~~ or
7 family-operated group home parent, or the child unless all of the following occur:

8 **SECTION 3280.** 895.485 (4) (a) of the statutes is amended to read:

9 895.485 **(4)** (a) The agency has failed to provide the foster, ~~treatment foster~~ or
10 family-operated group home parent with any information relating to a medical,
11 physical, mental, or emotional condition of the child that it is required to disclose
12 under this paragraph. The department of children and families shall promulgate
13 rules specifying the kind of information that an agency shall disclose to a foster,
14 ~~treatment foster~~, or family-operated group home parent ~~which~~ that relates to a
15 medical, physical, mental, or emotional condition of the child.

16 **SECTION 3281.** 895.55 (2) (intro.) of the statutes is amended to read:

17 895.55 **(2)** (intro.) Notwithstanding any provision of s. ~~93.57~~, 299.11, 299.13,
18 299.31, 299.43, 299.45, 299.51, 299.53 or 299.55, subchs. II and IV of ch. 30, ch. 29,
19 166, 281, 283, 289, 291 or 292 or subch. II of ch. 295, or any other provision of this
20 chapter, a person is immune from liability for damages resulting from the person's
21 acts or omissions and for the removal costs resulting from the person's acts or
22 omissions if all of the following conditions are met:

23 **SECTION 3282.** 895.56 (2) (a) of the statutes is amended to read:

24 895.56 **(2)** (a) The acts or omissions by the person occurred while performing
25 a contract entered into under s. 84.06 (2) or (2m), including acts or omissions by any

ASSEMBLY BILL 75**SECTION 3282**

1 person who has a direct contractual relationship with the prime contractor, as
2 defined in s. 779.01 (2) (d), under a contract entered into under s. 84.06 (2) or (2m)
3 to perform labor or furnish materials.

4 **SECTION 3283.** 895.56 (2) (c) of the statutes is amended to read:

5 895.56 **(2)** (c) The acts or omissions involving petroleum-contaminated soil on
6 the property were required by reasonably precise specifications in the contract
7 entered into under s. 84.06 (2) or (2m), and the acts or omissions conformed to those
8 specifications, or were otherwise directed by the department of transportation or by
9 the department of natural resources.

10 **SECTION 3284.** 905.05 (title) of the statutes is amended to read:

11 **905.05 (title) Husband-wife and domestic partner privilege.**

12 **SECTION 3285.** 905.05 (1), (2) and (3) (a), (b), (c) and (d) of the statutes are
13 amended to read:

14 905.05 **(1)** GENERAL RULE OF PRIVILEGE. A person has a privilege to prevent the
15 person's spouse or former spouse or domestic partner or former domestic partner
16 from testifying against the person as to any private communication by one to the
17 other made during their marriage or domestic partnership. As used in this section,
18 "domestic partner" means a domestic partner under ch. 770.

19 **(2)** WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the person
20 or by the spouse or domestic partner on the person's behalf. The authority of the
21 spouse or domestic partner to do so is presumed in the absence of evidence to the
22 contrary.

23 **(3)** (a) If both spouses or former spouses or domestic partners or former
24 domestic partners are parties to the action.

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1 (b) In proceedings in which one spouse or former spouse or domestic partner
2 or former domestic partner is charged with a crime against the person or property
3 of the other or of a child of either, or with a crime against the person or property of
4 a 3rd person committed in the course of committing a crime against the other.

5 (c) In proceedings in which a spouse or former spouse or domestic partner or
6 former domestic partner is charged with a crime of pandering or prostitution.

7 (d) If one spouse or former spouse or domestic partner or former domestic
8 partner has acted as the agent of the other and the private communication relates
9 to matters within the scope of the agency.

10 **SECTION 3286.** 911.01 (4) (c) of the statutes is amended to read:

11 911.01 **(4)** (c) *Miscellaneous proceedings.* Proceedings for extradition or
12 rendition; sentencing, granting or revoking probation, ~~modification of an appeal~~
13 ~~under s. 302.113 (9g) (h) of the department's decision under s. 302.113 (9g) (e)~~
14 ~~whether to modify a bifurcated sentence under s. 302.113 (9g), adjustment of a~~
15 ~~bifurcated sentence under s. 973.195 (1r), release to extended supervision under s.~~
16 ~~302.113 (2) (b) or 304.06 (1) or discharge under s. 973.01 (4m) or (4r),~~ issuance of
17 arrest warrants, criminal summonses and search warrants; hearings under s. 980.09
18 (2); proceedings under s. 971.14 (1) (c); proceedings with respect to pretrial release
19 under ch. 969 except where habeas corpus is utilized with respect to release on bail
20 or as otherwise provided in ch. 969.

21 **SECTION 3287.** 938.02 (6) of the statutes is amended to read:

22 938.02 **(6)** “Foster home” means any facility that is operated by a person
23 required to be licensed by s. 48.62 (1) ~~(a)~~ and that provides care and maintenance for
24 no more than 4 juveniles or, if necessary to enable a sibling group to remain together,
25 for no more than 6 juveniles or, if the department of children and families

ASSEMBLY BILL 75**SECTION 3287**

1 promulgates rules permitting a different number of juveniles, for the number of
2 juveniles permitted under those rules.

3 **SECTION 3288.** 938.02 (17q) of the statutes is repealed.

4 **SECTION 3289.** 938.207 (1) (c) of the statutes is amended to read:

5 938.207 **(1)** (c) A licensed foster home ~~or a licensed treatment foster home~~ if the
6 placement does not violate the conditions of the license.

7 **SECTION 3290.** 938.207 (1) (f) of the statutes is amended to read:

8 938.207 **(1)** (f) The home of a person not a relative if the person has not had a
9 ~~foster home or treatment foster home~~ license under s. 48.62 refused, revoked, or
10 suspended within the previous 2 years. ~~Such a~~ A placement under this paragraph
11 may not exceed 30 days, unless the placement is extended by the court for cause for
12 an additional 30 days.

13 **SECTION 3291.** 938.21 (5) (d) 2. of the statutes is amended to read:

14 938.21 **(5)** (d) 2. If a hearing is held under subd. 1, at least 10 days before the
15 date of the hearing the court shall notify the juvenile, any parent, guardian, and legal
16 custodian of the juvenile, and any foster parent, ~~treatment foster parent~~, or other
17 physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and
18 purpose of the hearing.

19 **SECTION 3292.** 938.21 (5) (d) 3. of the statutes is amended to read:

20 938.21 **(5)** (d) 3. The court shall give a foster parent, ~~treatment foster parent~~,
21 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
22 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
23 ~~treatment foster parent~~, or other physical custodian to make a written or oral
24 statement during the hearing, or to submit a written statement prior to the hearing,
25 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~

ASSEMBLY BILL 75**SECTION 3292**

1 ~~foster parent~~, or other physical custodian who receives a notice of a hearing under
2 subd. 2. and an opportunity to be heard under this subdivision does not become a
3 party to the proceeding on which the hearing is held solely on the basis of receiving
4 that notice and opportunity to be heard.

5 **SECTION 3293.** 938.27 (3) (a) 1. of the statutes is amended to read:

6 938.27 **(3)** (a) 1. The court shall notify, under s. 938.273, the juvenile, any
7 parent, guardian, and legal custodian of the juvenile, any foster parent,~~treatment~~
8 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) of the juvenile, and
9 any person specified in par. (b), if applicable, of all hearings involving the juvenile
10 under this subchapter, except hearings on motions for which notice must be provided
11 only to the juvenile and his or her counsel. If parents entitled to notice have the same
12 place of residence, notice to one constitutes notice to the other. The first notice to any
13 interested party, foster parent, ~~treatment foster parent~~, or other physical custodian
14 described in s. 48.62 (2) shall be in writing and may have a copy of the petition
15 attached to it. Notices of subsequent hearings may be given by telephone at least 72
16 hours before the time of the hearing. The person giving telephone notice shall place
17 in the case file a signed statement of the date and time notice was given and the
18 person to whom he or she spoke.

19 **SECTION 3294.** 938.27 (3) (a) 1m. of the statutes is amended to read:

20 938.27 **(3)** (a) 1m. The court shall give a foster parent,~~treatment foster parent~~
21 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
22 subd. 1. an opportunity to be heard at the hearing by permitting the foster parent,
23 ~~treatment foster parent~~ or other physical custodian to make a written or oral
24 statement during the hearing, or to submit a written statement prior to the hearing,
25 relevant to the issues to be determined at the hearing. A foster parent,~~treatment~~

ASSEMBLY BILL 75**SECTION 3294**

1 ~~foster parent~~ or other physical custodian described in s. 48.62 (2) who receives a
2 notice of a hearing under subd. 1. and an opportunity to be heard under this
3 subdivision does not become a party to the proceeding on which the hearing is held
4 solely on the basis of receiving that notice and opportunity to be heard.

5 **SECTION 3295.** 938.27 (3) (a) 2. of the statutes is amended to read:

6 938.27 **(3)** (a) 2. Failure to give notice under subd. 1. to a foster parent,
7 ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) does not
8 deprive the court of jurisdiction in the action or proceeding. If a foster parent,
9 ~~treatment foster parent~~ or other physical custodian described in s. 48.62 (2) is not
10 given notice of a hearing under subd. 1., that person may request a rehearing on the
11 matter during the pendency of an order resulting from the hearing. If the request
12 is made, the court shall order a rehearing.

13 **SECTION 3296.** 938.27 (6) of the statutes is amended to read:

14 938.27 **(6)** INTERSTATE COMPACT PROCEEDINGS; NOTICE AND SUMMONS. When a
15 proceeding is initiated under s. 938.14, all interested parties shall receive notice and
16 appropriate summons shall be issued in a manner specified by the court. If the
17 juvenile who is the subject of the proceeding is in the care of a foster parent,
18 ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2), the
19 court shall give the foster parent, ~~treatment foster parent~~, or other physical
20 custodian notice and an opportunity to be heard as provided in sub. (3) (a).

21 **SECTION 3297.** 938.299 (1) (ag) of the statutes is amended to read:

22 938.299 **(1)** (ag) If a public hearing is not held, in addition to persons permitted
23 to attend under par. (a), the juvenile's foster parent, ~~treatment foster parent~~ or other
24 physical custodian described in s. 48.62 (2) may be present, except that the court may
25 exclude a foster parent, ~~treatment foster parent~~ or other physical custodian

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1 described in s. 48.62 (2) from any portion of the hearing if that portion of the hearing
2 deals with sensitive personal information of the juvenile or the juvenile's family or
3 if the court determines that excluding the foster parent, ~~treatment foster parent~~ or
4 other physical custodian would be in the best interests of the juvenile.

5 **SECTION 3298.** 938.32 (1) (d) 2. of the statutes is amended to read:

6 938.32 **(1)** (d) 2. At least 10 days before the date of the hearing under subd. 1.,
7 the court shall notify the juvenile, any parent, guardian, and legal custodian of the
8 juvenile, and any foster parent, ~~treatment foster parent~~, or other physical custodian
9 described in s. 48.62 (2) of the juvenile of the time, place, and purpose of the hearing.

10 **SECTION 3299.** 938.32 (1) (d) 3. of the statutes is amended to read:

11 938.32 **(1)** (d) 3. The court shall give a foster parent, ~~treatment foster parent~~,
12 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
13 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
14 ~~treatment foster parent~~, or other physical custodian to make a written or oral
15 statement during the hearing, or to submit a written statement prior to the hearing,
16 relevant to the issues to be determined at the hearing. The foster parent, ~~treatment~~
17 ~~foster parent~~, or other physical custodian does not become a party to the proceeding
18 on which the hearing is held solely on the basis of receiving the notice and having the
19 opportunity to be heard.

20 **SECTION 3300.** 938.33 (4) (intro.) of the statutes is amended to read:

21 938.33 **(4)** OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending
22 placement in a foster home, ~~treatment foster home~~, group home, or nonsecured
23 residential care center for children and youth, in the home of a relative other than
24 a parent, or in the home of a guardian under s. 48.977 (2) shall be in writing, except
25 that the report may be presented orally at the dispositional hearing if all parties

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1 consent. A report that is presented orally shall be transcribed and made a part of the
2 court record. The report shall include all of the following:

3 **SECTION 3301.** 938.33 (5) of the statutes is amended to read:

4 938.33 **(5)** IDENTITY OF FOSTER PARENT OR ~~TREATMENT FOSTER PARENT;~~
5 CONFIDENTIALITY. If the report recommends placement in a foster home ~~or a treatment~~
6 ~~foster home~~, and the name of the foster parent ~~or treatment foster parent~~ is not
7 available at the time the report is filed, the agency shall provide the court and the
8 juvenile's parent or guardian with the name and address of the foster parent ~~or~~
9 ~~treatment foster parent~~ within 21 days after the dispositional order is entered,
10 except that the court may order the information withheld from the juvenile's parent
11 or guardian if the court finds that disclosure would result in imminent danger to the
12 juvenile or to the foster parent ~~or treatment foster parent~~. After notifying the
13 juvenile's parent or guardian, the court shall hold a hearing prior to ordering the
14 information withheld.

15 **SECTION 3302.** 938.335 (3g) (intro.) of the statutes is amended to read:

16 938.335 **(3g)** REASONABLE EFFORTS FINDING. (intro.) At hearings under this
17 section, if the agency, as defined in s. 938.38 (1) (a), is recommending placement of
18 the juvenile in a foster home, ~~treatment foster home~~, group home, or residential care
19 center for children and youth, or in the home of a relative other than a parent, the
20 agency shall present as evidence specific information showing all of the following:

21 **SECTION 3303.** 938.34 (3) (c) of the statutes is amended to read:

22 938.34 **(3)** (c) A foster home ~~or treatment foster home~~ licensed under s. 48.62
23 or a group home licensed under s. 48.625.

24 **SECTION 3304.** 938.355 (2) (b) 2. of the statutes is amended to read:

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1 938.355 **(2)** (b) 2. If the juvenile is placed outside the home, the name of the
2 place or facility, including transitional placements, where the juvenile shall be cared
3 for or treated, except that if the placement is a foster home ~~or treatment foster home~~
4 and the name and address of the foster parent ~~or treatment foster parent~~ is not
5 available at the time of the order, the name and address of the foster parent ~~or~~
6 ~~treatment foster parent~~ shall be furnished to the court and the parent within 21 days
7 of after the order. If, after a hearing on the issue with due notice to the parent or
8 guardian, the court finds that disclosure of the identity of the foster parent ~~or~~
9 ~~treatment foster parent~~ would result in imminent danger to the juvenile, ~~the foster~~
10 ~~parent~~ or the ~~treatment~~ foster parent, the court may order the name and address of
11 the prospective foster parents ~~or treatment foster parents~~ withheld from the parent
12 or guardian.

13 **SECTION 3305.** 938.355 (2d) (c) 2. of the statutes is amended to read:

14 938.355 **(2d)** (c) 2. If a hearing is held under subd. 1., at least 10 days before
15 the date of the hearing the court shall notify the juvenile, any parent, guardian, and
16 legal custodian of the juvenile, and any foster parent, ~~treatment foster parent~~, or
17 other physical custodian described in s. 48.62 (2) of the juvenile of the time, place,
18 and purpose of the hearing.

19 **SECTION 3306.** 938.355 (2d) (c) 3. of the statutes is amended to read:

20 938.355 **(2d)** (c) 3. The court shall give a foster parent, ~~treatment foster parent~~,
21 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
22 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
23 ~~treatment foster parent~~, or other physical custodian to make a written or oral
24 statement during the hearing, or to submit a written statement prior to the hearing,
25 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~

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1 ~~foster parent~~, or other physical custodian who receives a notice of a hearing under
2 subd. 2. and an opportunity to be heard under this subdivision does not become a
3 party to the proceeding on which the hearing is held solely on the basis of receiving
4 that notice and opportunity to be heard.

5 **SECTION 3307.** 938.355 (4) (a) of the statutes is amended to read:

6 938.355 **(4)** (a) Except as provided under par. (b) or s. 938.368, an order under
7 this section or s. 938.357 or 938.365 made before the juvenile attains 18 years of age
8 that places or continues the placement of the juvenile in his or her home shall
9 terminate at the end of one year after the date on which the order is granted unless
10 the court specifies a shorter period of time or the court terminates the order sooner.
11 Except as provided in par. (b) or s. 938.368, an order under this section or s. 938.357
12 or 938.365 made before the juvenile attains 18 years of age that places or continues
13 the placement of the juvenile in a foster home, ~~treatment foster home~~, group home,
14 or residential care center for children and youth or in the home of a relative other
15 than a parent shall terminate when the juvenile attains 18 years of age, at the end
16 of one year after the date on which the order is granted, or, if the juvenile is a
17 full-time student at a secondary school or its vocational or technical equivalent and
18 is reasonably expected to complete the program before attaining 19 years of age,
19 when the juvenile attains 19 years of age, whichever is later, unless the court
20 specifies a shorter period of time or the court terminates the order sooner.

21 **SECTION 3308.** 938.357 (1) (am) 1. of the statutes is amended to read:

22 938.357 **(1)** (am) 1. If the proposed change in placement involves any change
23 in placement other than a change in placement under par. (c), the person or agency
24 primarily responsible for implementing the dispositional order or the district
25 attorney shall cause written notice of the proposed change in placement to be sent

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1 to the juvenile, the parent, guardian, and legal custodian of the juvenile, and any
2 foster parent, ~~treatment foster parent~~, or other physical custodian described in s.
3 48.62 (2) of the juvenile. The notice shall contain the name and address of the new
4 placement, the reasons for the change in placement, a statement describing why the
5 new placement is preferable to the present placement, and a statement of how the
6 new placement satisfies objectives of the treatment plan ordered by the court.

7 **SECTION 3309.** 938.357 (1) (am) 2. of the statutes is amended to read:

8 938.357 **(1)** (am) 2. Any person receiving the notice under subd. 1. or notice of
9 a specific foster or ~~treatment foster~~ placement under s. 938.355 (2) (b) 2. may obtain
10 a hearing on the matter by filing an objection with the court within 10 days after
11 receipt of the notice. Placements may not be changed until 10 days after that notice
12 is sent to the court unless the parent, guardian, or legal custodian and the juvenile,
13 if 12 or more years of age, sign written waivers of objection, except that changes in
14 placement that were authorized in the dispositional order may be made immediately
15 if notice is given as required under subd. 1. In addition, a hearing is not required for
16 placement changes authorized in the dispositional order except when an objection
17 filed by a person who received notice alleges that new information is available that
18 affects the advisability of the court's dispositional order.

19 **SECTION 3310.** 938.357 (2m) (b) of the statutes is amended to read:

20 938.357 **(2m)** (b) *Hearing; when required.* The court shall hold a hearing prior
21 to ordering any change in placement requested or proposed under par. (a) if the
22 request states that new information is available that affects the advisability of the
23 current placement. A hearing is not required if the requested or proposed change in
24 placement does not involve a change in placement of a juvenile placed in the home
25 to a placement outside the home, written waivers of objection to the proposed change

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1 in placement are signed by all parties entitled to receive notice under sub. (1) (am)
2 1., and the court approves. If a hearing is scheduled, the court shall notify the
3 juvenile, the parent, guardian, and legal custodian of the juvenile, any foster parent,
4 ~~treatment foster parent~~, or other physical custodian described in s. 48.62 (2) of the
5 juvenile, and all parties who are bound by the dispositional order at least 3 days prior
6 to the hearing. A copy of the request or proposal for the change in placement shall
7 be attached to the notice. If all of the parties consent, the court may proceed
8 immediately with the hearing.

9 **SECTION 3311.** 938.357 (2r) of the statutes is amended to read:

10 938.357 **(2r)** REMOVAL FROM FOSTER HOME OR PHYSICAL CUSTODIAN. If a hearing
11 is held under sub. (1) (am) 2. or (2m) (b) and the change in placement would remove
12 a juvenile from a foster home, ~~treatment foster home~~, or other placement with a
13 physical custodian described in s. 48.62 (2), the court shall give the foster parent,
14 ~~treatment foster parent~~, or other physical custodian an opportunity to be heard at
15 the hearing by permitting the foster parent, ~~treatment foster parent~~, or other
16 physical custodian to make a written or oral statement during the hearing or to
17 submit a written statement prior to the hearing relating to the juvenile and the
18 requested change in placement. A foster parent, ~~treatment foster parent~~, or other
19 physical custodian who receives notice of a hearing under sub. (1) (am) 1. or (2m) (b)
20 and an opportunity to be heard under this subsection does not become a party to the
21 proceeding on which the hearing is held solely on the basis of receiving that notice
22 and opportunity to be heard.

23 **SECTION 3312.** 938.357 (2v) (c) 2. of the statutes is amended to read:

24 938.357 **(2v)** (c) 2. If a hearing is held under subd. 1., at least 10 days before
25 the date of the hearing the court shall notify the juvenile, any parent, guardian, and

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1 legal custodian of the juvenile, and any foster parent, ~~treatment foster parent~~, or
2 other physical custodian described in s. 48.62 (2) of the juvenile of the time, place,
3 and purpose of the hearing.

4 **SECTION 3313.** 938.357 (2v) (c) 3. of the statutes is amended to read:

5 938.357 **(2v)** (c) 3. The court shall give a foster parent, ~~treatment foster parent~~,
6 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
7 subd. 2. an opportunity to be heard at the hearing by permitting the foster parent,
8 ~~treatment foster parent~~, or other physical custodian to make a written or oral
9 statement during the hearing, or to submit a written statement prior to the hearing,
10 relevant to the issues to be determined at the hearing. A foster parent, ~~treatment~~
11 ~~foster parent~~, or other physical custodian who receives a notice of a hearing under
12 subd. 2. and an opportunity to be heard under this subdivision does not become a
13 party to the proceeding on which the hearing is held solely on the basis of receiving
14 that notice and opportunity to be heard.

15 **SECTION 3314.** 938.357 (4) (c) 1. of the statutes is amended to read:

16 938.357 **(4)** (c) 1. If a juvenile is placed in a Type 2 juvenile correctional facility
17 operated by a child welfare agency under par. (a) and it appears that a less restrictive
18 placement would be appropriate for the juvenile, the department, after consulting
19 with the child welfare agency that is operating the Type 2 juvenile correctional
20 facility, may place the juvenile in a less restrictive placement, and may return the
21 juvenile to the Type 2 juvenile correctional facility without a hearing under sub. (1)
22 (am) 2. ~~The child welfare agency shall establish a rate for each type of placement~~
23 shall be established by the department of children and families, in consultation with
24 the department, in the manner provided in s. 49.343.

25 **SECTION 3315.** 938.357 (4) (c) 2. of the statutes is amended to read:

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1 938.357 **(4)** (c) 2. If a juvenile is placed in a Type 2 residential care center for
2 children and youth under s. 938.34 (4d) and it appears that a less restrictive
3 placement would be appropriate for the juvenile, the child welfare agency operating
4 the Type 2 residential care center for children and youth shall notify the county
5 department that has supervision over the juvenile and, if the county department
6 agrees to a change in placement under this subdivision, the child welfare agency may
7 place the juvenile in a less restrictive placement. A child welfare agency may also,
8 with the agreement of the county department that has supervision over a juvenile
9 who is placed in a less restrictive placement under this subdivision, return the
10 juvenile to the Type 2 residential care center for children and youth without a
11 hearing under sub. (1) (am) 2. ~~The child welfare agency shall establish a rate for each~~
12 ~~type of placement shall be established by the department of children and families,~~
13 in consultation with the department, in the manner provided in s. 49.343.

14 **SECTION 3316.** 938.357 (6) of the statutes is amended to read:

15 938.357 **(6)** DURATION OF ORDER. No change in placement may extend the
16 expiration date of the original order, except that if the change in placement is from
17 a placement in the juvenile's home to a placement in a foster home, ~~treatment foster~~
18 ~~home,~~ group home, or residential care center for children and youth or in the home
19 of a relative who is not a parent, the court may extend the expiration date of the
20 original order to the date on which the juvenile attains 18 years of age, to the date
21 that is one year after the date of the change in placement order, or, if the juvenile is
22 a full-time student at a secondary school or its vocational or technical equivalent and
23 is reasonably expected to complete the program before attaining 19 years of age, to
24 the date on which the juvenile attains 19 years of age, whichever is later, or for a
25 shorter period of time as specified by the court. If the change in placement is from

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1 a placement in a foster home, ~~treatment foster home~~, group home, or residential care
2 center for children and youth or in the home of a relative to a placement in the
3 juvenile's home and if the expiration date of the original order is more than one year
4 after the date of the change in placement order, the court shall shorten the expiration
5 date of the original order to the date that is one year after the date of the change in
6 placement order or to an earlier date as specified by the court.

7 **SECTION 3317.** 938.363 (1) (b) of the statutes is amended to read:

8 938.363 **(1)** (b) If a hearing is held, the court shall notify the juvenile, the
9 juvenile's parent, guardian, and legal custodian, all parties bound by the
10 dispositional order, the juvenile's foster parent, ~~treatment foster parent~~, or other
11 physical custodian described in s. 48.62 (2), and the district attorney or corporation
12 counsel in the county in which the dispositional order was entered at least 3 days
13 prior to the hearing. A copy of the request or proposal shall be attached to the notice.
14 If all parties consent, the court may proceed immediately with the hearing. No
15 revision may extend the effective period of the original order, or revise an original
16 order under s. 938.34 (3) (f) or (6) (am) to impose more than a total of 30 days of
17 detention, nonsecure custody, or inpatient treatment on a juvenile.

18 **SECTION 3318.** 938.363 (1m) of the statutes is amended to read:

19 938.363 **(1m)** EVIDENCE AND STATEMENTS. If a hearing is held under sub. (1) (a),
20 any party may present evidence relevant to the issue of revision of the dispositional
21 order. In addition, the court shall give a foster parent, ~~treatment foster parent~~, or
22 other physical custodian described in s. 48.62 (2) of the juvenile an opportunity to be
23 heard at the hearing by permitting the foster parent, ~~treatment foster parent~~, or
24 other physical custodian to make a written or oral statement during the hearing, or
25 to submit a written statement prior to the hearing, relevant to the issue of revision.

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1 A foster parent, ~~treatment foster parent~~, or other physical custodian who receives
2 notice of a hearing under sub. (1) (a) and an opportunity to be heard under this
3 subsection does not become a party to the proceeding on which the hearing is held
4 solely on the basis of receiving that notice and opportunity to be heard.

5 **SECTION 3319.** 938.365 (2) of the statutes is amended to read:

6 938.365 **(2)** NOTICE. No order may be extended without a hearing. The court
7 shall notify the juvenile or the juvenile's guardian ad litem or counsel, the juvenile's
8 parent, guardian, legal custodian, all of the parties present at the original hearing,
9 the juvenile's foster parent, ~~treatment foster parent~~ or other physical custodian
10 described in s. 48.62 (2), and the district attorney or corporation counsel in the county
11 in which the dispositional order was entered of the time and place of the hearing.

12 **SECTION 3320.** 938.365 (2m) (ad) 2. of the statutes is amended to read:

13 938.365 **(2m)** (ad) 2. If a hearing is held under subd. 1., at least 10 days before
14 the date of the hearing the court shall notify the juvenile, any parent, guardian, and
15 legal custodian of the juvenile, and any foster parent, ~~treatment foster parent~~, or
16 other physical custodian described in s. 48.62 (2) of the juvenile of the time, place,
17 and purpose of the hearing.

18 **SECTION 3321.** 938.365 (2m) (ag) of the statutes is amended to read:

19 938.365 **(2m)** (ag) The court shall give a foster parent, ~~treatment foster parent~~,
20 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
21 par. (ad) 2. or sub. (2) an opportunity to be heard at the hearing by permitting the
22 foster parent, ~~treatment foster parent~~, or other physical custodian to make a written
23 or oral statement during the hearing, or to submit a written statement prior to the
24 hearing, relevant to the issue of extension. A foster parent, ~~treatment foster parent~~,
25 or other physical custodian who receives notice of a hearing under par. (ad) 2. or sub.

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1 (2) and an opportunity to be heard under this paragraph does not become a party to
2 the proceeding on which the hearing is held solely on the basis of receiving that notice
3 and opportunity to be heard.

4 **SECTION 3322.** 938.365 (5) of the statutes is amended to read:

5 938.365 **(5)** DURATION OF EXTENSION. Except as provided in s. 938.368, an order
6 under this section that continues the placement of a juvenile in his or her home or
7 that extends an order under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified
8 length of time not to exceed one year after its date of entry. Except as provided in s.
9 938.368, an order under this section that continues the placement of a juvenile in a
10 foster home, ~~treatment foster home~~, group home, or residential care center for
11 children and youth or in the home of a relative other than a parent shall be for a
12 specified length of time not to exceed the date on which the juvenile attains 18 years
13 of age, one year after the date on which the order is granted, or, if the juvenile is a
14 full-time student at a secondary school or its vocational or technical equivalent and
15 is reasonably expected to complete the program before attaining 19 years of age, the
16 date on which the juvenile attains 19 years of age, whichever is later.

17 **SECTION 3323.** 938.371 (1) (intro.) of the statutes is amended to read:

18 938.371 **(1)** MEDICAL INFORMATION. (intro.) If a juvenile is placed in a foster
19 home, ~~treatment foster home~~, group home, residential care center for children and
20 youth, or juvenile correctional facility or in the home of a relative other than a parent,
21 including a placement under s. 938.205 or 938.21, the agency, as defined in s. 938.38
22 (1) (a), that placed the juvenile or arranged for the placement of the juvenile shall
23 provide the following information to the foster parent, ~~treatment foster parent~~,
24 relative, or operator of the group home, residential care center for children and
25 youth, or juvenile correctional facility at the time of placement or, if the information

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1 has not been provided to the agency by that time, as soon as possible after the date
2 on which the agency receives that information, but not more than 2 working days
3 after that date:

4 **SECTION 3324.** 938.371 (1) (a) of the statutes is amended to read:

5 938.371 **(1)** (a) Results of a test or a series of tests of the juvenile to determine
6 the presence of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products
7 of HIV, or an antibody to HIV, under s. 252.15 (5) (a) 19., including results included
8 in a court report or permanency plan. At the time that the test results are provided,
9 the agency shall notify the foster parent, ~~treatment foster parent~~, relative, or
10 operator of the group home, residential care center for children and youth, or juvenile
11 correctional facility of the confidentiality requirements under s. 252.15 (6).

12 **SECTION 3325.** 938.371 (3) (intro.) of the statutes is amended to read:

13 938.371 **(3)** OTHER INFORMATION. (intro.) At the time of placement of a juvenile
14 in a foster home, ~~treatment foster home~~, group home, residential care center for
15 children and youth, or juvenile correctional facility or in the home of a relative other
16 than a parent or, if the information is not available at that time, as soon as possible
17 after the date on which the court report or permanency plan has been submitted, but
18 no later than 7 days after that date, the agency, as defined in s. 938.38 (1) (a),
19 responsible for preparing the juvenile's permanency plan shall provide to the foster
20 parent, ~~treatment foster parent~~, relative, or operator of the group home, residential
21 care center for children and youth, or juvenile correctional facility information
22 contained in the court report submitted under s. 938.33 (1) or 938.365 (2g) or
23 permanency plan submitted under s. 938.355 (2e) or 938.38 relating to findings or
24 opinions of the court or agency that prepared the court report or permanency plan
25 relating to any of the following:

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1 **SECTION 3326.** 938.371 (3) (d) of the statutes is amended to read:

2 938.371 **(3)** (d) Any involvement of the juvenile, whether as victim or
3 perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02,
4 948.025, or 948.085, prostitution in violation of s. 944.30, sexual exploitation of a
5 child in violation of s. 948.05, or causing a child to view or listen to sexual activity
6 in violation of s. 948.055, if the information is necessary for the care of the juvenile
7 or for the protection of any person living in the foster home, ~~treatment foster home~~,
8 group home, residential care center for children and youth, or juvenile correctional
9 facility.

10 **SECTION 3327.** 938.38 (2) (intro.) of the statutes is amended to read:

11 938.38 **(2)** PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
12 for each juvenile living in a foster home, ~~treatment foster home~~, group home,
13 residential care center for children and youth, juvenile detention facility, or shelter
14 care facility, the agency that placed the juvenile or arranged the placement or the
15 agency assigned primary responsibility for providing services to the juvenile under
16 s. 938.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following
17 conditions exists, and, for each juvenile living in the home of a relative other than
18 a parent, that agency shall prepare a written permanency plan, if any of the
19 conditions under pars. (a) to (e) exists:

20 **SECTION 3328.** 938.38 (4) (f) (intro.) of the statutes is amended to read:

21 938.38 **(4)** (f) (intro.) A description of the services that will be provided to the
22 juvenile, the juvenile's family, and the juvenile's foster parent, ~~the juvenile's~~
23 ~~treatment foster parent~~, the operator of the facility where the juvenile is living, or
24 the relative with whom the juvenile is living to carry out the dispositional order,
25 including services planned to accomplish all of the following:

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SECTION 3329. 938.38 (5) (b) of the statutes is amended to read:

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

SECTION 3330. 938.38 (5) (e) of the statutes is amended to read:

938.38 **(5)** (e) Within 30 days, the agency shall prepare a written summary of the determinations under par. (c) and shall provide a copy to the court that entered the order, the juvenile or the juvenile's counsel or guardian ad litem, the person representing the interests of the public, the juvenile's parent or guardian and the juvenile's foster parent, ~~the juvenile's treatment foster parent~~ or the operator of the facility where the juvenile is living.

SECTION 3331. 938.38 (5m) (b) of the statutes is amended to read:

938.38 **(5m)** (b) Not less than 30 days before the date of the hearing, the court shall notify the juvenile; the juvenile's parent, guardian, and legal custodian; the

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1 juvenile's foster parent ~~or treatment foster parent~~, the operator of the facility in
2 which the juvenile is living, or the relative with whom the juvenile is living; the
3 juvenile's counsel, and the juvenile's guardian ad litem; the agency that prepared the
4 permanency plan; and the person representing the interests of the public of the date,
5 time, and place of the hearing.

6 **SECTION 3332.** 938.38 (5m) (c) of the statutes is amended to read:

7 938.38 **(5m)** (c) Any person who is provided notice of the hearing may have an
8 opportunity to be heard at the hearing by submitting written comments relevant to
9 the determinations specified in sub. (5) (c) not less than 10 working days before the
10 date of the hearing or by participating at the hearing. A foster parent, ~~treatment~~
11 ~~foster parent~~, operator of a facility in which a juvenile is living, or relative with whom
12 a juvenile is living who receives notice of a hearing under par. (b) and an opportunity
13 to be heard under this paragraph does not become a party to the proceeding on which
14 the hearing is held solely on the basis of receiving that notice and opportunity to be
15 heard.

16 **SECTION 3333.** 938.38 (5m) (e) of the statutes is amended to read:

17 938.38 **(5m)** (e) After the hearing, the court shall make written findings of fact
18 and conclusions of law relating to the determinations under sub. (5) (c) and shall
19 provide a copy of those findings of fact and conclusions of law to the juvenile; the
20 juvenile's parent, guardian, and legal custodian; the juvenile's foster parent ~~or~~
21 ~~treatment foster parent~~, the operator of the facility in which the juvenile is living,
22 or the relative with whom the juvenile is living; the agency that prepared the
23 permanency plan; and the person representing the interests of the public. The court
24 shall make the findings specified in sub. (5) (c) 7. on a case-by-case basis based on
25 circumstances specific to the juvenile and shall document or reference the specific

ASSEMBLY BILL 75**SECTION 3333**

1 information on which those findings are based in the findings of fact and conclusions
2 of law prepared under this paragraph. Findings of fact and conclusions of law that
3 merely reference sub. (5) (c) 7. without documenting or referencing that specific
4 information in the findings of fact and conclusions of law or amended findings of fact
5 and conclusions of law that retroactively correct earlier findings of fact and
6 conclusions of law that do not comply with this paragraph are not sufficient to comply
7 with this paragraph.

8 **SECTION 3334.** 938.48 (4) of the statutes is amended to read:

9 938.48 **(4)** CARE, TRAINING, AND PLACEMENT. Provide appropriate care and
10 training for juveniles under its supervision under s. 938.183, 938.34 (4h), (4m), or
11 (4n), or 938.357 (4), including serving those juveniles in their own homes, placing
12 them in licensed foster homes ~~or licensed treatment foster homes~~ or licensed group
13 homes under s. 48.63, contracting for their care by licensed child welfare agencies,
14 or replacing them in juvenile correctional facilities or secured residential care
15 centers for children and youth in accordance with rules promulgated under ch. 227,
16 except that the department may not purchase the educational component of private
17 day treatment programs for a juvenile in its custody unless the department, the
18 school board, as defined in s. 115.001 (7), and the state superintendent of public
19 instruction all determine that an appropriate public education program is not
20 available for the juvenile. Disputes between the department and the school district
21 shall be resolved by the state superintendent of public instruction.

22 **SECTION 3335.** 938.49 (2) (b) of the statutes is amended to read:

23 938.49 **(2)** (b) Notify the juvenile's last school district or, if the juvenile was last
24 enrolled in a private school under the program under s. 119.23, the private school,
25 in writing of its obligation under s. 118.125 (4).

ASSEMBLY BILL 75**SECTION 3336**

1 **SECTION 3336.** 938.52 (1) (b) of the statutes is amended to read:

2 938.52 **(1)** (b) Foster homes ~~or treatment foster homes~~.

3 **SECTION 3337.** 938.538 (3) (a) 1p. of the statutes is amended to read:

4 938.538 **(3)** (a) 1p. Alternate care, including placement in a foster home,
5 ~~treatment foster home~~, group home, residential care center for children and youth,
6 or secured residential care center for children and youth.

7 **SECTION 3338.** 938.57 (1) (c) of the statutes is amended to read:

8 938.57 **(1)** (c) Provide appropriate protection and services for juveniles in its
9 care, including providing services for juveniles and their families in their own homes,
10 placing the juveniles in licensed foster homes, ~~licensed treatment foster homes~~, or
11 licensed group homes in this state or another state within a reasonable proximity to
12 the agency with legal custody, placing the juveniles in the homes of guardians under
13 s. 48.977 (2), contracting for services for them by licensed child welfare agencies, or
14 replacing them in juvenile correctional facilities or secured residential care centers
15 for children and youth in accordance with rules promulgated under ch. 227, except
16 that the county department may not purchase the educational component of private
17 day treatment programs unless the county department, the school board, as defined
18 in s. 115.001 (7), and the state superintendent of public instruction determine that
19 an appropriate public education program is not available. Disputes between the
20 county department and the school district shall be resolved by the state
21 superintendent of public instruction.

22 **SECTION 3339.** 938.57 (3) (a) 4. of the statutes is amended to read:

23 938.57 **(3)** (a) 4. Is living in a foster home, ~~treatment foster home~~, group home,
24 residential care center for children and youth, or subsidized guardianship home
25 under s. 48.62 (5).

ASSEMBLY BILL 75**SECTION 3340**

SECTION 3340. 940.201 (1) (a) of the statutes is amended to read:

940.201 **(1)** (a) “Family member” means a spouse, child, stepchild, foster child, ~~treatment foster child~~, parent, sibling, or grandchild.

SECTION 3341. 940.203 (1) (a) of the statutes is amended to read:

940.203 **(1)** (a) “Family member” means a parent, spouse, sibling, child, stepchild, ~~foster child~~ or ~~treatment~~ foster child.

SECTION 3342. 940.205 (1) of the statutes is amended to read:

940.205 **(1)** In this section, “family member” means a parent, spouse, sibling, child, stepchild, ~~foster child~~ or ~~treatment~~ foster child.

SECTION 3343. 940.207 (1) of the statutes is amended to read:

940.207 **(1)** In this section, “family member” means a parent, spouse, sibling, child, stepchild, ~~foster child~~ or ~~treatment~~ foster child.

SECTION 3344. 940.43 (1) of the statutes is amended to read:

940.43 **(1)** Where the act is accompanied by force or violence or attempted force or violence, upon the witness, or the spouse, child, stepchild, foster child, ~~treatment foster child~~, parent, sibling, or grandchild of the witness, or any person sharing a common domicile with the witness.

SECTION 3345. 940.45 (1) of the statutes is amended to read:

940.45 **(1)** Where the act is accompanied by force or violence or attempted force or violence, upon the victim, or the spouse, child, stepchild, foster child, ~~treatment foster child~~, parent, sibling, or grandchild of the victim, or any person sharing a common domicile with the victim.

SECTION 3346. 943.011 (1) (a) of the statutes is amended to read:

943.011 **(1)** (a) “Family member” means a spouse, child, stepchild, foster child, ~~treatment foster child~~, parent, sibling, or grandchild.

ASSEMBLY BILL 75**SECTION 3347**

1 **SECTION 3347.** 943.013 (1) (a) of the statutes is amended to read:

2 943.013 **(1)** (a) “Family member” means a parent, spouse, sibling, child,
3 stepchild, ~~foster child or treatment~~ foster child.

4 **SECTION 3348.** 943.015 (1) of the statutes is amended to read:

5 943.015 **(1)** In this section, “family member” means a parent, spouse, sibling,
6 child, stepchild, ~~foster child or treatment~~ foster child.

7 **SECTION 3349.** 943.017 (2m) (a) 1. of the statutes is amended to read:

8 943.017 **(2m)** (a) 1. “Family member” means a spouse, child, stepchild, foster
9 child, ~~treatment foster child,~~ parent, sibling, or grandchild.

10 **SECTION 3350.** 946.13 (2) (g) of the statutes is amended to read:

11 946.13 **(2)** (g) Contracts with, or tax credits or payments received by, public
12 officers or employees for wildlife damage claims or abatement under s. 29.889, for
13 farmland preservation under s. 91.13, 2007 stats., or s. 91.60 or subch. IX of ch. 71
14 and ~~s. 91.13~~, soil and water resource management under s. 92.14, soil erosion control
15 under s. 92.10, 1985 stats., animal waste management under s. 92.15, 1985 stats.,
16 and nonpoint source water pollution abatement under s. 281.65.

17 **SECTION 3351.** 946.15 of the statutes is amended to read:

18 **946.15 Public and publicly funded construction contracts at less than**
19 **full rate. (1)** Any employer, or any agent or employee of an employer, who induces
20 any person who seeks to be or is employed pursuant to a public contract as defined
21 in s. 66.0901 (1) (c) or who seeks to be or is employed on a project on which a prevailing
22 wage rate determination has been issued by the department of workforce
23 development under s. 66.0903 (3), 66.0904 (4), 103.49 (3), 103.50 (3), or 229.8275 (3)
24 or by a local governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6)
25 or 66.0904 (6) to give up, waive, or return any part of the compensation to which that

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1 person is entitled under his or her contract of employment or under the prevailing
2 wage rate determination issued by the department or local governmental unit, or
3 who reduces the hourly basic rate of pay normally paid to an employee for work on
4 a project on which a prevailing wage rate determination has not been issued under
5 s. 66.0903 (3) or (6), 66.0904 (4) or (6), 103.49 (3), 103.50 (3), or 229.8275 (3) during
6 a week in which the employee works both on a project on which a prevailing wage
7 rate determination has been issued and on a project on which a prevailing wage rate
8 determination has not been issued, is guilty of a Class I felony.

9 **(2)** Any person employed pursuant to a public contract as defined in s. 66.0901
10 (1) (c) or employed on a project on which a prevailing wage rate determination has
11 been issued by the department of workforce development under s. 66.0903 (3),
12 66.0904 (4), 103.49 (3), 103.50 (3), or 229.8275 (3) or by a local governmental unit,
13 as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) or 66.0904 (6) who gives up,
14 waives, or returns to the employer or agent of the employer any part of the
15 compensation to which the employee is entitled under his or her contract of
16 employment or under the prevailing wage determination issued by the department
17 or local governmental unit, or who gives up any part of the compensation to which
18 he or she is normally entitled for work on a project on which a prevailing wage rate
19 determination has not been issued under s. 66.0903 (3) or (6), 66.0904 (4) or (6),
20 103.49 (3), 103.50 (3), or 229.8275 (3) during a week in which the person works
21 part-time on a project on which a prevailing wage rate determination has been
22 issued and part-time on a project on which a prevailing wage rate determination has
23 not been issued, is guilty of a Class C misdemeanor.

24 **(3)** Any employer or labor organization, or any agent or employee of an
25 employer or labor organization, who induces any person who seeks to be or is

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1 employed on a project on which a prevailing wage rate determination has been issued
2 by the department of workforce development under s. 66.0903 (3), 66.0904 (4), 103.49
3 (3), 103.50 (3), or 229.8275 (3) or by a local governmental unit, as defined in s. 66.0903
4 (1) (d), under s. 66.0903 (6) or 66.0904 (6) to permit any part of the wages to which
5 that person is entitled under the prevailing wage rate determination issued by the
6 department or local governmental unit to be deducted from the person's pay is guilty
7 of a Class I felony, unless the deduction would be permitted under 29 CFR 3.5 or 3.6
8 from a person who is working on a project that is subject to 40 USC 276e 3142.

9 **(4)** Any person employed on a project on which a prevailing wage rate
10 determination has been issued by the department of workforce development under
11 s. 66.0903 (3), 66.0904 (4), 103.49 (3), 103.50 (3), or 229.8275 (3) or by a local
12 governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) or 66.0904
13 (6) who permits any part of the wages to which that person is entitled under the
14 prevailing wage rate determination issued by the department or local governmental
15 unit to be deducted from his or her pay is guilty of a Class C misdemeanor, unless the
16 deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working
17 on a project that is subject to 40 276e 3142.

18 **SECTION 3352.** 948.01 (3) of the statutes is amended to read:

19 948.01 **(3)** "Person responsible for the child's welfare" includes the child's
20 parent; stepparent; guardian; foster parent; ~~treatment foster parent~~; an employee of
21 a public or private residential home, institution, or agency; other person legally
22 responsible for the child's welfare in a residential setting; or a person employed by
23 one legally responsible for the child's welfare to exercise temporary control or care
24 for the child.

25 **SECTION 3353.** 948.085 (1) of the statutes is amended to read:

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1 948.085 **(1)** Has sexual contact or sexual intercourse with a child for whom the
2 actor is a foster parent ~~or treatment foster parent~~.

3 **SECTION 3354.** 948.22 (4) (b) of the statutes is amended to read:

4 948.22 **(4)** (b) For a person not subject to a court order requiring child,
5 grandchild, or spousal support payments, when the person knows or reasonably
6 should have known that he or she has a dependent, failure to provide support equal
7 to at least the amount established by rule by the department of children and families
8 under s. 49.22 (9) or causing a spouse, grandchild, or child to become a dependent
9 person, or continue to be a dependent person, as defined in s. 49.01 (2), 2009 stats.

10 **SECTION 3355.** 948.45 (1) of the statutes is amended to read:

11 948.45 **(1)** ~~Except as provided in sub. (2), any~~ Any person 17 years of age or older
12 who, by any act or omission, knowingly encourages or contributes to the truancy, as
13 defined under s. 118.16 (1) (c), of a person 17 years of age or under is guilty of a Class
14 C misdemeanor.

15 **SECTION 3356.** 948.45 (2) of the statutes is repealed.

16 **SECTION 3357.** 949.01 (2) of the statutes is amended to read:

17 949.01 **(2)** “Dependent” means any spouse, domestic partner under ch. 770,
18 parent, grandparent, stepparent, child, stepchild, adopted child, grandchild,
19 brother, sister, half brother, half sister, or parent of spouse or of domestic partner
20 under ch. 770, of a deceased victim who was wholly or partially dependent upon the
21 victim’s income at the time of the victim’s death and includes any child of the victim
22 born after the victim’s death.

23 **SECTION 3358.** 949.06 (1m) (a) of the statutes is amended to read:

24 949.06 **(1m)** (a) In this subsection, “family member” means any spouse,
25 domestic partner under ch. 770, parent, grandparent, stepparent, child, stepchild,

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1 adopted child, grandchild, foster child, treatment foster child, brother, sister, half
2 brother, half sister, aunt, uncle, nephew, niece, or parent or sibling of spouse or of
3 domestic partner under ch. 770.

4 **SECTION 3359.** 949.06 (1m) (a) of the statutes, as affected by 2009 Wisconsin
5 Act (this act), is amended to read:

6 949.06 **(1m)** (a) In this subsection, “family member” means any spouse,
7 domestic partner under s. 770.05, parent, grandparent, stepparent, child, stepchild,
8 adopted child, grandchild, foster child, ~~treatment foster child~~, brother, sister, half
9 brother, half sister, aunt, uncle, nephew, niece, or parent or sibling of spouse or of a
10 domestic partner under ch. 770.

11 **SECTION 3360.** 950.04 (1v) (f) of the statutes is amended to read:

12 950.04 **(1v)** (f) To have the parole earned release review commission make a
13 reasonable attempt to notify the victim of applications for parole or release to
14 extended supervision, as provided under s. 304.06 (1).

15 **SECTION 3361.** 950.04 (1v) (gm) of the statutes is amended to read:

16 950.04 **(1v)** (gm) To have reasonable attempts made to notify the victim of
17 petitions for ~~sentence adjustment as provided~~ release to extended supervision under
18 s. ~~973.195 (1r) (d)~~ 302.113 (2) (b) or 304.06 (1) or discharge under s. 973.01 (4m) or
19 (4r).

20 **SECTION 3362.** 950.04 (1v) (nt) of the statutes is amended to read:

21 950.04 **(1v)** (nt) To attend a hearing on a petition for modification of a
22 bifurcated sentence and provide a statement concerning department modification of
23 the bifurcated sentence, as provided under s. 302.113 (9g) (d).

24 **SECTION 3363.** 950.04 (1v) (v) of the statutes is amended to read:

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1 950.04 **(1v)** (v) To have the department of corrections make a reasonable
2 attempt to notify the victim under s. 301.046 (4) regarding community residential
3 confinements, under s. 301.048 (4m) regarding participation in the intensive
4 sanctions program, under s. 301.38 regarding escapes from a Type 1 prison, under
5 s. 301.46 (3) regarding persons registered under s. 301.45, under s. 302.105
6 regarding release upon expiration of certain sentences, under s. 304.063 regarding
7 extended supervision and parole releases, ~~and~~ under s. 938.51 regarding release or
8 escape of a juvenile from correctional custody, and under s. 973.10 (1g) (e) regarding
9 a determination by the department of corrections that the department may not
10 supervise an offender.

11 **SECTION 3364.** 961.41 (5) (c) 1. of the statutes is amended to read:

12 961.41 **(5)** (c) 1. The first \$850,000 plus two-thirds of all moneys in excess of
13 \$1,275,000 collected in each fiscal year from drug surcharges under this subsection
14 shall be credited to the appropriation account under s. 20.435 ~~(6)~~ **(5)** (gb).

15 **SECTION 3365.** 971.14 (5) (a) of the statutes is amended to read:

16 971.14 **(5)** (a) If the court determines that the defendant is not competent but
17 is likely to become competent within the period specified in this paragraph if
18 provided with appropriate treatment, the court shall suspend the proceedings and
19 commit the defendant to the custody of the department of health services for the
20 department to determine whether treatment shall occur in an appropriate
21 institution designated by the department, or in a community-based treatment
22 conducted in a jail or a locked unit of a facility that has entered into a voluntary
23 agreement with the state to serve as a location for treatment, or as a condition of bail
24 or bond, for a period of time not to exceed ~~12~~ **6** months, or the maximum sentence
25 specified for the most serious offense with which the defendant is charged, whichever

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1 is less. Under this subsection, the department of health services may commence
2 services to a person in jail but shall, as soon as possible, transfer that person to an
3 institution or provide services to the person in a nonjail setting consistent with this
4 subsection. Days spent in commitment under this paragraph are considered days
5 spent in custody under s. 973.155.

6 **SECTION 3366.** 971.14 (5) (b) of the statutes is amended to read:

7 971.14 (5) (b) The defendant shall be periodically reexamined by the
8 department of health services examiners. Written reports of examination shall be
9 furnished to the court 3 2 months after commitment, ~~6 months after commitment,~~
10 ~~9 months after commitment~~ and within 30 days prior to the expiration of
11 commitment. Each report shall indicate either that the defendant has become
12 competent, that the defendant remains incompetent but that attainment of
13 competency is likely within the remaining commitment period, or that the defendant
14 has not made such progress that attainment of competency is likely within the
15 remaining commitment period. Any report indicating such a lack of sufficient
16 progress shall include the examiner's opinion regarding whether the defendant is
17 mentally ill, alcoholic, drug dependent, developmentally disabled, or infirm because
18 of aging or other like incapacities.

19 **SECTION 3367.** 971.14 (5) (d) of the statutes is amended to read:

20 971.14 (5) (d) If the defendant is receiving medication the court may make
21 appropriate orders for the continued administration of the medication in order to
22 maintain the competence of the defendant for the duration of the proceedings. If a
23 defendant who has been restored to competency thereafter again becomes
24 incompetent, the maximum commitment period under par. (a) shall be ~~18~~ 12 months

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1 minus the days spent in previous commitments under this subsection, or ~~12~~ 6
2 months, whichever is less.

3 **SECTION 3368.** 971.17 (2) (title) of the statutes is amended to read:

4 971.17 **(2)** (title) INVESTIGATION ~~AND EXAMINATION~~.

5 **SECTION 3369.** 971.17 (2) (a) of the statutes is amended to read:

6 971.17 **(2)** (a) The court shall enter an initial commitment order under this
7 section pursuant to a hearing held as soon as practicable after the judgment of not
8 guilty by reason of mental disease or mental defect is entered. If the court lacks
9 sufficient information to make the determination required by sub. (3) immediately
10 after trial, it may adjourn the hearing and order the department of health services
11 to conduct a predisposition investigation using the procedure in s. 972.15 ~~or a~~
12 ~~supplementary mental examination or both,~~ to assist the court in framing the
13 commitment order.

14 **SECTION 3370.** 971.17 (2) (b), (c) and (d) of the statutes are repealed.

15 **SECTION 3371.** 971.17 (2) (e) of the statutes is amended to read:

16 971.17 **(2)** (e) The ~~examiner appointed~~ person conducting the predisposition
17 investigation under par. ~~(b)~~ (a) shall personally observe and examine the person. ~~The~~
18 ~~examiner or facility~~ and shall have access to the person's past or present treatment
19 records, as defined in s. 51.30 (1) (b), and patient health care records, as provided
20 under s. 146.82 (2) (c). If the ~~examiner~~ person conducting the predisposition
21 investigation believes that the person is appropriate for conditional release, the
22 ~~examiner~~ person conducting the predisposition investigation shall report on the type
23 of treatment and services that the person may need while in the community on
24 conditional release.

25 **SECTION 3372.** 971.17 (2) (f) of the statutes is repealed.

ASSEMBLY BILL 75**SECTION 3373**

1 **SECTION 3373.** 971.17 (2) (g) of the statutes is amended to read:

2 971.17 **(2)** (g) Within 10 days after the examiner's predisposition investigation
3 report is filed under ~~par. (c)~~ s. 972.15, the court shall hold a hearing to determine
4 whether commitment shall take the form of institutional care or conditional release.

5 **SECTION 3374.** 971.17 (4m) (a) 2. of the statutes is amended to read:

6 971.17 **(4m)** (a) 2. "Member of the family" means spouse, domestic partner
7 under ch. 770, child, sibling, parent or legal guardian.

8 **SECTION 3375.** 971.17 (6m) (a) 2. of the statutes is amended to read:

9 971.17 **(6m)** (a) 2. "Member of the family" means spouse, domestic partner
10 under ch. 770, child, sibling, parent or legal guardian.

11 **SECTION 3376.** 971.23 (10) of the statutes is amended to read:

12 971.23 **(10)** PAYMENT OF COPYING COSTS IN CASES INVOLVING INDIGENT DEFENDANTS.
13 When the state public defender or a private attorney appointed under s. 977.08
14 requests copies, in any format, of any item that is discoverable under this section, the
15 state public defender shall pay any fee charged for the copies from the appropriation
16 account under s. 20.550 (1) (f). If the person providing copies under this section
17 charges the state public defender a fee for the copies, the fee may not exceed the
18 ~~actual, necessary, and direct cost of providing the copies~~ applicable maximum fee for
19 copies of discoverable materials that is established by rule under s. 977.02 (9).

20 **SECTION 3377.** 973.01 (3d) of the statutes is created to read:

21 973.01 **(3d)** POSITIVE ADJUSTMENT TIME ELIGIBILITY. (a) When a person is
22 sentenced under sub. (1) to a term of confinement in prison, the department of
23 corrections shall, applying an objective risk assessment instrument supported by
24 research, determine how likely it is that the person will commit another offense.

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1 (b) If the department of corrections determines under par. (a) that the person
2 poses a high risk of reoffending, the person shall be ineligible to earn positive
3 adjustment time under s. 302.113 (2) (b).

4 **SECTION 3378.** 973.01 (4) of the statutes is amended to read:

5 973.01 **(4)** ~~NO GOOD TIME; EXTENSION~~ EXTENSION OR REDUCTION OF TERM OF
6 IMPRISONMENT. A person sentenced to a bifurcated sentence under sub. (1) shall serve
7 the term of confinement in prison portion of the sentence without reduction for good
8 behavior. The term of confinement in prison portion is subject to extension under s.
9 302.113 (3) and, if applicable, to reduction under s. 302.045 (3m), 302.05 (3) (c) 2. a.,
10 or 302.113 (9g), or 973.195 (1r) adjustment under s. 302.113 (2) (b) or 304.06 (1).

11 **SECTION 3379.** 973.01 (4m) of the statutes is created to read:

12 973.01 **(4m)** GOOD TIME CREDIT TOWARD DISCHARGE FROM EXTENDED SUPERVISION.
13 Notwithstanding sub. (2) (d), a person sentenced to a bifurcated sentence under sub.
14 (1) for a misdemeanor or a Class F to Class I felony that is not a violent offense, as
15 defined in s. 301.048 (2) (bm) 1., is eligible to earn good time credit in the amount of
16 one day for every day served without violating a rule or condition of extended
17 supervision leading to a sanction or revocation. The department shall discharge the
18 person from extended supervision when he or she has served the extended
19 supervision portion of his or her bifurcated sentence, less good time he or she has
20 earned. This subsection does not apply to a person who is the subject of a bulletin
21 issued under s. 301.46 (2m) or who is a violent offender, as defined in s. 16.964 (12)
22 (a).

23 **SECTION 3380.** 973.01 (4r) of the statutes is created to read:

24 973.01 **(4r)** PETITION FOR REDUCTION OF EXTENDED SUPERVISION. (a) 1.
25 Notwithstanding sub. (2) (d), a person sentenced to a bifurcated sentence under sub.

ASSEMBLY BILL 75**SECTION 3380**

1 (1) for a felony that is not a violent offense, as defined in s. 301.048 (2) (bm) 1., and
2 who is ineligible for positive adjustment time under s. 302.113 (2) (b) pursuant to
3 973.01 (3d) (b) or for a Class F to Class I felony that is a violent offense, as defined
4 in s. 301.048 (2) (bm) 1., may earn good time toward the reduction of extended
5 supervision in the amount of one day for every 3 days that he or she serves without
6 violating a condition of extended supervision leading to a sanction or revocation. The
7 person may petition to the earned release review commission to have his or her
8 period of extended supervision reduced when he or she has served the extended
9 supervision portion of his or her sentence, less good time he or she has earned. This
10 subdivision does not apply to a person who is the subject of a bulletin issued under
11 s. 301.46 (2m).

12 2. Notwithstanding sub. (2) (d), a person sentenced to a bifurcated sentence
13 under sub. (1) for a Class C to Class E felony may earn good time toward the reduction
14 of extended supervision in the amount of one day for every 5.7 days that he or she
15 serves without violating a condition of extended supervision leading to a sanction or
16 revocation. The person may petition to the earned release review commission to have
17 his or her period of extended supervision reduced when he or she has served the
18 extended supervision portion of his or her sentence, less good time he or she has
19 earned. This subdivision does not apply to a person who is the subject of a bulletin
20 issued under s. 301.46 (2m).

21 (b) The earned release review commission may consider as grounds for a
22 petition under par. (a) to reduce the length of a person's period of extended
23 supervision whether the person has met the conditions of extended supervision and
24 a reduction is in the interests of justice.

25 **SECTION 3381.** 973.01 (7) of the statutes is amended to read:

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1 973.01 ~~(7)~~ ~~NO-DISCHARGE~~ DISCHARGE. The department of corrections ~~may not~~
2 shall discharge a person who is serving a bifurcated sentence from custody, control
3 and supervision ~~until~~ when the person has served the entire bifurcated sentence, as
4 modified under sub. (4m) or (4r) or s. 302.113 (2) (b), (9g), or (9h) or 304.06 (1), if
5 applicable.

6 **SECTION 3382.** 973.01 (8) (a) 2. of the statutes is amended to read:

7 973.01 ~~(8)~~ (a) 2. The amount of time the person will serve in prison under the
8 term of confinement in prison portion of the sentence, and the date upon which the
9 person is eligible to be released to extended supervision under s. 302.113 (2) (b) or
10 the date upon which the person may apply for release to extended supervision under
11 s. 304.06.

12 **SECTION 3383.** 973.01 (8) (a) 3. of the statutes is amended to read:

13 973.01 ~~(8)~~ (a) 3. The amount of time the person will spend on extended
14 supervision, assuming that the person does not commit any act that results in the
15 extension of the term of confinement in prison under s. 302.113 (3), and the date upon
16 which the person may be eligible for discharge under sub. (4m) or apply for a
17 reduction of his or her period of extended supervision under sub. (4r).

18 **SECTION 3384.** 973.015 (title) of the statutes is amended to read:

19 **973.015 (title) ~~Misdemeanors, special~~ Special disposition.**

20 **SECTION 3385.** 973.015 (1) (a) of the statutes is amended to read:

21 973.015 ~~(1)~~ (a) Subject to par. (b) and except as provided in par. (c), when a
22 person is under the age of ~~21~~ 25 at the time of the commission of an offense for which
23 the person has been found guilty in a court for violation of a law for which the
24 maximum ~~penalty is~~ period of imprisonment ~~for one year or less in the county jail is~~
25 6 years, the court may order at the time of sentencing that the record be expunged

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1 upon successful completion of the sentence if the court determines the person will
2 benefit and society will not be harmed by this disposition. This subsection does not
3 apply to information maintained by the department of transportation regarding a
4 conviction that is required to be included in a record kept under s. 343.23 (2) (a).

5 **SECTION 3386.** 973.015 (1) (c) of the statutes is created to read:

6 973.015 **(1)** (c) No court may order that a record of a conviction for a Class H
7 or Class I felony that is a violent offense, as defined in s. 301.048 (2) (bm), be
8 expunged.

9 **SECTION 3387.** 973.017 (6) (a) of the statutes is amended to read:

10 973.017 **(6)** (a) In this subsection, “person responsible for the welfare of the
11 child” includes the child’s parent, stepparent, guardian, ~~foster parent, or treatment~~
12 foster parent; an employee of a public or private residential home, institution, or
13 agency; any other person legally responsible for the child’s welfare in a residential
14 setting; or a person employed by one who is legally responsible for the child’s welfare
15 to exercise temporary control or care for the child.

16 **SECTION 3388.** 973.045 (1) (a) of the statutes is amended to read:

17 973.045 **(1)** (a) For each misdemeanor offense or count, \$60 \$65.

18 **SECTION 3389.** 973.045 (1) (b) of the statutes is amended to read:

19 973.045 **(1)** (b) For each felony offense or count, \$85 \$90.

20 **SECTION 3390.** 973.045 (1r) (a) 2. of the statutes is amended to read:

21 973.045 **(1r)** (a) 2. Part B equals \$20 \$25 for each misdemeanor offense or count
22 and \$20 \$25 for each felony offense or count.

23 **SECTION 3391.** 973.045 (2m) of the statutes is amended to read:

24 973.045 **(2m)** The secretary of administration shall credit part A and 20
25 percent of part B of the crime victim and witness surcharge to the appropriation

ASSEMBLY BILL 75**SECTION 3391**

1 account under s. 20.455 (5) (g) and 80 percent of part B to the appropriation account
2 under s. 20.455 (5) (gc).

3 **SECTION 3392.** 973.05 (2m) (r) of the statutes is amended to read:

4 973.05 **(2m)** (r) To payment of the enforcement surcharge under s. ~~49.17~~ 253.06
5 (4) (c) until paid in full.

6 **SECTION 3393.** 973.10 (1) of the statutes is amended to read:

7 973.10 **(1)** Imposition of probation shall have the effect of placing the defendant
8 in the custody of the department and, subject to sub. (1g), shall subject the defendant
9 to the control of the department under conditions set by the court and rules and
10 regulations established by the department for the supervision of probationers,
11 parolees and persons on extended supervision.

12 **SECTION 3394.** 973.10 (1g) of the statutes is created to read:

13 973.10 **(1g)** (a) In this subsection:

14 1. “Member of the family” means spouse, child, parent, sibling, or legal
15 guardian.

16 2. “Risk assessment” means the application of an objective instrument
17 supported by research to determine how likely an offender is to commit another
18 offense.

19 3. “Victim” means a person against whom a crime has been committed.

20 (b) The department shall establish by rule a system for risk assessment that
21 classifies a probationer’s level of risk for committing another offense. The system
22 established under this subsection shall contain levels of risk, with a person who
23 poses the most risk classified at the highest level of risk.

ASSEMBLY BILL 75**SECTION 3394**

1 (c) The department shall assess the risk of each person sentenced to probation
2 for a misdemeanor under s. 973.09 and shall classify the person according to his or
3 her level of risk.

4 (d) The department may supervise a person sentenced to probation for a
5 misdemeanor under s. 973.09 only if one of the following applies:

6 1. The department classifies him or her under par. (a) at a high level of risk.

7 2. The person is a violent offender, as defined in s. 16.964 (12) (a).

8 3. The person is required to register as a sex offender under s. 301.45.

9 4. The person has, in his or her lifetime, been convicted of or adjudicated
10 delinquent for committing any crime involving the use or possession of a weapon or
11 of violating s. 968.075, 943.10 (1m) (a) or (e), 961.41 (1) (a), (b), (cm), (d), (e), or (h)
12 or (1m) (a), (b), (cm), (d), (e), or (h), 961.455, or 961.46 or ch. 940.

13 5. The person had been charged with a felony for the conduct that resulted in
14 the current misdemeanor conviction.

15 (e) If the department determines that the department may not supervise a
16 person under this subsection, the department shall make a reasonable attempt to
17 provide written notification to the victim of the person or a member of the family of
18 the victim that the person will not be supervised while he or she is on probation.

19 **SECTION 3395.** 973.195 of the statutes is repealed.

20 **SECTION 3396.** 974.07 (4) (b) of the statutes is amended to read:

21 974.07 **(4)** (b) Notwithstanding the limitation on the disclosure of mailing
22 addresses from completed information cards submitted by victims under ss. 51.37
23 (10) (dx), 301.046 (4) (d), 301.048 (4m) (d), 301.38 (4), 302.105 (4), 304.06 (1) (f),
24 304.063 (4), 938.51 (2), 971.17 (6m) (d), and 980.11 (4), the department of corrections,
25 the ~~parole~~ earned release review commission, and the department of health services

ASSEMBLY BILL 75**SECTION 3396**

1 shall, upon request, assist clerks of court in obtaining information regarding the
2 mailing address of victims for the purpose of sending copies of motions and notices
3 of hearings under par. (a).

4 **SECTION 3397.** 976.03 (23) (c) of the statutes is amended to read:

5 976.03 **(23)** (c) The application shall be verified by affidavit, shall be executed
6 in duplicate and shall be accompanied by 2 certified copies of the indictment
7 returned, or information and affidavit filed, or of the complaint made to a judge,
8 stating the offense with which the accused is charged, or of the judgment of
9 conviction or of the sentence. The prosecuting officer, ~~parole~~ earned release review
10 commission, warden or sheriff may also attach such further affidavits and other
11 documents in duplicate as he, she or it deems proper to be submitted with the
12 application. One copy of the application, with the action of the governor indicated
13 by endorsement thereon, and one of the certified copies of the indictment, complaint,
14 information and affidavits, or of the judgment of conviction or of the sentence shall
15 be filed in the office of the governor to remain of record in that office. The other copies
16 of all papers shall be forwarded with the governor's requisition.

17 **SECTION 3398.** 977.01 (2) of the statutes is amended to read:

18 977.01 **(2)** "Public assistance" means relief provided by counties under s. 59.53
19 (21), Wisconsin works under ss. 49.141 to 49.161, medical assistance under subch.
20 IV of ch. 49, low-income energy assistance under s. ~~16.27~~ 196.3744, weatherization
21 assistance under s. ~~16.26~~ 196.3742, and the food stamp program under 7 USC 2011
22 to 2029.

23 **SECTION 3399.** 977.02 (9) of the statutes is created to read:

24 977.02 **(9)** Promulgate rules establishing the maximum fees that the state
25 public defender may pay for copies, in any format, of materials that are subject to

ASSEMBLY BILL 75**SECTION 3399**

1 discovery in cases in which the state public defender or counsel assigned under s.
2 977.08 provides legal representation. In promulgating the rules under this
3 subsection, the board shall consider information regarding the actual, necessary, and
4 direct cost of producing copies of materials that are subject to discovery.

5 **SECTION 3400.** 977.05 (4) (jm) of the statutes is amended to read:

6 977.05 **(4)** (jm) At the request of an inmate determined by the state public
7 defender to be indigent or upon referral of ~~a court~~ the department of corrections
8 under s. 302.113 (9g) (j), represent the inmate in proceedings for modification of a
9 bifurcated sentence under s. 302.113 (9g) before a program review committee and the
10 ~~sentencing court~~ department of corrections, if the state public defender determines
11 the case should be pursued.

12 **SECTION 3401.** 980.036 (10) of the statutes is amended to read:

13 980.036 **(10)** PAYMENT OF COPYING COSTS IN CASES INVOLVING INDIGENT
14 RESPONDENTS. When the state public defender or a private attorney appointed under
15 s. 977.08 requests copies, in any format, of any item that is discoverable under this
16 section, the state public defender shall pay any fee charged for the copies from the
17 appropriation account under s. 20.550 (1) (a). If the person providing copies under
18 this section charges the state public defender a fee for the copies, the fee may not
19 exceed the ~~actual, necessary, and, direct cost of providing the copies~~ applicable
20 maximum fee for copies of discoverable materials that is established by rule under
21 s. 977.02 (9).

22 **SECTION 3402.** 980.08 (9) (a) of the statutes is renumbered 980.08 (9) (a) 1. and
23 amended to read:

24 980.08 **(9)** (a) 1. As a condition of supervised release granted under this chapter,
25 for the first year of supervised release, the court shall restrict the person on

ASSEMBLY BILL 75**SECTION 3402**

1 supervised release to the person's home except for outings ~~that are under the direct~~
2 ~~supervision of a department of corrections escort~~ and that are for employment
3 purposes, for religious purposes, or for caring for the person's basic living needs.

4 **SECTION 3403.** 980.08 (9) (a) 2. of the statutes is created to read:

5 980.08 **(9)** (a) 2. As a rule of supervised release granted under this chapter, for
6 the first year of supervised release, the department may restrict any person taking
7 any outing under subd. 1. to be under the direct supervision of a department of
8 corrections escort.

9 **SECTION 3404.** 980.08 (9) (b) of the statutes is amended to read:

10 980.08 **(9)** (b) The department ~~of corrections~~ may contract for the escort
11 services under par. (a) 2.

12 **SECTION 3405.** 980.11 (1) (b) of the statutes is amended to read:

13 980.11 **(1)** (b) "Member of the family" means spouse, domestic partner under
14 ch. 770, child, sibling, parent or legal guardian.

15 **SECTION 3406.** 2005 Wisconsin Act 25, section 9101 (4) (b) and (c), as last
16 amended by 2007 Wisconsin Act 20, section 3936, is amended to read:

17 [2005 Wisconsin Act 25] Section 9101 (4) (b) The department of administration
18 may offer any parcel of state-owned real property for sale in accordance with section
19 16.848 of the statutes, as created by this act, if the property is eligible for sale under
20 that section and this subsection. If the department of administration receives an
21 offer to purchase the property, the secretary of administration may submit a report
22 to the secretary of the building commission recommending acceptance of the offer.
23 The report shall contain a description of the property and the reasons for the
24 recommendation. The secretary of administration may recommend the sale of a
25 property with or without approval of the state agency having jurisdiction of the

ASSEMBLY BILL 75**SECTION 3406**

1 property. If, during the period on or before June 30, 2007, ~~or the period beginning~~
2 ~~on the effective date of this paragraph~~ October 27, 2007, and ending on June 30, 2009,
3 or the period beginning on the effective date of this paragraph and ending on June
4 30, 2011, the building commission votes to approve the offer to purchase the property,
5 the department of administration may sell the property.

6 (c) This subsection does not apply during the period beginning after June 30,
7 2007 and ending ~~the day before the effective date of this paragraph~~ on October 26,
8 2007, nor during the period beginning after June 30, 2009, and ending before the
9 effective date of this paragraph, nor during the period after June 30, 2011.

10 **SECTION 3407.** 2005 Wisconsin Act 25, section 9152 (5), as last affected by 2007
11 Wisconsin Act 20, section 3937, is renumbered 36.335 of the statutes and amended
12 to read:

13 **36.335 Sale of real property other land; buildings and structures.** If
14 Except as provided in s. 36.33, if the Board of Regents of the University of Wisconsin
15 System sells any real property under its jurisdiction during the period prior to July
16 1, 2007, and the period beginning on ~~the effective date of this subsection~~ October 27,
17 2007, and ending on June 30, 2009, and the period beginning on the effective date
18 of this section [LRB inserts date], the board shall credit the net proceeds of the
19 sale to the appropriation account under ~~section s. 20.285 (1) (iz) of the statutes, as~~
20 ~~affected by this act~~, except that if there is any outstanding public debt used to finance
21 the acquisition, construction, or improvement of any property that is sold, the board
22 shall deposit a sufficient amount of the net proceeds from the sale of the property in
23 the bond security and redemption fund under ~~section s. 18.09 of the statutes to repay~~
24 the principal and pay the interest on the debt, and any premium due upon refunding
25 any of the debt. If the property was acquired, constructed, or improved with federal

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1 financial assistance, the board shall pay to the federal government any of the net
2 proceeds required by federal law. If the property was acquired by gift or grant or
3 acquired with gift or grant funds, the board shall adhere to any restriction governing
4 use of the proceeds.

5 **SECTION 3408.** 2005 Wisconsin Act 25, section 9155 (1w) (b), as last affected by
6 2007 Wisconsin Act 5, is amended to read:

7 [2005 Wisconsin Act 25] Section 9155 (1w) (b) On June 30, 2009, 2011, the
8 secretary of administration shall eliminate up to 13.0 FTE attorney positions in all
9 state agencies that are vacant on that date are eliminated. If fewer than 13.0 FTE
10 attorney positions in all state agencies are vacant on June 30, 2009, there are
11 eliminated the requisite number of FTE attorney positions, as identified by the
12 secretary of administration, so that a total of 13.0 FTE attorney positions are
13 eliminated.

14 **SECTION 3409.** 2007 Wisconsin Act 20, section 1878d is repealed.

15 **SECTION 3410.** 2007 Wisconsin Act 20, section 9121 (6d) is renumbered 253.16
16 of the statutes, and 253.16 (2), (3) (intro.), (c) and (e) and (4) (intro.), (b) and (c), as
17 renumbered, are amended to read:

18 253.16 **(2)** In a county with a population of at least 190,000 but less than
19 230,000, from the appropriation account under ~~section s.~~ 20.435 ~~(5) (1)~~ (eu) of the
20 statutes, ~~as created by this act~~, the department of health and family services shall
21 distribute \$250,000 in each state fiscal years year to the city health department to
22 provide a program of services to reduce fetal and infant mortality and morbidity.

23 **(3)** (intro.) Notwithstanding ~~section s.~~ 251.08 of the statutes, in implementing
24 the program under ~~paragraph (b)~~ sub. (2), the city health department shall, directly
25 or by contract, do all of the following in or on behalf of areas of the county that are

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1 encompassed by the zip codes 53402 to 53406 and that are at risk for high fetal and
2 infant mortality and morbidity, as determined by the department of health and
3 family services:

4 (c) Develop and implement models of care for all women in the areas who meet
5 risk criteria, as specified by the department of health and family services, and
6 provide comprehensive prenatal and postnatal care coordination and other services,
7 including home visits, by registered nurses who are public health nurses or who meet
8 the qualifications of public health nurses, as specified in ~~section s.~~ 250.06 (1) of the
9 statutes, or by social workers, as defined in ~~section s.~~ 252.15 (1) (er) of the statutes.

10 (e) Evaluate the quality and effectiveness of the services provided under
11 ~~subdivisions 3. and 4. pars. (c) and (d).~~

12 **(4)** (intro.) the The city health department shall prepare a report on fetal and
13 infant mortality and morbidity in areas of the county that are encompassed by the
14 zip codes 53402 to 53406. The report shall be derived, at least in part, from a
15 multidisciplinary review of all fetal and infant deaths in the relevant year and shall
16 specify causation found for the mortality and morbidity. The city health department
17 shall submit the report to all of the following:

18 (b) The department of health and family services.

19 (c) The legislature, in the manner provided under ~~section s.~~ 13.172 (3) of the
20 statutes.

21 **SECTION 3411.** 2007 Wisconsin Act 20, section 9122 (1) is repealed.

22 **SECTION 3412.** 2007 Wisconsin Act 20, section 9201 (1c) (a) is amended to read:

23 [2007 Wisconsin Act 20] Section 9201 (1c) (a) Notwithstanding sections 20.001
24 (3) (a) to (c) and 25.40 (3) of the statutes, but subject to paragraph (d), the secretary
25 of administration shall lapse to the general fund or transfer to the general fund from

ASSEMBLY BILL 75**SECTION 3412**

1 the unencumbered balances of state operations appropriations to executive branch
2 state agencies, other than sum sufficient appropriations and appropriations of
3 federal revenues, an amount equal to \$200,000,000 during the 2007–09 fiscal
4 biennium and ~~\$200,000,000 during the 2009–11 fiscal biennium~~. This paragraph
5 shall not apply to appropriations to the Board of Regents of the University of
6 Wisconsin System and to the technical college system board.

7 **SECTION 3413.** 2007 Wisconsin Act 20, section 9201 (1c) (b) is amended to read:

8 [2007 Wisconsin Act 20] Section 9201 (1c) (b) Notwithstanding section 20.001
9 (3) (a) to (c) of the statutes, but subject to paragraph (d), the secretary of
10 administration shall lapse to the general fund or transfer to the general fund from
11 the unencumbered balances of appropriations to the Board of Regents of the
12 University of Wisconsin System, other than sum sufficient appropriations and
13 appropriations of federal revenues, an amount equal to \$25,000,000 during the
14 2007–09 fiscal biennium and ~~\$25,000,000 during the 2009–11 fiscal biennium~~ from
15 moneys allocated for University of Wisconsin System and campus administration.

16 **SECTION 3414.** 2007 Wisconsin Act 20, section 9201 (1c) (c) is amended to read:

17 [2007 Wisconsin Act 20] Section 9201 (1c) (c) Notwithstanding section 20.001
18 (3) (a) to (c) of the statutes, but subject to paragraph (d), the secretary of
19 administration shall lapse to the general fund or transfer to the general fund from
20 the unencumbered balances of appropriations to the technical college system board,
21 other than sum sufficient appropriations and appropriations of federal revenues, an
22 amount equal to \$1,000,000 during the 2007–09 fiscal biennium and ~~\$1,000,000~~
23 ~~during the 2009–11 fiscal biennium~~.

24 **SECTION 3415.** 2007 Wisconsin Act 20, section 9441 (6n) is repealed.

25 **SECTION 9101. Nonstatutory provisions; Administration.**

ASSEMBLY BILL 75**SECTION 9101**

1 (1) PUBLIC SERVICE COMMISSION TRANSFERS.

2 (a) *Definitions.* In this subsection:

3 1. “Commission” means the public service commission.

4 2. “Department” means the department of administration.

5 3. “Division” means the division of energy of the department of administration.

6 4. “Secretary” means the secretary of administration.

7 (b) *Assets and liabilities.* On the effective date of this paragraph, the assets and
8 liabilities of the department that are primarily related to the division, as determined
9 by the secretary, shall become the assets and liabilities of the commission.

10 (c) *Positions and employees.* On the effective date of this paragraph, the
11 secretary shall transfer any number of positions in the department, except for the
12 administrator of the division, and shall transfer the incumbent employees holding
13 those positions, to the commission for the performance of duties under sections
14 196.3742, 196.3744, and 196.3746 of the statutes, as affected by this act.

15 (d) *Employee status.* Employees transferred under paragraph (c) have all the
16 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
17 statutes in the commission that they enjoyed in the department immediately before
18 the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so
19 transferred who has attained permanent status in class is required to serve a
20 probationary period.

21 (e) *Tangible personal property.* On the effective date of this paragraph, all
22 tangible personal property, including records, of the department that is primarily
23 related to the division, as determined by the secretary, is transferred to the
24 commission.

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1 (f) *Contracts*. All contracts entered into by the department in effect on the
2 effective date of this paragraph that are primarily related to the division, as
3 determined by the secretary, remain in effect and are transferred to the commission.
4 The commission shall carry out any obligations under those contracts unless
5 modified or rescinded by the commission to the extent allowed under the contract.

6 (g) *Rules and orders*. All rules promulgated by the department in effect on the
7 effective date of this paragraph that are primarily related to the division remain in
8 effect until their specified expiration dates or until amended or repealed by the
9 commission. All orders issued by the department in effect on the effective date of this
10 paragraph that are primarily related to the division remain in effect until their
11 specified expiration dates or until modified or rescinded by the commission.

12 (h) *Pending matters*. Any matter pending with the department on the effective
13 date of this paragraph that is primarily related to the division, as determined by the
14 secretary, is transferred to the commission. All materials submitted to or actions
15 taken by the department with respect to the pending matters are considered as
16 having been submitted to or taken by the commission.

17 (2) LOW-INCOME ASSISTANCE FEE.

18 (a) *Definitions*. In this subsection:

19 1. “Federal economic stimulus funds” means federal moneys received by the
20 state, pursuant to federal legislation enacted during the 111th Congress for the
21 purpose of reviving the economy of the United States.

22 2. “Low-income assistance fee” means the fee that an electric utility, as defined
23 in section 16.957 (1) (g) of the statutes is required to charge customers under section
24 16.957 (4) (a) of the statutes.

ASSEMBLY BILL 75**SECTION 9101**

1 3. “Stimulus portion” means the portion of moneys received under 42 USC 6861
2 to 6873 and 42 USC 8621 to 8629 in a fiscal year that is attributable to, as determined
3 by the secretary of administration, the federal economic stimulus funds received in
4 that fiscal year.

5 (b) *Fee calculation.* Notwithstanding section 16.957 (4) (c) 1. of the statutes,
6 in determining the amount of the low-income assistance fee for fiscal years 2009–10
7 and 2010–11, the stimulus portion received in the fiscal year shall be deducted from
8 the sum of the amounts specified in section 16.957 (4) (c) 1. a. to c. of the statutes for
9 that fiscal year.

10 (c) *Emergency rules.* Using the procedure under section 227.24 of the statutes,
11 the department of administration shall, no later than December 31, 2009,
12 promulgate rules establishing the amount of the low-income assistance fee for fiscal
13 years 2009–10 and 2010–11. Notwithstanding section 227.24 (1) (c) and (2) of the
14 statutes, these emergency rules may remain in effect until the effective date of any
15 permanent rules promulgated by the department to implement the requirements of
16 paragraph (b). Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the
17 department is not required to provide evidence that promulgating a rule under this
18 paragraph as an emergency rule is necessary for the preservation of the public peace,
19 health, safety, or welfare and is not required to provide a finding of emergency for a
20 rule promulgated under this paragraph.

21 (3) **ALTERNATIVES TO PROSECUTION AND INCARCERATION FOR PERSONS WHO USE**
22 **ALCOHOL OR DRUGS.** For each of calendar years 2010 and 2011, the office of justice
23 assistance shall, from the appropriation under section 20.505 (6) (b) of the statutes,
24 as affected by this act, award the county with the highest crime rate among counties
25 having a population of 500,000 or more, as reported by the office, a grant under

ASSEMBLY BILL 75**SECTION 9101**

1 section 16.964 (12) (b) of the statutes, as affected by this act, in the amount of
2 \$371,200 if the county submits to the office by December 1 of the preceding year an
3 application that demonstrates that the county shall use the grant funds to
4 implement a program that satisfies the conditions under section 16.964 (12) (c) of the
5 statutes.

6 (4) ASSESS, INFORM, AND MEASURE GRANT.

7 (a) From the appropriation under section 20.505 (6) (b) of the statutes, as
8 affected by this act, the office of justice assistance shall provide the county that has
9 the highest crime rate among counties having a population of 500,000 or more, as
10 reported by the office, \$495,000 in each of calendar years 2010 and 2011 to conduct
11 presentencing assessments if the county submits to the office by December 1 of the
12 preceding year a plan that provides for all of the following:

13 1. Identification of a target group of offenders, from among persons who are
14 convicted of a Class F, G, H, or I felony or a misdemeanor, whom the county shall
15 assess.

16 2. Assessment of offenders in the target group to determine the risk that they
17 will commit further crimes, their needs that are directly related to criminal behavior,
18 the likelihood that they will respond positively to community-based treatment for
19 the assessed needs, and an assessment of the availability of community-based
20 treatment programs to serve the offenders.

21 3. Collection and dissemination of information relating to the accuracy of
22 assessments performed, the value and usefulness of information contained in the
23 assessment reports for purposes of making sentencing decisions, the effectiveness of
24 community-based treatment programs in addressing the assessed needs of
25 offenders, and the effect of the treatment programs with respect to recidivism.

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1 4. Annual evaluation of the plan.

2 (b) At least 50 percent of the assessments performed by a county with funding
3 provided under this subsection shall be of persons subject to sentencing in connection
4 with a felony.

5 (5) WISCONSIN COVENANT SCHOLARS PROGRAM.

6 (a) *Rules.* The department of administration shall submit in proposed form the
7 rules required under section 39.437 (5) of the statutes, as affected by this act, to the
8 legislative council staff under section 227.15 (1) of the statutes no later than the first
9 day of the 12th month beginning after the effective date of this paragraph.

10 (b) *Emergency rules.* Using the procedure under section 227.24 of the statutes,
11 the department of administration may promulgate the rules required under section
12 39.437 (5) of the statutes, as affected by this act, for the period before the effective
13 date of the permanent rules submitted under paragraph (a), but not to exceed the
14 period authorized under section 227.24 (1) (c) and (2) of the statutes.
15 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department
16 of administration is not required to provide evidence that promulgating a rule under
17 this paragraph as an emergency rule is necessary for the preservation of the public
18 peace, health, safety, or welfare and is not required to provide a finding of emergency
19 for a rule promulgated under this paragraph.

20 (6) YOUTH DIVERSION GRANT REDUCTIONS.

21 (a) Notwithstanding the amount specified under section 16.964 (8) (a) of the
22 statutes, as affected by this act, the office of justice assistance in the department of
23 administration shall reduce the amount of money allocated under section 16.964 (8)
24 (a) of the statutes, as affected by this act, by \$20,400 in each of fiscal years 2009–10
25 and 2010–11.

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1 (b) Notwithstanding the amounts specified under section 16.964 (8) (c) of the
2 statutes, as affected by this act, the office of justice assistance in the department of
3 administration shall reduce the amount of money allocated for each of the 4 contracts
4 that are funded with moneys from the appropriation accounts under section 20.505
5 (1) (kh) of the statutes, as created by this act, and section 20.505 (6) (d) and (kj) of
6 the statutes, as affected by this act, by \$11,800 in each of fiscal years 2009–10 and
7 2010–11 and shall reduce the amount of money allocated for the contract that is
8 funded only with moneys from the appropriation account under section 20.505 (6)
9 (kj) of the statutes, as affected by this act, by \$9,000 in each of fiscal years 2009–10
10 and 2010–11.

11 (7) TRANSFER OF MAINTENANCE STAFF TO THE DEPARTMENT OF ADMINISTRATION.

12 (a) In this subsection, “executive branch state agency” means any office,
13 department, or independent agency in the executive branch of state government,
14 other than the department of administration.

15 (b) The secretary of administration may abolish any authorized FTE position
16 to any executive branch state agency that is responsible for the performance of
17 building maintenance functions for the agency.

18 (c) The secretary of administration, with the assistance of the chief
19 administrative officer of each executive branch state agency, shall identify
20 employees of executive branch state agencies whose positions are abolished under
21 paragraph (b). The secretary of administration may transfer any employee so
22 identified to the department of administration.

23 (d) Employees transferred to the department of administration under
24 paragraph (c) have all the rights and the same status under subchapter V of chapter
25 111 and chapter 230 of the statutes in the department of administration that they

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1 enjoyed in the executive branch state agencies from which they were transferred
2 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
3 no employee so transferred who has attained permanent status in class is required
4 to serve a probationary period.

5 (e) The authorized FTE positions for the department of administration, funded
6 from the appropriation under section 20.505 (5) (ka) of the statutes, as affected by
7 this act, are increased by the number of individuals transferred to the department
8 of administration under paragraph (c), for the purpose of providing maintenance
9 services to state agencies. Such positions shall be PR positions.

10 (8) TRANSFER OF HUMAN RESOURCES STAFF TO THE OFFICE OF EMPLOYMENT
11 RELATIONS.

12 (a) In this subsection, “executive branch state agency” means any office,
13 department, or independent agency in the executive branch of state government,
14 other than the Board of Regents of the University of Wisconsin System.

15 (b) Before July 1, 2011, the secretary of administration, with the assistance of
16 the director of the office of state employment relations, shall identify and abolish all
17 authorized FTE positions to executive branch state agencies that are responsible for
18 the performance of human relations functions for those agencies.

19 (c) The secretary of administration, with the assistance of the chief
20 administrative officer of each executive branch state agency, shall identify
21 employees of executive branch state agencies whose positions are abolished under
22 paragraph (b). The secretary of administration may transfer any employee so
23 identified to the office of state employment relations.

24 (d) Employees transferred to the office of state employment relations under
25 paragraph (c) shall have all the rights and the same status under subchapter V of

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chapter 111 and chapter 230 of the statutes in the office of state employment relations that they enjoyed in the executive branch state agencies from which they were transferred immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(e) The authorized FTE positions for the office of state employment relations, funded from the appropriation under section 20.545 (1) (k) of the statutes, as affected by this act, are increased by the number of individuals transferred to the office of state employment relations under paragraph (c), for the purpose of providing human resources services to state agencies. Such positions shall be PR positions.

(f) During the 2009–10 and the 2010–11 fiscal years, the secretary of administration shall submit to the cochairpersons of the joint committee on finance a report on the implementation of the transfer of employees who perform human relations functions to the office of state employment relations.

(9) TRANSFER OF COASTAL ZONE MANAGEMENT FUNCTIONS.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of administration that are primarily related to its coastal zone management functions, as determined by the secretary of administration, shall become assets and liabilities of the department of natural resources.

(b) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of administration that is primarily related to its coastal zone management functions as determined by the secretary of administration, is transferred to the department of natural resources.

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1 (c) *Contracts.* All contracts entered into by the department of administration
2 in effect on the effective date of this paragraph that are primarily related to its
3 coastal zone management functions, as determined by the secretary of
4 administration, are transferred to the department of natural resources. The
5 department of natural resources shall carry out any contractual obligations under
6 such a contract until the contract is modified or rescinded by the department of
7 natural resources to the extent allowed under the contract.

8 (d) *Rules and orders.* All rules promulgated by the department of
9 administration that are primarily related to its coastal zone management functions
10 and that are in effect on the effective date of this paragraph remain in effect until
11 their specified expiration dates or until amended or repealed by the department of
12 natural resources. All orders issued by the department of administration that are
13 primarily related to its coastal zone management functions and that are in effect on
14 the effective date of this paragraph remain in effect until their specified expiration
15 dates or until modified or rescinded by the department of natural resources.

16 (e) *Pending matters.* Any matter pending with the department of
17 administration that is primarily related to its coastal zone management functions
18 on the effective date of this paragraph is transferred to the department of natural
19 resources, and all materials submitted to or actions taken by the department of
20 administration with respect to the pending matter are considered as having been
21 submitted to or taken by the department of natural resources.

22 (10) CHILD ADVOCACY CENTER GRANT REDUCTIONS. Notwithstanding the amount
23 specified under section 16.964 (14) (intro.) of the statutes, as affected by this act, the
24 office of justice assistance in the department of administration shall reduce the
25 amount of money provided for each of the child advocacy centers listed in section

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1 16.964 (14) (a) to (L) of the statutes by \$200 in each of fiscal years 2009–10 and
2 2010–11.

3 **SECTION 9102. Nonstatutory provisions; Aging and Long-Term Care**
4 **Board.**

5 **SECTION 9103. Nonstatutory provisions; Agriculture, Trade and**
6 **Consumer Protection.**

7 (1) EMERGENCY RULES; WEIGHTS AND MEASURES. The department of agriculture,
8 trade and consumer protection may promulgate rules to establish the initial amount
9 of a fee or surcharge under section 98.16 (3) (intro.) of the statutes, as affected by this
10 act, or sections 98.16 (2m) (a) or (b), 98.224 (2) (c) 1., 2., or 3., 98.245 (7m) (c) 1., 2.,
11 or 3., or 98.255 (2) of the statutes, as created by this act, as emergency rules under
12 section 227.24 of the statutes. Notwithstanding section 227.24 (1) (c) and (2) of the
13 statutes, emergency rules promulgated under this subsection remain in effect until
14 January 1, 2011, or the date on which permanent rules take effect, whichever is
15 sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the
16 department is not required to provide evidence that promulgating a rule under this
17 subsection as an emergency rule is necessary for the preservation of public peace,
18 health, safety, or welfare and is not required to provide a finding of emergency for a
19 rule promulgated under this subsection.

20 (2) VEHICLE TANK METER LICENSE SURCHARGE. Notwithstanding section 98.224
21 (2) (c) 2. of the statutes, as created by this act, the department of agriculture, trade
22 and consumer protection may not collect a surcharge from an applicant who has
23 operated a vehicle tank meter without a license unless the unlicensed operation
24 occurred after the effective date of this subsection.

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1 (3) AGRICULTURAL AND VEGETABLE SEED RULES. The department of agriculture,
2 trade and consumer protection may use the procedure under section 227.24 of the
3 statutes, to promulgate the rules required under section 94.45 (6) of the statutes, as
4 affected by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes,
5 emergency rules promulgated under this subsection remain in effect until the first
6 day of the 24th month beginning after the effective date of this subsection, or the date
7 on which permanent rules are promulgated, whichever is sooner. Notwithstanding
8 section 227.24 (1) (a) and (3) of the statutes, the department is not required to
9 determine that promulgating a rule under this subsection as an emergency rule is
10 necessary for the preservation of the public peace, health, safety, or welfare and is
11 not required to provide a finding of emergency for a rule promulgated under this
12 subsection.

13 (4) INITIAL TERMS OF MEMBERS OF THE LAND AND WATER RESOURCE COUNCIL.
14 Notwithstanding the length of terms specified in section 15.137 (3) (a) 1. to 3. of the
15 statutes, as created by this act, the initial members of the land and water resource
16 council appointed under section 15.137 (3) (a) 1. and 2. of the statutes, as created by
17 this act, shall serve for terms that expire on July 1, 2011, and the initial member of
18 the land and water resource council appointed under section 15.137 (3) (a) 3. of the
19 statutes, as created by this act, shall serve for a term that ends on July 1, 2013.

20 **SECTION 9104. Nonstatutory provisions; Arts Board.**

21 **SECTION 9105. Nonstatutory provisions; Board for People with**
22 **Developmental Disabilities.**

23 **SECTION 9106. Nonstatutory provisions; Building Commission.**

24 **SECTION 9107. Nonstatutory provisions; Child Abuse and Neglect**
25 **Prevention Board.**

ASSEMBLY BILL 75**SECTION 9108****SECTION 9108. Nonstatutory provisions; Children and Families.**

(1) **RELEASE OF SUPPORT ASSIGNMENTS.** Any right to unpaid amounts of support or maintenance accrued at the time of application for kinship care payments, long-term kinship care payments, Wisconsin Works benefits, or caretaker supplement payments that is assigned to the state under section 48.57 (3m) (b) 2., 2007 stats., or (3n) (b) 2., 2007 stats., 49.145 (2) (s), 2007 stats., or 49.775 (2) (bm), 2007 stats., shall be released to the person who assigned that right to the state.

(2) **CHILD WELFARE PROVIDER RATE REGULATION.**

(a) *Transition.* Notwithstanding section 49.343 (1g) and (1m) of the statutes, as affected by this act, for services provided beginning on January 1, 2010, and ending on December 31, 2010, a residential care center for children and youth, as defined in section 49.343 (1d) (d) of the statutes, as created by this act, and a group home, as defined in section 49.343 (1d) (c) of the statutes, as created by this act, shall charge the same per client rate for its services as it charged for services provided on December 31, 2009, and a child welfare agency, as defined in section 49.343 (1d) (b) of the statutes, as created by this act, shall charge the same per client administrative rate, as defined in section 49.343 (1d) (a) of the statutes, as created by this act, for the administrative portion of its treatment foster care services as it charged for the administrative portion of those services on December 31, 2009.

(b) *Rules.*

1. ‘Permanent rules.’ The department of children and families shall submit in proposed form the rules required under section 49.343 (4) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 7th month beginning after the effective date of this subdivision.

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1 2. ‘Emergency rules.’ Using the procedure under section 227.24 of the statutes,
2 the department of children and families may promulgate the rules required under
3 section 49.343 (4) of the statutes, as created by this act, for the period before the
4 effective date of the rules submitted under subdivision 1., but not to exceed the period
5 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
6 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required
7 to provide evidence that promulgating a rule under this subdivision as an emergency
8 rule is necessary for the preservation of the public peace, health, safety, or welfare
9 and is not required to provide a finding of emergency for a rule promulgated under
10 this subdivision.

11 (3) FOSTER CARE LEVELS OF CARE.

12 (a) *Transition.* Notwithstanding section 48.62 (1) of the statutes, as affected
13 by this act, beginning on January 1, 2010, a person who on December 31, 2009, is
14 licensed to operate a treatment foster home under section 48.62 (1) (b), 2007 stats.,
15 is considered to be licensed to operate a foster home under section 48.62 (1) of the
16 statutes, as affected by this act, for the remainder of the term of the treatment foster
17 home license under section 48.66 (1) (c), 2007 stats., or 48.75 (1r), 2007 stats., and
18 a person who on December 31, 2009, is receiving kinship care payments under
19 section 48.57 (3m), 2007 stats., or long-term kinship care payments under section
20 48.57 (3n), 2007 stats., for the care and maintenance of a child and who is not
21 ineligible for a license to operate a foster home for a reason specified in section 48.685
22 (4m) (a) 1. to 5. of the statutes is considered to be licensed to operate a foster home
23 under section 48.62 (1) of the statutes, as affected by this act, until the time when
24 the next review of the child’s placement would have taken place under section 48.57
25 (3m) (d), 2007 stats., or 48.57 (3n) (d), 2007 stats. Beginning on January 1, 2010, the

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1 department of children and families, the department of corrections, or a county
2 department of human or social services shall reimburse a person who under this
3 paragraph is considered to be licensed to operate a foster home at the appropriate
4 rate determined by that department or county department under the rules
5 promulgated by the department of children and families under section 48.62 (8) (c)
6 of the statutes, as affected by this act.

7 (b) *Rules.*

8 1. 'Permanent rules.' The department of children and families shall submit in
9 proposed form the rules required under section 48.62 (8) of the statutes, as created
10 by this act, to the legislative council staff under section 227.15 (1) of the statutes no
11 later than the first day of the 3rd month beginning after the effective date of this
12 subdivision.

13 2. 'Emergency rules.' The department of children and families may promulgate
14 the rules required under section 48.62 (8) of the statutes, as created by this act, as
15 emergency rules under section 227.24 of the statutes. Notwithstanding section
16 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this
17 subdivision remain in effect until the date on which the rules submitted under
18 subdivision 1. take effect. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of
19 the statutes, the department is not required to provide evidence that promulgating
20 a rule under this subdivision as an emergency rule is necessary for the preservation
21 of the public peace, health, safety, or welfare and is not required to provide a finding
22 of emergency for a rule promulgated under this subdivision.

23 (4) CHILD CARE COPAYMENTS INCREASE. Notwithstanding section 49.155 (8) (a) 1.
24 of the statutes, as created by this act, the department of children and families shall,
25 before April 1, 2010, increase copayments under section 49.155 (5) of the statutes

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1 such that the total amount of copayments assessed under section 49.155 (5) of the
2 statutes is estimated to reduce costs under the child care subsidy program under
3 section 49.155 of the statutes, as affected by this act, by \$1,520,000 in fiscal year
4 2009–10 and by \$4,200,000 in fiscal year 2010–11. The department is not required
5 to adjust all categories under its copayment schedule by the same percentage.
6 Notwithstanding section 227.01 (13) of the statutes, the department need not
7 promulgate copayment increases under this subsection by rule.

8 (5) FOSTER PARENT TRAINING.

9 (a) *Rules.*

10 1. ‘Permanent rules.’ The department of children and families shall submit in
11 proposed form the rules required under section 48.67 (4) of the statutes, as created
12 by this act, to the legislative council staff under section 227.15 (1) of the statutes no
13 later than the first day of the 7th month beginning after the effective date of this
14 subdivision.

15 2. ‘Emergency rules.’ Using the procedure under section 227.24 of the statutes,
16 the department of children and families may promulgate the rules required under
17 section 48.67 (4) of the statutes, as created by this act, for the period before the
18 effective date of the rules submitted under subdivision 1., but not to exceed the period
19 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
20 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required
21 to provide evidence that promulgating a rule under this subdivision as an emergency
22 rule is necessary for the preservation of the public peace, health, safety, or welfare
23 and is not required to provide a finding of emergency for a rule promulgated under
24 this subdivision.

25 (6) HOME VISITING SERVICES; RULES.

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1 (a) *Permanent rules.* The department of children and families shall submit in
2 proposed form the rules required under section 48.983 (2) of the statutes, as affected
3 by this act, to the legislative council staff under section 227.15 (1) of the statutes no
4 later than the first day of the 7th month beginning after the effective date of this
5 paragraph.

6 (b) *Emergency rules.* Using the procedure under section 227.24 of the statutes,
7 the department of children and families may promulgate the rules required under
8 section 48.983 (2) of the statutes, as affected by this act, for the period before the
9 effective date of the rules submitted under paragraph (a), but not to exceed the period
10 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
11 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required
12 to provide evidence that promulgating a rule under this paragraph as an emergency
13 rule is necessary for the preservation of the public peace, health, safety, or welfare
14 and is not required to provide a finding of emergency for a rule promulgated under
15 this paragraph.

16 (7) **CHILD CARE QUALITY RATING SYSTEM.** By June 30, 2011, the department of
17 children and families shall rate the quality of the child care provided by all child care
18 providers that, on that date, hold a license under section 48.65 of the statutes and
19 are providing child care that is reimbursed under section 49.155 of the statutes as
20 required under section 48.658 of the statutes, as affected by this act, as required.

SECTION 9109. Nonstatutory provisions; Circuit Courts.

22 (1) **COURT INTERPRETER PILOT PROGRAM.** Notwithstanding section 758.19 (8) (a)
23 of the statutes, the director of state courts may create a 2-year pilot program under
24 which the director of state courts may establish a schedule of payments and make
25 payments to court interpreters who provide court interpretative services for the

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1 circuit courts in the 7th judicial administrative district. The director of state courts
2 may pay for circuit court interpreter services under this subsection from the amount
3 appropriated under section 20.625 (1) (c) of the statutes, as affected by this act, if the
4 counties in the 7th judicial administrative district agree to forego reimbursement for
5 court interpreter services allowed under section 758.19 (8) (a) of the statutes during
6 the term of the pilot program.

7 **SECTION 9110. Nonstatutory provisions; Commerce.**

8 (1) DEVELOPMENT ZONE TAX BENEFIT CONSOLIDATION; EMERGENCY RULES. The
9 department of commerce may use the procedure under section 227.24 of the statutes
10 to promulgate rules under section 560.706 (2) of the statutes, as created by this act.
11 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules
12 promulgated under this subsection remain in effect until July 1, 2010, or the date on
13 which permanent rules take effect, whichever is sooner. Notwithstanding section
14 227.24 (1) (a) and (3) of the statutes, the department is not required to provide
15 evidence that promulgating a rule under this subsection as an emergency rule is
16 necessary for the preservation of the public peace, health, safety, or welfare and is
17 not required to provide a finding of emergency for a rule promulgated under this
18 subsection.

19 (2) DEVELOPMENT ZONE TAX BENEFIT CONSOLIDATION; ECONOMIC IMPACT REPORT.
20 Notwithstanding sections 227.137 (2) and 227.138 (2) of the statutes, if the secretary
21 of administration requires the department of commerce to prepare an economic
22 impact report for the rules required under section 560.706 (2) of the statutes, as
23 created by this act, the department may submit the proposed rules to the legislature
24 for review under section 227.19 (2) of the statutes before the department completes

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1 the economic impact report and before the department receives a copy of the report
2 and approval under section 227.138 (2) of the statutes.

3 (3) RURAL HEALTH DEVELOPMENT COUNCIL TRANSFER.

4 (a) *Members.* Notwithstanding section 15.917 (1) of the statutes, as affected
5 by this act, any member who is serving on the rural health development council on
6 the day before the effective date of this paragraph may continue to serve as a member
7 of the council for the term for which the member was appointed or until his or her
8 successor is appointed and qualified, whichever occurs later.

9 (b) *Tangible personal property.* On the effective date of this paragraph, all
10 tangible personal property, including records, of the department of commerce that
11 is primarily related to the functions of the rural health development council, as
12 determined by the secretary of administration, is transferred to the University of
13 Wisconsin System.

14 (c) *Contracts.* All contracts entered into by the department of commerce in
15 effect on the effective date of this paragraph that are primarily related to the
16 functions of the rural health development council, as determined by the secretary of
17 administration, remain in effect and are transferred to the University of Wisconsin
18 System. The University of Wisconsin System shall carry out any obligations under
19 such a contract until the contract is modified or rescinded by the University of
20 Wisconsin System to the extent allowed under the contract.

21 (4) PHYSICIAN AND DENTIST LOAN ASSISTANCE PROGRAM TRANSFER.

22 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
23 liabilities of the department of commerce primarily related to the physician and
24 dentist loan assistance program, as determined by the secretary of administration,
25 shall become the assets and liabilities of the University of Wisconsin System.

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1 (b) *Contracts.* All contracts entered into by the department of commerce in
2 effect on the effective date of this paragraph that are primarily related to the
3 physician and dentist loan assistance program, as determined by the secretary of
4 administration, remain in effect and are transferred to the University of Wisconsin
5 System. The University of Wisconsin System shall carry out any obligations under
6 such a contract until the contract is modified or rescinded by the University of
7 Wisconsin System to the extent allowed under the contract.

8 (c) *Pending matters.* Any matter pending with the department of commerce on
9 the effective date of this paragraph primarily related to the physician and dentist
10 loan assistance program, as determined by the secretary of administration, is
11 transferred to the University of Wisconsin System and all materials submitted to or
12 actions taken by the department of commerce with respect to the pending matter are
13 considered as having been submitted to or taken by the University of Wisconsin
14 System.

15 (d) *Rules and orders.* All rules promulgated by the department of commerce
16 primarily related to the physician and dentist loan assistance program, as
17 determined by the secretary of administration, that are in effect on the effective date
18 of this paragraph remain in effect until their specified expiration date or until
19 amended or repealed by the University of Wisconsin System. All orders issued by the
20 department of commerce primarily related to the physician and dentist loan
21 assistance program, as determined by the secretary of administration, that are in
22 effect on the effective date of this paragraph remain in effect until their specified
23 expiration date or until modified or rescinded by the University of Wisconsin System.

24 (e) *Tangible personal property.* On the effective date of this paragraph, all
25 tangible personal property, including records, of the department of commerce that

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1 is primarily related to the physician and dentist loan assistance program, as
2 determined by the secretary of administration, is transferred to the University of
3 Wisconsin System.

4 (5) HEALTH CARE PROVIDER LOAN ASSISTANCE PROGRAM TRANSFER.

5 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
6 liabilities of the department of commerce primarily related to the health care
7 provider loan assistance program, as determined by the secretary of administration,
8 shall become the assets and liabilities of the University of Wisconsin System.

9 (b) *Contracts.* All contracts entered into by the department of commerce in
10 effect on the effective date of this paragraph that are primarily related to the health
11 care provider loan assistance program, as determined by the secretary of
12 administration, remain in effect and are transferred to the University of Wisconsin
13 System. The University of Wisconsin System shall carry out any obligations under
14 such a contract until the contract is modified or rescinded by the University of
15 Wisconsin System to the extent allowed under the contract.

16 (c) *Pending matters.* Any matter pending with the department of commerce on
17 the effective date of this paragraph primarily related to the health care provider loan
18 assistance program, as determined by the secretary of administration, is transferred
19 to the University of Wisconsin System and all materials submitted to or actions
20 taken by the department of commerce with respect to the pending matter are
21 considered as having been submitted to or taken by the University of Wisconsin
22 System.

23 (d) *Rules and orders.* All rules promulgated by the department of commerce
24 primarily related to the health care provider loan assistance program, as determined
25 by the secretary of administration, that are in effect on the effective date of this

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1 paragraph remain in effect until their specified expiration date or until amended or
2 repealed by the University of Wisconsin System. All orders issued by the department
3 of commerce primarily related to the health care provider loan assistance program,
4 as determined by the secretary of administration, that are in effect on the effective
5 date of this paragraph remain in effect until their specified expiration date or until
6 modified or rescinded by the University of Wisconsin System.

7 (e) *Tangible personal property.* On the effective date of this paragraph, all
8 tangible personal property, including records, of the department of commerce that
9 is primarily related to the health care provider loan assistance program, as
10 determined by the secretary of administration, is transferred to the University of
11 Wisconsin System.

12 (6) JOBS TAX BENEFIT; EMERGENCY RULES. The department of commerce may use
13 the procedure under section 227.24 of the statutes to promulgate rules under section
14 560.2055 (5) (f) of the statutes, as created by this act. Notwithstanding section
15 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this
16 subsection remain in effect until July 1, 2010, or the date on which permanent rules
17 take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the
18 statutes, the department is not required to provide evidence that promulgating a rule
19 under this subsection as an emergency rule is necessary for the preservation of the
20 public peace, health, safety, or welfare and is not required to provide a finding of
21 emergency for a rule promulgated under this subsection.

22 (7) JOBS TAX BENEFIT; ECONOMIC IMPACT REPORT. Notwithstanding sections
23 227.137 (2) and 227.138 (2) of the statutes, if the secretary of administration requires
24 the department of commerce to prepare an economic impact report for the rules
25 required under section 560.2055 (5) (f) of the statutes, as created by this act, the

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1 department may submit the proposed rules to the legislature for review under
2 section 227.19 (2) of the statutes before the department completes the economic
3 impact report and before the department receives a copy of the report and approval
4 under section 227.138 (2) of the statutes.

5 (8) FORWARD INNOVATION FUND; EMERGENCY RULES. The department of commerce
6 may use the procedure under section 227.24 of the statutes to promulgate rules
7 under section 560.301 of the statutes, as created by this act. Notwithstanding section
8 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this
9 subsection remain in effect until July 1, 2010, or the date on which permanent rules
10 take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the
11 statutes, the department is not required to provide evidence that promulgating a rule
12 under this subsection as an emergency rule is necessary for the preservation of the
13 public peace, health, safety, or welfare and is not required to provide a finding of
14 emergency for a rule promulgated under this subsection.

15 (9) FORWARD INNOVATION FUND; ECONOMIC IMPACT REPORT. Notwithstanding
16 sections 227.137 (2) and 227.138 (2) of the statutes, if the secretary of administration
17 requires the department of commerce to prepare an economic impact report for the
18 rules required under section 560.301 of the statutes, as created by this act, the
19 department may submit the proposed rules to the legislature for review under
20 section 227.19 (2) of the statutes before the department completes the economic
21 impact report and before the department receives a copy of the report and approval
22 under section 227.138 (2) of the statutes.

23 (10) ENFORCEMENT; RELOCATION BENEFITS.

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1 (a) Notwithstanding section 32.26 (3) of the statutes, as affected by this act, any
2 actions commenced under section 32.26 (3), 2007 stats., before the effective date of
3 this paragraph may continue under section 32.26 (3), 2007 stats.

4 (b) Notwithstanding section 32.26 (5) of the statutes, as affected by this act, any
5 petition submitted under section 32.26 (5), 2007 stats., before the effective date of
6 this paragraph may be acted upon under section 32.26 (5), 2007 stats.

7 **SECTION 9111. Nonstatutory provisions; Corrections.**

8 **SECTION 9112. Nonstatutory provisions; Court of Appeals.**

9 **SECTION 9113. Nonstatutory provisions; District Attorneys.**

10 (1) DISTRICT ATTORNEY POSITION; ST. CROIX COUNTY. From the appropriation
11 account under section 20.505 (6) (p) of the statutes, the office of justice assistance in
12 the department of administration shall expend \$82,700 in fiscal year 2009–10 and
13 \$84,400 in fiscal year 2010–11 to fund 1.0 assistant district attorney position in St.
14 Croix County.

15 (2) DISTRICT ATTORNEY POSITION; CHIPPEWA COUNTY. From the appropriation
16 account under section 20.505 (6) (p) of the statutes, the office of justice assistance in
17 the department of administration shall expend \$24,750 in fiscal year 2009–10 and
18 \$25,400 in fiscal year 2010–11 to fund 0.25 assistant district attorney position in
19 Chippewa County.

20 (3) PROSECUTION OF DRUG CRIMES; ST. CROIX COUNTY. From the appropriation
21 account under section 20.455 (2) (kp) of the statutes, as affected by this act, the
22 department of justice shall expend \$103,000 in fiscal year 2009–10 and \$106,000 in
23 fiscal year 2010–11 to fund 1.0 assistant district attorney position in St. Croix County
24 to prosecute criminal violations of chapter 961 of the statutes.

ASSEMBLY BILL 75**SECTION 9113**

1 (4) PROSECUTION OF DRUG CRIMES; MILWAUKEE COUNTY. From the appropriation
2 account under section 20.455 (2) (kp) of the statutes, as affected by this act, the
3 department of justice, and from the appropriation account under section 20.505 (6)
4 (p) of the statutes, the office of justice assistance in the department of
5 administration, shall expend \$153,250 in fiscal year 2009–10 and \$158,250 in fiscal
6 year 2010–11 to fund 2.0 assistant district attorney positions in Milwaukee County
7 to prosecute criminal violations of chapter 961 of the statutes. The department of
8 administration shall determine the amounts to be expended from each appropriation
9 account for each fiscal year.

10 (5) PROSECUTION OF DRUG CRIMES; DANE COUNTY. From the appropriation account
11 under section 20.455 (2) (kp) of the statutes, as affected by this act, the department
12 of justice, and from the appropriation account under section 20.505 (6) (p) of the
13 statutes, the office of justice assistance in the department of administration, shall
14 expend \$85,000 in fiscal year 2009–10 and \$87,500 in fiscal year 2010–11 to fund 0.75
15 assistant district attorney position in Dane County to prosecute criminal violations
16 of chapter 961 of the statutes. The department of administration shall determine the
17 amounts to be expended from each appropriation account for each fiscal year.

18 **SECTION 9114. Nonstatutory provisions; Educational Communications**
19 **Board.**

20 **SECTION 9115. Nonstatutory provisions; Employee Trust Funds.**

21 **SECTION 9116. Nonstatutory provisions; Employment Relations**
22 **Commission.**

23 **SECTION 9117. Nonstatutory provisions; Financial Institutions.**

24 **SECTION 9118. Nonstatutory provisions; Fox River Navigational**
25 **System Authority.**

ASSEMBLY BILL 75**SECTION 9119**

1 **SECTION 9119. Nonstatutory provisions; Government Accountability**
2 **Board.**

3 **SECTION 9120. Nonstatutory provisions; Governor.**

4 **SECTION 9121. Nonstatutory provisions; Health and Educational**
5 **Facilities Authority.**

6 **SECTION 9122. Nonstatutory provisions; Health Services.**

7 (1) TRANSFER OF FOOD AND HUNGER PREVENTION PROGRAMS.

8 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
9 liabilities of the department of children and families that are primarily related to the
10 food distribution programs under section 49.171, 2007 stats., and section 49.1715,
11 2007 stats., to the hunger prevention program under section 49.172, 2007 stats., and
12 to the state supplemental food program under section 49.17, 2007 stats., as
13 determined by the secretary of administration, shall become the assets and liabilities
14 of the department of health services.

15 (b) *Employee transfers.* The classified positions, and incumbent employees
16 holding positions, in the department of children and families that are funded with
17 general purpose revenue or program revenue and are primarily related to the food
18 distribution programs under section 49.171, 2007 stats., and section 49.1715, 2007
19 stats., to the hunger prevention program under section 49.172, 2007 stats., and to
20 the state supplemental food program under section 49.17, 2007 stats., as determined
21 by the secretary of administration, are transferred to the department of health
22 services.

23 (c) *Employee status.* Employees transferred under paragraph (b) shall have the
24 same rights and status under subchapter V of chapter 111 and chapter 230 of the
25 statutes in the department of health services that they enjoyed in the department

ASSEMBLY BILL 75**SECTION 9122**

1 of children and families immediately before the transfer. Notwithstanding section
2 230.28 (4) of the statutes, no employee so transferred who has attained permanent
3 status in class is required to serve a probationary period.

4 (d) *Tangible personal property.* On the effective date of this paragraph, all
5 tangible personal property, including records, of the department of children and
6 families that is primarily related to the food distribution programs under section
7 49.171, 2007 stats., and section 49.1715, 2007 stats., to the hunger prevention
8 program under section 49.172, 2007 stats., and to the state supplemental food
9 program under section 49.17, 2007 stats., as determined by the secretary of
10 administration, shall be transferred to the department of health services.

11 (e) *Contracts.* All contracts entered into by the department of health and family
12 services, before July 1, 2008, or by the department of children and families that are
13 in effect on the effective date of this paragraph and that are primarily related to the
14 food distribution programs under section 49.171, 2007 stats., and section 49.1715,
15 2007 stats., to the hunger prevention program under section 49.172, 2007 stats., and
16 to the state supplemental food program under section 49.17, 2007 stats., as
17 determined by the secretary of administration, remain in effect and are transferred
18 to the department of health services. The department of health services shall carry
19 out any such contractual obligations unless modified or rescinded by the department
20 of health services to the extent allowed under the contract.

21 (f) *Pending matters.* Any matter pending with the department of children and
22 families on the effective date of this paragraph that is primarily related to the food
23 distribution programs under section 49.171, 2007 stats., and section 49.1715, 2007
24 stats., to the hunger prevention program under section 49.172, 2007 stats., and to
25 the state supplemental food program under section 49.17, 2007 stats., as determined

ASSEMBLY BILL 75**SECTION 9122**

1 by the secretary of administration, is transferred to the department of health
2 services and all materials submitted to or actions taken by the department of
3 children and families with respect to the pending matter are considered as having
4 been submitted to or taken by the department of health services.

5 (g) *Rules and orders.* All administrative rules that are primarily related to the
6 food distribution programs under section 49.171, 2007 stats., and section 49.1715,
7 2007 stats., to the hunger prevention program under section 49.172, 2007 stats., and
8 to the state supplemental food program under section 49.17, 2007 stats., as
9 determined by the secretary of administration, and that are in effect on the effective
10 date of this paragraph remain in effect until their specified expiration dates or until
11 amended or repealed by the department of health services. All orders issued by the
12 department of health and family services, before July 1, 2008, or by the department
13 of children and families that are primarily related to the food distribution programs
14 under section 49.171, 2007 stats., and section 49.1715, 2007 stats., to the hunger
15 prevention program under section 49.172, 2007 stats., and to the state supplemental
16 food program under section 49.17, 2007 stats., as determined by the secretary of
17 administration, and that are in effect on the effective date of this paragraph remain
18 in effect until their specified expiration dates or until modified or rescinded by the
19 department of health services.

20 (2) **PERSONAL CARE PROVIDER AGENCY; RULES.** Using the procedure under section
21 227.24 of the statutes, the department of health services may promulgate rules
22 establishing criteria for certification of agencies that provide personal care services
23 under the Medical Assistance Program, which shall remain in effect until the date
24 on which permanent rules take effect, but not to exceed the period authorized under
25 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),

ASSEMBLY BILL 75**SECTION 9122**

1 (2) (b), and (3) of the statutes, the department is not required to provide evidence that
2 promulgating a rule under this subsection as an emergency rule is necessary for the
3 preservation of public peace, health, safety, or welfare and is not required to provide
4 a finding of emergency for a rule promulgated under this subsection.

5 (3) QUALITY HOME CARE; RULES. Using the procedure under section 227.24 of the
6 statutes, the department of health services may promulgate rules under section
7 46.2898 (7) of the statutes, as created by this act, which shall remain in effect until
8 the date on which permanent rules take effect, but not to exceed the period
9 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
10 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required
11 to provide evidence that promulgating a rule under this subsection as an emergency
12 rule is necessary for the preservation of public peace, health, safety, or welfare and
13 is not required to provide a finding of emergency for a rule promulgated under this
14 subsection.

15 (4) FEDERAL MEDICAL ASSISTANCE PERCENTAGES. If permitted under federal law,
16 and notwithstanding section 49.45 (25) and (41) of the statutes, as affected by this
17 act, and section 49.45 (30), (30e), (39) (b), and (45) of the statutes, for Medical
18 Assistance services under section 49.45 (25) and (41) of the statutes, as affected by
19 this act, and section 49.45 (30), (30e), (39) (b), and (45) of the statutes, for which the
20 department of health services disburses to the provider the federal share, or a
21 percentage of the federal share, of allowable costs for providing the service, the
22 percentages used to determine the federal share shall be the following, regardless of
23 whether the federal government increases the percentages:

24 (a) For services provided during the period from October 1, 2008, through
25 September 30, 2009, the federal Medical Assistance percentages for federal fiscal

ASSEMBLY BILL 75**SECTION 9122**

1 year 2009 that are published in the federal register on November 28, 2007, on pages
2 67304 to 67306.

3 (b) For services provided during the period from October 1, 2009, through
4 December 31, 2010, the federal Medical Assistance percentages for federal fiscal year
5 2010 that are published in the federal register on November 26, 2008, on pages 72051
6 to 72053.

7 **SECTION 9123. Nonstatutory provisions; Higher Educational Aids**
8 **Board.**

9 **SECTION 9124. Nonstatutory provisions; Historical Society.**

10 **SECTION 9125. Nonstatutory provisions; Housing and Economic**
11 **Development Authority.**

12 **SECTION 9126. Nonstatutory provisions; Insurance.**

13 (1) RULES FOR UNIFORM APPLICATION. The commissioner of insurance shall
14 submit in proposed form the rules required under section 601.41 (10) (a) of the
15 statutes, as created by this act, to the legislative council staff under section 227.15
16 (1) of the statutes no later than the first day of the 12th month beginning after the
17 effective date of this subsection.

18 **SECTION 9127. Nonstatutory provisions; Investment Board.**

19 **SECTION 9128. Nonstatutory provisions; Joint Committee on Finance.**

20 **SECTION 9129. Nonstatutory provisions; Judicial Commission.**

21 **SECTION 9130. Nonstatutory provisions; Justice.**

22 **SECTION 9131. Nonstatutory provisions; Legislature.**

23 (1) REVIEW OF MILWAUKEE PUBLIC SCHOOLS. At the direction of the secretary of
24 administration, the legislative reference bureau shall prepare legislation, for
25 introduction during the 2009 legislative session by the Joint Committee on Finance,

ASSEMBLY BILL 75**SECTION 9131**

1 that addresses the findings of a review of the finances and operations of the
2 Milwaukee Public Schools conducted at the request of the governor and the mayor
3 of Milwaukee.

4 **SECTION 9132. Nonstatutory provisions; Lieutenant Governor.**

5 **SECTION 9133. Nonstatutory provisions; Local Government.**

6 (1) LEVY LIMITS. The repeal of 2007 Wisconsin Act 20, sections 1878d and 9441
7 (6n), applies notwithstanding section 990.03 of the statutes.

8 **SECTION 9134. Nonstatutory provisions; Lower Wisconsin State**
9 **Riverway Board.**

10 **SECTION 9135. Nonstatutory provisions; Medical College of Wisconsin.**

11 **SECTION 9136. Nonstatutory provisions; Military Affairs.**

12 **SECTION 9137. Nonstatutory provisions; Natural Resources.**

13 (1) CLEAN WATER FUND BONDING AMOUNTS.

14 (a) In this subsection, “federal economic stimulus funds” means federal moneys
15 received by the state, pursuant to federal legislation enacted during the 111th
16 Congress for the purpose of reviving the economy of the United States.

17 (b) Notwithstanding the authority of this state to contract public debt for the
18 purposes of the clean water fund program in the total amount specified under section
19 20.866 (2) (tc) of the statutes, as affected by this act, the state may not obligate, in
20 fiscal years 2009–10 and 2010–11, a total amount exceeding \$697,643,200 unless the
21 department of administration first takes into account any federal economic stimulus
22 funds received for purposes of the clean water fund program.

23 (2) HAZARDOUS WASTE FEE EMERGENCY RULES. The department of natural
24 resources may promulgate the rule required under section 289.67 (2) (de) of the
25 statutes, as created by this act, using the procedure under section 227.24 of the

ASSEMBLY BILL 75**SECTION 9137**

1 statutes before promulgating a permanent rule. Notwithstanding section 227.24 (1)
2 (c) and (2) of the statutes, an emergency rule promulgated under this subsection
3 remains in effect until July 1, 2011, or the date on which the permanent rule takes
4 effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the
5 statutes, the department is not required to provide evidence that promulgating a rule
6 under this subsection as an emergency rule is necessary for the preservation of public
7 peace, health, safety, or welfare and is not required to provide a finding of emergency
8 for a rule promulgated under this subsection.

9 **SECTION 9138. Nonstatutory provisions; Public Defender Board.**

10 **SECTION 9139. Nonstatutory provisions; Public Instruction.**

11 (1) CALCULATION OF STATE AID; 2009–11 FISCAL BIENNIUM.

12 (a) Notwithstanding sections 121.07 and 121.08 of the statutes, as affected by
13 this act, the department of public instruction shall calculate state aid to school
14 districts under section 121.08 of the statutes for the 2009–10 fiscal year and the
15 2010–11 fiscal year using the sum of the amount appropriated under section 20.255
16 (2) (ac) of the statutes and the amount appropriated under section 20.255 (2) (p) of
17 the statutes, as created by this act.

18 (b) From the amount calculated for each school district under paragraph (a),
19 the department of public instruction shall subtract the amount of federal moneys
20 that the school district will receive in that fiscal year from the state fiscal
21 stabilization fund allocations that are distributed to school districts as subgrants
22 based on the school districts' relative share of funding under 20 USC 6311 to 6339.
23 If the result is a positive number, the department shall pay that amount to the school
24 district from the appropriation under section 20.255 (2) (ac) of the statutes. If the
25 result is a negative number, the department shall deduct from other state aid

ASSEMBLY BILL 75**SECTION 9139**

1 payments made to the school district in that fiscal year from the appropriations
2 under section 20.255 (2) of the statutes an amount equal to that amount or the
3 amount of those aids, whichever is less, and add the amount of the deduction to the
4 total amount to be distributed as equalization aid under paragraph (a).

5 (2) STATE AID; JUNE 2009.

6 (a) There is lapsed to the general fund \$291,000,000 in the 2008–09 fiscal year
7 from the appropriation account under section 20.255 (2) (ac) of the statutes.
8 Notwithstanding sections 121.07 and 121.08 of the statutes, as affected by this act,
9 the department of public instruction shall use the balance in that appropriation
10 account and \$291,000,000 of the amount appropriated in the 2008–09 fiscal year
11 under section 20.255 (2) (p) of the statutes, as created by this act, to make payments
12 to school districts in June 2009 under section 121.15 (1) and (1g) of the statutes.

13 (b) The department of public instruction shall make the June 2009 payment
14 under paragraph (a) by subtracting from each school district's equalization aid
15 entitlement in June 2009 the amount of federal moneys that the school district will
16 receive in that fiscal year from the state fiscal stabilization fund allocations that are
17 distributed to school districts as subgrants based on the school districts' relative
18 shares of funding under 20 USC 6311 to 6339. If the result is a positive number, the
19 department shall pay that amount to the school district from the appropriation
20 under section 20.255 (2) (ac) of the statutes. If the result is a negative number, the
21 department shall deduct from other state aid payments made to the school district
22 in that fiscal year from the appropriations under section 20.255 (2) of the statutes
23 an amount equal to that amount or the amount of those aids, whichever is less, and
24 add the amount of the deduction to the total amount to be distributed as equalization
25 aid under paragraph (a).

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1 (3) MILWAUKEE PARENTAL CHOICE PROGRAM FEES; RULES. By the first day of the
2 3rd month beginning after the effective date of this subsection, using the procedure
3 under section 227.24 of the statutes, the department of public instruction shall
4 promulgate a rule specifying the amount of the fee under section 119.23 (2) (a) 3. of
5 the statutes, as affected by this act, for the period before the effective date of the
6 permanent rule promulgated specifying the fee but not to exceed the period
7 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
8 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of public
9 instruction is not required to provide evidence that promulgating a rule under this
10 subsection as an emergency rule is necessary for the preservation of the public peace,
11 health, safety, or welfare and is not required to provide a finding of emergency for a
12 rule promulgated under this subsection.

13 (4) MILWAUKEE PARENTAL CHOICE PROGRAM FEES; FEES FOR THE 2009–10 SCHOOL
14 YEAR. Notwithstanding section 119.23 (2) (a) 3. of the statutes, as affected by this act,
15 each private school participating in the program under section 119.23 of the statutes
16 in the 2009–10 school year shall pay the fee required under section 119.23 (2) (a) 3.
17 of the statutes, as affected by this act, no later than 30 days after the effective date
18 of the rule promulgated under subsection (3).

19 **SECTION 9140. Nonstatutory provisions; Public Lands, Board of**
20 **Commissioners of.**

21 **SECTION 9141. Nonstatutory provisions; Public Service Commission.**

22 **SECTION 9142. Nonstatutory provisions; Regulation and Licensing.**

23 (1) MEDICAL BOARD SUPPORT. The secretary of regulation and licensing shall
24 form a dedicated work unit in the department of regulation and licensing to support
25 the work of the medical examining board and the affiliated credentialing boards

ASSEMBLY BILL 75**SECTION 9142**

1 attached to the medical examining board by performing all aspects of credential
2 processing, examination, and complaint investigation, for any credential issued or
3 renewed under chapter 448 of the statutes.

SECTION 9143. Nonstatutory provisions; Revenue.

5 (1) EMERGENCY RULES CONCERNING OIL COMPANY PROFITS TAX. The department of
6 revenue may promulgate emergency rules under section 227.24 of the statutes
7 implementing subchapter XIV of chapter 77 of the statutes, as created by this act.
8 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department
9 of revenue is not required to provide evidence that promulgating a rule under this
10 subsection as an emergency rule is necessary for the preservation of the public peace,
11 health, safety, or welfare and is not required to provide a finding of emergency for a
12 rule promulgated under this subsection.

13 (2) INTERNAL REVENUE CODE UPDATE. Changes to the Internal Revenue Code
14 made by Public Law 110–28, excluding sections 8212, 8221, 8233, and 8235 of Public
15 Law 110–28, and P.L. 110–458, apply to the Internal Revenue Code definitions in
16 chapter 71 of the statutes at the time that the changes first apply for federal tax
17 purposes.

18 (3) COUNTY PROPERTY TAX ASSESSMENT PROGRAM. Consistent with section 70.99
19 of the statutes, the department of revenue shall collaborate with counties on the
20 creation of county property tax assessment systems.

SECTION 9144. Nonstatutory provisions; Secretary of State.

22 **SECTION 9145. Nonstatutory provisions; State Employment Relations,**
23 **Office of.**

SECTION 9146. Nonstatutory provisions; State Fair Park Board.**SECTION 9147. Nonstatutory provisions; Supreme Court.**

ASSEMBLY BILL 75**SECTION 9148**

SECTION 9148. Nonstatutory provisions; Technical College System.

SECTION 9149. Nonstatutory provisions; Tourism.

SECTION 9150. Nonstatutory provisions; Transportation.

(1) TRANSIT AUTHORITIES.

(a) *Initial terms of southeast regional transit authority.* Notwithstanding the length of terms specified for members of the board of directors of the southeast regional transit authority under section 66.1039 (2) (a) and (3) (a) of the statutes, as created by this act, the initial terms for the following members of the board of directors shall be two years:

1. One member appointed under section 66.1039 (3) (b) 4. of the statutes, as created by this act.

2. If Kenosha County adopts a resolution under section 66.1039 (2) (a) 1. or 2. of the statutes, as created by this act, the member appointed under section 66.1039 (3) (b) 1. of the statutes, as created by this act, from the city of Kenosha.

3. If Milwaukee County adopts a resolution under section 66.1039 (2) (a) 1. or 2. of the statutes, as created by this act, the member appointed under section 66.1039 (3) (b) 2. of the statutes, as created by this act, from the city of Milwaukee.

(b) *Initial terms of Dane County regional transit authority.* Notwithstanding the length of terms specified for members of the board of directors of the Dane County transit authority under section 66.1039 (2) (b) and (3) (a) of the statutes, as created by this act, the initial terms for the members appointed under section 66.1039 (3) (c) 1. and 4. of the statutes, as created by this act, shall be two years.

(c) *Initial terms of Fox Cities regional transit authority.* Notwithstanding the length of terms specified for members of the board of directors of the Fox Cities regional transit authority under section 66.1039 (2) (c) and (3) (a) of the statutes, as

ASSEMBLY BILL 75**SECTION 9150**

1 created by this act, the initial members of the board of directors shall be appointed
2 for the following terms:

3 1. The members appointed under section 66.1039 (3) (d) 1. of the statutes, as
4 created by this act, for terms expiring on June 30, 2011.

5 2. The members appointed under section 66.1039 (3) (d) 2. to 4. of the statutes,
6 as created by this act, for terms expiring on June 30, 2013.

7 (d) *Required application of the southeast regional transit authority.* No later
8 than one year after the effective date of this paragraph, the southeast regional
9 transit authority created under section 66.1039 (2) (a) of the statutes, as created by
10 this act, shall submit to the federal transit administration in the U.S. department
11 of transportation an application to enter the preliminary engineering phase of the
12 federal new starts grant program for the Kenosha–Racine–Milwaukee commuter
13 rail link.

14 (2) SCHOOL BUS INSPECTIONS.

15 (a) The department of transportation shall submit in proposed form the rules
16 required under section 110.06 (6) of the statutes, as created by this act, to the
17 legislative council staff under section 227.15 (1) of the statutes no later than the first
18 day of the 4th month beginning after the effective date of this paragraph.

19 (b) Using the emergency rules procedure under section 227.24 of the statutes,
20 the department of transportation shall promulgate the rules required under section
21 110.06 (6) of the statutes, as created by this act, for purposes of implementing this
22 act, for the period before the effective date of the rules submitted under paragraph
23 (a). The department shall promulgate these emergency rules no later than the first
24 day of the 4th month beginning after the effective date of this paragraph.
25 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, these emergency rules

ASSEMBLY BILL 75**SECTION 9150**

1 may remain in effect until July 1, 2011, or the date on which permanent rules take
2 effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the
3 statutes, the department is not required to provide evidence that promulgating a rule
4 under this paragraph as an emergency rule is necessary for the preservation of the
5 public peace, health, safety, or welfare and is not required to provide a finding of
6 emergency for a rule promulgated under this paragraph.

7 (3) BASEBALL SPECIAL PLATES. No later than the first day of the 3rd month
8 beginning after the effective date of this subsection, the executive vice president of
9 the Milwaukee Brewers Baseball Club LP shall consult with the department of
10 transportation for all of the following purposes:

11 (a) To specify an initial design for the special group plates under section 341.14
12 (6r) (f) 60. of the statutes, as created by this act.

13 (b) To facilitate, if necessary, the department of transportation's obtaining of
14 the approval described in section 341.14 (6r) (b) 1. of the statutes, as affected by this
15 act.

16 (4) AMBULANCE INSPECTIONS.

17 (a) The department of transportation shall submit in proposed form the rules
18 required under section 341.085 (3) of the statutes, as created by this act, to the
19 legislative council staff under section 227.15 (1) of the statutes no later than the first
20 day of the 4th month beginning after the effective date of this paragraph.

21 (b) Using the emergency rules procedure under section 227.24 of the statutes,
22 the department of transportation shall promulgate the rules required under section
23 341.085 (3) of the statutes, as created by this act, for purposes of implementing this
24 act, for the period before the effective date of the rules submitted under paragraph
25 (a). The department shall promulgate these emergency rules no later than the first

ASSEMBLY BILL 75**SECTION 9150**

1 day of the 4th month beginning after the effective date of this paragraph.
2 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, these emergency rules
3 may remain in effect until July 1, 2011, or the date on which permanent rules take
4 effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the
5 statutes, the department is not required to provide evidence that promulgating a rule
6 under this paragraph as an emergency rule is necessary for the preservation of the
7 public peace, health, safety, or welfare and is not required to provide a finding of
8 emergency for a rule promulgated under this paragraph.

9 **SECTION 9151. Nonstatutory provisions; Treasurer.**

10 **SECTION 9152. Nonstatutory provisions; University of Wisconsin**
11 **Hospitals and Clinics Authority.**

12 (1) PAYMENT TO STATE. No later than June 30, 2009, the University of Wisconsin
13 Hospitals and Clinics Authority shall pay to the state, for deposit in the general fund,
14 an amount equal to \$49,000,000.

15 **SECTION 9153. Nonstatutory provisions; University of Wisconsin**
16 **Hospitals and Clinics Board.**

17 **SECTION 9154. Nonstatutory provisions; University of Wisconsin**
18 **System.**

19 (1) WISCONSIN GENOMICS INITIATIVE. Of the moneys appropriated to the Board
20 of Regents of the University of Wisconsin System under section 20.285 (1) (a) of the
21 statutes for the 2009–10 fiscal year, the board shall allocate \$2,000,000 for support
22 of the establishment of the Wisconsin Genomics Initiative for research into
23 personalized health care for disease identification and prevention.

24 (2) BIOTECHNOLOGY, NANOTECHNOLOGY, AND INFORMATION TECHNOLOGIES. Of the
25 moneys appropriated to the Board of Regents of the University of Wisconsin System

ASSEMBLY BILL 75**SECTION 9154**

1 under section 20.285 (1) (a) of the statutes for the 2010–11 fiscal year, the board shall
2 allocate \$8,198,200 to support interdisciplinary research into biotechnology,
3 nanotechnology, and information technologies that enhances human health and
4 welfare.

5 **SECTION 9155. Nonstatutory provisions; Veterans Affairs.**

6 **SECTION 9155m. Nonstatutory provisions; Wisconsin Quality Home**
7 **Care Authority.**

8 (1) INITIAL TERMS OF WISCONSIN QUALITY HOME CARE AUTHORITY BOARD.
9 Notwithstanding the length of terms specified for the members of the board of the
10 Wisconsin Quality Home Care Authority specified in section 52.05 (1) (c) of the
11 statutes, as created by this act, the initial members shall be appointed for the
12 following terms:

13 (a) The members specified under section 52.05 (1) (c) 1. and 3. of the statutes,
14 as created by this act, and 3 members specified under section 52.05 (1) (c) 9. of the
15 statutes, as created by this act, for terms that expire on July 1, 2010.

16 (b) The members specified under section 52.05 (1) (c) 2., 4., and 6. of the
17 statutes, as created by this act, and 4 members specified under section 52.05 (1) (c)
18 9. of the statutes, as created by this act, for terms that expire July 1, 2011.

19 (c) The members specified under section 52.05 (1) (c) 5., 7., and 8. of the statutes,
20 as created by this act, and 4 members specified under section 52.05 (1) (c) 9. of the
21 statutes, as created by this act, for terms that expire July 1, 2012.

22 (2) INITIAL CHAIRPERSON OF WISCONSIN QUALITY HOME CARE AUTHORITY BOARD.
23 The secretary of the department of health services, or his or her designee, shall serve
24 as the chairperson of the board until such time as the governor designates a member
25 of the board to serve as its chair.

ASSEMBLY BILL 75**SECTION 9156****SECTION 9156. Nonstatutory provisions; Workforce Development.****(1) REFUGEE ASSISTANCE SERVICES TRANSFER.**

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of workforce development that are primarily related to refugee assistance services, including refugee cash and medical assistance; targeted assistance and employee training; refugee social services; older refugees; preventive health; health screening; interpreter training; and bilingual materials development, as determined by the secretary of administration, shall become the assets and liabilities of the department of children and families.

(b) *Positions and employees.* On the effective date of this paragraph, all positions and all incumbent employees holding those positions in the department of workforce development performing duties that are primarily related to refugee assistance services, as determined by the secretary of administration, are transferred to the department of children and families.

(c) *Employee status.* Employees transferred under paragraph (b) have all the rights and the same status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of children and families that they enjoyed in the department of workforce development immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who has attained permanent status in class is required to serve a probationary period.

(d) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of workforce development that is primarily related to refugee assistance services, as determined by the secretary of administration, is transferred to the department of children and families.

ASSEMBLY BILL 75**SECTION 9156**

1 (e) *Pending matters.* Any matter pending with the department of workforce
2 development on the effective date of this paragraph that is primarily related to
3 refugee assistance services, as determined by the secretary of administration, is
4 transferred to the department of children and families. All materials submitted to
5 or actions taken by the department of workforce development with respect to the
6 pending matter are considered as having been submitted to or taken by the
7 department of children and families.

8 (f) *Contracts.* All contracts entered into by the department of workforce
9 development in effect on the effective date of this paragraph that are primarily
10 related to refugee assistance services, as determined by the secretary of
11 administration, remain in effect and are transferred to the department of children
12 and families. The department of children and families shall carry out any obligations
13 under those contracts unless modified or rescinded by the department of children
14 and families to the extent allowed under the contract.

15 (g) *Rules and orders.* All rules promulgated by the department of workforce
16 development in effect on the effective date of this paragraph that are primarily
17 related to refugee assistance services, remain in effect until their specified expiration
18 dates or until amended or repealed by the department of children and families. All
19 orders issued by the department of workforce development in effect on the effective
20 date of this paragraph that are primarily related to refugee assistance services,
21 remain in effect until their specified expiration dates or until modified or rescinded
22 by the department of children and families.

23 **SECTION 9157. Nonstatutory provisions; Other.**

24 (1) COORDINATING ADMINISTRATION OF PROGRAMS. The department of children and
25 families, the department of health services, the department of workforce

ASSEMBLY BILL 75**SECTION 9157**

1 development, and the department of administration shall in conjunction develop a
2 plan, by July 1, 2010, for streamlining enrollment processes, coordinating computer
3 systems, and developing compatible billing methodologies under the public benefit
4 programs administered by the departments for the purpose of coordinating the
5 administration of those programs and creating a system in which a single smart card
6 may be used for all of those programs. The plan shall include a process for
7 implementing the proposed changes. If the departments determine that statutory
8 changes, including for transferring funds between agencies, are necessary for
9 implementing the plan, the departments shall, by July 1, 2010, prepare any proposed
10 legislation that is necessary for the implementation.

SECTION 9201. Fiscal changes; Administration.

11
12 (1) LAPSE OR TRANSFER OF UNENCUMBERED MONEYS IN APPROPRIATION ACCOUNTS
13 AND FUNDS.

14 (a) In this subsection, “state agency” has the meaning given in section 20.001
15 (1) of the statutes, but does not include the investment board or the department of
16 employee trust funds.

17 (b) Notwithstanding sections 20.001 (3) (a) to (c) and 25.40 (3) of the statutes,
18 but subject to paragraph (c), the secretary of administration shall lapse or transfer
19 to the general fund from the unencumbered balances of appropriations to state
20 agencies, other than sum sufficient appropriations and appropriations of federal
21 revenues, an amount equal to \$160,000,000 during the 2009–11 fiscal biennium.

22 (c) 1. The secretary of administration may not lapse or transfer moneys under
23 paragraph (b) if the lapse would violate a condition imposed by the federal
24 government on the expenditure of the money or if the lapse or transfer would violate
25 the federal or state constitution.

ASSEMBLY BILL 75**SECTION 9201**

1 2. From appropriations under sections 20.525, 20.625, 20.660, 20.680, and
2 20.765 of the statutes, for the purpose of accomplishing the lapse and transfer of
3 moneys under paragraph (b), the secretary may lapse from sum certain
4 appropriation accounts or subtract from the expenditure estimates for any other
5 types of appropriations, or both.

6 (d) Notwithstanding section 234.165 (2) of the statutes, the Wisconsin Housing
7 and Economic Development Authority shall pay to the state in fiscal year 2010–11
8 \$250,000 of its actual surplus under section 234.165 of the statutes and in fiscal year
9 2011–12 shall pay to the state \$250,000 of its actual surplus under section 234.165
10 of the statutes. The amount paid to the state under this paragraph shall be deposited
11 in the general fund and shall be considered part of the amount that the secretary of
12 administration must lapse or transfer under paragraph (b).

13 **SECTION 9202. Fiscal changes; Aging and Long-Term Care Board.**

14 **SECTION 9203. Fiscal changes; Agriculture, Trade and Consumer**
15 **Protection.**

16 (1) AGRICULTURAL CHEMICAL CLEANUP FUND TRANSFER. There is transferred from
17 the agricultural chemical cleanup fund to the general fund \$500,000 in fiscal year
18 2009–10 and \$500,000 in fiscal year 2010–2011.

19 (2) AGRICHEMICAL MANAGEMENT FUND TRANSFER. There is transferred from the
20 agrichemical management fund to the general fund \$500,000 in fiscal year 2009–10
21 and \$1,000,000 in fiscal year 2010–2011.

22 **SECTION 9204. Fiscal changes; Arts Board.**

23 **SECTION 9205. Fiscal changes; Board for People with Developmental**
24 **Disabilities.**

25 **SECTION 9206. Fiscal changes; Building Commission.**

ASSEMBLY BILL 75**SECTION 9207**

1 **SECTION 9207. Fiscal changes; Child Abuse and Neglect Prevention**
2 **Board.**

3 **SECTION 9208. Fiscal changes; Children and Families.**

4 (1) MILWAUKEE CHILD WELFARE SERVICES. In the schedule under section 20.005
5 (3) of the statutes for the appropriation to the department of children and families
6 under section 20.437 (1) (cx) of the statutes, as affected by the acts of 2009, the dollar
7 amount is increased by \$3,000,000 for the second fiscal year of the fiscal biennium
8 in which this subsection takes effect for the purpose for which the appropriation is
9 made.

10 (2) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAMS. In the schedule
11 under section 20.005 (3) of the statutes for the appropriation to the department of
12 children and families under section 20.437 (2) (dz) of the statutes, as affected by the
13 acts of 2009, the dollar amount is decreased by \$22,529,000 for the second fiscal year
14 of the fiscal biennium in which this subsection takes effect for the purposes for which
15 the appropriation is made.

16 (3) FEDERAL BLOCK GRANT AIDS. In the schedule under section 20.005 (3) of the
17 statutes for the appropriation to the department of children and families under
18 section 20.437 (2) (md) of the statutes, as affected by the acts of 2009, the dollar
19 amount is increased by \$47,175,000 for the second fiscal year of the fiscal biennium
20 in which this subsection takes effect for the purposes for which the appropriation is
21 made.

22 **SECTION 9209. Fiscal changes; Circuit Courts.**

23 **SECTION 9210. Fiscal changes; Commerce.**

24 (1) HEALTH PROFESSIONAL LOAN PROGRAMS. The unencumbered balance in the
25 appropriation account under section 20.143 (1) (jL), 2007 stats., and the

ASSEMBLY BILL 75**SECTION 9210**

1 unencumbered balance in the appropriation account under section 20.143 (1) (jm),
2 2007 stats., are transferred to the appropriation account under section 20.285 (1) (jc)
3 of the statutes, as affected by this act.

4 **SECTION 9211. Fiscal changes; Corrections.**

5 (1) JUVENILE CORRECTIONAL SERVICES DEFICIT REDUCTION.

6 (a) Subject to paragraph (b), if notwithstanding sections 16.50 (2), 16.52, 20.002
7 (11), as affected by this act, and 20.903 of the statutes there is a deficit in the
8 appropriation account under section 20.410 (3) (hm), 2007 stats., at the close of fiscal
9 year 2008–09, any unencumbered balance in the appropriation account under
10 section 20.410 (3) (ho), 2007 stats., at the close of fiscal year 2008–09, less the
11 amounts required under that paragraph to be remitted to counties or transferred to
12 the appropriation account under section 20.410 (3) (kx) of the statutes, and any
13 unencumbered balance in the appropriation account under section 20.410 (3) (hr),
14 2007 stats., at the close of fiscal year 2008–09, shall be transferred to the
15 appropriation account under section 20.410 (3) (hm) of the statutes, as affected by
16 SECTION 313 of this act, except that the total amount of the unencumbered balances
17 transferred under this paragraph may not exceed the amount of that deficit.

18 (b) If the deficit specified in paragraph (a) is less than the total amount of the
19 unencumbered balances available for transfer under paragraph (a), the total amount
20 transferred from the appropriation accounts under section 20.410 (3) (ho) and (hr),
21 2007 stats., to the appropriation account under section 20.410 (3) (hm) of the
22 statutes, as affected by SECTION 313 of this act, under paragraph (a) shall equal the
23 amount of that deficit and the amount transferred from each of those appropriation
24 accounts shall be in proportion to the respective unencumbered balance available for
25 transfer from each of those appropriation accounts.

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1 (2) GENERAL PROGRAM OPERATIONS FOR THE DEPARTMENT OF CORRECTIONS. In the
2 schedule under section 20.005 (3) of the statutes for the appropriation to the
3 department of corrections under section 20.410 (1) (a) of the statutes, as affected by
4 the acts of 2009, the dollar amount is increased by \$21,000,000 for the second fiscal
5 year of the fiscal biennium in which this subsection takes effect for the purposes for
6 which the appropriation is made.

7 **SECTION 9212. Fiscal changes; Court of Appeals.**

8 **SECTION 9213. Fiscal changes; District Attorneys.**

9 **SECTION 9214. Fiscal changes; Educational Communications Board.**

10 **SECTION 9215. Fiscal changes; Employee Trust Funds.**

11 (1) TRANSFER OF CERTAIN MONEYS RELATING TO THE PHARMACY BENEFITS PROGRAM
12 TO THE DEPARTMENT OF HEALTH SERVICES. Before July 1, 2011, the secretary of employee
13 trust funds shall transfer from the employee trust fund to the appropriation account
14 under section 20.435 (4) (jz) of the statutes, as affected by this act, any remaining
15 moneys related to the pharmacy benefits program under section 40.53, 2007 stats.
16 The secretary shall develop a methodology to determine the amount to be
17 transferred.

18 **SECTION 9216. Fiscal changes; Employment Relations Commission.**

19 **SECTION 9217. Fiscal changes; Financial Institutions.**

20 **SECTION 9218. Fiscal changes; Fox River Navigational System**
21 **Authority.**

22 **SECTION 9219. Fiscal changes; Government Accountability Board.**

23 **SECTION 9220. Fiscal changes; Governor.**

24 **SECTION 9221. Fiscal changes; Health and Educational Facilities**
25 **Authority.**

ASSEMBLY BILL 75**SECTION 9222****SECTION 9222. Fiscal changes; Health Services.**

(1) MEDICAL ASSISTANCE GENERAL PURPOSE REVENUE LAPSE. Notwithstanding section 20.001 (3) (b) of the statutes, there is lapsed to the general fund from the appropriation account of the department of health services under section 20.435 (4) (b) of the statutes, as affected by the acts of 2009, \$306,000,000 in fiscal year 2008–09.

(2) MEDICAL ASSISTANCE TRUST FUND APPROPRIATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of health services under section 20.435 (4) (w) of the statutes, as affected by the acts of 2009, the dollar amount is increased by \$62,000,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect for the purposes for which the appropriation is made.

(3) BALANCE TRANSFERS.

(a) The unencumbered balance of the appropriation to the department of health services under section 20.435 (5) (i) of the statutes, as affected by this act, is transferred to the appropriation account under section 20.435 (1) (i) of the statutes, as affected by this act, on the effective date of this paragraph.

(b) The unencumbered balance of the appropriation to the department of health services under section 20.435 (5) (ky) of the statutes, as affected by this act, is transferred to the appropriation account under section 20.435 (1) (ky) of the statutes, as created by this act, on the effective date of this paragraph.

(c) The unencumbered balance of the appropriation to the department of health services under section 20.435 (5) (kz) of the statutes, as affected by this act, is transferred to the appropriation account under section 20.435 (1) (kz) of the statutes, as created by this act, on the effective date of this paragraph.

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1 (d) The unencumbered balance of the appropriation to the department of health
2 services under section 20.435 (5) (ma) of the statutes, as affected by this act, is
3 transferred to the appropriation account under section 20.435 (1) (ma) of the
4 statutes, as created by this act, on the effective date of this paragraph.

5 (e) The unencumbered balance of the appropriation to the department of health
6 services under section 20.435 (5) (md) of the statutes, as affected by this act, is
7 transferred to the appropriation account under section 20.435 (1) (md) of the
8 statutes, as created by this act, on the effective date of this paragraph.

9 (f) The unencumbered balance of the appropriation to the department of health
10 services under section 20.435 (5) (na) of the statutes, as affected by this act, is
11 transferred to the appropriation account under section 20.435 (1) (na) of the statutes,
12 as created by this act, on the effective date of this paragraph.

13 **SECTION 9223. Fiscal changes; Higher Educational Aids Board.**

14 **SECTION 9224. Fiscal changes; Historical Society.**

15 **SECTION 9225. Fiscal changes; Housing and Economic Development**
16 **Authority.**

17 **SECTION 9226. Fiscal changes; Insurance.**

18 **SECTION 9227. Fiscal changes; Investment Board.**

19 **SECTION 9228. Fiscal changes; Joint Committee on Finance.**

20 **SECTION 9229. Fiscal changes; Judicial Commission.**

21 **SECTION 9230. Fiscal changes; Justice.**

22 **SECTION 9231. Fiscal changes; Legislature.**

23 **SECTION 9232. Fiscal changes; Lieutenant Governor.**

24 **SECTION 9233. Fiscal changes; Local Government.**

25 **SECTION 9234. Fiscal changes; Lower Wisconsin State Riverway Board.**

ASSEMBLY BILL 75**SECTION 9235****SECTION 9235. Fiscal changes; Medical College of Wisconsin.****SECTION 9236. Fiscal changes; Military Affairs.****SECTION 9237. Fiscal changes; Natural Resources.**

(1) NONPROFIT CONSERVATION ORGANIZATION AIDS LAPSE. Notwithstanding section 20.001 (3) (c) of the statutes, from the appropriation account to the department of natural resources under section 20.370 (5) (aw) of the statutes there is lapsed to the conservation fund \$18,700 in fiscal year 2009–10 and \$12,200 in fiscal year 2010–2011.

(2) RECREATIONAL BOATING AIDS LAPSE. Notwithstanding section 20.001 (3) (c) of the statutes, from the appropriation account to the department of natural resources under section 20.370 (5) (cq) of the statutes there is lapsed to the conservation fund \$248,200 in fiscal year 2009–10 and \$222,000 in fiscal year 2010–2011.

(3) LAKE PROTECTION AIDS LAPSE. Notwithstanding section 20.001 (3) (c) of the statutes, from the appropriation account to the department of natural resources under section 20.370 (6) (ar) of the statutes there is lapsed to the conservation fund \$403,800 in fiscal year 2009–10 and \$233,600 in fiscal year 2010–2011.

(4) RIVER PROTECTION AIDS LAPSE. Notwithstanding section 20.001 (3) (c) of the statutes, from the appropriation account to the department of natural resources under section 20.370 (6) (aw) of the statutes there is lapsed to the conservation fund \$9,100 in fiscal year 2009–10 and \$5,900 in fiscal year 2010–2011.

(5) SOUTHEASTERN LAKES RECREATIONAL BOATING ACCESS LAPSE. Notwithstanding section 20.001 (3) (c) of the statutes, from the appropriation account to the department of natural resources under section 20.370 (7) (fr) of the statutes there is lapsed to the conservation fund \$12,100 in fiscal year 2009–10 and \$7,900 in fiscal year 2010–2011.

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1 (6) RECREATIONAL BOATING ACCESS LAPSE. Notwithstanding section 20.001 (3) (c)
2 of the statutes, from the appropriation account to the department of natural
3 resources under section 20.370 (7) (ft) of the statutes there is lapsed to the
4 conservation fund \$24,100 in fiscal year 2009–10 and \$15,700 in fiscal year
5 2010–2011.

6 (7) MISSISSIPPI AND ST. CROIX RIVERS MANAGEMENT LAPSE. Notwithstanding
7 section 20.001 (3) (c) of the statutes, from the appropriation account to the
8 department of natural resources under section 20.370 (7) (fw) of the statutes there
9 is lapsed to the conservation fund \$7,500 in fiscal year 2009–10 and \$4,900 in fiscal
10 year 2010–2011.

11 (8) FACILITIES ACQUISITION, DEVELOPMENT AND MAINTENANCE LAPSE.
12 Notwithstanding section 20.001 (3) (c) of the statutes, from the appropriation
13 account to the department of natural resources under section 20.370 (7) (hq) of the
14 statutes there is lapsed to the conservation fund \$1,100 in fiscal year 2009–10 and
15 \$700 in fiscal year 2010–2011.

16 (9) RECYCLING AND RENEWABLE ENERGY FUND TRANSFER FOR WILDLIFE DAMAGE
17 CLAIMS AND ABATEMENT. In fiscal year 2010–11, \$350,000 is transferred to the
18 appropriation account under section 20.370 (5) (fq) of the statutes from the recycling
19 and renewable energy fund.

20 **SECTION 9238. Fiscal changes; Public Defender Board.**

21 **SECTION 9239. Fiscal changes; Public Instruction.**

22 (1) AID TO PUBLIC LIBRARY SYSTEMS; GENERAL FUND. In the schedule under section
23 20.005 (3) of the statutes for the appropriation to the department of public
24 instruction under section 20.255 (3) (e) of the statutes, the dollar amount is decreased

ASSEMBLY BILL 75**SECTION 9239**

1 by \$11,297,400 for the 2008–09 fiscal year to decrease funding for the purpose for
2 which the appropriation is made.

3 (2) AID TO PUBLIC LIBRARY SYSTEMS; UNIVERSAL SERVICE FUND. In the schedule
4 under section 20.005 (3) of the statutes for the appropriation to the department of
5 public instruction under section 20.255 (3) (qm) of the statutes, the dollar amount is
6 increased by \$11,297,400 for the 2008–09 fiscal year to increase funding for the
7 purpose for which the appropriation is made.

8 **SECTION 9240. Fiscal changes; Public Lands, Board of Commissioners**
9 **of.**

10 **SECTION 9241. Fiscal changes; Public Service Commission.**

11 **SECTION 9242. Fiscal changes; Regulation and Licensing.**

12 **SECTION 9243. Fiscal changes; Revenue.**

13 **SECTION 9244. Fiscal changes; Secretary of State.**

14 **SECTION 9245. Fiscal changes; State Employment Relations, Office of.**

15 **SECTION 9246. Fiscal changes; State Fair Park Board.**

16 **SECTION 9247. Fiscal changes; Supreme Court.**

17 **SECTION 9248. Fiscal changes; Technical College System.**

18 **SECTION 9249. Fiscal changes; Tourism.**

19 **SECTION 9250. Fiscal changes; Transportation.**

20 **SECTION 9251. Fiscal changes; Treasurer.**

21 **SECTION 9252. Fiscal changes; University of Wisconsin Hospitals and**
22 **Clinics Authority.**

23 **SECTION 9253. Fiscal changes; University of Wisconsin Hospitals and**
24 **Clinics Board.**

25 **SECTION 9254. Fiscal changes; University of Wisconsin System.**

ASSEMBLY BILL 75**SECTION 9255****SECTION 9255. Fiscal changes; Veterans Affairs.****SECTION 9255m. Fiscal changes; Wisconsin Quality Home Care Authority.****SECTION 9256. Fiscal changes; Workforce Development.****SECTION 9257. Fiscal changes; Other.****SECTION 9301. Initial applicability; Administration.**

(1) STATE BUILDING CONSTRUCTION PROCEDURES. The treatment of sections 13.48 (19m), 16.85 (1), 16.855 (2) (intro.), (10), (13) (a), and (22), and 16.87 (3) of the statutes first applies with respect to contracts and change orders for services or construction work entered into on the effective date of this subsection.

(2) WISCONSIN COVENANT SCHOLARS PROGRAM. The renumbering and amendment of section 39.437 (2) (a) of the statutes and the creation of section 39.437 (2) (a) 2. of the statutes first apply to students who enroll in a public or private, nonprofit, accredited, institution of higher education or in a tribally controlled college in this state in the 2011–12 academic year.

SECTION 9302. Initial applicability; Aging and Long-Term Care Board.**SECTION 9303. Initial applicability; Agriculture, Trade and Consumer Protection.****SECTION 9304. Initial applicability; Arts Board.****SECTION 9305. Initial applicability; Board for People with Developmental Disabilities.****SECTION 9306. Initial applicability; Building Commission.**

(1) The treatment of section 13.48 (10) (a) and (29) of the statutes first applies with respect to contracts entered into on the effective date of this subsection.

ASSEMBLY BILL 75**SECTION 9307**

1 **SECTION 9307. Initial applicability; Child Abuse and Neglect**
2 **Prevention Board.**

3 **SECTION 9308. Initial applicability; Children and Families.**

4 (1) EMERGENCY ASSISTANCE. The treatment of section 49.138 (1m) (intro.) of the
5 statutes first applies to determinations of aid payment amounts that are made on the
6 effective date of this subsection.

7 (2) FRAUD INVESTIGATION RECOVERIES. The treatment of sections 20.437 (2) (g)
8 and 49.197 (2) (title), (b), (c) (intro.), 1., 2., and 3. and (d) of the statutes, the
9 renumbering and amendment of section 49.197 (2) (a) of the statutes, and the
10 creation of section 49.197 (2) (a) 1. of the statutes first apply to moneys recovered by
11 a county department, Wisconsin Works agency, or tribal governing body on the
12 effective date of this subsection.

13 (3) CHILD WELFARE PROVIDER RATE REGULATION.

14 (a) SECTION 9108 (2) (a) of this act first applies to a contract for the provision
15 of services that is in effect on December 31, 2009, and that contains provisions that
16 are inconsistent with that treatment on the day on which the contract expires or is
17 extended, modified, or renewed, whichever occurs first.

18 (b) The repeal and recreation of section 49.343 (1g) of the statutes first applies
19 to a contract for the provision of services that is in effect on December 31, 2010, and
20 that contains provisions that are inconsistent with that treatment on the day on
21 which the contract expires or is extended, modified, or renewed, whichever occurs
22 first.

23 (4) MISCELLANEOUS PARTICIPATION REQUIREMENTS UNDER WISCONSIN WORKS. The
24 treatment of sections 49.145 (2) (n) 1. (intro.) and a., 2., and 4. (intro.), 49.147 (3) (c),
25 (4) (as), (at), (av), and (b), (5) (b) 1. (intro.), a., c., d., and e. and 2., (bs), and (bt), and

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1 (5m) (a) (intro.) and 1. and (c), 49.148 (1) (c) and (4) (b), 49.151 (1) (intro.) and (b),
2 49.1515, 49.153 (1) (a), (b), and (c), and 49.155 (1m) (a) 1. and 1m. (intro.) of the
3 statutes and the amendment of section 49.148 (1m) (a) and (b) of the statutes first
4 apply to individuals participating in Wisconsin Works on the effective date of this
5 subsection.

6 (5) WISCONSIN WORKS AGENCY CONTRACTS. The treatment of sections 49.143 (2)
7 (a), (am), and (bm) and (2m) (intro.) and (f) (intro.) and 49.147 (5m) (a) 1. and (c) of
8 the statutes and the repeal of section 49.143 (2) (b) of the statutes first apply to
9 Wisconsin Works agencies that enter into agency contracts or that renew agency
10 contracts on the effective date of this subsection.

11 (6) REPEAL OF LEARNFARE.

12 (a) *Compulsory school attendance*. The treatment of section 118.15 (5) (b) 1. and
13 2. of the statutes first applies to violations occurring on the effective date of this
14 paragraph.

15 (b) *Contributing to truancy*. The treatment of section 948.45 (1) and (2) of the
16 statutes first applies to acts or omissions occurring on the effective date of this
17 paragraph.

18 (7) MILWAUKEE CHILD WELFARE PARTNERSHIP COUNCIL. The treatment of section
19 15.207 (24) (a) 7. and (d) of the statutes first applies to members of the Milwaukee
20 child welfare partnership council who would be appointed for terms beginning after
21 the expiration of the terms of the current members of the council who were
22 nominated by a children's services network established in Milwaukee County under
23 section 49.143 (2) (b), 2007 stats.

24 (8) INCLUDING CHILD SUPPORT IN INCOME. The treatment of section 49.155 (1m)
25 (c) 1. (intro.) (by SECTION 1206) (with respect to including child or family support in

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1 income), 1g. (with respect to including child or family support in income), and 1h. (by
2 SECTION 1210) (with respect to including child or family support in income) of the
3 statutes first applies to all of the following:

4 (a) Initial eligibility determinations and copayment determinations made on
5 October 1, 2009, or on the effective date of this paragraph, whichever is later.

6 (b) For individuals who, on October 1, 2009, or the effective date of this
7 paragraph, whichever is later, are already receiving a child care subsidy under
8 section 49.155 of the statutes, as affected by this act, continued eligibility
9 determinations made on April 1, 2010.

10 (9) ARREARAGES COLLECTED. The treatment of section 49.1452 of the statutes
11 first applies to arrearages collected on the effective date of this subsection.

12 (10) GRANTS FOR CUSTODIAL PARENT OF INFANT UNDER WISCONSIN WORKS.

13 (a) *Eligibility.* The renumbering and amendment of section 49.148 (1m) (a)
14 (with respect to eligibility for a grant) of the statutes and the creation of section
15 49.148 (1m) (a) (intro.), 1. b., and 2. of the statutes first apply to individuals who are
16 determined, on the effective date of this paragraph, to be eligible for the Wisconsin
17 Works program under sections 49.141 to 49.161 of the statutes.

18 (b) *Extension of grants.* The renumbering and amendment of section 49.148
19 (1m) (a) (with respect to the extended receipt of custodial parent of newborn infant
20 grants) of the statutes and the creation of section 49.148 (1m) (a) 1. b. of the statutes
21 first apply to individuals who are participating, on the effective date of this
22 paragraph, in the Wisconsin Works program under section 49.147 (3), (4), or (5) of
23 the statutes.

24 (c) *Constituting participation in employment position.* The renumbering and
25 amendment of section 49.148 (1m) (a) (with respect to receipt of grants not

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1 constituting participation in a Wisconsin Works employment position) and (b) of the
2 statutes and the creation of section 49.148 (1m) (b) 2. of the statutes first apply to
3 grants received under section 49.148 (1m) of the statutes on the effective date of this
4 paragraph.

5 (11) DAY CARE CENTER LICENSING FEES. The treatment of section 48.65 (3) (a) of
6 the statutes first applies to a day care center license issued or continued on the
7 effective date of this subsection.

SECTION 9309. Initial applicability; Circuit Courts.

8
9 (1) EXPUNGEMENT. The treatment of section 973.015 (1) (a) and (c) of the statutes
10 first applies to sentencing orders that occur on the effective date of this subsection.

11 (2) CONTRIBUTORY NEGLIGENCE. The treatment of sections 805.13 (4) and
12 895.045 (1) and (2) of the statutes first applies to actions commenced on the effective
13 date of this subsection.

SECTION 9310. Initial applicability; Commerce.

14
15 (1) EARLY STAGE SEED INVESTMENT CREDIT. The treatment of section 560.205 (1)
16 (f) and (g), (2), and (3) (e) of the statutes first applies to taxable years beginning on
17 January 1, 2009.

18 (2) RESTRICTIONS ON SMOKING. The treatment of sections 77.52 (2) (ag) 39.
19 (intro.), 101.123 (1) (a), (ab), (ac), (aj), (ak), (am), (ar), (b), (bg), (bm), (bn), (br), (c), (d),
20 (dg), (dj), (dm) (dn), (e), (eg), (f), (g), (gm), (h), (hm), (i), (id), (im), and (ip), (2) (title),
21 (a) (intro.), 1., 1g., 1m., 1r., 4., 5., 5m., 5t., 6., 7m., 7r., 8d., 8g., 9., and 10., (am), (ar),
22 (b), (bm), (br), (bv), (c), (d) (intro.) and 5., (dm), (e), and (f), (2m), (3) (intro.), (a) to (gr),
23 (h), (i), (j), and (k), (3m), (4), (4m) (title), (5), (6), (7), and (8) (a), (b), (c), (d), and (e),
24 165.60, 165.755 (1) (b), 302.46 (1) (a), 460.01 (5), 757.05 (1) (a), and 814.63 (1) (c) of

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1 the statutes, first applies to violations occurring on the effective date of this
2 subsection.

3 **SECTION 9311. Initial applicability; Corrections.**

4 (1) CONTRACTS FOR ESCORTS FOR PERSONS ON SUPERVISED RELEASE. The treatment
5 of section 980.08 (9) (b) of the statutes first applies to services contracted for on the
6 effective date of this subsection.

7 (2) RELEASE TO EXTENDED SUPERVISION FOR MEDICAL REASONS BY DEPARTMENT OF
8 CORRECTIONS. The treatment of sections 302.113 (9g) (cm), (d), (e), (f), (g) 2. and 3.,
9 (h), (i), and (j), 801.50 (5), 911.01 (4) (c) (as it relates to an appeal under s. 302.113
10 (9g) (h)), 950.04 (1v) (nt), and 977.05 (4) (jm) of the statutes first applies to petitions
11 not referred by the program review committee on the effective date of this subsection.

12 (3) PROBATION SUPERVISION OF MISDEMEANANTS. The treatment of section 973.10
13 (1) and (1g) of the statutes first applies to a person sentenced on February 1, 2003.

14 (4) SENTENCING ADJUSTMENT. The renumbering and amendment of section
15 302.113 (2) of the statutes, the amendment of sections 301.03 (3), 301.048 (2) (am)
16 3., 301.21 (1m) (c), 301.21 (2m) (c), 302.045 (3), 302.05 (3) (b), 302.11 (1g) (b) (intro.),
17 302.11 (1g) (b) 2., 302.11 (1g) (c), 302.11 (1g) (d), 302.11 (1m), 302.11 (7) (c), 302.113
18 (1), 302.113 (3) (d), 302.113 (7), 302.113 (9) (c), 302.114 (9) (c), 304.01 (title), 304.01
19 (1), 304.01 (2) (intro.), 304.01 (2) (b), 304.01 (2) (c), 304.01 (2) (d), 304.06 (title), 304.06
20 (1) (b), 304.06 (1) (c) (intro.), 304.06 (1) (d) 1., 304.06 (1) (d) 2., 304.06 (1) (d) 3m.,
21 304.06 (1) (d) 4., 304.06 (1) (e), 304.06 (1) (eg), 304.06 (1) (em), 304.06 (1) (f), 304.06
22 (1) (g), 304.06 (1m) (intro.), 304.06 (1q) (b), 304.06 (1q) (c), 304.06 (1x), 304.06 (2m)
23 (d), 304.06 (3), 304.06 (3e), 304.06 (3m), 304.071 (1), 809.30 (1) (c), 911.01 (4) (c),
24 950.04 (1v) (f), 950.04 (1v) (gm), 973.01 (4), 973.01 (7), 973.01 (8) (a) 2., 973.01 (8) (a)
25 3., 974.07 (4) (b) and 976.03 (23) (c) of the statutes, and the creation of sections

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1 302.113 (2) (b), 302.113 (3) (e), 304.06 (1) (bg), 304.06 (1) (bn), 304.06 (1) (br), 973.01
2 (3d), 973.01 (4m) and 973.01 (4r) of the statutes first apply to a person sentenced on
3 December 31, 1999.

4 **SECTION 9312. Initial applicability; Court of Appeals.**

5 **SECTION 9313. Initial applicability; District Attorneys.**

6 **SECTION 9314. Initial applicability; Educational Communications**
7 **Board.**

8 **SECTION 9315. Initial applicability; Employee Trust Funds.**

9 (1) RETIREMENT BENEFITS FOR EDUCATIONAL SUPPORT PERSONNEL EMPLOYEES. The
10 treatment of sections 40.22 (2m) (a) and 40.23 (2m) (fm) of the statutes first applies
11 to participants in the Wisconsin Retirement System who are participating employees
12 in the Wisconsin Retirement System on the effective date of this subsection.

13 (2) DOMESTIC PARTNER BENEFITS FOR STATE EMPLOYEES AND ANNUITANTS. The
14 treatment of section 40.02 (20), (21c), and (21d) of the statutes first applies to
15 coverage under group insurance plans offered by the group insurance board on
16 January 1, 2011.

17 **SECTION 9316. Initial applicability; Employment Relations**
18 **Commission.**

19 (1) QUALIFIED ECONOMIC OFFERS. The treatment of section 111.70 (1) (a), (b),
20 (dm), (fm), (nc), and (ne) and (4) (cm) 5., 5s., 6. a. and am., 7., 7g., 7r. (intro.), 8m. a.,
21 b., and c., 8p., and 8s., (cn), (d) 2. a., and (m) 6. of the statutes first applies to petitions
22 for arbitration that relate to collective bargaining agreements that cover periods
23 beginning on or after July 1, 2009, and that are filed under section 111.70 (4) (cm)
24 6. of the statutes, as affected by this act, on the effective date of this subsection.

25 **SECTION 9317. Initial applicability; Financial Institutions.**

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1 (1) SECURITIES FEES. The treatment of section 551.614 (2) of the statutes first
2 applies to filings received by the division of securities on the effective date of this
3 subsection.

4 (2) SECURITIES FEES. The treatment of section 551.614 (1) (a) and (b) 1. a. and
5 b. and 2. a. and b. of the statutes first applies to filings received by the division of
6 securities on the effective date of this subsection.

7 **SECTION 9318. Initial applicability; Fox River Navigational System**
8 **Authority.**

9 **SECTION 9319. Initial applicability; Government Accountability Board.**

10 (1) REIMBURSEMENT FOR POLLING EXPENSES; GENERAL PROGRAM OPERATIONS. The
11 treatment of sections 5.68 (1) and (7) and 20.511 (1) (b) of the statutes first applies
12 with respect to claims filed in connection with elections held on the effective date of
13 this subsection.

14 **SECTION 9320. Initial applicability; Governor.**

15 **SECTION 9321. Initial applicability; Health and Educational Facilities**
16 **Authority.**

17 **SECTION 9322. Initial applicability; Health Services.**

18 (1) FAMILY CARE ENTITLEMENT. The treatment of section 46.286 (3) (c) of the
19 statutes first applies to care management organizations that implement the family
20 care benefit on January 1, 2008.

21 (2) INSPECTION FEES. The treatment of sections 49.45 (47) (e), 50.03 (5g) (cm),
22 50.033 (3), 50.034 (10), 50.04 (4) (dm), 50.36 (4), 50.49 (4), and 50.93 (5) of the statutes
23 first applies to enforcement actions taken on the effective date of this subsection.

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1 (3) SUPPLEMENTARY MENTAL EXAMINATIONS. The treatment of section 971.17 (2)
2 (a) of the statutes first applies to judgments entered on the effective date of this
3 subsection.

4 (4) ESCORTS FOR PERSONS ON SUPERVISED RELEASE. The renumbering and
5 amendment of section 980.08 (9) (a) of the statutes and the creation of section 980.08
6 (9) (a) 2. of the statutes first apply to a person who is on or who is released on
7 supervised release on the effective date of this subsection.

8 (5) COMMITMENT FOR COMPETENCY RESTORATION. The treatment of sections
9 322.0767 (1) (b) and 971.14 (5) (a), (b), and (d) of the statutes first applies to
10 commitment periods that are in progress on the effective date of this subsection.

11 (6) NURSING HOME CONTESTED ACTION OR FORFEITURE TIME LIMITS. The treatment
12 of section 50.04 (4) (e) 1. and (5) (e) of the statutes first applies to a violation of
13 subchapter I of chapter 50 of the statutes or of a rule promulgated under subchapter
14 I of chapter 50 of the statutes that is committed on the effective date of this
15 subsection.

16 (7) SUPPLEMENTAL SECURITY INCOME CARETAKER SUPPLEMENT.

17 (a) *Arrearages collected*. The treatment of section 49.776 of the statutes first
18 applies to arrearages collected on the effective date of this paragraph.

19 (b) *Disregard of child support*. The treatment of section 49.775 (2m) of the
20 statutes first applies to eligibility determinations made or reviewed on the effective
21 date of this paragraph.

22 (8) HOME CARE PROVIDERS. The treatment of section 46.2898 (5) of the statutes,
23 as created by this act, first applies to a recipient of home care services on the date
24 that the recipient's individual service plan is reviewed.

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1 (9) RELIEF BLOCK GRANTS. The treatment of sections 20.435 (4) (h) (by SECTION
2 354), 20.505 (8) (hm) 18., 46.21 (1) (d), 46.215 (1) (d) and (fm), 46.22 (1) (b) 1. d. and
3 h., 46.23 (2) (a), 49.002, 49.01, 49.015, 49.02, 49.025, 49.027, 49.029, 49.031, 49.141
4 (1) (s), 49.45 (6y) and (6z), 49.46 (2) (d), 49.493 (1) (b), 49.84 (3) and (4), 252.06 (10)
5 (b) 4., 252.07 (10), 560.71 (1) (e) 4. c., 560.797 (2) (a) 4. c., 812.30 (9), 812.44 (4) (form)
6 2. and (5) (form) 2., 814.29 (1) (d) 1., and 948.22 (4) (b) of the statutes and the repeal
7 of section 20.435 (4) (bt) and (kb) of the statutes first apply with respect to assistance
8 or health care services provided on July 1, 2009.

9 **SECTION 9323. Initial applicability; Higher Educational Aids Board.**

10 (1) WISCONSIN HIGHER EDUCATION GRANTS. The treatment of section 39.435 (3)
11 of the statutes first applies to Wisconsin higher education grants awarded by the
12 higher educational aids board for the 2009–10 academic year.

13 **SECTION 9324. Initial applicability; Historical Society.**

14 **SECTION 9325. Initial applicability; Housing and Economic**
15 **Development Authority.**

16 **SECTION 9326. Initial applicability; Insurance.**

17 (1) AGENT APPOINTMENT FEES. The treatment of section 601.31 (1) (n) of the
18 statutes first applies to fees for appointments and renewals of appointments paid
19 after December 31, 2009.

20 (2) INSURANCE CLAIM INTERCEPT. If any insurance policy that is in effect on the
21 effective date of this subsection contains a provision that is inconsistent with the
22 treatment of sections 49.895 and 628.47 of the statutes, the treatment of sections
23 49.895 and 628.47 of the statutes first applies to that policy on the date on which it
24 is renewed.

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1 (3) MODIFICATIONS AT RENEWAL. The treatment of section 632.7497 of the
2 statutes first applies to individual major medical or comprehensive health benefit
3 plans that are renewed on the effective date of this subsection.

4 (4) PREEXISTING CONDITION EXCLUSIONS. The treatment of section 632.76 (2) (a),
5 (ac), and (b) of the statutes first applies to individual disability insurance policies
6 that are issued or renewed on the effective date of this subsection.

7 (5) DEPENDENT COVERAGE. The treatment of sections 111.91 (2) (nm), 609.755,
8 and 632.895 (14m) of the statutes first applies to all of the following:

9 (a) Except as provided in paragraphs (b) and (c), disability insurance policies
10 that are issued or renewed, and governmental or school district self-insured health
11 plans that are established, extended, modified, or renewed, on the effective date of
12 this paragraph.

13 (b) Disability insurance policies covering employees who are affected by a
14 collective bargaining agreement containing provisions inconsistent with this act
15 that are issued or renewed on the earlier of the following:

16 1. The day on which the collective bargaining agreement expires.

17 2. The day on which the collective bargaining agreement is extended, modified,
18 or renewed.

19 (c) Governmental or school district self-insured health plans covering
20 employees who are affected by a collective bargaining agreement containing
21 provisions inconsistent with this act that are established, extended, modified, or
22 renewed on the earlier of the following:

23 1. The day on which the collective bargaining agreement expires.

24 2. The day on which the collective bargaining agreement is extended, modified,
25 or renewed.

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1 (6) MOTOR VEHICLE INSURANCE COVERAGES. The treatment of sections 62.67,
2 121.555 (2) (a), 631.43 (3), and 632.32 (2) (a), (am), (c), (cm), (d), (e), (f), and (g), (4)
3 (title), (intro.), (a) (title), 1., 2., 2m., and 3., (bc), (4m), and (5) (f), (g), (h), (i), and (j)
4 of the statutes, the repeal of section 632.32 (4) (b) (title) of the statutes, and the
5 renumbering and amendment of section 632.32 (4) (b) of the statutes first apply to
6 motor vehicle insurance policies issued or renewed on the effective date of this
7 subsection.

8 (7) FINANCIAL RESPONSIBILITY.

9 (a) The treatment of section 344.15 (1) of the statutes first applies with respect
10 to accidents occurring on the effective date of this paragraph.

11 (b) The treatment of sections 344.01 (2) (d) and 344.33 (2) of the statutes first
12 applies to proof of financial responsibility or proof of financial responsibility for the
13 future that is furnished on the effective date of this paragraph.

14 (8) PAYMENT FOR HEALTH CARE SERVICES.

15 (a) Subject to paragraph (b), the treatment of section 632.845 of the statutes
16 first applies to claims for payment of health care services that are made on the
17 effective date of this paragraph.

18 (b) If a health care plan that is in effect on the effective date of this paragraph
19 contains a provision that is inconsistent with the treatment of section 632.845 of the
20 statutes, the treatment of section 632.845 of the statutes first applies to that health
21 care plan on the date on which it is renewed.

22 **SECTION 9327. Initial applicability; Investment Board.**

23 **SECTION 9328. Initial applicability; Joint Committee on Finance.**

24 **SECTION 9329. Initial applicability; Judicial Commission.**

25 **SECTION 9330. Initial applicability; Justice.**

ASSEMBLY BILL 75**SECTION 9330**

1 (1) CRIME LABORATORIES AND DRUG LAW ENFORCEMENT SURCHARGE. The treatment
2 of section 165.755 (1) (a) of the statutes first applies to violations committed on the
3 effective date of this subsection.

4 **SECTION 9331. Initial applicability; Legislature.**

5 **SECTION 9332. Initial applicability; Lieutenant Governor.**

6 **SECTION 9333. Initial applicability; Local Government.**

7 **SECTION 9334. Initial applicability; Lower Wisconsin State Riverway**
8 **Board.**

9 **SECTION 9335. Initial applicability; Medical College of Wisconsin.**

10 **SECTION 9336. Initial applicability; Military Affairs.**

11 **SECTION 9337. Initial applicability; Natural Resources.**

12 (1) RECYCLING TIPPING FEE. The treatment of section 289.645 (3) of the statutes
13 first applies to solid waste disposed of on October 1, 2009.

14 (2) WILDLIFE VIOLATOR COMPACT SURCHARGE. The treatment of section 29.99 (1)
15 of the statutes first applies to violations committed on the effective date of this
16 subsection.

17 (3) WILDLIFE DAMAGE CLAIM PROGRAM. The treatment of section 29.889 (7) (b) 1.,
18 2., and 4. of the statutes first applies to wildlife damage claims filed on the effective
19 date of this subsection.

20 **SECTION 9338. Initial applicability; Public Defender Board.**

21 **SECTION 9339. Initial applicability; Public Instruction.**

22 (1) HIGH SCHOOL GRADUATION REQUIREMENTS. The treatment of section 118.33 (1)
23 (a) 1. of the statutes first applies to pupils graduating from high school in 2013.

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1 (2) REVENUE LIMIT; CONSOLIDATED SCHOOL DISTRICT. The treatment of section
2 121.91 (2m) (t) of the statutes first applies to a school district consolidation that takes
3 effect on July 1, 2009.

4 (3) CONCURRENT MEMBERSHIP ON THE SCHOOL BOARDS OF A CONSOLIDATING AND A
5 CONSOLIDATED SCHOOL DISTRICT. The treatment of section 117.22 (1) (d) of the statutes
6 first applies to a person elected to the school board of a consolidated school district
7 on the effective date of this subsection.

8 (4) MILWAUKEE PARENTAL CHOICE PROGRAM CHANGES. Except as provided in
9 subsection (5), the treatment of sections 118.125 (4), 118.30 (1g) (a) 1. and 3., (1s) and
10 (2) (b) 1., 2., and 5., 118.33 (1) (f) 2m. and 3. and (6) (c), 119.23 (1) (am), (2) (a) 7. and
11 8., (6m), and (7) (am) 1., (ar), (b) (intro.), 1., 2., 4., 5., 6., and 7., and (e) 1. and (10) (a)
12 5., 6., and 7. and (d), and 938.49 (2) (b) of the statutes, the renumbering and
13 amendment of section 119.23 (2) (b) of the statutes, and the creation of section 119.23
14 (2) (b) 1., 2., and 3. of the statutes, first apply to private schools participating in the
15 program under section 119.23 of the statutes and to pupils who apply to attend, and
16 to pupils who attend, a private school under section 119.23 of the statutes in the
17 2010–11 school year.

18 (5) MILWAUKEE PARENTAL CHOICE PROGRAM; TEACHER AND ADMINISTRATOR
19 REQUIREMENTS. The treatment of section 119.23 (2) (a) 6. and (7) (b) 3. of the statutes
20 first applies to private schools participating in the program under section 119.23 of
21 the statutes and to teachers and administrators in those private schools in the
22 2010–11 school year.

23 (6) REVENUE LIMIT ADJUSTMENTS. The treatment of section 121.91 (4) (L), (m),
24 and (n) of the statutes first applies to the calculation of a school district's revenue
25 limit for the 2010–11 school year.

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(7) REVENUE LIMIT; STATE AID. The renumbering of section 121.90 (2) (a) to (c) of the statutes, the renumbering and amendment of section 121.90 (2) (intro.) of the statutes, and the creation of section 121.90 (2) (am) 3. and (bm) (intro.) of the statutes first apply to the calculation of a school district's revenue limit for the 2009–10 school year.

SECTION 9340. Initial applicability; Public Lands, Board of Commissioners of.

SECTION 9341. Initial applicability; Public Service Commission.

(1) IMMEDIATE SAVINGS ENERGY EFFICIENCY PROGRAMS.

(a) The treatment of section 709.03 (form) C. 25m. of the statutes first applies to original real estate condition reports that are furnished on the effective date of this paragraph.

(b) The treatment of section 196.374 (2) (d) of the statutes first applies to programs for which applications are made on the effective date of this paragraph.

SECTION 9342. Initial applicability; Regulation and Licensing.

SECTION 9343. Initial applicability; Revenue.

(1) FARMLAND PRESERVATION CREDIT. The treatment of section 71.613 of the statutes first applies to taxable years beginning on January 1, 2010.

(2) FUEL PUMP TAX CREDITS. The treatment of section 71.30 (3) (ed) of the statutes first applies to taxable years beginning after December 31, 2007.

(3) WITHHOLDING TAX FOR PASS-THROUGH ENTITIES. The repeal of section 71.775 (4) (b) and (f) of the statutes, the renumbering of section 71.775 (4) (c) and (e) of the statutes, the renumbering and amendment of section 71.775 (4) (d) of the statutes, the amendment of section 71.775 (4) (a) (intro.) of the statutes, and the creation of

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1 section 71.775 (4) (bm) 1., (bn), (cm), (dm), (em), (fm), (g), (h), and (L) of the statutes
2 first apply to taxable years beginning on January 1, 2009.

3 (4) SUPERVISING PROPERTY TAX ASSESSMENTS. The treatment of sections 20.566
4 (2) (a), 70.05 (5) (a) 3., (d), (em), (f), and (g), and 73.08 of the statutes first applies to
5 the property tax assessments as of January 1, 2010.

6 (5) RETURNS AND SCHEDULES. The treatment of sections 71.13 (1m), 71.20 (1m)
7 and (3), 71.36 (4), and 71.83 (1) (a) 10. of the statutes, the renumbering and
8 amendment of section 71.83 (3) of the statutes, and the creation of section 71.83 (3)
9 (b) of the statutes first apply to taxable years beginning on January 1, 2010.

10 (6) OIL COMPANY PROFITS TAX. The treatment of section 25.40 (1) (bd), subchapter
11 XIV of chapter 77, and chapter 77 (title) of the statutes first applies to the amounts
12 reported on the first remittance after October 1, 2009.

13 (7) FIRST DOLLAR CREDIT DISTRIBUTION. The treatment of section 79.10 (2) (a) and
14 (b) and (7m) (a) 1. and 2., (b) 1. and 2., (c) 1. and 2., and (cm) 1. a. and b. and 2. a. and
15 b. of the statutes first applies to distributions in 2010.

16 (8) FIRST DOLLAR PROPERTY TAX CREDIT APPLIED TO FIRST INSTALLMENT. The
17 treatment of section 79.11 (3) (c) of the statutes first applies to credit amounts
18 distributed in 2010.

19 (9) TAX APPEALS COMMISSION; STANDARD OF REVIEW. The treatment of section 73.01
20 (4) (a) and (ar) of the statutes first applies to matters before the tax appeals
21 commission on the effective date of this subsection.

22 (10) DIRECT MARKETING OF CIGARETTES AND TOBACCO PRODUCTS. The treatment of
23 sections 77.61 (11), 100.20 (1n), 100.30 (2) (c) 1. b. and (L) (intro.) and 2., 134.65 (1),
24 (1n), (1r), (1s), and (2) (a), 134.66 (2) (d) and (3m), 139.30 (4n), (7), and (8s), 139.32
25 (4), 139.321 (1) (intro.) and (a) 1., 139.34 (1) (a), (b), (c) (intro.), 1., 1m., 2., 3., 3m., 4.,

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1 4m., 5., 6., and 7., and (cm), (1s), (4), (6), and (8), 139.345 (1) (a), (b), and (d), (3) (intro.)
2 and (a) (intro.) and 2., (7), (8), (9), (10), (11), and (12), 139.37 (1) (a), 139.40 (1) and
3 (2), 139.44 (1m), (2), (3), (4), (5), (6), (6m), (7), and (13), 139.46, 139.75 (2), (3g), (3r),
4 (4) (a), (c), and (cm), (4n), (5s), (7), and (8), 139.76 (3), 139.78 (1m), 139.79 (title), (1),
5 and (2), 139.795, 139.81 (1) and (2), 139.86, and 139.87 of the statutes, the
6 renumbering and amendment of section 134.65 (5) of the statutes, and the creation
7 of section 134.65 (5) (b) of the statutes first apply to sales of cigarettes and tobacco
8 products made on the effective date of this subsection.

9 (11) ITEMIZED DEDUCTION CREDIT. The treatment of section 71.07 (5) (a) 3. of the
10 statutes first applies to taxable years beginning on January 1, 2009.

11 (12) FILING WITHHOLDING STATEMENTS, EXTENSIONS. The treatment of section
12 71.65 (5) (b) of the statutes first applies to taxable years beginning on January 1,
13 2009.

14 (13) TAXATION OF CAPITAL GAINS. The treatment of section 71.05 (6) (b) 9. of the
15 statutes first applies to taxable years beginning on January 1 of the year in which
16 this subsection takes effect, except that if this subsection takes effect after August
17 31 the treatment of section 71.05 (6) (b) 9. of the statutes first applies to taxable years
18 beginning on January 1 of the year following the year in which this subsection takes
19 effect.

20 (14) ETHANOL AND BIODIESEL FUEL PUMP CREDIT. The treatment of sections 71.07
21 (5j) (b) and 71.08 (1) (intro.) (as it relates to section 71.07 (5j)) of the statutes first
22 applies retroactively to taxable years beginning after December 31, 2007.

23 (15) TECHNOLOGY ZONES CREDIT. The treatment of section 71.45 (2) (a) 10. (as it
24 relates to section 71.47 (3g)) of the statutes first applies retroactively to taxable years
25 beginning on or after January 1, 2002.

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1 (16) REAL ESTATE TRANSFER FEE. The treatment of sections 77.25 (8n) of the
2 statutes first applies to conveyances recorded on the effective date of this subsection.

3 (17) SUPPLEMENT TO FEDERAL HISTORIC REHABILITATION CREDIT. The treatment of
4 sections 44.02 (24), 71.07 (9m) (c), (cm), (f), and (g), 71.28 (6) (c), (cm), (f), and (g), and
5 71.47 (6) (c), (cm), (f), and (g) of the statutes first applies to property placed in service
6 on or after June 30, 2008.

7 (18) PAYMENTS FOR MUNICIPAL SERVICES. The treatment of section 70.119 (3) (b)
8 of the statutes first applies to payments made in 2009.

9 (19) PROPERTY TAX EXEMPTION FOR RESEARCH PROPERTY. The treatment of sections
10 38.28 (2) (b) 2., 70.11 (27m), 70.111 (27), 70.35 (1) and (2), 70.36 (1m), 70.995 (12r),
11 73.06 (3), 76.025 (1), 76.81, 79.095 (title), (2) (a), (3), and (4), and 121.06 (4) of the
12 statutes first applies to the property tax assessments as of January 1, 2012.

13 (20) INDIVIDUAL INCOME TAX BRACKETS. The treatment of sections 71.06 (1p) (d)
14 and (e) and (2) (g) 4. and 5. and (h) 4. and 5. and 71.09 (11) (f) of the statutes first
15 applies to taxable years beginning on January 1 of the year in which this subsection
16 takes effect, except that if this subsection takes effect after August 31 the treatment
17 of sections 71.06 (1p) (d) and (e) and (2) (g) 4. and 5. and (h) 4. and 5. and 71.09 (11)
18 (f) of the statutes first applies to taxable years beginning on January 1 of the year
19 following the year in which this subsection takes effect.

20 (21) THROWBACK. The treatment of sections 71.04 (7) (a), (df) 3., and (dh) 4.,
21 71.25 (9) (a), (df) 3., and (dh) 4., and 71.80 (24) of the statutes first applies to taxable
22 years beginning on January 1, 2009.

23 **SECTION 9344. Initial applicability; Secretary of State.**

24 **SECTION 9345. Initial applicability; State Employment Relations,**
25 **Office of.**

ASSEMBLY BILL 75**SECTION 9346****SECTION 9346. Initial applicability; State Fair Park Board.****SECTION 9347. Initial applicability; Supreme Court.****SECTION 9348. Initial applicability; Technical College System.**

(1) CAPITAL EXPENDITURES. The treatment of sections 38.15 (1) and (2), 67.05 (6m) (a), and 67.12 (12) (e) 5. of the statutes first applies to district board resolutions adopted on the effective date of this subsection.

(2) NONRESIDENT FEES. The treatment of section 38.24 (3) (a) of the statutes first applies to fees charged to students in the semester beginning after the effective date of this subsection.

(3) TUITION EXEMPTION FOR ALIENS. The treatment of section 38.22 (6) (e) of the statutes first applies to persons who enroll for the semester or session following the effective date of this subsection.

SECTION 9349. Initial applicability; Tourism.**SECTION 9350. Initial applicability; Transportation.**

(1) COMMERCIAL DRIVER LICENSES AND COMMERCIAL MOTOR VEHICLES.

(a) The treatment of section 343.315 (2) (a) 8. of the statutes first applies to violations committed on September 30, 2005.

(b) The treatment of sections 343.315 (2) (h) and (i) and 343.44 (1) (c), (2) (bm), and (4r) of the statutes first applies to violations committed on the effective date of this paragraph, but does not preclude the counting of other violations as prior violations for purposes of administrative action by the department of transportation or sentencing by a court.

(2) NO FEE IDENTIFICATION CARDS. The treatment of section 343.50 (5m) (by SECTION 2961) of the statutes and the creation of section 343.50 (5) (a) 2. of the statutes first apply with respect to operator's licenses canceled or accepted for

ASSEMBLY BILL 75**SECTION 9350**

1 surrender by the department of transportation on the effective date of this
2 subsection.

3 (3) OPERATING AFTER REVOCATION The treatment of section 343.44 (2) (as) of the
4 statutes first applies to violations that occur on the effective date of this subsection.

5 (4) PRIMARY ENFORCEMENT OF SAFETY BELTS. The treatment of section 347.50 (2m)
6 (a) of the statutes first applies to violations committed on the effective date of this
7 subsection.

8 (5) DESIGN-BUILD CONTRACTS. The treatment of sections 84.06 (2) (a) and (2m),
9 84.076 (3), 103.50 (2), 779.14 (1) (b) and (2) (a) 3., and 895.56 (2) (a) and (c) of the
10 statutes first applies to contracts entered into on the effective date of this subsection.

11 (6) SINGLE REGISTRATION PLATE ISSUANCE. The treatment of sections 27.01 (7) (f)
12 1., 2., 3., and 4., (gm) 3. and 4., 100.51 (5) (b) 1., 121.53 (4), 167.31 (4) (cg) 5., 341.09
13 (1) (a) and (b), (2) (a) and (d), and (9), 341.11 (4), 341.12 (1) and (2) (as it relates to
14 issuing a single registration plate), 341.13 (2r), 341.14 (1), (1a), (1m), (1q), (2), (2m),
15 (5), (6) (c) and (d), (6m) (a) and (b), (6r) (b) 2. and (g), and (7), 341.142, 341.145 (1g)
16 (a), (b), (c), (d), and (e), (2) (intro.), (3), (7), and (8), 341.15 (1) (intro.) and (b), (1g), and
17 (2), 341.16 (1) (a) and (b), (2), (2m), (3), and (4), 341.265 (1) and (1m), 341.266 (2) (a),
18 (c), (d), and (e) 3. and (3), 341.268 (2) (a) (intro.), (c), (d), and (e) 3. and (3), 341.27 (3)
19 (a) and (b), 341.28 (2) (intro.), (a), and (b), (3), and (4) (intro.), 341.29 (2), 341.295 (3)
20 (a) and (b), 341.31 (1) (b) 5. and (4) (b) and (c), 341.32 (1), 341.33 (2) and (3), 341.335
21 (1), 341.41 (8) (a), 341.51 (2), 341.625 (1), 341.63 (3), 342.05 (5), 342.15 (4) (a), (b), and
22 (c), 342.34 (1) (c) and (2) (c), 343.51 (1), 344.45 (1), 344.55 (2), 346.50 (2), (2a) (intro.),
23 (a), (b), (c), (d), (e), (f), and (g), and (3), 346.503 (1), 346.505 (2) (a), (b), and (c), 349.13
24 (1m), and 885.237 (2) (as it relates to issuing a single registration plate) of the

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1 statutes first applies to registration plates issued by the department of
2 transportation on the effective date of this subsection.

3 (7) REGISTRATION DECALS. The treatment of sections 341.12 (2) (as it relates to
4 registration decals) and (3) (c), 341.13 (title), (1) (intro.), (a), and (b), (2), (3), (3m), and
5 (4), 341.145 (1r), 341.15 (1m) and (3) (a), 341.605 (1) and (2), 341.61 (title), (1), (2),
6 (3), (4), and (5), 341.615, 341.65 (1) (b), and 885.237 (2) (as it relates to registration
7 decals) of the statutes first applies with respect to vehicle registrations for which an
8 application is received by the department of transportation on the effective date of
9 this subsection.

10 (8) OPERATING RECORD SEARCH FEE. The treatment of section 343.24 (2) (intro.),
11 (b), (c), and (d) of the statutes first applies to searches of vehicle operators' records
12 requested on the effective date of this subsection.

13 **SECTION 9351. Initial applicability; Treasurer.**

14 **SECTION 9352. Initial applicability; University of Wisconsin Hospitals**
15 **and Clinics Authority.**

16 **SECTION 9353. Initial applicability; University of Wisconsin Hospitals**
17 **and Clinics Board.**

18 **SECTION 9354. Initial applicability; University of Wisconsin System.**

19 (1) TUITION EXEMPTION FOR ALIENS. The treatment of section 36.27 (2) (cr) of the
20 statutes first applies to persons who enroll for the semester or session following the
21 effective date of this subsection.

22 **SECTION 9355. Initial applicability; Veterans Affairs.**

23 (1) TUITION REIMBURSEMENT. The treatment of section 45.20 (2) (c) 2. a. and (f)
24 of the statutes first applies to applications for tuition reimbursement for an academic
25 term that begins after the effective date of this subsection.

ASSEMBLY BILL 75**SECTION 9355m**

SECTION 9355m. Initial applicability; Wisconsin Quality Home Care Authority.

SECTION 9356. Initial applicability; Workforce Development.

(1) PREVAILING WAGES AND HOURS ON PRIVATE PROJECTS IN TAX INCREMENTAL DISTRICTS. The treatment of sections 19.36 (12), 66.0903 (3) (av), 66.0904, 103.49 (3) (ar), 103.50 (4m), 103.503 (title), (1) (a), (c), (e), and (g), (2), and (3) (a) 2., 104.001 (3) (am), 109.09 (1), 111.322 (2m) (c), 227.01 (13) (t), and 946.15 of the statutes first applies to contracts for the erection, construction, remodeling, repairing, or demolition of publicly funded private construction projects, as defined in section 66.0904 (1) (i) of the statutes, as created by this act, entered into, or extended, modified, or renewed, on the effective date of this subsection.

(2) INSPECTION OF PAYROLL RECORDS. The treatment of sections 66.0903 (10) (c) and 103.49 (5) (c) of the statutes first applies to requests for the inspection of payroll records made on the effective date of this subsection.

(3) PREVAILING WAGE RECORDS. The treatment of sections 66.0903 (10) (a) and 103.49 (5) (a) of the statutes first applies to work performed on the effective date of this subsection, except that, if that work is performed under a contract that contains provisions that are inconsistent with those sections, the treatment of those sections first applies to work performed on the day on which that contract expires or is extended, modified, or renewed.

(4) APPEALS OF PROBABLE CAUSE DETERMINATIONS. The treatment of sections 101.055 (8) (cm), 103.10 (12) (bm), 106.50 (6) (c) 4., 106.52 (4) (a) 4m. and (c), 111.39 (4) (bm), 111.395, 227.42 (7), and 230.88 (2) (c) of the statutes, the renumbering and amendment of section 230.85 (2) of the statutes, and the creation of section 230.85 (2) (c) of the statutes first apply to a complaint filed under section 101.055 (8) (b),

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1 103.10 (12) (b), 106.50 (6) (a) 1., 106.52 (4) (a) 1., 111.39 (1), or 230.85 (1) of the
2 statutes on the effective date of this subsection.

3 **SECTION 9357. Initial applicability; Other.**

4 (1) CONDEMNATION; APPEAL OF DENIED CLAIM FOR DAMAGES. The treatment of
5 section 32.20 of the statutes first applies to a conveyance of property to a condemnor
6 that is recorded on the effective date of this subsection.

7 (2) CONDEMNATION.

8 (a) The treatment of section 32.05 (2) (b) of the statutes first applies to an
9 appraisal obtained by an owner on the effective date of this paragraph.

10 (b) The treatment of section 32.05 (2a) of the statutes first applies to
11 conveyances recorded with the register of deeds on the effective date of this
12 paragraph.

13 (c) The treatment of section 32.28 (4) of the statutes first applies to actions
14 brought under chapter 32 of the statutes on the effective date of this paragraph.

15 **SECTION 9400. Effective dates; general.** Except as otherwise provided in
16 SECTIONS 9401 to 9457 of this act, this act takes effect on July 1, 2009, or on the day
17 after publication, whichever is later.

18 **SECTION 9401. Effective dates; Administration.**

19 (1) PUBLIC SERVICE COMMISSION TRANSFERS. The treatment of sections 16.26,
20 16.27 (title), (1), (2), (3) (am) (intro.), 2., 3., 4., and 5. (intro.), c., f., and g., and (bm),
21 (4), (6), (7), (8), and (9), 16.54 (2) (b), 16.957 (title), (1) (intro.), (bm), (c) to (n), (o), (p),
22 (q), (qm), and (s) to (x), (2) (intro.), (a) (by SECTION 132), (c), and (d), (3), (4) (a), (am),
23 (b), and (c) (intro.) and 1., and (5), 20.155 (3) (title), (m), and (q) (title), 20.505 (1) (n)
24 and (3) (title), (q), and (r), 25.96, 46.215 (1) (n), 46.22 (1) (b) 4m. c., d., and e., 76.28
25 (1) (d), (eg), and (gr), 76.48 (1g) (d), (dm), and (fm), 77.54 (44), 134.80, 196.025 (1) (ag)

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1 2., 196.374 (1) (f), (h), (L), (n), and (o) and (3) (a), 196.378 (1) (p), 285.48 (4) (b), and
2 977.01 (2) of the statutes, the renumbering of sections 16.27 (5) and 16.957 (4) (c) 3.
3 (intro.) and a. of the statutes, the renumbering and amendment of section 16.957 (2)
4 (d) 2m. and (4) (c) 3. b. of the statutes, and SECTION 9101 (1) of this act take effect on
5 January 1, 2010.

6 (2) LOW-INCOME ENERGY ASSISTANCE. The repeal and recreation of section
7 196.3746 (2) (a) of the statutes and the repeal of section 196.3746 (2) (d) 2m. of the
8 statutes take effect on June 30, 2012.

9 **SECTION 9402. Effective dates; Aging and Long-Term Care Board.**

10 **SECTION 9403. Effective dates; Agriculture, Trade and Consumer**
11 **Protection.**

12 (1) AGRICULTURAL AND VEGETABLE SEEDS. The treatment of sections 94.38 (3), (4),
13 (4m), (5), (6), (8), (9), (12), (13), (15), (19), (20), (21), (22), (23), and (24), 94.385, 94.39,
14 94.41 (1) (a), (b), (e), (f), and (g) and (2) (a) and (e), 94.43 (1), and 94.44 of the statutes
15 takes effect on the first day of the 19th month beginning after publication.

16 **SECTION 9404. Effective dates; Arts Board.**

17 **SECTION 9405. Effective dates; Board for People with Developmental**
18 **Disabilities.**

19 **SECTION 9406. Effective dates; Building Commission.**

20 **SECTION 9407. Effective dates; Child Abuse and Neglect Prevention**
21 **Board.**

22 **SECTION 9408. Effective dates; Children and Families.**

23 (1) ASSIGNMENT OF SUPPORT. The treatment of sections 48.57 (3m) (b) 2. and (3n)
24 (b) 2., 49.145 (2) (s) (by SECTION 1155), and 49.775 (2) (bm) (by SECTION 1369) of the

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1 statutes and SECTION 9108 (1) of this act take effect on October 1, 2009, or on the day
2 after publication, whichever is later.

3 (2) OVERPAYMENTS UNDER AFDC. The treatment of section 49.175 (1) (intro.) (by
4 SECTION 1227) of the statutes and the repeal of sections 20.437 (2) (cr) and 49.175 (1)
5 (k) of the statutes take effect on July 1, 2011.

6 (3) EMERGENCY ASSISTANCE. The treatment of section 49.138 (1m) (intro.) of the
7 statutes takes effect on January 1, 2010, or on the effective date of this subsection,
8 whichever is later.

9 (4) RETROACTIVE ALLOCATIONS. The treatment of section 49.175 (1) (i) (by
10 SECTION 1231) and (p) (by SECTION 1237) of the statutes and the amendment of section
11 49.175 (1) (ze) 1. of the statutes take effect on the day after publication, or
12 retroactively to June 30, 2009, whichever is earlier.

13 (5) CHILD WELFARE PROVIDER RATE REGULATION. The treatment of section 938.357
14 (4) (c) 1. and 2. of the statutes, the repeal of section 49.343 (1m) of the statutes, and
15 the repeal and recreation of section 49.343 (1g) and (2) (a) of the statutes take effect
16 on January 1, 2011.

17 (6) FOSTER CARE LEVELS OF CARE. The repeal of sections 48.02 (17q), 48.40 (1m),
18 48.48 (17) (a) 10., 48.57 (3m), 48.57 (3n), 48.57 (3p), 48.57 (3t), 48.62 (1) (b), 49.001
19 (7), 49.155 (1m) (c) 1h., 49.46 (1) (a) 16., 50.065 (1) (c) 2., 619.01 (1) (c) 4m., 619.01
20 (9m), 767.57 (1m) (cm), 895.485 (1) (c), and 938.02 (17q) of the statutes, the
21 renumbering of section 48.62 (1) (a) of the statutes, the amendment of sections
22 20.410 (3) (ho) (by SECTION 316), 20.437 (1) (b), 20.437 (1) (cf), 20.437 (1) (dd) (by
23 SECTION 474), 20.437 (1) (pd) (by SECTION 480), 20.437 (2) (jm), 20.437 (2) (r), 46.10
24 (14) (a), 46.10 (14) (b), 46.21 (2) (j), 46.56 (8) (L), 46.56 (15) (b) 4., 46.985 (1) (f), 48.01
25 (1) (gg), 48.02 (6), 48.195 (2) (d) 5., 48.207 (1) (c), 48.207 (1) (f), 48.207 (3), 48.21 (5)

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(d) 2., 48.21 (5) (d) 3., 48.27 (3) (a) 1., 48.27 (3) (a) 1m., 48.27 (3) (a) 2., 48.27 (6), 48.299 (1) (ag), 48.299 (1) (ar), 48.32 (1) (c) 2., 48.32 (1) (c) 3., 48.33 (4) (intro.), 48.33 (5), 48.335 (3g) (intro.), 48.345 (3) (c), 48.355 (2) (b) 2., 48.355 (2d) (c) 2., 48.355 (2d) (c) 3., 48.355 (4), 48.357 (1) (am) 1., 48.357 (2m) (b), 48.357 (2r), 48.357 (2v) (c) 2., 48.357 (2v) (c) 3., 48.363 (1) (b), 48.363 (1m), 48.365 (2), 48.365 (2m) (ad) 2., 48.365 (2m) (ag), 48.371 (1) (intro.), 48.371 (1) (a), 48.371 (3) (intro.), 48.371 (3) (d), 48.371 (5), 48.375 (4) (a) 1., 48.375 (4) (b) 1m., 48.375 (4) (b) 3., 48.375 (7) (f), 48.38 (2) (intro.), 48.38 (2) (g), 48.38 (4) (d) (intro.), 48.38 (4) (f) (intro.), 48.38 (5) (b), 48.38 (5) (e), 48.38 (5m) (b), 48.38 (5m) (c), 48.38 (5m) (e), 48.42 (2) (d), 48.42 (2g) (a), 48.42 (2g) (am), 48.42 (2g) (b), 48.427 (1m), 48.427 (3m) (a) 5., 48.427 (3m) (am), 48.428 (2) (a), 48.428 (2) (b), 48.428 (4), 48.43 (5) (b), 48.43 (5m), 48.48 (9), 48.48 (17) (a) 3., 48.48 (17) (a) 8., 48.48 (17) (c) 4. (by SECTION 985), 48.481 (1) (a), 48.52 (1) (a), 48.52 (1) (b), 48.52 (1) (c), 48.569 (1) (d), 48.57 (1) (c), 48.57 (1) (hm), 48.57 (1) (i), 48.57 (3) (a) 4., 48.60 (2) (e), 48.61 (3), 48.61 (7), 48.615 (1) (b), subchapter XIV (title) of chapter 48 [precedes 48.619], 48.619, 48.62 (title), 48.62 (2), 48.62 (3), 48.62 (5) (a) (intro.), 48.62 (5) (c) 2., 48.62 (5) (d) (by SECTION 1018), 48.62 (5) (e), 48.62 (6), 48.62 (7), 48.625 (3), 48.627 (title), 48.627 (2) (a), 48.627 (2c), 48.627 (2m), 48.627 (2s) (a), 48.627 (2s) (b), 48.627 (3) (b), 48.627 (3) (d), 48.627 (3) (e), 48.627 (3) (f), 48.627 (3) (h), 48.627 (4), 48.627 (5), 48.63 (1), 48.63 (3) (b) 2., 48.63 (4), 48.64 (title), 48.64 (1), 48.64 (1m), 48.64 (1r), 48.64 (2), 48.64 (4) (a), 48.64 (4) (c), 48.645 (1) (a), 48.645 (2) (a) 1., 48.645 (2) (a) 3., 48.645 (2) (a) 4., 48.645 (2) (b), subchapter X of chapter 48 [precedes 48.66], 48.66 (1) (a), 48.66 (1) (c), 48.67 (intro.), 48.675 (1), 48.675 (2), 48.675 (3) (intro.), 48.675 (3) (a), 48.68 (1), 48.685 (1) (b), 48.685 (2) (c) 1., 48.685 (2) (c) 2., 48.685 (4m) (a) (intro.) (by SECTION 1072), 48.685 (4m) (ad) (by SECTION 1074), 48.685 (5) (bm) (intro.), 48.685 (5m) (by SECTION 1078), 48.685 (6) (a) (by SECTION 1080), 48.70 (2), 48.73, 48.75 (title),

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48.75 (1d), 48.75 (1r), 48.75 (2), 48.833 (1), 48.833 (2), 48.837 (1), 48.837 (1r) (b), 48.88
(2) (am) 1., 48.88 (2) (am) 2., 48.975 (3) (a) 1., 48.975 (3) (a) 2., 48.98 (1), 48.98 (2) (a),
48.981 (3) (d) 1., 48.981 (7) (a) 4., 48.986 (4), 49.136 (1) (m), 49.155 (1) (c), 49.155 (1m)
(a) (intro.), 49.155 (1m) (a) 1m. b., 49.155 (1m) (bm), 49.155 (1m) (c) 1. (intro.) (by
SECTION 1208), 49.175 (1) (s), 49.19 (1) (a) 2. b., 49.19 (4e) (a), 49.19 (10) (a), 49.19 (10)
(c), 49.19 (10) (d), 49.19 (10) (e), 49.22 (6), 49.22 (7m), 49.32 (9) (a), 49.34 (1), 49.345
(14) (a), 49.345 (14) (b), 49.45 (3) (e) 7., 49.46 (1) (a) 5., 49.46 (1) (d) 1., 49.471 (4) (a)
5., 49.96, 50.01 (1) (a) 1., 50.01 (1) (a) 2., 59.69 (15) (intro.) (by SECTION 1451), 59.69
(15) (bm), 60.63 (intro.) (by SECTION 1454), 60.63 (3), 62.23 (7) (i) (intro.) (by SECTION
1458), 62.23 (7) (i) 2m., 103.10 (1) (a) (intro.), 103.10 (1) (f) (by SECTION 2173), 118.175
(1), 121.79 (1) (d) (intro.), 121.79 (1) (d) 2., 121.79 (1) (d) 3., 146.82 (2) (a) 18m., 167.10
(7), 252.15 (5) (a) 19., 253.10 (3) (c) 2. c., 301.12 (14) (a), 301.12 (14) (b), 301.26 (4) (d)
2. (by SECTION 2676), 301.26 (4) (d) 3. (by SECTION 2678), 301.26 (4) (e), 301.26 (4) (ed),
301.46 (4) (a) 6., 343.15 (4) (a) 3., 619.01 (1) (a), 619.01 (1) (c) 1., 619.01 (9), 767.205
(2) (a) 3., 767.205 (2) (a) 4., 767.407 (1) (c) 1., 767.41 (3) (c), 767.521 (intro.), 767.55
(3) (a) 2., 767.57 (2), 767.57 (4), 767.59 (1c) (a) (intro.), 767.87 (6) (a), 767.87 (6) (b),
786.37 (3), 809.105 (13), 895.485 (title), 895.485 (2) (intro.), 895.485 (2) (a), 895.485
(2) (b), 895.485 (3), 895.485 (4) (intro.), 895.485 (4) (a), 938.02 (6), 938.207 (1) (c),
938.207 (1) (f), 938.21 (5) (d) 2., 938.21 (5) (d) 3., 938.27 (3) (a) 1., 938.27 (3) (a) 1m.,
938.27 (3) (a) 2., 938.27 (6), 938.299 (1) (ag), 938.32 (1) (d) 2., 938.32 (1) (d) 3., 938.33
(4) (intro.), 938.33 (5), 938.335 (3g) (intro.), 938.34 (3) (c), 938.355 (2) (b) 2., 938.355
(2d) (c) 2., 938.355 (2d) (c) 3., 938.355 (4) (a), 938.357 (1) (am) 1., 938.357 (1) (am) 2.,
938.357 (2m) (b), 938.357 (2r), 938.357 (2v) (c) 2., 938.357 (2v) (c) 3., 938.357 (6),
938.363 (1) (b), 938.363 (1m), 938.365 (2), 938.365 (2m) (ad) 2., 938.365 (2m) (ag),
938.365 (5), 938.371 (1) (intro.), 938.371 (1) (a), 938.371 (3) (intro.), 938.371 (3) (d),

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1 938.38 (2) (intro.), 938.38 (4) (f) (intro.), 938.38 (5) (b), 938.38 (5) (e), 938.38 (5m) (b),
2 938.38 (5m) (c), 938.38 (5m) (e), 938.48 (4), 938.52 (1) (b), 938.538 (3) (a) 1p., 938.57
3 (1) (c), 938.57 (3) (a) 4., 940.201 (1) (a), 940.203 (1) (a), 940.205 (1), 940.207 (1), 940.43
4 (1), 940.45 (1), 943.011 (1) (a), 943.013 (1) (a), 943.015 (1), 943.017 (2m) (a) 1., 948.01
5 (3), 948.085 (1), 949.06 (1m) (a) (by SECTION 3359), and 973.017 (6) (a) of the statutes,
6 and the creation of section 48.62 (8) of the statutes and SECTION 9108 (3) (a) of this
7 act take effect on January 1, 2010.

8 (7) MODIFICATIONS TO WISCONSIN WORKS. The treatment of sections 15.207 (24)
9 (a) 7. and (d), 20.437 (2) (dz) (by SECTION 487), 46.215 (1) (j), 46.22 (1) (b) 2. e., 49.143
10 (2) (a), (am), and (bm), (2m) (intro.) and (f) (intro.), 49.145 (2) (n) 1. (intro.) and a., 2.,
11 and 4. (intro.), 49.147 (3) (c), (4) (as), (at), (av), and (b), (5) (b) 1. (intro.), a., c., d., and
12 e., and 2., (bs), and (bt), (5m) (a) (intro.) and 1. and (c), 49.148 (1) (c) and (4) (b), 49.151
13 (1) (intro.) and (b), 49.1515, 49.153 (1) (a), (b), and (c), 49.155 (1m) (a) 1. and 1m.
14 (intro.), 49.26, 49.32 (6), 49.79 (1) (fm) and (9) (a) 3., 118.15 (5) (b) 1. and 2., 118.16
15 (2m) (a) 2., 119.82, and 948.45 (1) of the statutes, the repeal of section 49.143 (2) (b)
16 of the statutes, and SECTION 9308 (4), (5), (6), and (7) of this act take effect on October
17 30, 2009, or on the 30th day beginning after publication, whichever is later.

18 (8) FOSTER CARE RATES. The treatment of section 48.62 (4) of the statutes takes
19 effect on January 1, 2010, or on the day after publication, whichever is later.

20 (9) MISCELLANEOUS PARTICIPATION REQUIREMENTS UNDER WISCONSIN WORKS. The
21 amendment of section 49.148 (1m) (a) and (b) of the statutes takes effect on October
22 30, 2009, or on the 30th day beginning after publication, whichever is later.

23 (10) WISCONSIN WORKS GRANTS FOR CUSTODIAL PARENTS AND PREGNANT WOMEN.
24 The treatment of sections 49.148 (1m) (title) and 49.159 (4) of the statutes, the
25 renumbering and amendment of section 49.148 (1m) (a) and (b) of the statutes, the

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creation of section 49.148 (1m) (a) (intro.), 1. b., and 2. and (b) 2. of the statutes, and SECTION 9308 (10) of this act take effect on January 1, 2010.

(11) FOSTER PARENT TRAINING. The treatment of section 48.67 (4) of the statutes takes effect on January 1, 2010.

(12) OVERPAYMENTS LIABILITY ALLOCATION.

(a) *Creation*. The creation of section 49.175 (1) (j) of the statutes takes effect on the day after publication or retroactively to June 30, 2009, whichever is earlier.

(b) *Repeal*. The repeal of section 49.175 (1) (j) of the statutes takes effect on July 1, 2009.

(13) FISCAL CHANGES. Section 9208 (1), (2), and (3) of this act takes effect on the day after publication or retroactively to June 30, 2009, whichever is earlier.

(14) ARREARAGES COLLECTED. The treatment of section 49.1452 of the statutes and SECTION 9308 (9) of this act take effect on January 1, 2010.

SECTION 9409. Effective dates; Circuit Courts.

(1) COURT INTERPRETER PILOT PROGRAM. The treatment of section 20.625 (1) (c) of the statutes and SECTION 9409 (1) of this act take effect on September 1, 2009, or on the effective date of this subsection, whichever is later.

SECTION 9410. Effective dates; Commerce.

(1) RESTRICTIONS ON SMOKING. The treatment of sections 77.52 (2) (ag) 39. (intro.), 101.123 (1) (a), (ab), (ac), (aj), (ak), (am), (ar), (b), (bg), (bm), (bn), (br), (c), (d), (dg), (dj), (dm) (dn), (e), (eg), (f), (g), (gm), (h), (hm), (i), (id), (im), and (ip), (2) (title), (a) (intro.), 1., 1g., 1m., 1r., 4., 5., 5m., 5t., 6., 7m., 7r., 8d., 8g., 9., and 10., (am), (ar), (b), (bm), (br), (bv), (c), (d) (intro.) and 5., (dm), (e), and (f), (2m), (3) (intro.), (a) to (gr), (h), (i), (j), and (k), (3m), (4), (4m) (title), (5), (6), (7), and (8) (a), (b), (c), (d), and (e),

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1 165.60, 165.755 (1) (b), 302.46 (1) (a), 460.01 (5), 757.05 (1) (a), and 814.63 (1) (c) of
2 the statutes takes effect on the first day of the 3rd month beginning after publication.

3 **SECTION 9411. Effective dates; Corrections.**

4 (1) JUVENILE CORRECTIONAL SERVICES DEFICIT REDUCTION. The treatment of
5 section 20.410 (3) (hm) (by SECTION 314), (ho) (by SECTION 317), and (hr) (by SECTION
6 319) of the statutes takes effect on July 1, 2010.

7 (2) FISCAL CHANGE; CORRECTIONS. SECTION 9211 (2) of this act takes effect on the
8 day after publication.

9 **SECTION 9412. Effective dates; Court of Appeals.**

10 **SECTION 9413. Effective dates; District Attorneys.**

11 **SECTION 9414. Effective dates; Educational Communications Board.**

12 **SECTION 9415. Effective dates; Employee Trust Funds.**

13 **SECTION 9416. Effective dates; Employment Relations Commission.**

14 **SECTION 9417. Effective dates; Financial Institutions.**

15 **SECTION 9418. Effective dates; Fox River Navigational System**
16 **Authority.**

17 **SECTION 9419. Effective dates; Government Accountability Board.**

18 **SECTION 9420. Effective dates; Governor.**

19 **SECTION 9421. Effective dates; Health and Educational Facilities**
20 **Authority.**

21 **SECTION 9422. Effective dates; Health Services.**

22 (1) BADGERCARE PLUS CHANGES. The treatment of sections 46.286 (1) (b) (intro.)
23 (except 46.286 (1) (b) (title)), 1c., 1m., and 3. and (3) (a) 4m., 49.45 (18) (b) 2., 49.471
24 (2), (3) (a) 1. and (b) 1. (intro.) and c. and 2., (4) (a) 4. a. and 7. and (b) 1m. and 4. a.,
25 (5) (b) 1. and 2., (6) (e), (7) (b) 1., 2., and 3. and (c) 1., (8) (d) 1. f. and 2. c., (10) (a) and

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1 (b) 4. g. and 5., and (12) (b), and 49.665 (6) of the statutes, the renumbering and
2 amendment of sections 49.45 (18) (am) and 49.471 (5) (c) and (6) (a) of the statutes,
3 and the creation of sections 49.45 (18) (am) 2. and 49.471 (5) (c) 1. and (6) (a) 1. of the
4 statutes take effect retroactively on February 1, 2008.

5 (2) VITAL RECORD FEES. The treatment of section 69.22 (1) (a), (b), and (d), (1m),
6 and (1q) of the statutes takes effect on July 1, 2010.

7 (3) TRANSFER OF PHARMACY BENEFITS PROGRAM TO THE DEPARTMENT OF HEALTH
8 SERVICES. The treatment of sections 20.435 (4) (a), (bm) (by SECTION 347), (jw) (by
9 SECTION 357), and (jz) (by SECTION 359), 40.53, and 146.45 (4) of the statutes takes
10 effect on January 1, 2011.

11 (4) COLLECTIVE BARGAINING AGREEMENTS. The treatment of sections 111.81 (3h),
12 (7) (g), and (9k), 111.815 (1) and (2), 111.825 (2g), (3), and (4), 111.83 (1) and (5m),
13 111.84 (2) (c), 111.905, 111.91 (1) (cg) and (2c), and 111.92 (1) (a) of the statutes takes
14 effect on July 1, 2011.

15 (5) BIRTH CERTIFICATE FEES. The repeal and recreation of section 69.22 (1) (c) of
16 the statutes takes effect on July 1, 2010.

17 (6) RELIEF BLOCK GRANTS. The treatment of sections 20.435 (4) (h) (by SECTION
18 354), 20.505 (8) (hm) 18., 46.21 (1) (d), 46.215 (1) (d) and (fm), 46.22 (1) (b) 1. d. and
19 h., 46.23 (2) (a), 46.495 (1) (am), 49.001 (5p), 49.002, 49.01, 49.015, 49.02, 49.025,
20 49.027, 49.029, 49.031, 49.141 (1) (s), 49.32 (10m) (a), 49.45 (6m) (br) 1., (6y), and (6z),
21 49.46 (2) (d), 49.493 (1) (b), 49.688 (3) (d), 49.84 (3) and (4), 252.06 (10) (b) 4., 252.07
22 (10), 560.71 (1) (e) 4. c., 560.797 (2) (a) 4. c., 812.30 (9), 812.44 (4) (form) 2. and (5)
23 (form) 2., 814.29 (1) (d) 1., and 948.22 (4) (b) of the statutes, the repeal of section
24 20.435 (4) (bt) and (kb) of the statutes, and SECTION 9322 (9) of this act take effect on
25 July 1, 2011.

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(7) CHILDLESS ADULTS PROGRAM APPROPRIATION. The treatment of section 20.435 (4) (h) (by SECTION 353) of the statutes takes effect on the day after publication.

(8) MEDICAL ASSISTANCE APPROPRIATIONS. SECTION 9222 (1) of this act takes effect on the day after publication.

(9) FEDERAL MEDICAL ASSISTANCE PERCENTAGES. The treatment of SECTION 9122 (4) takes effect on the day after publication.

(10) MEDICAL ASSISTANCE TRUST FUND APPROPRIATION. The treatment of SECTION 9222 (2) takes effect on on the day after publication.

(11) NURSING HOME OPERATING DEFICITS. The treatment of section 49.45 (6u) (b) of the statutes takes effect on the day after publication.

(12) SUPPLEMENTAL SECURITY INCOME CARETAKER SUPPLEMENT.

(a) *Arrearages collected*. The treatment of section 49.776 of the statutes and SECTION 9322 (7) (a) of this act take effect on January 1, 2010.

(b) *Disregard of child support*. The treatment of section 49.775 (2m) of the statutes and SECTION 9322 (7) (b) of this act take effect on January 1, 2010.

SECTION 9423. Effective dates; Higher Educational Aids Board.

(1) WISCONSIN HIGHER EDUCATION GRANTS; AUXILIARY ENTERPRISES. The treatment of sections 20.285 (1) (h) (by SECTION 255) and 39.435 (8) (by SECTION 761) of the statutes and the repeal of section 20.235 (1) (ke) of the statutes take effect on July 1, 2010.

SECTION 9424. Effective dates; Historical Society.

SECTION 9425. Effective dates; Housing and Economic Development Authority.

SECTION 9426. Effective dates; Insurance.

ASSEMBLY BILL 75**SECTION 9426**

(1) **DEPENDENT COVERAGE.** The treatment of sections 111.91 (2) (nm), 609.755, and 632.895 (14m) of the statutes and SECTION 9326 (5) of this act take effect on first day of the 7th month beginning after publication.

(2) **MOTOR VEHICLE COVERAGES AND LIABILITY PROVISIONS.** The treatment of sections 62.67, 121.555 (2) (a), 344.01 (2) (d), 344.15 (1), 344.33 (2), 631.43 (3), 632.32 (2) (a), (am), (c), (cm), (d), (e), (f), and (g), (4) (title), (intro.), (a) (title), 1., 2., 2m., and 3., and (bc), (4m), (4r), and (5) (f), (g), (h), (i), and (j), and 632.845 of the statutes, the repeal of section 632.32 (4) (b) (title) of the statutes, the renumbering and amendment of section 632.32 (4) (b) of the statutes, and SECTION 9326 (6), (7) (a) and (b), and (8) (a) and (b) of this act take effect on the first day of the 5th month beginning after publication.

SECTION 9427. Effective dates; Investment Board.

SECTION 9428. Effective dates; Joint Committee on Finance.

SECTION 9429. Effective dates; Judicial Commission.

SECTION 9430. Effective dates; Justice.

(1) **MOTOR VEHICLE STOP DATA COLLECTION.** The treatment of sections 165.842 and 165.85 (4) (b) 1d. f. of the statutes takes effect on the day after publication.

SECTION 9431. Effective dates; Legislature.

SECTION 9432. Effective dates; Lieutenant Governor.

SECTION 9433. Effective dates; Local Government.

SECTION 9434. Effective dates; Lower Wisconsin State Riverway Board.

SECTION 9435. Effective dates; Medical College of Wisconsin.

SECTION 9436. Effective dates; Military Affairs.

SECTION 9437. Effective dates; Natural Resources.

ASSEMBLY BILL 75**SECTION 9437**

1 (1) NONPOINT SOURCE POLLUTION PROGRAM COST SHARING. The treatment of
2 section 281.65 (8) (jm) of the statutes takes effect on January 1, 2010.

3 (2) WATER USE FEES. The treatment of sections 20.370 (4) (ai) and 281.346 (12)
4 of the statutes takes effect on January 1, 2011.

5 (3) NONPOINT SOURCE DEBT SERVICE. The treatment of sections 20.370 (7) (ce) and
6 (cf) and 20.866 (1) (u) (by SECTION 641) of the statutes takes effect on July 1, 2010.

7 (4) AIR EMISSION PERMIT FEES. The treatment of sections 20.370 (2) (bg) and (bh),
8 (3) (bg), (8) (mg), and (9) (mh) and 285.69 (1) (a) 3., (1g), (2) (title), (a) (intro.), (c)
9 (intro.), (f), (g), (h), and (i), and (2m) of the statutes takes effect on January 1, 2010.

10 (5) BOBCAT HUNTING AND TRAPPING PERMITS. The treatment of section 29.563 (14)
11 (a) 1. and 1m. of the statutes takes effect on March 31, 2010.

12 **SECTION 9438. Effective dates; Public Defender Board.**

13 **SECTION 9439. Effective dates; Public Instruction.**

14 (1) FEDERAL AID. The treatment of section 20.255 (2) (m) and (n) of the statutes
15 takes effect on the day after publication.

16 (2) AID TO PUBLIC LIBRARY SYSTEMS. SECTION 9239 (1) and (2) of this act takes
17 effect on the day after publication.

18 (3) CALCULATION OF STATE AID. The treatment of section 20.255 (2) (p) of the
19 statutes and SECTION 9139 (2) of this act takes effect on the day after publication.

20 **SECTION 9440. Effective dates; Public Lands, Board of Commissioners**
21 **of.**

22 **SECTION 9441. Effective dates; Public Service Commission.**

23 **SECTION 9442. Effective dates; Regulation and Licensing.**

24 **SECTION 9443. Effective dates; Revenue.**

ASSEMBLY BILL 75**SECTION 9443**

1 (1) REVOKED SELLER'S PERMIT. The treatment of section 73.03 (64) of the statutes
2 takes effect on the first day of the 2nd calendar quarter beginning after publication.

3 (2) FUEL PUMPS TAX CREDITS. The treatment of section 71.30 (3) (ed) of the
4 statutes takes effect retroactively on January 1, 2008.

5 (3) ELECTRONIC FILING. The treatment of sections 71.80 (20), 71.83 (1) (a) 1m.
6 and 9., 77.9951 (2), and 77.9964 (2) of the statutes takes effect on January 1, 2010.

7 (4) ADMINISTRATION OF TAX INCREMENTAL DISTRICTS, FEES. The treatment of
8 sections 20.566 (2) (hm), 60.85 (6) (am, 66.1105 (6) (ae), and 66.1106 (7) (am) of the
9 statutes takes effect on October 1, 2009.

10 (5) TANGIBLE PERSONAL PROPERTY CONSUMED IN MANUFACTURING. The treatment
11 of sections 71.07 (3s) (a) 1., 71.28 (3) (a) 1., 71.47 (3) (a) 1., 77.51 (7m) (a) 3. and (b),
12 (10m), and (10n) and 77.54 (2) and (2m) of the statutes, the renumbering of section
13 77.54 (6m) (a) of the statutes, and the renumbering and amendment of section 77.54
14 (6m) (intro.) and (b) of the statutes take effect on the first day of the 2nd month
15 beginning after publication.

16 (6) OFFSET AGREEMENTS. The renumbering of section 73.03 (52) of the statutes
17 and the creation of section 73.03 (52) (b) of the statutes take effect on the first day
18 of the 14th month beginning after publication.

19 (7) FINANCIAL RECORD MATCHING PROGRAM. The treatment of sections 20.566 (1)
20 (hc) and 71.91 (8) of the statutes takes effect on the first day of the 6th month
21 beginning after publication.

22 (8) SALES TAX EXEMPTION FOR AMERICAN INDIAN TRIBES OR BANDS. The treatment
23 of section 77.54 (9a) (ed) of the statutes takes effect on the first day of the 2nd month
24 beginning after publication.

ASSEMBLY BILL 75**SECTION 9443**

(9) SALES AND USE TAX RETURNS. The treatment of section 77.58 (3) (a) of the statutes takes effect on the first day of the 3rd month beginning after publication.

(10) TECHNOLOGY ZONES CREDIT. The treatment of section 71.45 (2) (a) 10. (as it relates to section 71.47 (3g)) of the statutes takes effect retroactively on January 1, 2002.

(11) JOBS TAX CREDIT. The treatment of section 20.835 (2) (bb) of the statutes takes effect on January 1, 2012.

(12) SALES AND USE TAX EXEMPTIONS FOR RESEARCH EQUIPMENT. The treatment of section 77.54 (50) of the statutes takes effect on January 1, 2012.

(13) PREMIER RESORT AREA TAX. The treatment of section 77.994 (1) (ac), (ba), (en), (fo), (fp), (fq), (on), (os), (ou), (p), (pc), and (pd) of the statutes takes effect on the first day of the 3rd month beginning after publication.

(14) CIGARETTE AND TOBACCO PRODUCTS TAX RATES. The treatments of section 139.31 (1) (a) and (b), 139.32 (5), 139.76 (1), 139.765, and 139.78 (1) of the statutes takes effect on September 1, 2009, or on the first day of the 3rd month beginning after publication, whichever is later.

SECTION 9444. Effective dates; Secretary of State.

SECTION 9445. Effective dates; State Employment Relations, Office of.

SECTION 9446. Effective dates; State Fair Park Board.

SECTION 9447. Effective dates; Supreme Court.

SECTION 9448. Effective dates; Technical College System.

SECTION 9449. Effective dates; Tourism.

SECTION 9450. Effective dates; Transportation.

(1) COMMERCIAL DRIVER LICENSES AND COMMERCIAL MOTOR VEHICLES.

ASSEMBLY BILL 75**SECTION 9450**

1 (a) The treatment of sections 343.03 (7) (c), 343.16 (1) (b) 2., 343.20 (2) (b),
2 343.23 (4) (a), 343.245 (4) (b), 343.315 (1), (1g), (2) (a) (intro.), 5., and 8., (am), (b),
3 (bm), (c), (e), (f) (intro.) and 2., (fm), (h), (i), (j) (intro.), and (L), (3) (b) and (bm), and
4 343.44 (1) (c), (2) (bm), and (4r) of the statutes, the amendment of section 343.23 (2)
5 (b) of the statutes, and SECTION 9350 (1) of this act take effect on the first day of the
6 7th month beginning after publication.

7 (b) The repeal and recreation of section 343.23 (2) (b) of the statutes takes effect
8 on the first day of the 7th month beginning after publication, or on the date on which
9 the creation of section 343.165 of the statutes by 2007 Wisconsin Act 20 takes effect,
10 whichever is later.

11 (2) NO FEE IDENTIFICATION CARDS.

12 (a) The treatment of sections 343.43 (1) (a) and 343.50 (5m) (by SECTION 2961)
13 of the statutes, the repeal of section 343.35 (1) (b) of the statutes, the renumbering
14 and amendment of sections 343.35 (1) (a) and 343.50 (5) of the statutes, the creation
15 of section 343.50 (5) (a) 2. of the statutes, and SECTION 9350 (2) of this act take effect
16 on the first day of the 4th month beginning after publication.

17 (b) The repeal and recreation of section 343.50 (5) of the statutes takes effect
18 on the first day of the 4th month beginning after publication, or on the date on which
19 the creation of section 343.165 of the statutes by 2007 Wisconsin Act 20 takes effect,
20 whichever is later.

21 (3) TRANSIT AUTHORITIES. The repeal and recreation of section 40.02 (28) of the
22 statutes takes effect on January 1, 2010.

23 (4) SECOND ENDANGERED RESOURCES LICENSE PLATE. The treatment of sections
24 20.370 (1) (fs), 25.29 (1) (f), 25.40 (1) (a) 25., 341.14 (6r) (b) 1. (by SECTION 2811) and
25 12., 341.14 (6r) (c) (by SECTION 2818), 341.14 (6r) (e) (by Section 2820), 341.14 (6r) (f)

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59., and 341.14 (6r) (fm) 7. (by SECTION 2824) of the statutes takes effect on the first day of the 7th month beginning after publication.

(5) SCHOOL BUS INSPECTIONS. The treatment of sections 20.395 (5) (ds) and 110.06 (6) of the statutes takes effect on the first day of the 4th month beginning after publication.

(6) PRIMARY ENFORCEMENT OF SAFETY BELTS. The treatment of sections 347.48 (2m) (gm) and 347.50 (2m) (a) of the statutes and SECTION 9350 (4) of this act take effect on the day after publication.

(7) EXAMINING STATIONS. The repeal and recreation of section 343.16 (3) (a) of the statutes takes effect on July 1, 2009, on the day after publication, or on the date on which the creation of section 343.165 of the statutes by 2007 Wisconsin Act 20 takes effect, whichever is latest.

(8) SINGLE REGISTRATION PLATE ISSUANCE. The treatment of sections 27.01 (7) (f) 1., 2., 3., and 4., (gm) 3. and 4., 100.51 (5) (b) 1., 121.53 (4), 167.31 (4) (cg) 5., 341.09 (1) (a) and (b), (2) (a) and (d), and (9), 341.11 (4), 341.12 (1), 341.13 (2r), 341.14 (1), (1a), (1m), (1q), (2), (2m), (5), (6) (c) and (d), (6m) (a) and (b), (6r) (b) 2. and (g), and (7), 341.142, 341.145 (1g) (a), (b), (c), (d), and (e), (2) (intro.), (3), (7), and (8), 341.15 (1) (intro.) and (b), (1g), and (2), 341.16 (1) (a) and (b), (2), (2m), (3), and (4), 341.265 (1) and (1m), 341.266 (2) (a), (c), (d), and (e) 3. and (3), 341.268 (2) (a) (intro.), (c), (d), and (e) 3. and (3), 341.27 (3) (a) and (b), 341.28 (2) (intro.), (a), and (b), (3), and (4) (intro.), 341.29 (2), 341.295 (3) (a) and (b), 341.31 (1) (b) 5. and (4) (b) and (c), 341.32 (1), 341.33 (2) and (3), 341.335 (1), 341.41 (8) (a), 341.51 (2), 341.625 (1), 341.63 (3), 342.05 (5), 342.15 (4) (a), (b), and (c), 342.34 (1) (c) and (2) (c), 343.51 (1), 344.45 (1), 344.55 (2), 346.50 (2), (2a) (intro.), (a), (b), (c), (d), (e), (f), and (g), and (3), 346.503 (1),

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1 346.505 (2) (a), (b), and (c), and 349.13 (1m) of the statutes and SECTION 9350 (6) of
2 this act takes effect on the first day of the 7th month beginning after publication.

3 (9) AMBULANCE INSPECTIONS. The treatment of sections 20.395 (5) (dq) and (dt)
4 and 341.085 (2) and (3) of the statutes takes effect on the first day of the 4th month
5 beginning after publication.

6 (10) AUTOMATED VEHICLE TITLE RECORDS. The treatment of sections 341.01 (2)
7 (ac) and 342.09 (4) of the statutes takes effect on the first day of the 4th month
8 beginning after publication.

9 (11) ELECTRONIC PROCESSING OF TITLE LIENS.

10 (a) The treatment of sections 342.20 (2) and (3), 342.22 (2), and 342.245 of the
11 statutes, the renumbering and amendment of sections 342.19 (2) and 342.22 (1) of
12 the statutes, and the creation of sections 342.19 (2) (a) 2. and 342.22 (1) (b) of the
13 statutes take effect on July 1, 2010.

14 (b) The treatment of sections 25.40 (1) (a) 3., 84.59 (2) (b), 341.255 (4), and
15 342.14 (2) of the statutes takes effect on January 1, 2010.

16 (12) OPERATING RECORD SEARCH FEE. The treatment of section 343.24 (2) (intro.),
17 (b), (c), and (d) of the statutes and SECTION 9350 (8) of this act take effect on January
18 1, 2010.

19 (13) REGISTRATION DECALS. The treatment of sections 341.12 (2) and (3) (c),
20 343.13 (title), (1) (intro.), (a), and (b), (2), (3), (3m), and (4), 341.145 (1r), 341.15 (1m)
21 and (3) (a), 341.605 (1) and (2), 341.61 (title), (1), (2), (3), (4), and (5), 341.615, 341.65
22 (1) (b), and 885.237 (2) of the statutes and SECTION 9350 (7) of this act take effect on
23 the first day of the 7th month beginning after publication.

24 **SECTION 9451. Effective dates; Treasurer.**

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SECTION 9452. Effective dates; University of Wisconsin Hospitals and Clinics Authority.

(1) PAYMENT TO STATE. SECTION 9152 (1) of this act takes effect on the day after publication.

SECTION 9453. Effective dates; University of Wisconsin Hospitals and Clinics Board.

SECTION 9454. Effective dates; University of Wisconsin System.

(1) TRANSFER TO MEDICAL ASSISTANCE TRUST FUND. The treatment of section 20.285 (1) (iz) (by SECTION 257) of the statutes takes effect on the day after publication.

SECTION 9455. Effective dates; Veterans Affairs.

SECTION 9455m. Effective dates; Wisconsin Quality Home Care Authority.

SECTION 9456. Effective dates; Workforce Development.

(1) PREVAILING WAGE APPLICABILITY. The treatment of sections 66.0903 (1) (e) and (i) and (5) and 103.49 (1) (bm) and (e) and (3g) of the statutes takes effect on January 1, 2010.

SECTION 9457. Effective dates; Other.

(1) ELIMINATION OF ATTORNEY POSITIONS. SECTION 3408 of this act takes effect on the day after publication.

(END)