State of Wisconsin

Date of enactment:
2009 Assembly Bill 75 Date of publication*:

2009 WISCONSIN ACT

(Vetoed in Part)

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

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

SECTION 1k. 5.05 (2m) (d) 1. of the statutes is amended to read:

5.05 **(2m)** (d) 1. No individual who serves as the legal counsel to the board or as a division administrator for the board may have been a lobbyist, as defined in s. 13.62 (11). No such individual may have served in~~, or have been a candidate, as defined in s. 11.01 (1), for,~~ a partisan state or local office.

SECTION 2q. 7.08 (11) of the statutes is created to read:

7.08 **(11)** COORDINATION WITH AND ASSISTANCE TO LOCAL OFFICIALS. Allocate and assign sufficient members of its staff to coordinate their activities with local election officials and maintain their availability to respond to inquiries from local election officials for each statewide election and each recount in progress.

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

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

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

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

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

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

* Section 991.11, WISCONSIN STATUTES 2007−08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(1), or any other moneys distributed to any county, city, village, town, or school district. Appropriations of receipts and of a sum sufficient shall for the purposes of this section be regarded as equivalent to the amounts expended under such appropriations in the prior fiscal year which ended June 30. All functions of said state agencies shall be continued in an efficient manner, but because of the uncertainties of the existing situation no public funds should be expended or obligations incurred unless there shall be adequate revenues to meet the expenditures therefor. For such reason the committee may make reductions of such appropriations as in its judgment will secure sound financial operations of the administration for said state agencies and at the same time interfere least with their services and activities.

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

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

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

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

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

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

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

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

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

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

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 18m. 13.48 (25s) of the statutes is created to read:

13.48 **(25s)** MILWAUKEE INITIATIVE. There is created a program, to be known as the Milwaukee initiative, for the purpose of providing financial support to attract federal and private funds to construct research and academic facilities to spur science education and research activities at the University of Wisconsin−Milwaukee. Projects financed under the program shall be designed to provide engineering, science, freshwater science and health education and research facilities, ancillary systems, and supporting infrastructure. Projects shall be financed from the appropriation account under s. 20.866 (2) (s) or as otherwise provided in the authorized state building program, except that total funding commitments shall not exceed $240,000,000, with up to $123,410,000 in general fund supported borrowing; $55,590,000 in program revenue supported borrowing; $60,000,000 in funding from gifts, grants, and receipts; and $1,000,000 in funding from moneys in the state building trust fund.

SECTION 19g. 13.48 (39) of the statutes is created to read:

13.48 **(39)** AIDS NETWORK, INC. (a) The legislature finds and determines that providing comprehensive care and prevention services for individuals with human immunodeficiency virus or acquired immunodeficiency syndrome and related illnesses, including core and support services facilitating the enhanced well−being and quality of life of affected individuals, is necessary for preserving public health in Wisconsin. It is therefore in the public interest, and it is the public policy of this state, to assist the AIDS Network, Inc., in the construction and renovation of facilities and purchase of equipment for providing such care and prevention services.

(b) The building commission may authorize up to $300,000 in general fund supported borrowing to aid in the construction and renovation of facilities and purchase of equipment for the AIDS Network, Inc. The state funding commitment shall be in the form of a grant to the

AIDS Network, Inc. Before approving any state funding commitment under this paragraph, the building commission shall determine that the AIDS Network, Inc., has secured additional cash or goods from nonstate persons for the project.

(c) If the building commission authorizes a grant to the AIDS Network, Inc., under par. (b) and if, for any reason, the facility that is constructed or renovated with funds from the grant, or the equipment that is purchased, is not used for providing comprehensive care and prevention services for individuals with human immunodeficiency virus or acquired immunodeficiency syndrome and related illnesses, the state shall retain an ownership interest in the facility and equipment equal to the amount of the state's grant.

SECTION 19gc. 13.48 (39c) of the statutes is created to read:

13.48 **(39c)** GRAND OPERA HOUSE IN OSHKOSH. (a) The legislature finds and determines that public support for the performing and cultural arts contributes to the education, enjoyment, and quality of life of Wisconsin residents. It is therefore in the public interest, and it is the public policy of this state, to assist the city of Oshkosh in the repair and restoration of the Grand Opera House.

(b) The building commission may authorize up to $500,000 in general fund supported borrowing to aid in the repair and restoration of the Grand Opera House in Oshkosh. The state funding commitment shall be in the form of a grant to the city of Oshkosh. Before approving any state funding commitment under this paragraph, the building commission shall determine that the city of Oshkosh has secured at least $1,000,000 in additional funding from nonstate donations for the project.

(c) If the building commission authorizes a grant to the city of Oshkosh under par. (b) and if, for any reason, the facility that is repaired and restored with funds from the grant is not used as a venue for the performing and cultural arts, the state shall retain an ownership interest in the facility equal to the amount of the state's grant.

SECTION 19gd. 13.48 (39d) of the statutes is created to read:

13.48 **(39d)** ALDO LEOPOLD CLIMATE CHANGE CLASSROOM AND INTERACTIVE LABORATORY. (a) The legislature finds and determines that studying the environment and connecting children and their families to the outdoors enhances the quality of life in Wisconsin. It is therefore in the public interest, and it is the public policy of this state, to assist the Aldo Leopold Nature Center, Inc., in the construction of a climate change classroom and interactive laboratory.

(b) The building commission may authorize up to $500,000 in general fund supported borrowing to aid in the construction of a climate change classroom and interactive laboratory that will border the cities of Madison and Monona. The state funding commitment shall be in the form of a grant to the Aldo Leopold Nature Center, Inc. Before approving any state funding commitment under this paragraph, the building commission shall determine that the Aldo Leopold Nature Center, Inc., has secured at least $2,200,000 in additional funding from nonstate donations for the project.

(c) If the building commission authorizes a grant to the Aldo Leopold Nature Center, Inc., under par. (b) and if, for any reason, the facility that is constructed with funds from the grant is not used as a climate change classroom and interactive laboratory, the state shall retain an ownership interest in the facility equal to the amount of the state's grant.

SECTION 19ge. 13.48 (39e) of the statutes is created to read:

13.48 **(39e)** L. E. PHILLIPS MEMORIAL PUBLIC LIBRARY. (a) The legislature finds and determines that increased access to public libraries strengthens education and increases the opportunities for civic engagement by residents of Wisconsin. It is therefore in the public interest, and it is the public policy of this state, to assist the city of Eau Claire in the remodeling of the L. E. Phillips Memorial Public Library.

(b) The building commission may authorize up to $125,000 in existing general fund supported borrowing to aid in the remodeling of the L. E. Phillips Memorial Public Library in the city of Eau Claire. The state funding commitment shall be in the form of a grant to the city of Eau Claire. Before approving any state funding commitment under this paragraph, the building commission shall determine that the city of Eau Claire has secured additional funding from nonstate donations for the project.

(c) If the building commission authorizes a grant to the city of Eau Claire under par. (b) and if, for any reason, the facility that is remodeled with funds from the grant is not used as a public library, the state shall retain an ownership interest in the facility equal to the amount of the state's grant.

SECTION 19gf. 13.48 (39f) of the statutes is created to read:

13.48 **(39f)** STONE BARN HISTORIC SITE IN TOWN OF CHASE. (a) The building commission may authorize up to $100,000 to aid in the restoration of the Stone Barn historic site in the town of Chase. The state funding commitment shall be in the form of a grant to the town of Chase. Before approving any state funding commitment under this paragraph, the building commission shall determine that the town of Chase has secured at least $300,000 in additional funding from nonstate donations for the project.

(b) If the building commission authorizes a grant to the town of Chase under par. (a) and if, for any reason, the historic site that is restored with funds from the grant is not used as a historic site, the state shall retain an ownership interest in the historic site equal to the amount of the state's grant.

SECTION 19gg. 13.48 (39g) of the statutes is created to read:

13.48 **(39g)** CITY OF BELOIT TURTLE ISLAND PARK. The building commission may authorize up to $35,000 to aid in the restoration of Turtle Island Park in the city of Beloit. The state funding commitment shall be in the form of a grant to the city of Beloit. Before approving any state funding commitment under this subsection, the building commission shall determine that the city of Beloit has secured additional funding from nonstate donations for the project.

SECTION 19h. 13.48 (40) of the statutes is created to read:

13.48 **(40)** AIDS RESOURCE CENTER OF WISCONSIN, INC. (a) The legislature finds and determines that providing comprehensive care and prevention services for individuals with human immunodeficiency virus or acquired immunodeficiency syndrome and related illnesses, including core and support services facilitating the enhanced well−being and quality of life of affected individuals, is necessary for preserving public health in Wisconsin. It is therefore in the public interest, and it is the public policy of this state, to assist the AIDS Resource Center of Wisconsin, Inc., in the construction and renovation of facilities in the cities of Green Bay, Milwaukee, or Kenosha and purchase of equipment for providing such care and prevention services.

(b) The building commission may authorize up to $800,000 in general fund supported borrowing to aid in the construction and renovation of facilities in the cities of Green Bay, Milwaukee, or Kenosha and purchase of equipment for the AIDS Resource Center of Wisconsin, Inc. The state funding commitment shall be in the form of a grant to the AIDS Resource Center of Wisconsin, Inc. Before approving any state funding commitment under this paragraph, the building commission shall determine that the AIDS Resource Center of Wisconsin, Inc., has secured at least $800,000 in additional funding from nonstate donations for the project.

(c) If the building commission authorizes a grant to the AIDS Resource Center of Wisconsin, Inc., under par. (b) and if, for any reason, the facility that is constructed or renovated with funds from the grant, or the equipment that is purchased, is not used for providing comprehensive care and prevention services for individuals with human immunodeficiency virus or acquired immunodeficiency syndrome and related illnesses, the state shall retain an ownership interest in the facility and equipment equal to the amount of the state's grant.

SECTION 19i. 13.48 (41) of the statutes is created to read:

13.48 **(41)** BRADLEY CENTER SPORTS AND ENTERTAINMENT CORPORATION. (a) The legislature finds and determines that sports and entertainment facilities encourage economic development and tourism in this state, by reducing unemployment and by bringing needed capital into the city of Milwaukee and Milwaukee County. It is therefore in the public interest, and it is the public policy of this state, to assist the Bradley Center Sports and Entertainment Corporation in the capital maintenance and repair of its sports and entertainment facility under ch. 232.

(b) The building commission may authorize up to $5,000,000 in general fund supported borrowing to aid the Bradley Center Sports and Entertainment Corporation in the capital maintenance and repair of its sports and entertainment facility under ch. 232. The state funding commitment shall be in the form of a grant to the Bradley Center Sports and Entertainment Corporation. Before approving any state funding commitment under this paragraph, the building commission shall determine that the Bradley Center Sports and Entertainment Corporation has secured additional funding from nonstate donations for the project.

(c) If the building commission authorizes a grant to the Bradley Center Sports and Entertainment Corporation under par. (b) and if, for any reason, the facility that is maintained or repaired with funds from the grant is not used as a sports and entertainment facility under ch. 232, the state shall retain an ownership interest in the facility equal to the amount of the state's grant.

SECTION 19j. 13.48 (42) of the statutes is created to read:

13.48 **(42)** MADISON CHILDREN'S MUSEUM. (a) The legislature finds and determines that connecting children with their families, their communities, and the world beyond through discovery learning and creative play enhances the intellectual and cultural development of children and builds strong communities. It is therefore in the public interest, and it is the public policy of this state, to assist the Madison Children's Museum in the construction of a museum facility in Madison.

(b) The building commission may authorize up to $250,000 in general fund supported borrowing to aid in the construction of a museum facility in Madison for the Madison Children's Museum. The state funding commitment shall be in the form of a grant to the Madison Children's Museum. Before approving any state funding commitment under this paragraph, the building commission shall determine that the Madison Children's Museum has secured additional funding from nonstate donations for the project.

(c) If the building commission authorizes a grant to the Madison Children's Museum under par. (b) and if, for any reason, the facility that is constructed with funds from the grant, or the equipment that is purchased, is not used as a museum for the Madison Children's Museum, the state shall retain an ownership interest in the facility equal to the amount of the state's grant.

SECTION 19k. 13.48 (43) of the statutes is created to read:

13.48 **(43)** DANE COUNTY YAHARA RIVER WATERSHED PROJECT. (a) The legislature finds and determines that the protection of water quality through reduction in manure nutrient loadings, in particular phosphorus, from agricultural enterprises is necessary for preserving public health in Wisconsin. It is therefore in the public interest, and it is the public policy of this state, to assist Dane County in the construction of anaerobic digesters for the Dane County Yahara River Watershed Project.

(b) The building commission may authorize up to $6,600,000 in general fund supported borrowing to aid Dane County in the construction of anaerobic digesters for the Dane County Yahara Watershed Project. The state funding commitment shall be in the form of a grant to Dane County. Before approving any state funding commitment under this paragraph, the building commission shall determine that Dane County has secured additional funding from nonstate donations for the project.

(c) If the building commission authorizes a grant to Dane County under par. (b) and if, for any reason, the anaerobic digesters that are constructed are not used for the purpose of protecting water quality in Dane County, the state shall retain an ownership interest in the digesters equal to the amount of the state's grant.

SECTION 19L. 13.48 (44) of the statutes is created to read:

13.48 **(44)** MYRICK HIXON ECOPARK, INC. (a) The legislature finds and determines that creating a unique destination with dynamic educational programming on the environment, interactive displays, and live animal exhibits will advance the appreciation and conservation of this state's natural resources. It is therefore in the public interest, and it is the public policy of this state, to assist Myrick Hixon EcoPark, Inc., in the construction of an educational center facility in the city of La Crosse.

(b) The building commission may authorize up to $500,000 in general fund supported borrowing to aid in the construction of an educational center facility in the city of La Crosse for Myrick Hixon EcoPark, Inc. The state funding commitment shall be in the form of a grant to Myrick Hixon EcoPark, Inc. Before approving any state funding commitment under this paragraph, the building commission shall determine that Myrick Hixon EcoPark, Inc., has secured additional funding from nonstate donations for the project.

(c) If the building commission authorizes a grant to Myrick Hixon EcoPark, Inc., under par. (b) and if, for any reason, the facility that is constructed with funds from the grant is not used as an educational center facility, the state shall retain an ownership interest in the facility equal to the amount of the state's grant.

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 20e. 13.685 (8) of the statutes is created to read:

13.685 **(8)** The board shall not enter into any contract for the purpose of upgrading the board's lobbying database and Internet site unless the board first submits the proposed contract to the cochairpersons of the joint committee on finance for review of the committee. If the cochairpersons of the committee do not notify the board that that the committee has scheduled a meeting for the purpose of reviewing the proposed contract within 14 working days after the date of the board's submittal, the board may enter into the contract as proposed. If, within 14 working days after the date of the board's submittal, the cochairpersons of the committee notify the board that that the committee has scheduled a meeting for the purpose of reviewing the proposed contract, the board shall not enter into the contract unless the committee approves the proposed contract or modifies and approves the proposed contract. If the committee modifies and approves the proposed contract, the board may enter into the contract only as modified by the committee.

SECTION 20f. 13.685 (8) of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed.

SECTION 20k. 13.75 (1) of the statutes is amended to read:

13.75 **(1)** Obtaining a license under s. 13.63 (1) to act on behalf of one principal, ~~$250~~ $350.

SECTION 20L. 13.75 (1) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

13.75 **(1)** Obtaining a license under s. 13.63 (1) to act on behalf of one principal, ~~$350~~ $250.

SECTION 20m. 13.75 (1m) of the statutes is amended to read:

13.75 **(1m)** Obtaining a license under s. 13.63 (1) to act on behalf of 2 or more principals, ~~$400~~ $650.

SECTION 20n. 13.75 (1m) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

13.75 **(1m)** Obtaining a license under s. 13.63 (1) to act on behalf of 2 or more principals, ~~$650~~ $400.

SECTION 21d. 13.94 (1) (dg) of the statutes is amended to read:

13.94 **(1)** (dg) Annually, by October 1, perform a financial audit of expenditures made under the ~~grant~~ grants for dental services under s. 250.10.

SECTION 23. 13.94 (4) (a) 1. of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

13.94 **(4)** (a) 1. Every state department, board, examining board, affiliated credentialing board, commission, independent agency, council or office in the executive branch of state government; all bodies created by the legislature in the legislative or judicial branch of

state government; any public body corporate and politic created by the legislature including specifically the Wisconsin Quality Home Care Authority, the Fox River Navigational System Authority, the Lower Fox River Remediation Authority, and the Wisconsin Aerospace Authority, a professional baseball park district, a local professional football stadium district, a local cultural arts district and a long−term care district under s. 46.2895; every Wisconsin works agency under subch. III of ch. 49; every provider of medical assistance under subch. IV of ch. 49; technical college district boards; every county department under s. 51.42 or 51.437; every nonprofit corporation or cooperative or unincorporated cooperative association to which moneys are specifically appropriated by state law; and every corporation, institution, association or other organization which receives more than 50% of its annual budget from appropriations made by state law, including subgrantee or subcontractor recipients of such funds.

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

13.95 Legislative fiscal bureau. (intro.) There is created a bureau to be known as the "Legislative Fiscal Bureau" headed by a director. The fiscal bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of the research requests received by it; however, with the prior approval of the requester in each instance, the bureau may duplicate the results of its research for distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director's designated employees shall at all times, with or without notice, have access to all state agencies, the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk−Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and the Fox River Navigational System Authority, and to any books, records, or other documents maintained by such agencies or authorities and relating to their expenditures, revenues, operations, and structure.

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

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

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

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

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

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

SECTION 30e. 15.07 (5) (k) of the statutes is created to read:

15.07 **(5)** (k) Members of the board for people with developmental disabilities, $50 per day.

SECTION 30h. 15.07 (5m) (c) of the statutes is created to read:

15.07 **(5m)** (c) *Board for people with developmental disabilities.* A member of the board for people with developmental disabilities shall be reimbursed under sub. (5) (k) only if the member attends a meeting or event of the board and all of the following apply:

1. The member's official duties related to the meeting or event occupy at least 4 hours in one day.

2. Due to the member's official duties related to the meeting or event the member forfeits wages from other employment or the member is not otherwise employed for wages.

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

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

SECTION 33r. 15.145 (title) of the statutes is amended to read:

15.145 (title) **Same; attached boards ~~and~~, commissions, and councils.**

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

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

SECTION 34g. 15.145 (5) of the statutes is created to read:

15.145 **(5)** COUNCIL ON OFFENDER REENTRY. There is created a council on offender reentry which is attached to the department of corrections under s. 15.03, which shall have the duties, responsibilities, and powers set forth under s. 301.095. The council shall consist of 22 members, and the appointed members shall serve for 2−year terms and may be appointed for a maximum of 2 consecutive terms. The chairperson of the council shall be the secretary of corrections or the reentry director, as decided by the secretary of corrections. The chairperson may appoint subcommittees and shall meet no less frequently than 4 times per year at a date and location to be determined by the chairperson. Members of the council shall include the secretary of corrections, or his or her designee; the secretary of workforce development, or his or her designee; the secretary of health services, or his or her designee; the secretary of children and families, or his or her designee; the secretary of commerce, or his or her designee; the secretary of transportation, or his or her designee; the attorney general, or his or her designee; the chairperson of the parole commission, or his or her designee; the state superintendent of the department of public instruction; the reentry director as appointed by the secretary of corrections; a current or former judge, as appointed by the director of state courts; an individual who has been previously convicted of, and incarcerated for, a crime in Wisconsin, as appointed by the secretary of corrections; and the following persons, as appointed by the governor:

(a) A law enforcement officer.

(b) A representative of a crime victim rights or crime victim services organization.

(c) A representative of a faith−based organization that is involved with the reintegration of offenders into the community.

(d) A representative of a county department of human services.

(e) A representative of a federally recognized American Indian tribe or band in this state.

(f) A representative of a nonprofit organization that is involved with the reintegration of offenders into the community and that is not a faith−based organization.

(g) A district attorney.

(h) A representative of the office of the state public defender.

(i) An academic professional in the field of criminal justice.

(j) A representative of the Wisconsin Technical College System.

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

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

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

1. The secretary of commerce or the secretary's designee.

2. The secretary of workforce development or the secretary's designee.

3. The director of the technical college system or the director's designee.

4. Six other members nominated by the governor, and with the advice and consent of the senate appointed, for 2−year terms.

5. One member appointed by the speaker of the assembly.

6. One member appointed by the senate majority leader.

7. One member who is a minority group member, as defined in s. 560.036 (1) (f), and who operates or has operated a minority business, as defined under s. 560.036 (1) (e).

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

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

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

15.917 **(1)** RURAL HEALTH DEVELOPMENT COUNCIL. (intro.) There is created in the ~~department of commerce~~ University of Wisconsin System a rural health development council consisting of ~~13~~ 17 members nominated by the governor, and with the advice and consent of the senate appointed, for 5−year terms, and the secretaries of commerce and health services, or their designees. The appointed members shall include all of the following:

SECTION 40h. 15.157 (8) (a) of the statutes is renumbered 15.917 (1) (a).

SECTION 40i. 15.157 (8) (b) of the statutes is renumbered 15.917 (1) (b).

SECTION 40j. 15.157 (8) (c) of the statutes is renumbered 15.917 (1) (c).

SECTION 40k. 15.157 (8) (d) of the statutes is repealed.

SECTION 40L. 15.157 (8) (e) of the statutes is renumbered 15.917 (1) (d) and amended to read:

15.917 **(1)** (d) ~~Two representatives~~ One representative of a private ~~lenders~~ lender that ~~make~~ makes loans in rural areas.

SECTION 40m. 15.157 (8) (f) of the statutes is renumbered 15.917 (1) (e) and amended to read:

15.917 **(1)** (e) ~~Two representatives of health care facilities~~ A representative of a hospital located in a rural ~~areas~~ area and a representative of a clinic located in a rural area.

SECTION 40n. 15.157 (8) (g) of the statutes is renumbered 15.917 (1) (f).

Vetoed In Part

SECTION 40w. 15.793 of the statutes is created to read:

15.793 Same; attached council. (1) 911 COUNCIL. (a) There is created a 911 council attached to the public service commission under s. 15.03. The council shall consist of the following members appointed for 3−year terms by the public service commission:

1. One member recommended by the League of Wisconsin Municipalities.

2. One member recommended by the Wisconsin Counties Association.

3. One member recommended by the Wisconsin Chapter of the National Emergency Number Association.

4. One member recommended by the Badger State Sheriff's Association.

5. Two members who are representatives of commercial mobile radio service providers, as defined in s. 196.01 (2g), operating in this state.

6. One member recommended by the Wisconsin Chapter of the Association of Public Safety Communications Officials.

7. Two members recommended by the Wisconsin State Telecommunications Association, one of whom is a representative of a local exchange carrier with fewer than 50,000 access lines.

8. One member who is a representative of a voice over Internet protocol provider.

9. One police chief member recommended by the Wisconsin Chiefs of Police Association.

10. One fire chief member recommended by the Wisconsin State Fire Chiefs Association.

11. One member recommended by the Wisconsin Emergency Management Association.

12. One member who is a representative of the cable industry.

13. One member recommended by the Wisconsin Emergency Medical Services Association.

(b) The 911 council shall meet at least twice annually. No member or staff of the public service commission may serve as chairperson or vice chairperson of the 911 council. Members of the 911 council shall undertake their duties in a manner that is competitively and technologically neutral to all service providers. The council shall adopt guidelines for reimbursement of member expenses under s. 15.09 (6). **Vetoed In Part**

(c) The 911 council shall advise the public service commission administering the 911 fund and on administering the 911 grant program and surcharge and developing the statewide plan for enhanced 911 service under s. 256.35 (3g), on any related rules, and on any other matters assigned to the council by the commission.

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

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

SECTION 43d. 15.917 (1) (g) of the statutes is created to read:

15.917 **(1)** (g) The secretary of agriculture, trade and consumer protection or the secretary's designee.

SECTION 43e. 15.917 (1) (h) of the statutes is created to read:

15.917 **(1)** (h) The secretary of workforce development or the secretary's designee.

SECTION 43f. 15.917 (1) (i) of the statutes is created to read:

15.917 **(1)** (i) A representative of an economic development organization operating in a rural area.

SECTION 43g. 15.917 (1) (j) of the statutes is created to read:

15.917 **(1)** (j) A member of the public from a rural area.

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

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

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

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

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

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

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

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

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

16.004 **(15)** LEGAL SERVICES. (a) In this subsection, "state agency" means a department in the executive branch of state government that has a secretary who serves at the pleasure of the governor.

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

(bm) In the report submitted under s. 16.705 (8), the department shall document the division's success in reducing the state's use of contracted employees.

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 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 53n. 16.18 (2) (f) of the statutes is created to read:

16.18 **(2)** (f) General operations.

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.

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)~~ (jc) 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 64m. 16.27 (3) (e) 1. of the statutes is amended to read:

16.27 **(3)** (e) 1. Allocate and transfer to the appropriation under s. 20.505 (1) ~~(kn)~~ (n), 15% of the moneys received under 42 USC 8621 to 8629 in each federal fiscal year under the priority of maintaining funding for the geographical areas on July 20, 1985, and, if funding is reduced, prorating contracted levels of payment, for the weatherization assistance program administered by the department under s. 16.26.

SECTION 68. 16.27 (5) (c) of the statutes is amended to read:

16.27 **(5)** (c) A household entirely composed of persons receiving aid to families with dependent children under s. 49.19, food stamps under 7 USC 2011 to ~~2029~~ 2036, or supplemental security income or state supplemental payments under 42 USC 1381 to 1383c or s. 49.77.

SECTION 69. 16.27 (5) (e) of the statutes is created to read:

16.27 **(5)** (e) A household that is not eligible under par. (c) that includes at least one person who is eligible for food stamps under 7 USC 2011 to 2036, excluding any household in an institution, as defined by the department of health services by rule. Notwithstanding sub. (6), a household under this paragraph shall be eligible for a heating assistance benefit of not more than $1.

Vetoed In Part

SECTION 73L. 16.40 (25) of the statutes is created to read:

16.40 **(25)** SUBMISSION OF AGENCY REQUESTS TO LEGISLATURE. During January of the odd−numbered year, the department shall submit copies of the state agency reports under s. 16.42 (1) (a) and (b) to the joint committee on finance and to the chief clerk of each house of the legislature under s. 13.172 (3), for distribution to the appropriate standing committees in the senate and the assembly that have jurisdiction over the state agencies.

SECTION 74. 16.41 (4) of the statutes is amended to read:

16.41 **(4)** In this section, "authority" means a body created under subch. II of ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 233, 234, 237, or 279.

SECTION 75. 16.417 (1) (b) of the statutes is amended to read:

16.417 **(1)** (b) "Authority" means a body created under subch. II of ch. 114 or ch. 52, 231, 232, 233, 234, 235, 237, or 279.

SECTION 76. 16.42 (1) (f) of the statutes is repealed.

Vetoed In Part

SECTION 76L. 16.42 (1) (h) of the statutes is created to read:

16.42 **(1)** (h) 1. The number of contracted positions providing services for the agency that are paid from the agency's base level funding and an identification of the appropriation or appropriations used to fund the contracted positions.

2. The total amount of agency base level funding used to pay for the contracted positions.

3. The amount of funding requested for contracted positions and an identification of the appropriation or appropriations that will be used to fund the contracted positions.

4. An estimate of the number of additional full−time equivalent state employee positions that the agency would need to perform all of the services provided by contracted positions.

SECTION 79. 16.423 of the statutes is repealed.

SECTION 80. 16.45 of the statutes is amended to read:

16.45 Budget message to legislature. In each regular session of the legislature, the governor shall deliver the budget message to the 2 houses in joint session assembled. Unless a later date is requested by the governor and approved by the legislature in the form of a joint resolution, the budget message shall be delivered on or before the last Tuesday in January of the odd−numbered year. With the message the governor shall transmit to the legislature, as provided in ss. 16.46 and 16.47, the biennial state budget report and the executive budget bill or bills together with suggestions for the best methods for raising the needed revenues. The governor may distribute the biennial state budget report in printed or optical disk format or post the biennial state budget report on the Internet, except that, if requested by a member of the legislature, the governor shall provide the member with a printed copy of the biennial state budget report.

SECTION 81. 16.46 (intro.) of the statutes is amended to read:

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

SECTION 82. 16.46 (5g) of the statutes is repealed.

Vetoed In Part

SECTION 82L. 16.46 (10) of the statutes is created to read:

16.46 **(10)** (a) A statement of the number of contracted positions providing services for each state agency that are paid from the agency's base level funding and an identification of the appropriation or appropriations used to fund the contracted positions.

(b) A statement of the total amount of each state agency's base level funding used to pay for the contracted positions.

(c) A statement of the amount of funding requested by state agencies for contracted positions and an identification of the appropriation or appropriations that will be used to fund the contracted positions.

(d) An estimate of the number of additional full−time equivalent state employee positions that each state agency would need to perform all of the services provided by contracted positions.

SECTION 84. 16.50 (3) (e) of the statutes is amended to read:

16.50 **(3)** (e) No pay increase may be approved unless it is at the rate or within the pay ranges prescribed in the compensation plan or as provided in a collective bargaining agreement under subch. V or VI of ch. 111.

SECTION 87. 16.501 of the statutes is repealed.

SECTION 88. 16.505 (1) (intro.) of the statutes is amended to read:

16.505 **(1)** (intro.) Except as provided in subs. (2), (2e), (2m), (2n), and (2p), no position, as defined in s. 230.03 (11), regardless of funding source or type, may be created or abolished unless authorized by one of the following:

SECTION 91. 16.505 (2m) of the statutes is amended to read:

16.505 **(2m)** The board of regents of the University of Wisconsin System may create or abolish a full−time equivalent position or portion thereof from revenues

appropriated under s. 20.285 (1) (gs), (h), (ip), (iz), (j), (kc), (m), (n), or ~~(u)~~ (q) to (w) or (3) (iz) or (n) and may create or abolish a full−time equivalent position or portion thereof from revenues appropriated under s. 20.285 (1) (im) that are generated from increased enrollment and from courses for which the academic fees or tuition charged equals the full cost of offering the courses. No later than the last day of the month following completion of each calendar quarter, the board of regents shall report to the department and the cochairpersons of the joint committee on finance concerning the number of full−time equivalent positions created or abolished by the board under this subsection during the preceding calendar quarter and the source of funding for each such position.

SECTION 93. 16.52 (7) of the statutes is amended to read:

16.52 **(7)** PETTY CASH ACCOUNT. Petty cash account. With the approval of the secretary, each agency that is authorized to maintain a contingent fund under s. 20.920 may establish a petty cash account from its contingent fund. The procedure for operation and maintenance of petty cash accounts and the character of expenditures therefrom shall be prescribed by the secretary. In this subsection, "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, 233, 234, 237, or 279.

SECTION 94. 16.528 (1) (a) of the statutes is amended to read:

16.528 **(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, 233, 234, 237, or 279.

SECTION 95. 16.53 (2) of the statutes is amended to read:

16.53 **(2)** IMPROPER INVOICES. If an agency receives an improperly completed invoice, the agency shall notify the sender of the invoice within 10 working days after it receives the invoice of the reason it is improperly completed. In this subsection, "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, 233, 234, 237, or 279.

SECTION 96. 16.53 (4) of the statutes is amended to read:

16.53 **(4)** AUDIT ORDER ENDORSED ON CLAIM; RECORD. The order of the secretary auditing any claim shall be endorsed on or annexed to such claim, shall specify the amount allowed, the fund from which the same is payable, and the law that authorizes payment of such claim out of the treasury; and said order with the claim and all evidence relative thereto shall be filed and preserved in the secretary's office. The secretary may develop procedures to permit electronic compliance with any requirement under this subsection.

SECTION 98. 16.54 (9) (a) 1. of the statutes is amended to read:

16.54 **(9)** (a) 1. "Agency" means an office, department, independent agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, or 279.

SECTION 99. 16.70 (2) of the statutes is amended to read:

16.70 **(2)** "Authority" means a body created under subch. II of ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, or 279.

SECTION 102. 16.705 (3) (c) of the statutes is amended to read:

16.705 **(3)** (c) Do not enter into any contract for contractual services in conflict with any collective bargaining agreement under subch. V or VI of ch. 111.

SECTION 104L. 16.705 (9) of the statutes is created to read: **Vetoed In Part**

16.705 **(9)** (a) In this subsection, "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.

(b) Except as provided in pars. (c) and (d), if in any fiscal year an agency in the executive branch is prohibited from hiring employees to fill vacant positions or its employees are required to serve an unpaid leave of absence, the agency may not enter into, renew, or extend any contractual services contracts with private contractors or consultants for the remainder of that fiscal year for the performance of services of agency employees who would have performed the services had they been hired or had they not have been required to take an unpaid leave of absence.

(c) Paragraph (b) shall not apply to contractual services contracts that are funded with federal economic stimulus funds and the secretary determines that any

Vetoed In Part

deadlines imposed by the federal government on the expenditure of the federal economic stimulus funds cannot be met without an agency's entering into, renewing, or extending a contractual services contract or a cost−benefit analysis is conducted that demonstrates that a contractual services contract would be more cost effective and efficient than having state employees perform the services.

(cm) Paragraph (b) shall not apply to contracts entered into under s. 977.08.

(d) An agency in the executive branch may submit a written request to the joint committee on finance to have par. (b) not apply to the agency with respect to a specific contractual services contract. If the cochairpersons of the committee do not notify the agency within 14 working days after the date of the agency's submittal that the committee intends to schedule a meeting to review the request, approval of the request is granted. If, within 14 working days after the date of the agency's request submittal, the cochairpersons of the committee notify the agency that the committee intends to schedule a meeting to review the request, the request may be granted only as approved by the committee.

Vetoed In Part

SECTION 104n. 16.72 (4) (b) of the statutes is renumbered 16.72 (4) (b) 1.

SECTION 104p. 16.72 (4) (b) 2. of the statutes is created to read:

16.72 **(4)** (b) 2. The department and its designated agents under s. 16.71 (1) shall grant to any entity or group that is entitled to participate in federal surplus property sales or auctions or is entitled to special purchasing rights or preference in sales or auctions of federal surplus property administered by the U.S. General Services Administration the same purchasing rights and preference in any sale or auction of state surplus property as are available to agencies. This subdivision does not apply if participation in a sale or auction is available only to state or local units of government or other tax−supported agencies. The department and its designated agents under s. 16.71 (1) may restrict the resale of any property that is acquired by an entity or group under this subdivision. The department and its designated agents under s. 16.71 (1) may require entities and groups that are granted rights under this subdivision to show proof of eligibility for purchasing rights or participation in sales or auctions administered by the U.S. General Services Administration.

SECTION 105. 16.765 (1) of the statutes is amended to read:

16.765 **(1)** Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk−Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and the Bradley Center Sports and Entertainment Corporation shall include in all contracts executed by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m), or national origin and, except with respect to sexual orientation, obligating the contractor to take affirmative action to ensure equal employment opportunities.

SECTION 106. 16.765 (2) of the statutes is amended to read:

16.765 **(2)** Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk−Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and the Bradley Center Sports and Entertainment Corporation shall include the following provision in every contract executed by them: "In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual orientation or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, the contractor further agrees to take affirmative action to ensure equal employment opportunities. The contractor agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause".

SECTION 107. 16.765 (4) of the statutes is amended to read:

16.765 **(4)** Contracting agencies, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk−Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and the Bradley Center Sports and Entertainment Corporation shall take appropriate action to revise the standard government contract forms under this section.

SECTION 108. 16.765 (5) of the statutes is amended to read:

16.765 **(5)** The head of each contracting agency and the boards of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk−Sharing Plan Authority, the Lower Fox River Remediation Authority,

the Wisconsin Quality Home Care Authority, and the Bradley Center Sports and Entertainment Corporation shall be primarily responsible for obtaining compliance by any contractor with the nondiscrimination and affirmative action provisions prescribed by this section, according to procedures recommended by the department. The department shall make recommendations to the contracting agencies and the boards of directors of the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk−Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, and the Bradley Center Sports and Entertainment Corporation for improving and making more effective the nondiscrimination and affirmative action provisions of contracts. The department shall promulgate such rules as may be necessary for the performance of its functions under this section.

SECTION 109. 16.765 (6) of the statutes is amended to read:

16.765 **(6)** The department may receive complaints of alleged violations of the nondiscrimination provisions of such contracts. The department shall investigate and determine whether a violation of this section has occurred. The department may delegate this authority to the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk−Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, or the Bradley Center Sports and Entertainment Corporation for processing in accordance with the department's procedures.

SECTION 110. 16.765 (7) (intro.) of the statutes is amended to read:

16.765 **(7)** (intro.) When a violation of this section has been determined by the department, the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk−Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, or the Bradley Center Sports and Entertainment Corporation, the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk−Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, or the Bradley Center Sports and Entertainment Corporation shall:

SECTION 111. 16.765 (7) (d) of the statutes is amended to read:

16.765 **(7)** (d) Direct the violating party to take immediate steps to prevent further violations of this section and to report its corrective action to the contracting agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk−Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, or the Bradley Center Sports and Entertainment Corporation.

SECTION 112. 16.765 (8) of the statutes is amended to read:

16.765 **(8)** If further violations of this section are committed during the term of the contract, the contracting agency, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk−Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, or the Bradley Center Sports and Entertainment Corporation may permit the violating party to complete the contract, after complying with this section, but thereafter the contracting agency, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk−Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, or the Bradley Center Sports and Entertainment Corporation shall request the department to place the name of the party on the ineligible list for state contracts, or the contracting agency, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk−Sharing Plan Authority, the Lower Fox River Remediation Authority, the Wisconsin Quality Home Care Authority, or the Bradley Center Sports and Entertainment Corporation may terminate the contract without liability for the uncompleted portion or any materials or services purchased or paid for by the contracting party for use in completing the contract.

SECTION 112m. 16.847 (3) of the statutes is amended to read:

16.847 **(3)** ASSESSMENTS. The department ~~may~~ shall annually assess ~~any~~ each agency that receives funding under sub. (2) in an amount determined by the department ~~not exceeding~~ equivalent to the agency's proportionate share of ~~debt service~~ the costs incurred under s. ~~20.505 (5)~~ 20.867 (3) (kd) ~~or~~ for principal repayment and interest costs on obligations incurred in financing energy conservation construction projects at agency facilities, for payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of those obligations, and for payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a). The department may, in addition, assess those agencies for an amount not greater than the amount by which the annual savings, if any, in the agency's energy costs generated~~, whichever is greater,~~ as a result of an energy conservation construction project that was funded by the department under sub. (2), as determined

by the department, exceeds the agency's proportionate share of the costs incurred under s. 20.867 (3) (kd). Each agency shall pay any portion of each assessment that is attributable to savings in the agency's energy costs to the department and shall pay the remaining portion of each assessment to the building commission. The department shall credit all revenues received by the building commission under this subsection to the appropriation account under s. 20.867 (3) (kd) and shall credit all revenues received by the department under this subsection to the appropriation account under s. 20.505 (5) ~~(kd)~~ (ke).

SECTION 114. 16.85 (2) of the statutes is amended to read:

16.85 **(2)** To furnish engineering, architectural, project management, and other building construction services whenever requisitions therefor are presented to the department by any agency. The department may deposit moneys received from the provision of these services in the account under s. 20.505 (1) (kc) or in the general fund as general purpose revenue — earned. In this subsection, "agency" means an office, department, independent agency, institution of higher education, association, society, or other body in state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law, including the legislature and the courts, but not including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 52, 231, 233, 234, 237, or 279.

SECTION 120. 16.865 (8) of the statutes is amended to read:

16.865 **(8)** Annually in each fiscal year, allocate as a charge to each agency a proportionate share of the estimated costs attributable to programs administered by the agency to be paid from the appropriation under s. 20.505 (2) (k). The department may charge premiums to agencies to finance costs under this subsection and pay the costs from the appropriation on an actual basis. The department shall deposit all collections under this subsection in the appropriation account under s. 20.505 (2) (k). Costs assessed under this subsection may include judgments, investigative and adjustment fees, data processing and staff support costs, program administration costs, litigation costs, and the cost of insurance contracts under sub. (5). In this subsection, "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 120b. 16.957 (2) (a) (intro.) of the statutes is renumbered 16.957 (2) (a) and amended to read:

16.957 **(2)** (a) *Low−income programs.* After holding a hearing, establish programs to be administered by the department for awarding grants from the appropriation under s. 20.505 (3) (r) to provide low−income assistance. In each fiscal year, the amount awarded under this paragraph shall be sufficient to ensure that an amount equal to 47% of the sum of the following, or the amount determined under par. (d) 2m., is spent for weatherization and other energy conservation services:

SECTION 120w. 16.957 (2) (d) 2m. of the statutes is created to read:

16.957 **(2)** (d) 2m. In fiscal years 2009−10 and 2010−11, at the department's discretion, subtract no more than $10,000,000 from the amount required to be spent on weatherization and other energy conservation services under par. (a).

SECTION 120y. 16.957 (2) (d) 2m. of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed.

SECTION 149. 16.964 (1) (intro.) and (a) to (i) of the statutes are renumbered 16.964 (1m) (intro.) and (a) to (i), and 16.964 (1m) (intro.), as renumbered, is amended to read:

16.964 **(1m)** (intro.) The office ~~of justice assistance~~ shall:

SECTION 150. 16.964 (1) (j) of the statutes is renumbered 16.964 (15) (a) and amended to read:

16.964 **(15)** (a) ~~Provide~~ The office shall provide staff support for the interoperability council under s. 16.9645 and oversight of the development and operation of a statewide public safety interoperable communication system.

SECTION 151. 16.964 (1g) of the statutes is created to read:

16.964 **(1g)** In this section, "office" means the office of justice assistance.

SECTION 151k. 16.964 (1m) (k) of the statutes is created to read:

16.964 **(1m)** (k) From the appropriation under s. 20.505 (6) (p), provide an annual grant of $150,000 to the Wisconsin CASA Association for the support, assistance, and development of court−appointed special advocate programs under s. 48.07 (5).

SECTION 152. 16.964 (2) of the statutes is amended to read:

16.964 **(2)** All persons in charge of law enforcement agencies and other criminal and juvenile justice system agencies shall supply the office with the information described in sub. ~~(1)~~ (1m) (g) on the basis of the forms or instructions or both to be supplied by the office under sub. ~~(1)~~ (1m) (g).

SECTION 155. 16.964 (10) of the statutes is repealed.

SECTION 156. 16.964 (12) (b) of the statutes is amended to read:

16.964 **(12)** (b) The office shall make grants to counties to enable them to establish and operate programs, including suspended and deferred prosecution programs and programs based on principles of restorative justice, that provide alternatives to prosecution and incarceration

for criminal offenders who abuse alcohol or other drugs. The office shall make the grants from the appropriations under s. 20.505 (6) (b), (j), and (ku). The office shall collaborate with the departments of corrections and health services in establishing this grant program.

SECTION 156n. 16.964 (12) (em) of the statutes is created to read:

16.964 **(12)** (em) In a program funded by a grant under this subsection, if urine collection for the purposes of a drug test results in the exposure of a program participant's genitals, pubic area, buttock, or anus, all of the following must apply:

1. The person conducting the urine collection for purposes of a drug test is of the same sex as the program participant.

2. During the urine collection, the program participant is not exposed to the view of any person not conducting the urine collection.

3. The urine collection is not reproduced through a visual or sound recording.

4. The program participant's genitals, pubic area, buttock, and anus are not subject to any physical inspection beyond observation of the urine collection.

5. All staff of the program must strive to preserve the dignity of all program participants subject to urine collection for the purpose of drug testing.

SECTION 157d. 16.964 (14) (m) of the statutes is created to read:

16.964 **(14)** (m) CHAT Room in Green County.

SECTION 157s. 16.964 (14) (n) of the statutes is created to read:

16.964 **(14)** (n) Marshfield Child Advocacy Center in Wood County.

SECTION 158. 16.964 (15) (b) of the statutes is created to read:

16.964 **(15)** (b) The office may charge a public safety agency, as defined in s. 256.35 (1) (g), that is a state agency a fee for use of the statewide public safety interoperable communication system under par. (a).

SECTION 158m. 16.964 (16) of the statutes is created to read:

16.964 **(16)** (a) The office shall analyze the information submitted to it by law enforcement agencies under s. 349.027 (2) to determine whether the number of motor vehicle stops and searches involving motor vehicles operated or occupied by members of a racial minority is disproportionate to the number of motor vehicle stops and searches involving motor vehicles operated or occupied solely by persons who are not members of a racial minority.

(b) The office shall promulgate rules relating to all of the following:

1. The types of information that law enforcement agencies must collect relating to traffic stops and the circumstances under which this information must be collected.

2. The process and format that law enforcement agencies must use to submit to the office the collected information specified in subd. 1.

3. The types of analyses that the office will perform in fulfilling the requirement under par. (a).

4. Requirements for making reports to the legislature under s. 13.172 (2), to the governor, and to the director of state courts.

SECTION 158t. 16.964 (17) of the statutes is created to read:

16.964 **(17)** AMERICAN INDIAN TRIBAL COMMUNITY REINTEGRATION PROGRAM. The office shall establish a program to facilitate the reintegration of American Indians who have been incarcerated in a state prison into their American Indian tribal communities. Under the program, each participant shall be provided an integration plan that addresses the participant's needs and shall be provided services that are customized for the participant. The program shall encourage confidence, responsibility, and independence among participants. The office shall ensure that the program incorporates tribal practices and traditions that meet the participant's community reintegration needs.

SECTION 159. 16.997 (2g) (a) of the statutes is renumbered 16.997 (2g) (a) (intro.) and amended to read:

16.997 **(2g)** (a) (intro.) Provide access to the data line to any business entity, as defined in s. 13.62 (5)~~.~~, unless the business entity complies with all of the following:

SECTION 160. 16.997 (2g) (a) 1. to 3. of the statutes are created to read:

16.997 **(2g)** (a) 1. The business entity is transmitting an event sponsored by the educational agency.

2. The business entity has the permission of the educational agency to record and transmit the event.

2g. The access to the data line by the business entity is through the Internet.

2r. All transmissions through the data line originate or terminate at the site of an educational agency or other governmental agency that is an authorized user of the data line.

3. The business entity reimburses the department for its proportionate share of the cost of the data line used to transmit the event.

SECTION 161. 17.07 (3m) of the statutes is amended to read:

17.07 **(3m)** Notwithstanding sub. (3), the ~~parole~~ earned release review commission chairperson may be removed by the governor, at pleasure.

SECTION 162. 19.36 (12) of the statutes is amended to read:

19.36 **(12)** INFORMATION RELATING TO CERTAIN EMPLOYEES. Unless access is specifically authorized or required by statute, an authority shall not provide access to a record prepared or provided by an employer performing work on a project to which s. 66.0903, 66.0904, 103.49, or 103.50 applies, or on which the employer is

otherwise required to pay prevailing wages, if that record contains the name or other personally identifiable information relating to an employee of that employer, unless the employee authorizes the authority to provide access to that information. In this subsection, "personally identifiable information" does not include an employee's work classification, hours of work, or wage or benefit payments received for work on such a project.

SECTION 163. 19.42 (10) (s) of the statutes is created to read:

19.42 **(10)** (s) The executive director and members of the board of directors of the Wisconsin Quality Home Care Authority.

SECTION 164. 19.42 (13) (o) of the statutes is created to read:

19.42 **(13)** (o) The executive director and members of the board of directors of the Wisconsin Quality Home Care Authority.

SECTION 165. 19.82 (1) of the statutes is amended to read:

19.82 **(1)** "Governmental body" means a state or local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order; a governmental or quasi−governmental corporation except for the Bradley center sports and entertainment corporation; a local exposition district under subch. II of ch. 229; a long−term care district under s. 46.2895; or a formally constituted subunit of any of the foregoing, but excludes any such body or committee or subunit of such body which is formed for or meeting for the purpose of collective bargaining under subch. I, IV ~~or~~, V, or VI of ch. 111.

SECTION 166. 19.85 (3) of the statutes is amended to read:

19.85 **(3)** Nothing in this subchapter shall be construed to authorize a governmental body to consider at a meeting in closed session the final ratification or approval of a collective bargaining agreement under subch. I, IV ~~or~~, V, or VI of ch. 111 which has been negotiated by such body or on its behalf.

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 168m. 20.002 (11) (b) 2. of the statutes, as affected by 2009 Wisconsin Act 11, 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% 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. During the ~~2008−09 fiscal year~~ 2009−11 fiscal biennium, the amount that may be reallocated under this subdivision during a fiscal year may not exceed 7 percent of such revenues.

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, $65,000,000.

SECTION 172. 20.003 (4) (gh) of the statutes is created to read:

20.003 **(4)** (gh) For fiscal year 2012−13, $65,000,000.

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:

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	$ 70,420,400	$ 263,326,400
Revenues		
Taxes	$ 12,346,223,000	$ 12,882,301,000

	2009−10	2010−11
Departmental Revenues		
Tribal Gaming	19,476,600	22,312,000
Other	711,210,300	689,311,400
Total Available	$ 13,147,330,300	$13,857,250,800
Appropriations and Reserves		
Gross Appropriations	$ 13,428,546,600	$14,107,889,200
Compensation Reserves	47,279,100	95,962,700
Less Lapses	−591,821,800	−411,750,200
Total Expenditures	$ 12,884,003,900	$13,792,101,700
Balances		
Gross Balance	$ 263,326,400	$ 65,149,100
Less Required Statutory Balance	−65,000,000	−65,000,000
Net Balance, June 30	$ 198,326,400	$ 149,100

SUMMARY OF APPROPRIATIONS — ALL FUNDS

	2009−10	2010−11
General Purpose Revenue	$ 13,428,546,600	$ 14,107,889,200
Federal Revenue	$ 9,367,521,100	$ 8,781,855,400
Program	(8,452,027,700)	(7,951,109,100)
Segregated	(915,493,400)	(830,746,300)
Program Revenue	$ 4,251,331,200	$ 4,310,967,900
State	(3,428,725,100)	(3,502,719,600)
Service	(822,606,100)	(808,248,300)
Segregated Revenue	$ 3,835,529,400	$ 3,767,834,500
State	(3,553,003,300)	(3,455,308,400)
Local	(108,559,400)	(108,559,400)
Service	(173,966,700)	(203,966,700)
GRAND TOTAL	$ 30,882,928,300	$ 30,968,547,000

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	8,840,400	17,707,600
TOTAL	$ 116,131,700	$ 235,010,000

LOTTERY FUND SUMMARY

	2009−10	**2010−11**
Gross Revenue		
Ticket Sales	$ 487,164,700	$ 478,672,600
Miscellaneous Revenue	483,000	431,300
	$ 487,647,700	$ 479,103,900
Expenses		
Prizes	$ 283,978,400	$ 279,692,400
Administrative Expenses	69,061,100	68,416,500
	$ 353,039,500	$ 348,108,900
Net Proceeds	$ 134,608,200	$ 130,995,000
Total Available for Property Tax Relief		
Opening Balance	$ 9,338,100	$ 9,753,000
Net Proceeds	134,608,200	130,995,000
Interest Earnings	531,500	1,694,500
Gaming−related Revenue	306,600	306,600
	$ 144,784,400	$ 142,749,100
Property Tax Relief	$ 135,031,400	$ 133,167,000
Gross Closing Balance	$ 9,753,000	$ 9,582,100
Reserve	$ 9,753,000	$ 9,582,100
Net Balance	$ −0−	$ −0−

SECTION 175. 20.005 (2) of the statutes is repealed and recreated to read:

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

Figure: 20.005 (2) (a)

SUMMARY OF BONDING AUTHORITY MODIFICATIONS
2009−11 FISCAL BIENNIUM

Source and Purpose	Amount
GENERAL OBLIGATIONS	
Administration	
Energy conservation projects	$ 50,000,000
Agriculture, Trade and Consumer Protection	
Soil and water	7,000,000
Conservation reserve enhancement	−12,000,000
Agricultural conservation easements	12,000,000
Building Commission	
Refunding tax−supported and self−amortizing general obligation debt incurred before July 1, 2011	309,000,000
Housing state departments and agencies	50,246,600
Other public purposes	220,850,000
AIDS Resource Center of Wisconsin, Inc.	800,000
Bradley Center Sports and Entertainment Corporation	5,000,000
AIDS Network, Inc.	300,000
Myrick Hixon EcoPark, Inc.	500,000
Madison Children's Museum	250,000
Grand Opera House in Oshkosh	500,000
Aldo Leopold climate change classroom and interactive laboratory	500,000
Corrections	
Correctional facilities	7,564,900
Self−amortizing facilities and equipment	5,442,900
Environmental Improvement Fund	
Clean water fund program	79,400,000
Safe drinking water loan program	7,000,000
Health Services	
Mental health and secure treatment facilities	−1,867,600
Historical Society	
Historic records	8,000,000

Source and Purpose	Amount
Historic sites	6,960,000
Military Affairs	
Armories and military facilities	18,642,800
Natural Resources	
Nonpoint source	7,000,000
Urban nonpoint source cost−sharing	6,000,000
Contaminated sediment removal	5,000,000
Environmental segregated fund supported administrative facilities	502,700
Segregated revenue supported facilities	7,476,300
Dam safety projects	4,000,000
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
State highway rehabilitation projects	204,712,200
Major highway projects	50,000,000
State highway rehabilitation, certain projects	60,000,000
Harbor improvements	12,700,000
Rail acquisitions and improvements	60,000,000
Major interstate bridge construction	225,000,000
University of Wisconsin System	
Academic facilities	326,551,000
Self−amortizing facilities	569,928,600
Veterans Affairs	
Self−amortizing mortgage loans	195,000,000
Self−amortizing facilities	318,500
TOTAL General Obligation Bonds	$ 2,900,528,900

REVENUE OBLIGATIONS

Environmental Improvement Fund	
Clean water fund program	$ 379,200,000
Transportation	
Major highway projects, transportation facilities	$ 301,443,200

Source and Purpose	Amount
TOTAL Revenue Obligation Bonds	$ 680,643,200
GRAND TOTAL	$ 3,581,172,100

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
20.115 Agriculture, trade and consumer protection, department of				
(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−
20.190 State fair park board				
(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
20.225 Educational communications board				
(1)(c)	Principal repayment and interest	GPR	2,626,600	2,712,100
20.245 Historical society				
(1)(e)	Principal repayment, interest, and rebates	GPR	2,131,900	2,782,000
20.250 Medical College of Wisconsin				
(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
20.255 Public instruction, department of				
(1)(d)	Principal repayment and interest	GPR	1,076,200	873,900
20.285 University of Wisconsin System				
(1)(d)	Principal repayment and interest	GPR	151,465,800	155,373,800
(1)(db)	Self−amortizing facilities principal and interest	GPR	−0−	−0−
20.320 Environmental improvement program				
(1)(c)	Principal repayment and interest − clean water fund program	GPR	37,592,300	51,113,800
(2)(c)	Principal repayment and interest − safe drinking water loan program	GPR	2,951,900	3,101,200
20.370	***Natural resources, department of***			
(7)(aa)	Resource acquisition and development − principal repayment and interest	GPR	45,504,400	54,664,500

Statute, Agency and Purpose		Source	2009−10	2010−11
(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)(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, transit improvements, and major highway and rehabilitation projects, state funds	GPR	73,889,400	81,924,400
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−
(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

Statute, Agency and Purpose		Source	2009−10	2010−11
(3)(bb)	Principal repayment, interest, and rebates; AIDS Network, Inc.	GPR	−0−	−0−
(3)(bc)	Principal repayment, interest, and rebates; Grand Opera House in Oshkosh	GPR	−0−	−0−
(3)(bd)	Principal repayment, interest, and rebates; Aldo Leopold climate change classroom and interactive laboratory	GPR	−0−	−0−
(3)(be)	Principal repayment, interest, and rebates; Bradley Center Sports and Entertainment Corporation	GPR	−0−	−0−
(3)(bf)	Principal repayment, interest, and rebates; AIDS Resource Center of Wisconsin, Inc.	GPR	−0−	−0−
(3)(bg)	Principal repayment, interest, and rebates; Madison Children's Museum	GPR	−0−	−0−
(3)(bh)	Principal repayment, interest, and rebates; Myrick Hixon EcoPark, Inc.	GPR	−0−	−0−
(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	−0−	−0−
TOTAL General Purpose Revenue Debt Service			$ 517,039,200	$ 549,368,300
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
20.245 Historical society				
(1)(j)	Self−amortizing facilities; principal repayment, interest, and rebates	PR	52,100	25,100

STATUTE, AGENCY AND PURPOSE		SOURCE	2009−10	2010−11
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
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	−0−	−0−
TOTAL Program Revenue Debt Service			$ 109,847,600	$ 121,173,100

Statute, Agency and Purpose		Source	2009−10	2010−11
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	15,000,000	9,000,000
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	18,500,000	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	657,000	806,600
(7)(cs)	Principal repayment and interest − urban nonpoint source cost−sharing	SEG	2,240,500	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
20.395 Transportation, department of				
(6)(aq)	Principal repayment and interest, transportation facilities, major highway projects, state funds	SEG	7,509,300	12,533,100
(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	25,836,800
20.485 Veterans affairs, department of				
(3)(t)	Debt service	SEG	26,264,200	26,257,800

STATUTE, AGENCY AND PURPOSE	SOURCE	2009−10	2010−11
(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		$ 113,326,200	$ 123,541,000
GRAND TOTAL All Debt Service		$ 740,213,000	$ 794,082,400

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 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	3,341,900	3,341,900
Meat and poultry inspection	GPR	A	3,224,300	3,224,300
Trade and consumer protection	GPR	A	1,633,300	1,458,000
NET APPROPRIATION			8,199,500	8,024,200
(g) Related services	PR	A	47,400	47,400
(gb) Food regulation	PR	A	5,003,500	5,003,500
(gf) Fruit and vegetable inspection	PR	C	984,800	984,800
(gg) Meat and poultry inspection	PR	A	−0−	371,500
(gh) Public warehouse regulation	PR	A	134,900	134,900
(gm) Dairy trade regulation	PR	A	154,900	154,900
(h) Grain inspection and certification	PR	C	1,376,200	1,376,200
(hm) Ozone−depleting refrigerants and products regulation	PR	A	480,600	480,600
(i) Sale of supplies	PR	A	28,200	28,200
(im) Consumer protection; telephone solicitor fees	PR	A	285,200	285,200
(j) Weights and measures inspection	PR	A	1,269,600	1,269,600
(jb) Consumer protection, information, and education	PR	A	164,200	164,200
(jm) Telecommunications utility trade practices	PR	A	415,800	415,800
(m) Federal funds	PR−F	C	4,962,200	5,207,500
(q) Dairy, grain, and vegetable security	SEG	A	1,148,400	1,148,400
(r) Unfair sales act enforcement	SEG	A	209,900	209,900
(s) Weights and measures; petroleum inspection fund	SEG	A	734,200	734,200

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(u) Recyclable and nonrecyclable products regulation	SEG	A	−0−	−0−
(v) Agricultural producer security; contingent financial backing	SEG	S	350,000	350,000
(w) Agricultural producer security; payments	SEG	S	2,000,000	2,000,000
(wb) Agricultural producer security; proceeds of contingent financial backing	SEG	C	−0−	−0−
(wc) Agricultural producer security; repayment of contingent financial backing	SEG	S	−0−	−0−
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			8,199,500	8,024,200
PROGRAM REVENUE			15,307,500	15,924,300
FEDERAL			(4,962,200)	(5,207,500)
OTHER			(10,345,300)	(10,716,800)
SEGREGATED FUNDS			4,442,500	4,442,500
OTHER			(4,442,500)	(4,442,500)
TOTAL−ALL SOURCES			27,949,500	28,391,000
(2) Animal health services				
(a) General program operations	GPR	A	2,565,600	2,565,600
(b) Animal disease indemnities	GPR	S	108,600	108,600
(c) Financial assistance for paratuberculosis testing	GPR	A	234,700	234,700
(d) Principal repayment and interest	GPR	S	11,700	10,800
(g) Related services	PR	C	−0−	−0−
(h) Sale of supplies	PR	A	28,400	28,400
(ha) Inspection, testing and enforcement	PR	C	563,500	563,500
(j) Dog licenses, rabies control, and related services	PR	C	162,500	162,500
(m) Federal funds	PR−F	C	2,338,400	2,232,100
(q) Animal health inspection, testing and enforcement	SEG	A	230,000	310,000
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			2,920,600	2,919,700
PROGRAM REVENUE			3,092,800	2,986,500
FEDERAL			(2,338,400)	(2,232,100)
OTHER			(754,400)	(754,400)
SEGREGATED FUNDS			230,000	310,000
OTHER			(230,000)	(310,000)
TOTAL−ALL SOURCES			6,243,400	6,216,200
(3) Agricultural development services				
(a) General program operations	GPR	A	2,164,500	2,164,500
(g) Related services	PR	A	−0−	−0−
(h) Loans for rural development	PR	C	58,700	58,700
(i) Marketing orders and agreements	PR	C	92,100	92,100
(j) Stray voltage program	PR	A	487,800	487,800
(ja) Agricultural development services and materials	PR	C	160,300	160,300

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(jm) Stray voltage program; rural electric cooperatives	PR	A	21,800	21,800
(L) Something special from Wisconsin promotion	PR	A	32,700	32,700
(m) Federal funds	PR−F	C	4,823,900	4,823,900
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			2,164,500	2,164,500
PROGRAM REVENUE			5,677,300	5,677,300
FEDERAL			(4,823,900)	(4,823,900)
OTHER			(853,400)	(853,400)
TOTAL−ALL SOURCES			7,841,800	7,841,800
(4) AGRICULTURAL ASSISTANCE				
(a) Aid to Wisconsin livestock breeders association	GPR	A	−0−	−0−
(am) Buy local grants	GPR	B	222,700	222,700
(b) Aids to county and district fairs	GPR	A	375,500	375,500
(c) Agricultural investment aids	GPR	B	356,700	356,700
(e) Aids to World Dairy Expo, Inc.	GPR	A	22,300	22,300
(f) Exposition center grants	GPR	A	203,000	203,000
(q) Grants for agriculture in the classroom program	SEG	A	93,900	93,900
(qm) Grants for agricultural facilities	SEG	B	−0−	−0−
(r) Agricultural investment aids, agrichemical management fund	SEG	B	−0−	−0−
(s) Grazing lands conservation	SEG	A	375,500	375,500
(t) Aids to county and district fairs for 2009−11 fiscal biennium	SEG	A	20,000	20,000
(4) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			1,180,200	1,180,200
SEGREGATED FUNDS			489,400	489,400
OTHER			(489,400)	(489,400)
TOTAL−ALL SOURCES			1,669,600	1,669,600
(7) AGRICULTURAL RESOURCE MANAGEMENT				
(a) General program operations	GPR	A	745,800	745,800
(b) Principal repayment and interest, conservation reserve enhancement	GPR	S	2,020,100	3,036,400
(br) Principal repayment and interest; agricultural conservation easements	GPR	S	−0−	−0−
(c) Soil and water resource management program	GPR	C	4,270,100	4,270,100
(dm) Farmland preservation planning grants	GPR	A	−0−	415,800
(g) Agricultural impact statements	PR	C	266,400	266,400
(ga) Related services	PR	C	258,700	262,600
(gm) Seed testing and labeling	PR	C	76,800	89,800
(h) Fertilizer research assessments	PR	C	150,700	150,700
(ha) Liming material research funds	PR	C	23,400	23,400
(i) Agricultural conservation easements; gifts and grants	PR	C	−0−	−0−
(ja) Plant protection	PR	C	316,200	316,200

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(k) Agricultural resource management services	PR−S	C	565,200	565,200
(m) Federal funds	PR−F	C	4,174,800	4,099,300
(qc) Plant protection; conservation fund	SEG	A	1,547,800	1,547,800
(qd) Soil and water administration; environmental fund	SEG	A	2,006,500	2,006,500
(qe) Soil and water management; local assistance	SEG	A	5,036,900	5,036,900
(qf) Soil and water management; aids	SEG	A	5,048,700	5,048,700
(r) General program operations; agrichemical management	SEG	A	5,488,900	5,492,500
(s) Principal repayment and interest; soil and water, environmental fund	SEG	S	2,425,600	2,563,300
(tb) Principal and int.; agricultural conservation easements, working lands fund	SEG	A	−0−	−0−
(tg) Agricultural conservation easements	SEG	A	−0−	−0−
(tm) Farmland preservation planning grants; working lands fund	SEG	A	−0−	−0−
(ts) Working lands programs	SEG	A	−0−	−0−
(va) Clean sweep grants	SEG	A	750,000	750,000
(wm) Agricultural chemical cleanup reimbursement	SEG	C	2,815,900	2,815,900
(7) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			7,036,000	8,468,100
PROGRAM REVENUE			5,832,200	5,773,600
FEDERAL			(4,174,800)	(4,099,300)
OTHER			(1,092,200)	(1,109,100)
SERVICE			(565,200)	(565,200)
SEGREGATED FUNDS			25,120,300	25,261,600
OTHER			(25,120,300)	(25,261,600)
TOTAL−ALL SOURCES			37,988,500	39,503,300
(8) CENTRAL ADMINISTRATIVE SERVICES				
(a) General program operations	GPR	A	5,640,500	5,640,500
(g) Gifts and grants	PR	C	996,600	936,100
(ge) Agricultural education and workforce development council, gifts and grants	PR	C	86,600	86,600
(gm) Enforcement cost recovery	PR	A	4,600	4,600
(h) Sale of material and supplies	PR	C	10,700	10,700
(ha) General laboratory related services	PR	C	78,800	78,800
(hm) Restitution	PR	C	−0−	−0−
(i) Related services	PR	A	93,900	93,900
(j) Electronic processing	PR	C	−0−	−0−
(jm) Telephone solicitation regulation	PR	C	790,700	790,700
(k) Computer system equipment, staff and services	PR−S	A	2,018,700	2,018,700
(kL) Central services	PR−S	C	798,200	798,200
(km) General laboratory services	PR−S	B	2,786,700	2,791,200
(ks) State services	PR−S	C	190,400	190,400
(m) Federal funds	PR−F	C	2,096,900	2,096,900

Statute, Agency and Purpose	Source	Type	2009−10	2010−11	
(pz) Indirect cost reimbursements	PR−F	C	1,905,000	1,905,000	
(8) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES			5,640,500	5,640,500	
PROGRAM REVENUE			11,857,800	11,801,800	
FEDERAL			(4,001,900)	(4,001,900)	
OTHER			(2,061,900)	(2,001,400)	
SERVICE			(5,794,000)	(5,798,500)	
TOTAL−ALL SOURCES			17,498,300	17,442,300	
20.115 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES			27,141,300	28,397,200	
PROGRAM REVENUE			41,767,600	42,163,500	
FEDERAL			(20,301,200)	(20,364,700)	
OTHER			(15,107,200)	(15,435,100)	
SERVICE			(6,359,200)	(6,363,700)	
SEGREGATED FUNDS			30,282,200	30,503,500	
OTHER			(30,282,200)	(30,503,500)	
TOTAL−ALL SOURCES			99,191,100	101,064,200	
20.143 Commerce, department of					
(1) ECONOMIC AND COMMUNITY DEVELOPMENT					
			3,927,800	3,884,900	**Vetoed**
(a) General program operations	GPR	A	3,852,800	3,809,900	**In Part**
(b) Economic development promotion, plans and studies	GPR	A	28,200	28,200	
(bk) Wisconsin venture fund	GPR	A	136,000	136,000	
(bt) Value supply chain grants	GPR	A	100,000	−0−	
(c) Wisconsin development fund; grants, loans, reimbursements, and assistance	GPR	B	6,462,900	6,462,900	
(cf) Community−based, nonprofit organization grant for educational project	GPR	A	−0−	−0−	
(d) High−technology business development corporation	GPR	A	334,700	334,700	
(dr) Main street program	GPR	A	383,100	383,100	
(e) Technology−based economic development	GPR	A	−0−	−0−	
(em) Hazardous pollution prevention; contract	GPR	A	−0−	−0−	
(er) Rural economic development program	GPR	B	569,300	569,300	
(ew) International trade, business and economic development grant	GPR	B	−0−	−0−	
(fi) Forward innovation fund; grants and loans	GPR	A	884,600	884,600	
(fj) Manufacturing extension center grants	GPR	A	1,126,400	1,126,400	
(fw) Women's business initiative corporation	GPR	A	99,000	99,000	
(fy) Women's business incubator grant	GPR	B	−0−	−0−	
(g) Gifts, grants, and proceeds	PR	C	492,000	492,000	
(gc) Regulatory ombudsman center	PR	C	−0−	−0−	

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(gh) Recycling and renewable energy fund; repayments	PR	C	−0−	−0−
(gm) Administration of grants and loans	PR	C	173,200	216,100
(gr) Woman−owned business certification processing fees	PR	C	291,000	291,000
(gv) Wisconsin development fund; entreprenuerial assistance grants	PR	A	45,000	45,000
(h) Economic development operations	PR	A	−0−	−0−
(hm) Certified capital companies	PR	C	−0−	−0−
(ie) Wisconsin development fund, repayments	PR	C	3,801,500	3,801,500
(ig) Gaming economic development and diversification; repayments	PR	B	328,500	328,500
(im) Minority business projects; repayments	PR	C	817,200	567,200
(io) Grant and loan repayments; forward innovation fund	PR	C	−0−	−0−
(ir) Rural economic development loan repayments	PR	C	163,900	113,900
(jp) Manufactured housing rehabilitation and recycling; program revenue	PR	A	65,700	65,700
(k) Sale of materials or services	PR−S	C	−0−	−0−
(ka) Sale of materials and services — local assistance	PR−S	C	−0−	−0−
(kb) Sale of materials and services — individuals and organizations	PR−S	C	−0−	−0−
(kc) Clean air act compliance assistance	PR−S	A	232,500	232,500
(kf) American Indian economic development; technical assistance	PR−S	A	88,300	88,300
(kg) American Indian economic liaison and gaming grants specialist and pgm mktg	PR−S	A	104,200	104,200
(kh) American Indian economic development; liaison−grants	PR−S	A	−0−	−0−
(kj) Gaming economic development and diversification; grants and loans	PR−S	B	1,079,400	1,079,400
(kt) Funds transferred from other state agencies	PR−S	C	−0−	−0−
(m) Federal aid, state operations	PR−F	C	1,307,100	1,307,100
(n) Federal aid, local assistance	PR−F	C	34,400,000	34,400,000
(o) Federal aid, individuals and organizations	PR−F	C	−0−	−0−
(qa) Brownfields redevelopment activities; administration	SEG	A	190,500	190,500
(qm) Brownfields grant program and related grants; environmental fund	SEG	A	6,570,500	6,570,500
(tm) Wisconsin development fund grants and loans; recycling fund	SEG	B	−0−	14,850,000
(um) Wisconsin development fund, administration; recycling fund	SEG	A	69,700	69,700
(x) Industrial building construction loan fund	SEG	C	−0−	−0−

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			14,052,000	13,909,100
PROGRAM REVENUE			43,389,500	43,132,400
FEDERAL			(35,707,100)	(35,707,100)
OTHER			(6,178,000)	(5,920,900)
SERVICE			(1,504,400)	(1,504,400)
SEGREGATED FUNDS			6,830,700	21,680,700
OTHER			(6,830,700)	(21,680,700)
TOTAL−ALL SOURCES			64,272,200	78,722,200
(2) HOUSING ASSISTANCE				
(a) General program operations	GPR	A	574,400	574,400
(b) Housing grants and loans; general purpose revenue	GPR	B	3,097,800	3,097,800
(c) Payments to designated agents	GPR	A	−0−	−0−
(fm) Shelter for homeless and transitional housing grants	GPR	B	1,413,600	1,413,600
(fr) Mental health for homeless individuals	GPR	A	42,200	42,200
(gg) Housing program services; other entities	PR	C	187,700	187,700
(gm) Housing grants and loans; surplus transfer	PR	B	−0−	−0−
(h) Funding for the homeless	PR	C	469,300	469,300
(k) Sale of materials or services	PR−S	C	−0−	−0−
(kg) Housing program services	PR−S	C	469,300	469,300
(L) Shelter for homeless and transitional housing grants; surplus transfer	PR	B	−0−	−0−
(m) Federal aid; state operations	PR−F	C	1,253,200	1,253,200
(n) Federal aid; local assistance	PR−F	C	10,000,000	10,000,000
(o) Federal aid; individuals and organizations	PR−F	C	40,101,900	23,000,000
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			5,128,000	5,128,000
PROGRAM REVENUE			52,481,400	35,379,500
FEDERAL			(51,355,100)	(34,253,200)
OTHER			(657,000)	(657,000)
SERVICE			(469,300)	(469,300)
TOTAL−ALL SOURCES			57,609,400	40,507,500
(3) REGULATION OF INDUSTRY, SAFETY AND BUILDINGS				
(a) General program operations	GPR	A	−0−	−0−
(de) Private sewage system replacement and rehabilitation	GPR	C	2,815,000	2,815,000
(dm) Storage tank inventory	GPR	A	−0−	−0−
(g) Gifts and grants	PR	C	18,000	18,000
(ga) Auxiliary services	PR	C	23,400	23,400
(gb) Local agreements	PR	C	−0−	−0−
(h) Local energy resource system fees	PR	A	−0−	−0−
(j) Safety and building operations	PR	A	16,350,900	16,378,600
(ka) Interagency agreements	PR−S	C	120,800	120,800
(kg) Construction career academy grant	PR	B	−0−	−0−

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(km) Crex Meadows Youth Conservation Camp grant	PR	B	−0−	−0−
(ks) Data processing	PR−S	C	−0−	−0−
(L) Fire dues distribution	PR	C	14,324,000	14,655,600
(La) Fire prevention and fire dues administration	PR	A	680,400	680,400
(Lm) Petroleum storage remedial action fees	PR	A	−0−	−0−
(m) Federal funds	PR−F	C	1,711,600	1,711,600
(ma) Federal aid − program administration	PR−F	C	−0−	−0−
(pz) Indirect cost reimbursements	PR−F	C	−0−	−0−
(q) Groundwater − standards; implementation	SEG	A	−0−	−0−
(r) Safety and building operations; petroleum inspection fund	SEG	A	5,194,500	5,194,500
(sm) Diesel truck idling reduction grants	SEG	A	−0−	250,000
(sn) Diesel truck idling reduction grant administration	SEG	A	71,000	71,000
(t) Petroleum inspection fund − revenue obligation repayment	SEG	S	−0−	−0−
(v) Petroleum storage environmental remedial action; awards	SEG	B	10,100,000	9,100,000
(vm) Removal of underground petroleum storage tanks	SEG	A	100,000	100,000
(w) Petroleum storage environmental remedial action; administration	SEG	A	2,470,600	2,470,600
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			2,815,000	2,815,000
PROGRAM REVENUE			33,229,100	33,588,400
FEDERAL			(1,711,600)	(1,711,600)
OTHER			(31,396,700)	(31,756,000)
SERVICE			(120,800)	(120,800)
SEGREGATED FUNDS			17,936,100	17,186,100
OTHER			(17,936,100)	(17,186,100)
TOTAL−ALL SOURCES			53,980,200	53,589,500
(4) EXECUTIVE AND ADMINISTRATIVE SERVICES				
(a) General program operations	GPR	A	1,447,000	1,447,000
(g) Gifts, grants and proceeds	PR	C	12,000	12,000
(k) Sale of materials or services	PR−S	C	39,600	39,600
(ka) Sale of materials and services — local assistance	PR−S	C	−0−	−0−
(kb) Sale of materials and services — individuals and organizations	PR−S	C	−0−	−0−
(kd) Administrative services	PR−S	A	3,609,800	3,629,000
(ke) Transfer of unappropriated balances	PR−S	C	−0−	−0−
(m) Federal aid, state operations	PR−F	C	−0−	−0−
(n) Federal aid, local assistance	PR−F	C	−0−	−0−
(o) Federal aid, individuals and organizations	PR−F	C	−0−	−0−
(pz) Indirect cost reimbursements	PR−F	C	459,900	459,900

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(4) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			1,447,000	1,447,000
PROGRAM REVENUE			4,121,300	4,140,500
FEDERAL			(459,900)	(459,900)
OTHER			(12,000)	(12,000)
SERVICE			(3,649,400)	(3,668,600)
TOTAL−ALL SOURCES			5,568,300	5,587,500
20.143 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			23,442,000	23,299,100
PROGRAM REVENUE			133,221,300	116,240,800
FEDERAL			(89,233,700)	(72,131,800)
OTHER			(38,243,700)	(38,345,900)
SERVICE			(5,743,900)	(5,763,100)
SEGREGATED FUNDS			24,766,800	38,866,800
OTHER			(24,766,800)	(38,866,800)
TOTAL−ALL SOURCES			181,430,100	178,406,700
20.144 Financial institutions, department of				
(1) SUPERVISION OF FINANCIAL INSTITUTIONS, SECURITIES REG. AND OTHER FUNCTIONS				
(a) Losses on public deposits	GPR	S	−0−	−0−
(g) General program operations	PR	A	14,192,900	14,192,900
(h) Gifts, grants, settlements and publications	PR	C	65,000	65,000
(i) Investor education fund	PR	A	93,900	93,900
(u) State deposit fund	SEG	S	−0−	−0−
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
PROGRAM REVENUE			14,351,800	14,351,800
OTHER			(14,351,800)	(14,351,800)
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			14,351,800	14,351,800
(2) OFFICE OF CREDIT UNIONS				
(g) General program operations	PR	A	1,966,800	1,979,000
(m) Credit union examinations, federal funds	PR−F	C	−0−	−0−
(2) PROGRAM TOTALS				
PROGRAM REVENUE			1,966,800	1,979,000
FEDERAL			(−0−)	(−0−)
OTHER			(1,966,800)	(1,979,000)
TOTAL−ALL SOURCES			1,966,800	1,979,000
20.144 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
PROGRAM REVENUE			16,318,600	16,330,800
FEDERAL			(−0−)	(−0−)
OTHER			(16,318,600)	(16,330,800)
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			16,318,600	16,330,800
20.145 Insurance, office of the commissioner of				
(1) SUPERVISION OF THE INSURANCE INDUSTRY				
(g) General program operations	PR	A	16,265,300	16,485,600

Statute, Agency and Purpose	Source	Type	2009−10	2010−11	
(gm) Gifts and grants	PR	C	−0−	−0−	
(h) Holding company restructuring expenses	PR	C	−0−	−0−	
(m) Federal funds	PR−F	C	−0−	−0−	
(1) PROGRAM TOTALS					
PROGRAM REVENUE			16,265,300	16,485,600	
FEDERAL			(−0−)	(−0−)	
OTHER			(16,265,300)	(16,485,600)	
TOTAL−ALL SOURCES			16,265,300	16,485,600	
(2) Injured patients and families compensation fund					
(q) Interest earned on future medical expenses	SEG	S	−0−	−0−	
(u) Administration	SEG	A	1,221,900	1,205,900	
(um) Peer review council	SEG	A	138,200	138,200	
(v) Specified responsibilities, inv. board payments and future medical expenses	SEG	C	54,150,400	54,150,400	
(2) PROGRAM TOTALS					
SEGREGATED FUNDS			55,510,500	55,494,500	
OTHER			(55,510,500)	(55,494,500)	
TOTAL−ALL SOURCES			55,510,500	55,494,500	
(3) Local government property insurance fund					
(u) Administration	SEG	A	931,900	931,900	
(v) Specified payments, fire dues and reinsurance	SEG	C	26,657,300	26,657,300	
(3) PROGRAM TOTALS					
SEGREGATED FUNDS			27,589,200	27,589,200	
OTHER			(27,589,200)	(27,589,200)	
TOTAL−ALL SOURCES			27,589,200	27,589,200	
(4) State life insurance fund					
(u) Administration	SEG	A	655,600	655,600	
(v) Specified payments and losses	SEG	C	3,528,400	3,528,400	
(4) PROGRAM TOTALS					
SEGREGATED FUNDS			4,184,000	4,184,000	
OTHER			(4,184,000)	(4,184,000)	
TOTAL−ALL SOURCES			4,184,000	4,184,000	
20.145 DEPARTMENT TOTALS					
PROGRAM REVENUE			16,265,300	16,485,600	
FEDERAL			(−0−)	(−0−)	
OTHER			(16,265,300)	(16,485,600)	
SEGREGATED FUNDS			87,283,700	87,267,700	
OTHER			(87,283,700)	(87,267,700)	
TOTAL−ALL SOURCES			103,549,000	103,753,300	
20.155 Public service commission					
(1) Regulation of public utilities					
(g) Utility regulation	PR	A	15,412,700	15,412,600	
(h) Holding company and nonutility affiliate regulation	PR	C	682,700	682,700	
			1,042,500	1,042,500	**Vetoed**
(j) Intervenor financing	PR	A	742,500	742,500	**In Part**
(L) Stray voltage program	PR	A	207,500	207,500	

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(Lb) Gifts for stray voltage program	PR	C	−0−	−0−
(Lm) Consumer education and awareness	PR	C	−0−	−0−
(m) Federal funds	PR−F	C	241,000	241,000
(n) Indirect costs reimbursement	PR−F	C	50,000	50,000
(q) Universal telecommunications service	SEG	A	5,940,000	5,940,000
(r) Nuclear waste escrow fund	SEG	S	−0−	−0−
(1) PROGRAM TOTALS				
PROGRAM REVENUE			17,636,400	17,636,300
FEDERAL			(291,000)	(291,000)
OTHER			(17,345,400)	(17,345,300)
SEGREGATED FUNDS			5,940,000	5,940,000
OTHER			(5,940,000)	(5,940,000)
TOTAL−ALL SOURCES			23,576,400	23,576,300
(2) OFFICE OF THE COMMISSIONER OF RAILROADS				
(g) Railroad and water carrier regulation and general program operations	PR	A	478,900	479,000
(m) Railroad and water carrier regulation; federal funds	PR−F	C	−0−	−0−
(2) PROGRAM TOTALS				
PROGRAM REVENUE			478,900	479,000
FEDERAL			(−0−)	(−0−)
OTHER			(478,900)	(479,000)
TOTAL−ALL SOURCES			478,900	479,000
(3) OTHER PROGRAMS				
(q) Wireless 911 program operations and grants	SEG	C	−0−	−0−
(s) Energy efficiency and renewable resource programs	SEG	A	451,700	451,700
(t) Police and fire protection fee administration	SEG	A	166,600	166,600
(3) PROGRAM TOTALS				
SEGREGATED FUNDS			618,300	618,300
OTHER			(618,300)	(618,300)
TOTAL−ALL SOURCES			618,300	618,300
20.155 DEPARTMENT TOTALS				
PROGRAM REVENUE			18,115,300	18,115,300
FEDERAL			(291,000)	(291,000)
OTHER			(17,824,300)	(17,824,300)
SEGREGATED FUNDS			6,558,300	6,558,300
OTHER			(6,558,300)	(6,558,300)
TOTAL−ALL SOURCES			24,673,600	24,673,600
20.165 Regulation and licensing, department of				
(1) PROFESSIONAL REGULATION				
(g) General program operations	PR	A	9,938,000	9,938,000
(gc) Chiropractic examination	PR	C	−0−	−0−
(gm) Applicant investigation reimbursement	PR	C	125,600	125,600
(h) Technical assistance; nonstate agencies and organizations	PR	C	−0−	−0−

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(hg) General program operations; medical examining board	PR	B	1,835,000	1,835,000
(i) Examinations; general program operations	PR	C	1,413,100	1,413,100
(jm) Nursing workforce survey administration	PR	B	10,000	10,000
(k) Technical assistance; state agencies	PR−S	C	−0−	−0−
(m) Federal funds	PR−F	C	−0−	−0−
(s) Drug distributor bonding	SEG	S	−0−	−0−
20.165 DEPARTMENT TOTALS				
PROGRAM REVENUE			13,321,700	13,321,700
FEDERAL			(−0−)	(−0−)
OTHER			(13,321,700)	(13,321,700)
SERVICE			(−0−)	(−0−)
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			13,321,700	13,321,700
20.190 State fair park board				
(1) State fair park				
(c) Housing facilities principal repayment, interest and rebates	GPR	S	900,700	929,500
(d) Principal repayment and interest	GPR	S	1,587,800	1,582,400
(h) State fair operations	PR	C	11,932,600	12,414,600
(i) State fair capital expenses	PR	C	200,000	200,000
(j) State fair principal repayment, interest and rebates	PR	S	3,635,500	3,760,500
(jm) Gifts and grants	PR	C	−0−	−0−
(m) Federal funds	PR−F	C	−0−	−0−
20.190 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			2,488,500	2,511,900
PROGRAM REVENUE			15,768,100	16,375,100
FEDERAL			(−0−)	(−0−)
OTHER			(15,768,100)	(16,375,100)
TOTAL−ALL SOURCES			18,256,600	18,887,000
Commerce FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			53,071,800	54,208,200
PROGRAM REVENUE			254,777,900	239,032,800
FEDERAL			(109,825,900)	(92,787,500)
OTHER			(132,848,900)	(134,118,500)
SERVICE			(12,103,100)	(12,126,800)
SEGREGATED FUNDS			148,891,000	163,196,300
FEDERAL			(−0−)	(−0−)
OTHER			(148,891,000)	(163,196,300)
SERVICE			(−0−)	(−0−)
LOCAL			(−0−)	(−0−)
TOTAL−ALL SOURCES			456,740,700	456,437,300

Education

20.215 Arts board

(1) Support of arts projects

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(a) General program operations	GPR	A	352,400	352,400
(b) State aid for the arts	GPR	A	1,864,100	1,864,100
(c) Portraits of governors	GPR	A	−0−	−0−
(d) Challenge grant program	GPR	A	84,500	84,500
(f) Wisconsin regranting program	GPR	A	116,700	116,700
(fm) One−time grants	GPR	A	−0−	−0−
(g) Gifts and grants; state operations	PR	C	20,000	20,000
(h) Gifts and grants; aids to individuals and organizations	PR	C	−0−	−0−
(j) Support of arts programs	PR	C	−0−	−0−
(k) Funds received from other state agencies	PR−S	C	500,700	500,700
(ka) Percent−for−art administration	PR−S	A	−0−	−0−
(km) State aid for the arts; Indian gaming receipts	PR−S	A	24,900	24,900
(m) Federal grants; state operations	PR−F	C	458,100	458,100
(o) Federal grants; aids to individuals and organizations	PR−F	C	301,000	301,000
20.215 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			2,417,700	2,417,700
PROGRAM REVENUE			1,304,700	1,304,700
FEDERAL			(759,100)	(759,100)
OTHER			(20,000)	(20,000)
SERVICE			(525,600)	(525,600)
TOTAL−ALL SOURCES			3,722,400	3,722,400
20.220 Wisconsin artistic endowment foundation				
(1) WISCONSIN ARTISTIC ENDOWMENT FOUNDATION				
(a) Education and marketing	GPR	C	−0−	−0−
(q) General program operations	SEG	A	−0−	−0−
(r) Support of the arts	SEG	C	−0−	−0−
20.220 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
20.225 Educational communications board				
(1) INSTRUCTIONAL TECHNOLOGY				
(a) General program operations	GPR	A	3,086,300	3,086,300
(b) Energy costs; energy−related assessments	GPR	A	735,200	761,400
(c) Principal repayment and interest	GPR	S	2,626,600	2,712,100
(d) Milwaukee area technical college	GPR	A	235,400	235,400
(eg) Transmitter construction	GPR	C	−0−	−0−
(er) Transmitter operation	GPR	A	17,800	17,800
(f) Programming	GPR	A	1,138,300	1,138,300
(g) Gifts, grants, contracts, leases, instructional material, and copyrights	PR	C	9,554,000	9,554,000
(i) Program revenue facilities; principal repayment, interest, and rebates	PR	S	13,500	13,500
(k) Funds received from other state agencies	PR−S	C	−0−	−0−

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(kb) Emergency weather warning system operation	PR−S	A	146,000	146,000
(m) Federal grants	PR−F	C	1,171,800	1,171,800
20.225 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			7,839,600	7,951,300
PROGRAM REVENUE			10,885,300	10,885,300
FEDERAL			(1,171,800)	(1,171,800)
OTHER			(9,567,500)	(9,567,500)
SERVICE			(146,000)	(146,000)
TOTAL−ALL SOURCES			18,724,900	18,836,600
20.235 Higher educational aids board				
(1) Student support activities				
(b) Tuition grants	GPR	B	26,338,300	26,870,300
(cg) Nursing student loans	GPR	A	−0−	−0−
(cm) Nursing student loan program	GPR	A	445,500	445,500
(cr) Minority teacher loans	GPR	A	259,500	259,500
(cu) Teacher education loan program	GPR	A	272,200	272,200
(cx) Loan pgm for teachers & orient & mobility instructors of vis imp pupils	GPR	A	99,000	99,000
(d) Dental education contract	GPR	A	1,386,400	1,386,400
(e) Minnesota−Wisconsin student reciprocity agreement	GPR	S	10,017,200	10,017,200
(fc) Independent student grants program	GPR	B	−0−	−0−
(fd) Talent incentive grants	GPR	B	4,458,800	4,458,800
(fe) Wisconsin higher education grants; University of Wisconsin system students	GPR	S	37,750,000	58,345,400
(ff) Wisconsin higher education grants; technical college students	GPR	B	18,162,200	18,797,900
(fg) Minority undergraduate retention grants program	GPR	B	802,800	819,000
(fj) Handicapped student grants	GPR	B	122,600	122,600
(fm) Wisconsin covenant scholars grants	GPR	A	−0−	25,000,000
(fy) Academic excellence higher education scholarship program	GPR	S	3,190,000	3,190,000
(fz) Remission of fees and reimbursement for veterans and dependents	GPR	B	6,496,700	6,496,700
(g) Student loans	PR	A	−0−	−0−
(gg) Nursing student loan repayments	PR	C	−0−	−0−
(gm) Indian student assistance; contributions	PR	C	−0−	−0−
(i) Gifts and grants	PR	C	−0−	−0−
(k) Indian student assistance	PR−S	B	779,700	779,700
(ke) Wisconsin higher education grants for UW students; auxiliary enterprises	PR−S	A	17,250,000	−0−
(km) Wisconsin higher education grants; tribal college students	PR−S	B	438,800	454,200
(no) Federal aid; aids to individuals and organizations	PR−F	C	1,433,600	1,433,600

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			109,801,200	156,580,500
PROGRAM REVENUE			19,902,100	2,667,500
FEDERAL			(1,433,600)	(1,433,600)
OTHER			(−0−)	(−0−)
SERVICE			(18,468,500)	(1,233,900)
TOTAL−ALL SOURCES			129,703,300	159,248,000
(2) ADMINISTRATION				
(aa) General program operations	GPR	A	862,100	862,100
(bb) Student loan interest, loans sold or conveyed	GPR	S	−0−	−0−
(bc) Write−off of uncollectible student loans	GPR	A	−0−	−0−
(bd) Purchase of defective student loans	GPR	S	−0−	−0−
(ga) Student interest payments	PR	C	900	900
(gb) Student interest payments, loans sold or conveyed	PR	C	−0−	−0−
(ia) Student loans; collection and administration	PR	C	−0−	−0−
(ja) Write−off of defaulted student loans	PR	A	−0−	−0−
(n) Federal aid; state operations	PR−F	C	−0−	−0−
(qa) Student loan revenue obligation repayment	SEG	C	−0−	−0−
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			862,100	862,100
PROGRAM REVENUE			900	900
FEDERAL			(−0−)	(−0−)
OTHER			(900)	(900)
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			863,000	863,000
20.235 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			110,663,300	157,442,600
PROGRAM REVENUE			19,903,000	2,668,400
FEDERAL			(1,433,600)	(1,433,600)
OTHER			(900)	(900)
SERVICE			(18,468,500)	(1,233,900)
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			130,566,300	160,111,000
20.245 Historical society				
(1) HISTORY SERVICES				
(a) General program operations	GPR	A	10,127,100	10,094,500
(b) Wisconsin black historical society and museum	GPR	A	84,500	84,500
(c) Energy costs; energy−related assessments	GPR	A	1,190,100	1,222,300
(e) Principal repayment, interest, and rebates	GPR	S	2,131,900	2,782,000
(h) Gifts, grants, and membership sales	PR	C	400,400	387,600

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(j) Self−amortizing facilities; principal repayment, interest and rebates	PR	S	52,100	25,100
(k) Storage facility	PR−S	B	248,800	213,900
(km) Northern great lakes center	PR−S	A	259,300	259,300
(ks) General program operations − service funds	PR−S	C	1,838,700	1,838,700
(kw) Records management — service funds	PR−S	C	241,100	241,100
(m) General program operations; federal funds	PR−F	C	1,119,100	1,119,100
(n) Federal aids	PR−F	C	−0−	−0−
(pz) Indirect cost reimbursements	PR−F	C	97,400	97,400
(q) Endowment principal	SEG	C	609,900	609,900
(r) History preservation partnership trust fund	SEG	C	3,241,000	3,241,000
(y) Northern great lakes center; interpretive programming	SEG	A	43,500	43,500
20.245 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			13,533,600	14,183,300
PROGRAM REVENUE			4,256,900	4,182,200
FEDERAL			(1,216,500)	(1,216,500)
OTHER			(452,500)	(412,700)
SERVICE			(2,587,900)	(2,553,000)
SEGREGATED FUNDS			3,894,400	3,894,400
OTHER			(3,894,400)	(3,894,400)
TOTAL−ALL SOURCES			21,684,900	22,259,900
20.250 Medical college of Wisconsin				
(1) TRAINING OF HEALTH PERSONNEL				
(a) General program operations	GPR	A	1,926,600	1,926,600
(b) Family medicine and practice	GPR	A	3,165,000	3,165,000
(c) Principal repay, int & rebates; biomedical research & technology incubator	GPR	S	2,036,300	2,180,300
(e) Principal repayment and interest	GPR	S	162,700	162,300
(k) Tobacco−related illnesses	PR−S	C	−0−	−0−
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			7,290,600	7,434,200
PROGRAM REVENUE			−0−	−0−
SERVICE			(−0−)	(−0−)
TOTAL−ALL SOURCES			7,290,600	7,434,200
(2) RESEARCH				
(g) Breast cancer research	PR	C	247,500	247,500
(h) Prostate cancer research	PR	C	−0−	−0−
(2) PROGRAM TOTALS				
PROGRAM REVENUE			247,500	247,500
OTHER			(247,500)	(247,500)
TOTAL−ALL SOURCES			247,500	247,500
20.250 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			7,290,600	7,434,200
PROGRAM REVENUE			247,500	247,500
OTHER			(247,500)	(247,500)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
SERVICE			(−0−)	(−0−)
TOTAL−ALL SOURCES			7,538,100	7,681,700
20.255 Public instruction, department of				
(1) EDUCATIONAL LEADERSHIP				
(a) General program operations	GPR	A	10,630,800	10,630,800
(b) Gen pgm ops: program for the deaf and center for the blind	GPR	A	11,765,700	11,765,700
(c) Energy costs; energy−related assessments program for deaf and ctr for blind	GPR	A	689,900	716,100
(d) Principal repayment and interest	GPR	S	1,076,200	873,900
(dw) Pupil assessment	GPR	A	3,106,500	3,106,500
(g) Student activity therapy	PR	A	900	900
(gb) Program for the deaf and center for the blind; nonresident fees	PR	C	49,500	49,500
(gL) Program for the deaf and center for the blind; leasing of space	PR	C	18,100	18,100
(gs) Program for the deaf and center for the blind; services	PR	C	69,300	69,300
(gt) Program for the deaf and center for the blind; pupil transportation	PR	A	1,275,700	1,597,200
(hf) Administrative leadership academy	PR	A	−0−	−0−
(hg) Personnel licensure, teacher supply, info. and analysis and teacher improv.	PR	A	3,160,100	3,160,100
(hj) General educational development and high school graduation equivalency	PR	A	98,200	99,800
(hm) Services for drivers	PR−S	A	270,600	270,600
(i) Publications	PR	A	234,100	234,100
(im) Library products and services	PR	C	234,600	234,600
(j) Milwaukee parental choice program; financial audits	PR	C	71,300	92,900
(jg) School lunch handling charges	PR	A	14,844,800	14,844,800
(jm) Professional services center charges	PR	A	164,200	164,200
(jr) Gifts, grants and trust funds	PR	C	2,050,000	2,050,000
(jz) School district boundary appeal proceedings	PR	C	10,000	10,000
(kd) Alcohol and other drug abuse program	PR−S	A	668,200	658,200
(ke) Funds transferred from other state agencies; program operations	PR−S	C	2,604,100	2,564,600
(km) State agency library processing center	PR−S	A	38,300	38,300
(ks) Data processing	PR−S	C	3,825,200	3,841,300
(me) Federal aids; program operations	PR−F	C	41,748,400	41,074,900
(pz) Indirect cost reimbursements	PR−F	C	2,791,400	2,783,300
(q) Environmental education	SEG	A	74,800	97,600
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			27,269,100	27,093,000
PROGRAM REVENUE			74,227,000	73,856,700
FEDERAL			(44,539,800)	(43,858,200)

Statute, Agency and Purpose	Source	Type	2009−10	2010−11	
OTHER			(22,280,800)	(22,625,500)	
SERVICE			(7,406,400)	(7,373,000)	
SEGREGATED FUNDS			74,800	97,600	
OTHER			(74,800)	(97,600)	
TOTAL−ALL SOURCES			101,570,900	101,047,300	
(2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING					
(ac) General equalization aids	GPR	A	4,415,778,000	4,652,500,000	
(ad) Supplemental aid	GPR	A	120,600	120,600	
(ae) Sparsity aid	GPR	A	3,517,100	14,948,100	
(b) Aids for special education and school age parents programs	GPR	A	368,939,100	368,939,100	
(bb) Aid for high−poverty school districts	GPR	A	18,700,000	18,700,000	
(bc) Aid for children−at−risk programs	GPR	A	3,377,500	3,377,500	
(bd) Additional special education aid	GPR	A	3,500,000	3,500,000	
(be) Supplemental special education aid	GPR	A	1,750,000	1,750,000	
(bh) Aid to county children with disabilities education boards	GPR	A	4,067,300	4,067,300	
(cc) Bilingual−bicultural education aids	GPR	A	9,544,200	9,544,200	
(ce) English for Southeast Asian children	GPR	A	96,500	96,500	
(cf) Alternative education grants	GPR	A	4,825,000	4,825,000	
(cg) Tuition payments; full−time open enrollment transfer payments	GPR	A	9,158,800	9,158,800	
(ch) Full−time open enrollment; supplement	GPR	S	772,000	772,000	**Vetoed In Part**
(cm) Grants for school breakfast programs	GPR	C	2,789,400	2,789,400	
(cn) Aids for school lunches and nutritional improvement	GPR	A	4,218,100	4,218,100	
(cp) Wisconsin school day milk program	GPR	A	685,700	685,700	
(cr) Aid for pupil transportation	GPR	A	26,337,300	26,337,300	
(cs) Aid for debt service	GPR	A	148,500	148,500	
(cu) Achievement guarantee contracts	GPR	A	109,184,500	109,184,500	
(cw) Aid for transportation; youth options program	GPR	A	19,300	19,300	
(cy) Aid for transportation; open enrollment	GPR	A	482,500	482,500	
(de) School district grants	GPR	A	180,000	−0−	
(df) Grants for improving pupil academic achievement	GPR	A	9,650,000	9,650,000	
(dL) Grants for nursing services	GPR	A	241,200	241,200	
(dm) Grants for alcohol & other drug abuse prevention & intervention programs	GPR	A	4,361,800	4,361,800	
(do) Grants for preschool to grade 5 programs	GPR	A	7,096,400	7,096,400	
(dp) Four−year−old kindergarten grants	GPR	A	3,000,000	1,500,000	
(eh) Head start supplement	GPR	A	6,960,100	6,960,100	
(ep) Second chance partnership	GPR	S	147,500	147,500	
(er) Global academy	GPR	A	50,000	−0−	
(es) Distance learning	GPR	A	50,000	−0−	
(fg) Aid for cooperative educational service agencies	GPR	A	289,500	289,500	

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(fk) Grant program for peer review and mentoring	GPR	A	482,500	482,500
(fm) Charter schools	GPR	S	48,350,000	56,125,000
(fu) Milwaukee parental choice program	GPR	S	132,061,000	132,061,000
(fv) Milwaukee parental choice program; transfer pupils	GPR	S	−0−	−0−
(fw) Grants for advanced placement courses	GPR	A	96,500	96,500
(fy) Grants to support gifted and talented pupils	GPR	A	263,500	263,500
(fz) Grants for science, technology, engineering, and mathematics programs	GPR	A	59,400	59,400
(k) Funds transferred from other state agencies; local aids	PR−S	C	9,187,000	9,187,000
(kd) Aid for alcohol and other drug abuse programs	PR−S	A	1,427,500	1,427,500
(kg) Mentoring grants for initial educators	GPR	A	1,302,700	1,302,700
(km) Tribal language revitalization grants	PR−S	A	247,500	247,500
(m) Federal aids; local aid	PR−F	C	624,166,600	614,996,600
(n) Federal aid; economic stimulus funds	PR−F	C	177,200,000	194,100,000
(p) Federal aids; state allocations	PR−F	C	236,722,000	−0−
(s) School library aids	SEG	C	39,600,000	39,600,000
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			5,202,653,500	5,456,801,500
PROGRAM REVENUE			1,048,950,600	819,958,600
FEDERAL			(1,038,088,600)	(809,096,600)
SERVICE			(10,862,000)	(10,862,000)
SEGREGATED FUNDS			39,600,000	39,600,000
OTHER			(39,600,000)	(39,600,000)
TOTAL−ALL SOURCES			6,291,204,100	6,316,360,100
(3) AIDS TO LIBRARIES, INDIVIDUALS AND ORGANIZATIONS				
(b) Adult literacy grants	GPR	A	69,300	69,300
(c) Grants for national teacher certification or master educator licensure	GPR	S	1,870,900	2,099,600
(d) Elks and Easter Seals center for respite and recreation	GPR	A	82,100	82,100
(dn) Grant to project lead the way	GPR	A	234,700	234,700
(eg) Milwaukee public museum	GPR	A	46,900	46,900
(fa) Very special arts	GPR	A	70,300	70,300
(fg) Special olympics	GPR	A	75,000	75,000
(fz) Precollege scholarships	GPR	A	2,146,100	2,146,100
(mm) Federal funds; local assistance	PR−F	C	1,107,100	1,107,100
(ms) Federal funds; individuals and organizations	PR−F	C	54,424,700	54,424,700
(q) Periodical and reference information databases; newsline for the blind	SEG	A	2,344,900	2,560,000
(qm) Aid to public library systems	SEG	A	16,165,400	16,681,200

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(r) Library service contracts	SEG	A	1,134,300	1,169,800
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			4,595,300	4,824,000
PROGRAM REVENUE			55,531,800	55,531,800
FEDERAL			(55,531,800)	(55,531,800)
SEGREGATED FUNDS			19,644,600	20,411,000
OTHER			(19,644,600)	(20,411,000)
TOTAL−ALL SOURCES			79,771,700	80,766,800
20.255 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			5,234,517,900	5,488,718,500
PROGRAM REVENUE			1,178,709,400	949,347,100
FEDERAL			(1,138,160,200)	(908,486,600)
OTHER			(22,280,800)	(22,625,500)
SERVICE			(18,268,400)	(18,235,000)
SEGREGATED FUNDS			59,319,400	60,108,600
OTHER			(59,319,400)	(60,108,600)
TOTAL−ALL SOURCES			6,472,546,700	6,498,174,200
20.285 University of Wisconsin system				
(1) UNIVERSITY EDUCATION, RESEARCH AND PUBLIC SERVICE				
(a) General program operations	GPR	A	763,033,000	776,557,400
(ab) Student aid	GPR	A	1,333,900	1,333,900
(am) Distinguished professorships	GPR	A	871,100	871,100
(as) Industrial and economic development research	GPR	A	1,776,700	1,776,700
(b) Area health education centers	GPR	A	1,143,000	1,143,000
(bm) Fee remissions	GPR	A	29,700	29,700
(c) Energy costs; energy−related assessments	GPR	A	127,247,400	132,291,400
(cm) Educational technology	GPR	A	6,617,300	6,617,300
(d) Principal repayment and interest	GPR	S	151,465,800	155,373,800
(da) Lease rental payments	GPR	S	−0−	−0−
(db) Self−amortizing facilities principal and interest	GPR	S	−0−	−0−
(em) Schools of business	GPR	A	1,742,500	1,742,500
(eo) Extension outreach	GPR	A	365,400	365,400
(ep) Extension local planning program	GPR	A	91,300	91,300
(er) Grants for study abroad	GPR	A	990,000	990,000
(fc) Department of family medicine and practice	GPR	A	9,956,600	9,956,600
(fd) State laboratory of hygiene; general program operations	GPR	A	9,584,700	9,584,700
(fj) Veterinary diagnostic laboratory	GPR	A	4,712,100	4,712,100
(fm) Laboratories	GPR	A	3,867,900	3,867,900
(fs) Farm safety program grants	GPR	A	19,200	19,200
(ft) Wisconsin humanities council	GPR	A	71,900	71,900
(fx) Alcohol and other drug abuse prevention and intervention	GPR	A	75,700	75,700
(g) Physical plant service departments	PR	C	2,399,500	2,399,500
(gm) Breast cancer research	PR	C	264,200	264,200
(gn) Prostate cancer research	PR	C	−0−	−0−

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(gr) Center for urban land economics research	PR	A	179,800	179,800
(gs) Charter school operator payments	PR	C	−0−	−0−
(h) Auxiliary enterprises	PR	C	521,542,800	544,588,800
(ha) Stores	PR	C	4,426,600	4,426,600
(hm) Extension outreach	PR	C	133,000	133,000
(i) State laboratory of hygiene	PR	C	21,871,300	21,871,300
(ia) State laboratory of hygiene, drivers	PR−S	C	1,619,200	1,619,200
(im) Academic student fees	PR	C	907,261,600	911,429,000
(in) Payment of debt service; UW−Platteville tri−state initiative facilities	PR−S	C	−0−	−0−
(ip) Extension student fees	PR	C	34,195,400	34,195,400
(iz) General operations receipts	PR	C	203,732,700	203,732,700
(j) Gifts and donations	PR	C	508,331,700	522,244,500
(ja) Gifts; student loans	PR	C	3,797,700	3,797,700
(jc) Physician and dentist and health care provider loan assistance programs	PR	C	−0−	−0−
(je) Veterinary diagnostic laboratory; fees	PR	C	3,948,900	3,948,900
(jm) Distinguished professorships	PR	C	924,900	924,900
(jp) License plate scholarship programs	PR	C	201,500	201,500
(jq) Steam and chilled−water plant; prin repaymt, int, and rebates; nonstate ent	PR	C	883,600	885,000
(k) Funds transferred from other state agencies	PR−S	C	247,500	247,500
(ka) Sale of real property	PR	C	−0−	−0−
(kb) Great Lakes studies	PR−S	A	46,800	46,800
(kc) Charter school	PR−S	C	−0−	−0−
(kd) Principal repayment, interest and rebates	PR−S	S	74,499,600	81,817,700
(ke) Lease rental payments	PR−S	S	−0−	−0−
(kf) Outdoors skills training	PR−S	A	47,600	47,600
(kg) Veterinary diagnostic laboratory; state agencies	PR−S	C	831,100	831,100
(kj) Academic fee increase grants	PR−S	A	4,100,000	1,900,000
(km) Aquaculture demonstration facility; principal repayment and interest	PR−S	A	−0−	−0−
(kn) Aquaculture demonstration facility; operational costs	PR−S	A	394,500	394,500
(ko) Steam and chilled−water plant; principal repayment, interest, and rebates	PR−S	C	5,006,700	5,014,600
(kp) Student−related activities	PR−S	C	−0−	−0−
(kr) University of Wisconsin center for tobacco research and intervention	PR−S	C	−0−	−0−
(ks) Physician and health care provider loan assistance	PR−S	B	488,700	488,700
(Lm) Laboratories	PR	A	4,406,200	4,406,200
(Ls) Schools of business	PR	A	608,000	608,000
(m) Federal aid	PR−F	C	639,641,600	639,567,500

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(ma) Federal aid; loans and grants	PR−F	C	326,603,200	326,603,200
(mc) Veterinary diagnostic lab−federal aid	PR−F	C	1,685,200	1,685,200
(n) Federal indirect cost reimbursement	PR−F	C	128,709,500	128,709,500
(q) Telecommunications services	SEG	A	1,054,800	1,054,800
(qm) Grants for forestry programs	SEG	A	129,900	129,900
(qr) Discovery farm grants	SEG	A	246,700	246,700
(r) Environmental education; environmental assessments	SEG	C	90,000	130,500
(rc) Environmental education; forestry	SEG	A	400,000	400,000
(rm) Environmental program grants and scholarships	SEG	A	200,000	200,000
(s) Wisconsin bioenergy initiative	SEG	A	4,050,000	4,050,000
(tb) Extension recycling education	SEG	A	344,000	344,000
(tm) Solid waste research and experiments	SEG	A	154,300	154,300
(u) Trust fund income	SEG	C	26,276,400	27,435,100
(w) Trust fund operations	SEG	C	−0−	−0−
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			1,084,995,200	1,107,471,600
PROGRAM REVENUE			3,403,030,600	3,449,210,100
FEDERAL			(1,096,639,500)	(1,096,565,400)
OTHER			(2,219,109,400)	(2,260,237,000)
SERVICE			(87,281,700)	(92,407,700)
SEGREGATED FUNDS			32,946,100	34,145,300
OTHER			(32,946,100)	(34,145,300)
TOTAL−ALL SOURCES			4,520,971,900	4,590,827,000
(3) UNIVERSITY SYSTEM ADMINISTRATION				
(a) General program operations	GPR	A	9,549,100	9,549,100
(iz) General operations receipts	PR	C	167,800	167,800
(n) Federal indirect cost reimbursement	PR−F	C	2,288,900	2,288,900
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			9,549,100	9,549,100
PROGRAM REVENUE			2,456,700	2,456,700
FEDERAL			(2,288,900)	(2,288,900)
OTHER			(167,800)	(167,800)
TOTAL−ALL SOURCES			12,005,800	12,005,800
(4) MINORITY AND DISADVANTAGED PROGRAMS				
(a) Minority and disadvantaged programs	GPR	A	11,459,300	11,459,300
(b) Graduate student financial aid	GPR	A	8,056,900	8,322,800
(dd) Lawton minority undergraduate grants program	GPR	S	6,399,500	6,757,900
(4) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			25,915,700	26,540,000
TOTAL−ALL SOURCES			25,915,700	26,540,000
(5) UNIVERSITY OF WISCONSIN–MADISON INTERCOLLEGIATE ATHLETICS				
(h) Auxiliary enterprises	PR	A	71,617,800	75,316,400
(i) Nonincome sports	PR	C	332,800	366,100
(j) Gifts and grants	PR	C	15,071,800	16,159,000
(5) PROGRAM TOTALS				
PROGRAM REVENUE			87,022,400	91,841,500

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
OTHER			(87,022,400)	(91,841,500)
TOTAL−ALL SOURCES			87,022,400	91,841,500
(6) UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY				
(a) Services received from authority	GPR	A	4,644,600	4,644,600
(g) Services provided to authority	PR	C	35,640,000	35,640,000
(6) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			4,644,600	4,644,600
PROGRAM REVENUE			35,640,000	35,640,000
OTHER			(35,640,000)	(35,640,000)
TOTAL−ALL SOURCES			40,284,600	40,284,600
20.285 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			1,125,104,600	1,148,205,300
PROGRAM REVENUE			3,528,149,700	3,579,148,300
FEDERAL			(1,098,928,400)	(1,098,854,300)
OTHER			(2,341,939,600)	(2,387,886,300)
SERVICE			(87,281,700)	(92,407,700)
SEGREGATED FUNDS			32,946,100	34,145,300
OTHER			(32,946,100)	(34,145,300)
TOTAL−ALL SOURCES			4,686,200,400	4,761,498,900
20.292 Technical college system, board of				
(1) TECHNICAL COLLEGE SYSTEM				
(a) General program operations	GPR	A	3,296,800	3,296,800
(am) Fee remissions	GPR	A	14,200	14,200
(b) Displaced homemakers' program	GPR	A	805,300	805,300
(c) Minority student participation and retention grants	GPR	A	583,300	583,300
(ce) Basic skills grants	GPR	A	−0−	−0−
(ch) Health care education programs	GPR	A	5,395,500	5,395,500
(d) State aid for technical colleges; statewide guide	GPR	A	119,335,600	119,335,600
(dc) Incentive grants	GPR	C	6,418,300	6,418,300
(dd) Farm training program tuition grants	GPR	A	141,800	141,800
(de) Services for handicapped students; local assistance	GPR	A	378,200	378,200
(dm) Aid for special collegiate transfer programs	GPR	A	1,063,000	1,063,000
(e) Technical college instructor occupational competency program	GPR	A	67,400	67,400
(ef) School−to−work programs for children at risk	GPR	A	282,100	282,100
(eg) Faculty development grants	GPR	A	786,700	786,700
(eh) Training program grants	GPR	B	2,970,000	2,970,000
(em) Apprenticeship curriculum development	GPR	A	70,900	70,900
(fc) Driver education, local assistance	GPR	A	304,400	304,400
(fg) Chauffeur training grants	GPR	C	189,100	189,100
(fm) Supplemental aid	GPR	A	1,418,200	1,418,200
(fp) Emergency medical technician − basic training; state operations	GPR	A	−0−	−0−
(g) Text materials	PR	A	115,500	115,500
(ga) Auxiliary services	PR	C	16,900	16,900

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(gm) Fire schools; state operations	PR	A	437,900	437,900
(gr) Fire schools; local assistance	PR	A	600,000	600,000
(h) Gifts and grants	PR	C	20,600	20,600
(hm) Truck driver training	PR−S	C	578,200	578,200
(i) Conferences	PR	C	80,600	80,600
(j) Personnel certification	PR	A	276,600	276,600
(k) Gifts and grants	PR	C	30,200	30,200
(ka) Interagency projects; local assistance	PR−S	A	3,380,600	3,380,600
(kb) Interagency projects; state operations	PR−S	A	692,100	692,100
(kd) Transfer of Indian gaming receipts; work−based learning programs	PR−S	A	594,000	594,000
(km) Master logger apprenticeship grants	SEG	C	−0−	−0−
(kx) Interagency and intra−agency programs	PR−S	C	272,900	272,900
(L) Services for district boards	PR	A	130,300	130,300
(m) Federal aid, state operations	PR−F	C	4,045,900	4,046,600
(n) Federal aid, local assistance	PR−F	C	28,424,300	28,424,300
(o) Federal aid, aids to individuals and organizations	PR−F	C	800,000	800,000
(pz) Indirect cost reimbursements	PR−F	C	196,000	196,000
(q) Agricultural education consultant	GPR	A	69,900	69,900
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			143,590,700	143,590,700
PROGRAM REVENUE			40,692,600	40,693,300
FEDERAL			(33,466,200)	(33,466,900)
OTHER			(1,708,600)	(1,708,600)
SERVICE			(5,517,800)	(5,517,800)
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			184,283,300	184,284,000
(2) Educational approval board				
(g) Proprietary school programs	PR−S	A	497,600	497,600
(gm) Student protection	PR−S	C	56,600	56,600
(i) Closed schools; preservaton of student records	PR−S	A	12,100	12,100
(2) PROGRAM TOTALS				
PROGRAM REVENUE			566,300	566,300
SERVICE			(566,300)	(566,300)
TOTAL−ALL SOURCES			566,300	566,300
20.292 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			143,590,700	143,590,700
PROGRAM REVENUE			41,258,900	41,259,600
FEDERAL			(33,466,200)	(33,466,900)
OTHER			(1,708,600)	(1,708,600)
SERVICE			(6,084,100)	(6,084,100)
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			184,849,600	184,850,300
Education FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			6,644,958,000	6,969,943,600

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
PROGRAM REVENUE			4,784,715,400	4,589,043,100
FEDERAL			(2,275,135,800)	(2,045,388,800)
OTHER			(2,376,217,400)	(2,422,469,000)
SERVICE			(133,362,200)	(121,185,300)
SEGREGATED FUNDS			96,159,900	98,148,300
FEDERAL			(−0−)	(−0−)
OTHER			(96,159,900)	(98,148,300)
SERVICE			(−0−)	(−0−)
LOCAL			(−0−)	(−0−)
TOTAL−ALL SOURCES			11,525,833,300	11,657,135,000

Environmental Resources

20.320 Environmental improvement program

(1) CLEAN WATER FUND PROGRAM OPERATIONS				
(a) Environmental aids — clean water fund program	GPR	A	−0−	−0−
(c) Principal repayment and interest — clean water fund program	GPR	S	37,592,300	51,113,800
(r) Clean water fund program repayment of revenue obligations	SEG	S	−0−	−0−
(s) Clean water fund program financial assistance	SEG	S	107,593,000	−0−
(sm) Land recycling loan program financial assistance	SEG	S	−0−	−0−
(t) Principal repayment and interest — clean water fund program bonds	SEG	A	15,000,000	9,000,000
(u) Principal repay. & interest − clean water fd. prog. rev. obligation repay.	SEG	C	−0−	−0−
(x) Clean water fund program financial assistance; federal	SEG−F	C	−0−	−0−
(y) Clean water fund program federal financial hardship assistance	SEG−F	C	−0−	−0−
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			37,592,300	51,113,800
SEGREGATED FUNDS			122,593,000	9,000,000
FEDERAL			(−0−)	(−0−)
OTHER			(122,593,000)	(9,000,000)
TOTAL−ALL SOURCES			160,185,300	60,113,800
(2) SAFE DRINKING WATER LOAN PROGRAM OPERATIONS				
(c) Principal repayment and interest — safe drinking water loan program	GPR	S	2,951,900	3,101,200
(s) Safe drinking water loan programs financial assistance	SEG	S	38,042,000	−0−
(x) Safe drinking water loan programs financial assistance; federal	SEG−F	C	−0−	−0−
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			2,951,900	3,101,200
SEGREGATED FUNDS			38,042,000	−0−
FEDERAL			(−0−)	(−0−)
OTHER			(38,042,000)	(−0−)
TOTAL−ALL SOURCES			40,993,900	3,101,200
(3) PRIVATE SEWAGE SYSTEM PROGRAM				

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(q) Private sewage system loans	SEG	C	−0−	−0−
(3) PROGRAM TOTALS				
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
20.320 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			40,544,200	54,215,000
SEGREGATED FUNDS			160,635,000	9,000,000
FEDERAL			(−0−)	(−0−)
OTHER			(160,635,000)	(9,000,000)
TOTAL−ALL SOURCES			201,179,200	63,215,000
20.360 Lower Wisconsin state riverway board				
(1) CONTROL OF LAND DEVELOPMENT AND USE IN THE LOWER WISCONSIN STATE RIVERWAY				
(g) Gifts and grants	PR	C	−0−	−0−
(q) General program operations — conservation fund	SEG	A	202,700	202,700
20.360 DEPARTMENT TOTALS				
PROGRAM REVENUE			−0−	−0−
OTHER			(−0−)	(−0−)
SEGREGATED FUNDS			202,700	202,700
OTHER			(202,700)	(202,700)
TOTAL−ALL SOURCES			202,700	202,700
20.370 Natural resources, department of				
(1) LAND				
(cq) Forestry — reforestation	SEG	C	100,500	100,500
(cr) Forestry — recording fees	SEG	C	89,100	89,100
(cs) Forestry — forest fire emergencies	SEG	C	−0−	−0−
(ct) Timber sales contracts − repair and reimbursement costs	SEG	C	−0−	−0−
(cu) Forestry − forestry education curriculum	SEG	A	198,000	198,000
(cv) Forestry − public education	SEG	C	198,000	198,000
(cx) Forestry−management plans	SEG	C	316,800	316,800
(cy) Forestry − cooperating foresters	SEG	C	−0−	−0−
(ea) Parks — general program operations	GPR	A	4,973,600	4,973,600
(eq) Parks and forests − operation and maintenance	SEG	S	−0−	−0−
(er) Parks and forests − campground reservation fees	SEG	C	1,150,000	1,150,000
(es) Parks − interpretive programs	SEG	C	−0−	−0−
(fb) Endangered resources — general program operations	GPR	A	−0−	−0−
(fc) Endangered resources — Wisconsin stewardship program	GPR	A	−0−	−0−
(fd) Endangered resources — natural heritage inventory program	GPR	A	241,400	241,400
(fe) Endangered resources — general fund	GPR	S	500,000	500,000
(fs) Endangered resources — voluntary payments; sales, leases, and fees	SEG	C	1,742,700	1,742,700

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(ft) Endangered resources — application fees	SEG	C	−0−	−0−
(gr) Endangered resources program — gifts and grants	SEG	C	−0−	−0−
(gt) Habitat conservation plan fees	SEG	C	9,900	9,900
(hc) Indemnification agreements	GPR	S	−0−	−0−
(hk) Elk management	PR−S	A	98,200	98,200
(hq) Elk hunting fees	SEG	C	−0−	−0−
(hr) Pheasant restoration	SEG	C	203,800	203,800
(hs) Chronic wasting disease management	SEG	A	−0−	−0−
(ht) Wild turkey restoration	SEG	C	760,000	760,000
(hu) Wetlands habitat improvement	SEG	C	341,400	341,400
(hv) Aquatic and terrestrial resources inventory	SEG	A	128,500	128,500
(hw) Pheasant stocking and propagation	SEG	C	264,100	264,100
(it) Atlas revenues	SEG	C	−0−	−0−
(iu) Gravel pit reclamation	SEG	C	−0−	−0−
(jr) Rental property and equipment — maintenance and replacement	SEG	C	458,300	458,300
(kq) Taxes and assessments; conservation fund	SEG	A	297,000	297,000
(Lk) Reintroduction of whooping cranes	PR−S	A	59,800	59,800
(Lq) Trapper education program	SEG	C	48,600	48,600
(Lr) Beaver control; fish and wildlife account	SEG	C	36,200	36,200
(Ls) Control of wild animals	SEG	C	278,000	278,000
(Lt) Wildlife management	SEG	A	−0−	−0−
(Lu) Fish and wildlife habitat	SEG	S	−0−	−0−
(ma) General program operations — state funds	GPR	A	5,800	5,800
(mg) General program operations — endangered resources	PR	C	−0−	−0−
(mi) General program operations — private and public sources	PR	C	659,000	659,000
(mk) General program operations — service funds	PR−S	C	785,600	785,600
(mq) General program operations — state snowmobile trails and areas	SEG	A	209,700	209,700
(ms) General program operations — state all−terrain vehicle projects	SEG	A	310,500	310,500
(mt) Land preservation and management − endowment fund	SEG	S	−0−	−0−
(mu) General program operations — state funds	SEG	A	−0−	−0−
Land program management	SEG	A	1,038,900	1,038,900
Wildlife management	SEG	A	12,256,900	12,256,900
Southern forests	SEG	A	5,274,500	5,274,500
Parks and recreation	SEG	A	11,699,600	11,764,100
Endangered resources	SEG	A	741,300	741,300
Facilities and lands	SEG	A	7,318,800	7,318,800
NET APPROPRIATION			38,330,000	38,394,500

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(mv) General program operations − state funds; forestry	SEG	A	51,561,400	51,210,600
(my) General program operations — federal funds	SEG−F	C	−0−	−0−
Wildlife management	SEG−F	C	4,933,400	4,933,400
Forestry	SEG−F	C	1,468,600	1,468,600
Southern forests	SEG−F	C	115,400	115,400
Parks and recreation	SEG−F	C	786,100	786,100
Endangered resources	SEG−F	C	2,226,500	2,226,500
Facilities and lands	SEG−F	C	2,162,100	2,162,100
NET APPROPRIATION			11,692,100	11,692,100
(mz) Forest fire emergencies — federal funds	SEG−F	C	−0−	−0−
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			5,720,800	5,720,800
PROGRAM REVENUE			1,602,600	1,602,600
OTHER			(659,000)	(659,000)
SERVICE			(943,600)	(943,600)
SEGREGATED FUNDS			108,724,600	108,438,300
FEDERAL			(11,692,100)	(11,692,100)
OTHER			(97,032,500)	(96,746,200)
TOTAL−ALL SOURCES			116,048,000	115,761,700
(2) AIR AND WASTE				
(bg) Air management — stationary sources	PR	A	6,444,900	6,444,900
(bh) Air management — state permit sources	PR	A	2,192,200	2,192,200
(bi) Air management — asbestos management	PR	C	455,400	575,800
(bq) Air management — vapor recovery administration	SEG	A	88,300	88,300
(br) Air management — mobile sources	SEG	A	1,261,900	1,261,900
(cf) Air management − motor veh. emission inspection & maint. prog., state funds	GPR	A	61,900	61,900
(cg) Air management — recovery of ozone−depleting refrigerants	PR	A	150,800	150,800
(ch) Air management — emission analysis	PR	C	−0−	−0−
(ci) Air management — permit review and enforcement	PR	A	1,985,100	1,985,100
(cL) Air waste management — incinerator operator certification	PR	C	−0−	−0−
(dg) Solid waste management — solid and hazardous waste disposal administration	PR	C	2,695,600	2,695,600
(dh) Solid waste management−remediated property	PR	C	786,900	786,900
(dq) Solid waste management — waste management fund	SEG	C	−0−	−0−
(dt) Solid waste management — closure and long−term care	SEG	C	−0−	−0−

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(du) Solid waste management − site−specific remediation	SEG	C	−0−	−0−
(dv) Solid waste management — environmental repair; spills; abandoned containers	SEG	C	2,292,700	2,292,700
(dw) Solid waste management — environmental repair; petroleum spills; admin.	SEG	A	1,659,600	1,659,600
(dy) Solid waste mgt. — corrective action; proofs of financial responsibility	SEG	C	−0−	−0−
(dz) Solid waste management − assessments and legal action	SEG	C	−0−	−0−
(eg) Solid waste facility siting board fee	PR	C	−0−	−0−
(eh) Solid waste management — source reduction review	PR	C	−0−	−0−
(eq) Solid waste management − dry cleaner environmental response	SEG	A	153,700	153,700
(fq) Indemnification agreements	SEG	S	−0−	−0−
(gh) Mining — mining regulation and administration	PR	A	123,300	123,300
(gr) Solid waste management — mining programs	SEG	C	−0−	−0−
(hq) Recycling; administration	SEG	A	1,210,100	1,210,100
(ma) General program operations — state funds	GPR	A	1,693,600	1,693,600
(mi) General program operations — private and public sources	PR	C	−0−	−0−
(mk) General program operations — service funds	PR−S	C	93,900	93,900
(mm) General program operations — federal funds	PR−F	C	8,559,700	8,375,100
(mq) General program operations − environmental fund	SEG	A	3,399,400	3,297,000
(mr) General program operations − brownfields	SEG	A	283,900	283,900
(mu) Petroleum inspection fd. suppl. to env. fd.; env. repair and well comp.	SEG	A	985,000	985,000
(my) General program operations — environmental fund; federal funds	SEG−F	C	816,900	816,900
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			1,755,500	1,755,500
PROGRAM REVENUE			23,487,800	23,423,600
FEDERAL			(8,559,700)	(8,375,100)
OTHER			(14,834,200)	(14,954,600)
SERVICE			(93,900)	(93,900)
SEGREGATED FUNDS			12,151,500	12,049,100
FEDERAL			(816,900)	(816,900)
OTHER			(11,334,600)	(11,232,200)
TOTAL−ALL SOURCES			37,394,800	37,228,200

(3) ENFORCEMENT AND SCIENCE

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(ad) Law enforcement − car killed deer; general fund	GPR	A	509,500	509,500
(ak) Law enforcement − snowmobile enforcement and safety training; service funds	PR−S	A	1,184,800	1,184,800
(aq) Law enforcement — snowmobile enforcement and safety training	SEG	A	125,400	125,400
(ar) Law enforcement — boat enforcement and safety training	SEG	A	2,913,500	2,861,700
(as) Law enforcement — all−terrain vehicle enforcement	SEG	A	1,266,400	1,244,300
(at) Education and safety programs	SEG	C	337,600	337,600
(aw) Law enforcement — car kill deer	SEG	A	509,500	509,500
(ax) Law enforcement − water resources enforcement	SEG	A	198,800	193,400
(bg) Enforcement — stationary sources	PR	A	106,400	106,400
(bL) Operator certification — fees	PR	A	83,100	83,100
(dg) Environmental impact — consultant services; printing and postage costs	PR	C	−0−	−0−
(dh) Environmental impact — power projects	PR	C	27,800	27,800
(di) Environmental consulting costs — federal power projects	PR	A	−0−	−0−
(fj) Environmental quality − laboratory certification	PR	A	730,700	730,700
(is) Aquatic invasive species control; voluntary contributions	SEG	C	68,800	68,800
(ma) General program operations — state funds	GPR	A	3,159,900	3,159,900
(mi) General program operations — private and public sources	PR	C	376,000	376,000
(mk) General program operations — service funds	PR−S	C	1,391,900	1,391,900
(mm) General program operations — federal funds	PR−F	C	542,600	542,600
(mq) General program operations — environmental fund	SEG	A	1,176,900	1,165,500
(mr) Recycling; enforcement and research	SEG	A	290,100	286,700
(ms) General program operations − pollution prevention	SEG	A	69,600	69,600
(mt) General program operations, nonpoint source — environmental fund	SEG	A	385,800	385,800
(mu) General program operations — state funds	SEG	A	20,217,100	19,785,900
(mw) Water resources − public health	SEG	A	24,700	24,700
(my) General program operations — federal funds	SEG−F	C	6,850,500	6,850,500
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			3,669,400	3,669,400
PROGRAM REVENUE			4,443,300	4,443,300
FEDERAL			(542,600)	(542,600)

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
OTHER			(1,324,000)	(1,324,000)
SERVICE			(2,576,700)	(2,576,700)
SEGREGATED FUNDS			34,434,700	33,909,400
FEDERAL			(6,850,500)	(6,850,500)
OTHER			(27,584,200)	(27,058,900)
TOTAL−ALL SOURCES			42,547,400	42,022,100
(4) WATER				
(ac) Wisconsin River monitoring and study	GPR	A	150,000	150,000
(af) Water resources − remedial action	GPR	C	133,800	133,800
(ag) Water resources − pollution credits	PR	C	−0−	−0−
(ah) Water resources − Great Lakes protection fund	PR	C	214,900	214,900
(ai) Water resources — water use fees	PR	C	−0−	924,400
(aj) Water resources — ballast water discharge permits	PR	C	210,400	246,400
(aq) Water resources management − lake, river and invasive species management	SEG	A	3,219,300	3,219,300
(ar) Water resources − groundwater management	SEG	B	91,900	91,900
(as) Water resources — trading water pollution credits	SEG	C	−0−	−0−
(at) Watershed — nonpoint source contracts	SEG	B	997,600	997,600
(au) Cooperative remedial action; contributions	SEG	C	−0−	−0−
(av) Cooperative remedial action; interest on contributions	SEG	S	−0−	−0−
(bg) Water regulation and zoning − computer access fees	PR	C	−0−	−0−
(bh) Water regulation and zoning − dam inspect. and safety administ.; gen. fund	PR	A	−0−	−0−
(bi) Water regulation and zoning − fees	PR	C	791,400	791,400
(bj) Storm water management − fees	PR	A	1,708,700	1,708,700
(bL) Wastewater management − fees	PR	C	138,800	138,800
(br) Water reg. & zoning — dam safety & wetland mapping; conservation fund	SEG	A	617,400	617,400
(cg) Groundwater quantity administration	PR	A	726,500	464,100
(ch) Groundwater quantity research	PR	B	93,900	93,900
(kk) Fishery resources for ceded territories	PR−S	A	156,000	156,000
(kr) Commercial fish protection and Great Lakes resource surcharges	SEG	C	5,500	5,500
(ku) Great Lakes trout and salmon	SEG	C	1,262,500	1,262,500
(kv) Trout habitat improvement	SEG	C	1,295,600	1,295,600
(kw) Sturgeon stock and habitat	SEG	C	137,300	137,300
(ky) Sturgeon stock and habitat − inland waters	SEG	C	135,900	135,900

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(ma) General program operations − state funds	GPR	A	−0−	−0−
Watershed management	GPR	A	11,356,800	11,296,600
Fisheries management	GPR	A	140,000	140,000
Drinking water and groundwater	GPR	A	2,275,700	2,275,700
Water program management	GPR	A	1,057,000	1,057,000
NET APPROPRIATION			14,829,500	14,769,300
(mi) General program operations − private and public sources	PR	C	220,300	220,300
(mk) General program operations — service funds	PR−S	C	488,600	488,600
(mm) General program operations − federal funds	PR−F	C	−0−	−0−
Watershed management	PR−F	C	10,550,100	10,374,000
Fisheries management	PR−F	C	219,000	219,000
Drinking water and groundwater	PR−F	C	4,914,900	4,914,900
NET APPROPRIATION			15,684,000	15,507,900
(mq) General program operations − environmental fund	SEG	A	−0−	−0−
Watershed management	SEG	A	1,941,300	1,941,300
Drinking water and groundwater	SEG	A	2,218,300	2,218,300
Water program management	SEG	A	−0−	−0−
NET APPROPRIATION			4,159,600	4,159,600
(mr) General program operations, nonpoint source	SEG	A	559,600	559,600
(mt) General program operations−environmental improvement programs; state funds	SEG	A	709,100	709,100
(mu) General program operations − state funds	SEG	A	16,714,500	16,714,500
(mw) Petroleum inspection fund supplement to env. fund; groundwater management	SEG	A	719,800	719,800
(mx) General program operations − clean water fund program; federal funds	SEG−F	C	774,900	774,900
(my) General program operations − environmental fund − federal funds	SEG−F	C	−0−	−0−
(mz) General program operations − federal funds	SEG−F	C	5,275,400	5,275,400
(nz) General program operations−safe drinking water loan programs; federal funds	SEG−F	C	880,100	880,100
(4) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			15,113,300	15,053,100
PROGRAM REVENUE			20,433,500	20,955,400
FEDERAL			(15,684,000)	(15,507,900)
OTHER			(4,104,900)	(4,802,900)
SERVICE			(644,600)	(644,600)
SEGREGATED FUNDS			37,556,000	37,556,000
FEDERAL			(6,930,400)	(6,930,400)
OTHER			(30,625,600)	(30,625,600)
TOTAL−ALL SOURCES			73,102,800	73,564,500

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(5) Conservation aids				
(ad) Resource aids — interpretive center	GPR	A	25,300	25,300
(aq) Resource aids − Canadian agencies migratory waterfowl aids	SEG	C	167,500	167,500
(ar) Resource aids − county conservation aids	SEG	C	198,500	148,500
(as) Recreation aids − fish, wildlife and forestry recreation aids	SEG	C	112,200	112,200
(at) Ice age trail area grants	SEG	A	74,200	74,200
(au) Resource aids − Ducks Unlimited, Inc., payments	SEG	C	−0−	−0−
(av) Resource aids − forest grants	SEG	B	1,147,900	1,147,900
(aw) Resource aids — nonprofit conservation organizations	SEG	C	232,600	232,600
(ax) Resource aids − forestry	SEG	A	148,500	148,500
(ay) Resource aids − urban land conservation	SEG	A	74,200	74,200
(az) Resource aids — urban forestry grants	SEG	B	524,600	524,600
(bq) Resource aids − county forest loans; severance share payments	SEG	C	100,000	100,000
(br) Resource aids − forest croplands and managed forest land aids	SEG	A	1,237,500	1,237,500
(bs) Resource aids − county forest loans	SEG	A	616,200	616,200
(bt) Resource aids − county forest project loans	SEG	C	396,000	396,000
(bu) Resource aids − county forest project loans; severance share payments	SEG	C	350,000	350,000
(bv) Res. aids − county forests, forest croplands and managed forest land aids	SEG	S	1,416,400	1,416,400
(bw) Resource aids — county sust. forestry & county forest adm. grants	SEG	B	1,576,900	1,576,900
(bx) Resource aids − national forest income aids	SEG−F	C	782,200	782,200
(by) Resource aids — fire suppression grants	SEG	A	278,000	170,000
(bz) Resource aids − forestry outdoor activity grants	SEG	C	−0−	−0−
(cb) Recreation aids − snowmobile trail and area aids; general fund	GPR	A	−0−	−0−
(cq) Recreation aids − recreational boating and other projects	SEG	C	400,000	400,000
(cr) Recreation aids − county snowmobile trail and area aids	SEG	C	2,475,400	2,475,400
(cs) Recreation aids − snowmobile trail areas	SEG	C	4,836,700	4,845,100
(ct) Recreation aids − all−terrain vehicle project aids; gas tax payment	SEG	C	1,799,100	1,792,200
(cu) Recreation aids — all−terrain vehicle project aids	SEG	C	1,572,000	1,670,000

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(cv) Recreation aids — all terrain vehicle landowner incentive program	SEG	C	405,900	405,900
(cw) Recreation aids − supplemental snowmobile trail aids	SEG	C	397,500	375,000
(cx) Recreation aids — all−terrain vehicle safety program	SEG	A	297,000	297,000
(cy) Recreation and resource aids, federal funds	SEG−F	C	3,162,100	3,162,100
(da) Aids in lieu of taxes − general fund	GPR	S	7,650,000	9,050,000
(dq) Aids in lieu of taxes − sum sufficient	SEG	S	780,000	780,000
(dr) Aids in lieu of taxes − sum certain	SEG	A	3,960,000	3,960,000
(dx) Resource aids — payment in lieu of taxes; federal	SEG−F	C	440,000	440,000
(ea) Enforcement aids — spearfishing enforcement	GPR	C	−0−	−0−
(eq) Enforcement aids — boating enforcement	SEG	A	1,386,000	1,386,000
(er) Enforcement aids — all−terrain vehicle enforcement	SEG	A	495,000	495,000
(es) Enforcement aids — snowmobiling enforcement	SEG	A	396,000	396,000
(ex) Enforcement aids — federal funds	SEG−F	C	−0−	−0−
(fq) Wildlife damage claims and abatement	SEG	C	3,130,000	3,300,000
(fr) Wildlife abatement and control grants	SEG	B	24,700	24,700
(fs) Venison processing	SEG	B	594,000	594,000
(ft) Venison processing; voluntary contributions	SEG	C	14,800	14,800
(5) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			7,675,300	9,075,300
SEGREGATED FUNDS			35,999,600	36,088,600
FEDERAL			(4,384,300)	(4,384,300)
OTHER			(31,615,300)	(31,704,300)
TOTAL−ALL SOURCES			43,674,900	45,163,900
(6) Environmental aids				
(aa) Environmental aids − nonpoint source	GPR	B	787,900	787,900
(ac) Lake Koshkonong study	GPR	A	50,000	−0−
(ar) Environmental aids − lake protection	SEG	C	2,648,600	2,648,600
(as) Environmental aids — invasive aquatic species and lake monitoring	SEG	B	4,257,000	4,257,000
(au) Environmental aids — river protection; environmental fund	SEG	A	−0−	−0−
(av) Environmental aids − river protection; conservation fund	SEG	A	289,500	289,500
(aw) Environmental aids − river protection, nonprofit organization contracts	SEG	C	74,200	74,200
(bj) Environmental aids — waste reduction and recycling grants and gifts	PR	C	−0−	−0−

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(bk) Environmental aids — wastewater and drinking water grant	PR−S	A	−0−	−0−
(br) Environmental aids − waste reduction and recycling	SEG	C	−0−	−0−
(bu) Financial assistance for responsible units	SEG	A	31,098,100	32,098,100
(bv) Recycling efficiency incentive grants	SEG	A	−0−	−0−
(ca) Environmental aids − scenic urban waterways	GPR	C	−0−	−0−
(cm) Environmental aids − federal funds	PR−F	C	−0−	−0−
(cr) Environmental aids − compensation for well contamination and abandonment	SEG	C	276,000	276,000
(da) Environmental planning aids − local water quality planning	GPR	A	252,700	252,700
(dm) Environmental planning aids − federal funds	PR−F	C	150,000	150,000
(dq) Environmental aids — urban nonpoint source	SEG	B	1,382,200	1,313,200
(ef) Brownfields revolving loan repayments	PR	C	−0−	−0−
(eg) Groundwater mitigation and local assistance	PR	C	480,700	480,700
(eh) Brownfields revolving loan funds administered for other entity	PR	C	−0−	−0−
(em) Federal brownfields revolving loan funds	PR−F	C	1,000,000	1,000,000
(eq) Environmental aids − dry cleaner environmental response	SEG	B	4,745,200	763,600
(et) Environmental aids − brownfield site assessment	SEG	B	1,595,700	1,595,700
(eu) Environmental aids − brownfields green space grants	SEG	B	469,300	469,300
(ev) Reimbursement for disposal of contaminated sediment	SEG	A	3,000,000	3,000,000
(6) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			1,090,600	1,040,600
PROGRAM REVENUE			1,630,700	1,630,700
FEDERAL			(1,150,000)	(1,150,000)
OTHER			(480,700)	(480,700)
SERVICE			(−0−)	(−0−)
SEGREGATED FUNDS			49,835,800	46,785,200
OTHER			(49,835,800)	(46,785,200)
TOTAL−ALL SOURCES			52,557,100	49,456,500
(7) DEBT SERVICE AND DEVELOPMENT				
(aa) Resource acquisition and development − principal repayment and interest	GPR	S	45,504,400	54,664,500
(ac) Principal repayment and interest − recreational boating bonds	GPR	S	−0−	−0−
(ag) Land acquisition − principal repayment and interest	PR	C	−0−	−0−

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(aq) Resource acquisition and development − principal repayment and interest	SEG	S	89,800	1,000
(ar) Dam repair and removal − principal repayment and interest	SEG	S	497,100	532,200
(at) Recreation development − principal repayment and interest	SEG	S	−0−	−0−
(au) State forest acquisition and development — principal repayment and interest	SEG	A	18,500,000	16,000,000
(bq) Principal repayment and interest − remedial action	SEG	S	4,077,000	4,352,700
(br) Principal repayment and interest − contaminated sediment	SEG	S	464,000	635,200
(cb) Principal repayment and interest − pollution abatement bonds	GPR	S	35,254,700	16,881,600
(cc) Principal repay. and int. − combined sewer overflow; pollution abat. bonds	GPR	S	11,442,100	8,360,500
(cd) Principal repayment and interest − municipal clean drinking water grants	GPR	S	856,400	860,400
(cg) Principal repayment and interest − nonpoint repayments	PR	C	−0−	−0−
(cq) Principal repayment and interest — nonpoint source grants	SEG	S	7,695,300	7,981,100
(cr) Principal repayment and interest — nonpoint source	SEG	S	657,000	806,600
(cs) Principal repayment and interest — urban nonpoint source cost−sharing	SEG	S	2,240,500	2,557,900
(ct) Principal and interest — pollution abatement, environmental fund	SEG	A	−0−	8,000,000
(ea) Administrative facilities − principal repayment and interest	GPR	S	837,400	854,500
(eq) Administrative facilities − principal repayment and interest	SEG	S	4,511,500	5,625,700
(er) Administrative facilities − principal repayment & interest; env. fund	SEG	S	639,800	743,800
(fa) Resource maintenance and development − state funds	GPR	C	839,600	839,600
(fk) Resource acquisition and development − service funds; transportation moneys	PR−S	C	990,000	990,000
(fr) Resource acq. and dev. − boating access to southeastern lakes	SEG	C	99,000	99,000
(fs) Resource acquisition and development − state funds	SEG	C	889,100	889,100
(ft) Resource acquisition and development − boating access	SEG	C	198,000	198,000
(fu) Resource acquisition and development — nonmotorized boating improvements	SEG	C	−0−	−0−

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(fw) Resource acq. and dev. − Mississippi and St. Croix rivers management	SEG	C	61,900	61,900
(fy) Resource acquisition and development — federal funds	SEG−F	C	9,120,000	9,120,000
(gg) Ice age trail − gifts and grants	PR	C	−0−	−0−
(gq) State trails − gifts and grants	SEG	C	−0−	−0−
(ha) Facilities acquisition, development and maintenance	GPR	C	160,400	160,400
(hq) Facilities acquisition, development and maintenance − conservation fund	SEG	C	373,000	373,000
(jr) Rental property and equipment − maintenance and replacement	SEG	C	180,000	180,000
(mc) Resource maintenance and development − state park, forest & riverway roads	GPR	C	2,953,500	2,953,500
(mi) General program operations − private and public sources	PR	C	−0−	−0−
(mk) General program operations − service funds	PR−S	C	−0−	−0−
(7) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			97,848,500	85,575,000
PROGRAM REVENUE			990,000	990,000
OTHER			(−0−)	(−0−)
SERVICE			(990,000)	(990,000)
SEGREGATED FUNDS			50,293,000	58,157,200
FEDERAL			(9,120,000)	(9,120,000)
OTHER			(41,173,000)	(49,037,200)
TOTAL−ALL SOURCES			149,131,500	144,722,200
(8) ADMINISTRATION AND TECHNOLOGY				
(ir) Promotional activities and publications	SEG	C	82,200	82,200
(iw) Statewide recycling administration	SEG	A	395,300	412,100
(ma) General program operations — state funds	GPR	A	2,692,000	2,692,000
(mg) General program operations — stationary sources	PR	A	−0−	−0−
(mi) General program operations — private and public sources	PR	C	−0−	−0−
(mk) General program operations — service funds	PR−S	C	4,814,900	4,814,900
(mq) General program operations — mobile sources	SEG	A	879,600	903,900
(mr) General program operations − environmental improvement fund	SEG	A	353,700	353,700
(mt) Equipment pool operations	SEG−S	C	−0−	−0−
(mu) General program operations — state funds	SEG	A	15,565,500	15,655,500
(mv) General program operations — environmental fund	SEG	A	1,416,700	1,473,000
(mz) Indirect cost reimbursements	SEG−F	C	7,409,500	7,409,500

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(ni) Geographic information systems, general program operations − other funds	PR	C	36,300	36,300
(nk) Geographic information systems, general program operations — service funds	PR−S	C	1,658,400	1,658,400
(zq) Gifts and donations	SEG	C	−0−	−0−
(8) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			2,692,000	2,692,000
PROGRAM REVENUE			6,509,600	6,509,600
OTHER			(36,300)	(36,300)
SERVICE			(6,473,300)	(6,473,300)
SEGREGATED FUNDS			26,102,500	26,289,900
FEDERAL			(7,409,500)	(7,409,500)
OTHER			(18,693,000)	(18,880,400)
SERVICE			(−0−)	(−0−)
TOTAL−ALL SOURCES			35,304,100	35,491,500
(9) CUSTOMER ASSISTANCE AND EXTERNAL RELATIONS				
(eg) Gifts and grants; environmental management systems	PR	C	−0−	−0−
(gb) Education programs − program fees	PR	B	69,800	69,800
(hk) Approval fees to Lac du Flambeau band−service funds	PR−S	A	93,900	93,900
(hs) Approval fees from Lac du Flambeau band	SEG	C	−0−	−0−
(ht) Approval fees to Lac du Flambeau band	SEG	S	−0−	−0−
(hu) Handling and other fees	SEG	C	152,500	152,500
(hv) Fee amounts for statewide automated issuing system	SEG	C	2,863,100	2,863,100
(iq) Natural resources magazine	SEG	C	982,400	982,400
(is) Statewide recycling administration	SEG	A	423,800	423,800
(ma) General program operations − state funds	GPR	A	1,168,300	1,459,600
(mh) General programs operations − stationary sources	PR	A	452,500	452,500
(mi) General program operations — private and public sources	PR	C	37,500	37,500
(mk) General program operations — service funds	PR−S	C	1,633,500	1,633,500
(mm) General program operations − federal funds	PR−F	C	1,077,200	1,077,200
(mq) General program operations − mobile sources	SEG	A	169,300	169,300
(mt) Aids administration — environmental improvement programs; state funds	SEG	A	1,298,500	1,298,500
(mu) General program operations − state funds	SEG	A	11,601,300	9,502,100
(mv) General program operations — environmental fund	SEG	A	1,048,800	1,048,800

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(mw) Aids administration − snowmobile recreation	SEG	A	187,400	187,400
(mx) Aids administration − clean water fund program; federal funds	SEG−F	C	1,208,400	1,208,400
(my) General program operations − federal funds	SEG−F	C	298,700	298,700
(mz) Indirect cost reimbursements	SEG−F	C	1,224,800	965,000
(nq) Aids administration − dry cleaner environmental response	SEG	A	77,700	77,700
(ny) Aids administration − safe drinking water loan programs; federal funds	SEG−F	C	162,600	162,600
(9) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			1,168,300	1,459,600
PROGRAM REVENUE			3,364,400	3,364,400
FEDERAL			(1,077,200)	(1,077,200)
OTHER			(559,800)	(559,800)
SERVICE			(1,727,400)	(1,727,400)
SEGREGATED FUNDS			21,699,300	19,340,300
FEDERAL			(2,894,500)	(2,634,700)
OTHER			(18,804,800)	(16,705,600)
TOTAL−ALL SOURCES			26,232,000	24,164,300
20.370 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			136,733,700	126,041,300
PROGRAM REVENUE			62,461,900	62,919,600
FEDERAL			(27,013,500)	(26,652,800)
OTHER			(21,998,900)	(22,817,300)
SERVICE			(13,449,500)	(13,449,500)
SEGREGATED FUNDS			376,797,000	378,614,000
FEDERAL			(50,098,200)	(49,838,400)
OTHER			(326,698,800)	(328,775,600)
SERVICE			(−0−)	(−0−)
TOTAL−ALL SOURCES			575,992,600	567,574,900
20.373 Fox river navigational system authority				
(1) INITIAL COSTS				
(g) Administration, operation, repair, and rehabilitation	PR	C	−0−	−0−
(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
20.375 Lower Fox River remediation authority				
(1) INITIAL COSTS				
(a) Initial costs	GPR	B	−0−	−0−
20.375 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
TOTAL−ALL SOURCES			−0−	−0−
20.380 Tourism, department of				
(1) TOURISM DEVELOPMENT AND PROMOTION				

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(a) General program operations	GPR	A	3,002,900	2,876,500
(b) Tourism marketing; general purpose revenue	GPR	A	−0−	−0−
(g) Gifts, grants and proceeds	PR	C	7,300	7,300
(h) Tourism promotion; sale of surplus property receipts	PR	C	−0−	−0−
(ig) Golf promotion	PR	C	−0−	−0−
(ir) Payments to the WPGA Junior Foundation	PR	C	−0−	−0−
(j) Tourism promotion − private and public sources	PR	C	99,000	99,000
(k) Sale of materials or services	PR−S	C	−0−	−0−
(ka) Sale of materials and services−local assistance	PR−S	C	−0−	−0−
(kb) Sale of materials and services−individuals and organizations	PR−S	C	−0−	−0−
(kc) Marketing clearinghouse charges	PR−S	A	−0−	−0−
(kg) Tourism marketing; gaming revenue	PR−S	B	8,213,600	8,213,600
(km) Grants for regional tourist information centers	PR−S	A	−0−	160,000
(m) Federal aid, state operations	PR−F	C	−0−	−0−
(n) Federal aid, local assistance	PR−F	C	−0−	−0−
(o) Federal aid, individuals and organizations	PR−F	C	−0−	−0−
(q) Administrative services−conservation fund	SEG	A	12,100	12,100
(w) Tourism marketing; transportation fund	SEG	B	1,757,100	1,597,100
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			3,002,900	2,876,500
PROGRAM REVENUE			8,319,900	8,479,900
FEDERAL			(−0−)	(−0−)
OTHER			(106,300)	(106,300)
SERVICE			(8,213,600)	(8,373,600)
SEGREGATED FUNDS			1,769,200	1,609,200
OTHER			(1,769,200)	(1,609,200)
TOTAL−ALL SOURCES			13,092,000	12,965,600
(2) Kickapoo valley reserve				
(ip) Kickapoo reserve management board; program services	PR	C	144,700	159,300
(ir) Kickapoo reserve management board; gifts and grants	PR	C	−0−	−0−
(kc) Kickapoo valley reserve; law enforcement services	PR−S	A	30,300	30,300
(ms) Kickapoo reserve management board; federal aid	PR−F	C	−0−	−0−
(q) Kickapoo reserve management board; general program operations	SEG	A	417,400	417,400
(r) Kickapoo valley reserve; aids in lieu of taxes	SEG	S	382,000	402,000

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(2) PROGRAM TOTALS				
PROGRAM REVENUE			175,000	189,600
FEDERAL			(−0−)	(−0−)
OTHER			(144,700)	(159,300)
SERVICE			(30,300)	(30,300)
SEGREGATED FUNDS			799,400	819,400
OTHER			(799,400)	(819,400)
TOTAL−ALL SOURCES			974,400	1,009,000
20.380 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			3,002,900	2,876,500
PROGRAM REVENUE			8,494,900	8,669,500
FEDERAL			(−0−)	(−0−)
OTHER			(251,000)	(265,600)
SERVICE			(8,243,900)	(8,403,900)
SEGREGATED FUNDS			2,568,600	2,428,600
OTHER			(2,568,600)	(2,428,600)
TOTAL−ALL SOURCES			14,066,400	13,974,600
20.395 Transportation, department of				
(1) AIDS				
(ar) Corrections of transportation aid payments	SEG	S	−0−	−0−
(as) Transportation aids to counties, state funds	SEG	A	99,884,700	102,135,800
(at) Transportation aids to municipalities, state funds	SEG	A	315,812,300	323,723,200
(bq) Intercity bus assistance program, state funds	SEG	C	614,300	1,228,600
(br) Milwaukee urban area rail transit system planning study; state funds	SEG	A	−0−	−0−
(bs) Transportation employment and mobility, state funds	SEG	C	332,600	332,600
(bt) Urban rail transit system grants	SEG	C	−0−	−0−
(bv) Transit and other transportation−related aids, local funds	SEG−L	C	110,000	110,000
(bx) Transit and other transportation−related aids, federal funds	SEG−F	C	38,000,000	38,000,000
(ck) Tribal elderly transportation grants	PR−S	A	247,500	247,500
(cq) Elderly and disabled capital aids, state funds	SEG	C	912,700	912,700
(cr) Elderly and disabled county aids, state funds	SEG	A	13,196,000	13,623,400
(cv) Elderly and disabled aids, local funds	SEG−L	C	605,500	605,500
(cx) Elderly and disabled aids, federal funds	SEG−F	C	1,500,000	1,500,000
(ex) Highway safety, local assistance, federal funds	SEG−F	C	1,700,000	1,700,000
(fq) Connecting highways aids, state funds	SEG	A	12,063,500	12,063,500
(fs) Flood damage aids, state funds	SEG	S	600,000	600,000

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(ft) Lift bridge aids, state funds	SEG	B	2,153,700	2,659,200
(fu) County forest road aids, state funds	SEG	A	284,700	284,700
(gq) Expressway policing aids, state funds	SEG	A	1,023,900	1,023,900
(gt) Soo Locks improvements, state funds	SEG	A	−0−	−0−
(hr) Tier B transit operating aids, state funds	SEG	A	24,735,800	25,287,800
(hs) Tier C transit operating aids, state funds	SEG	A	5,599,300	5,724,300
(ht) Tier A−1 transit operating aids, state funds	SEG	A	65,620,800	67,085,000
(hu) Tier A−2 transit operating aids, state funds	SEG	A	17,242,900	17,627,600
(hw) Tier A−3 transit operating aids, state funds	SEG	A	−0−	−0−
(ig) Professional football stadium maintenance and operating costs, state funds	PR	C	−0−	−0−
(ih) Child abuse and neglect prevention, state funds	PR	C	−0−	−0−
(1) PROGRAM TOTALS				
PROGRAM REVENUE			247,500	247,500
OTHER			(−0−)	(−0−)
SERVICE			(247,500)	(247,500)
SEGREGATED FUNDS			601,992,700	616,227,800
FEDERAL			(41,200,000)	(41,200,000)
OTHER			(560,077,200)	(574,312,300)
LOCAL			(715,500)	(715,500)
TOTAL−ALL SOURCES			602,240,200	616,475,300
(2) Local transportation assistance				
(aq) Accelerated local bridge improvement assistance, state funds	SEG	C	−0−	−0−
(av) Accelerated local bridge improvement assistance, local funds	SEG−L	C	−0−	−0−
(ax) Accelerated local bridge improvement assistance, federal funds	SEG−F	C	−0−	−0−
(bq) Rail service assistance, state funds	SEG	C	752,300	752,300
(bu) Freight rail infrastructure improvements, state funds	SEG	C	−0−	−0−
(bv) Rail service assistance, local funds	SEG−L	C	500,000	500,000
(bw) Freight rail assistance loan repayments, local funds	SEG−L	C	4,000,000	4,000,000
(bx) Rail service assistance, federal funds	SEG−F	C	50,000	50,000
(cq) Harbor assistance, state funds	SEG	C	575,200	575,200
(cr) Rail passenger service, state funds	SEG	C	1,224,600	1,224,600
(cs) Harbor assistance, federal funds	SEG−F	C	−0−	−0−
(ct) Pass. railroad station imprvmt. & comm. rail trans. sys. grants, state fds.	SEG	B	−0−	−0−

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(cu) Pass. railroad station imprvmt. & comm. rail trans. sys. grants, local fds.	SEG−L	C	−0−	−0−
(cv) Rail passenger service, local funds	SEG−L	C	−0−	−0−
(cw) Harbor assistance, local funds	SEG−L	C	−0−	−0−
(cx) Rail passenger service, federal funds	SEG−F	C	5,218,200	5,218,200
(dq) Aeronautics assistance, state funds	SEG	C	13,206,000	13,206,000
(ds) Aviation career education, state funds	SEG	A	157,200	157,200
(dv) Aeronautics assistance, local funds	SEG−L	C	42,000,000	42,000,000
(dx) Aeronautics assistance, federal funds	SEG−F	C	73,939,900	73,939,900
(eq) Highway and local bridge improvement assistance, state funds	SEG	C	8,459,200	8,459,200
(ev) Loc. brdg. imprvmt. & trfc. marking enhncmnt. asst., loc. & transfrd. fnds.	SEG−L	C	8,780,400	8,780,400
(ex) Local bridge improvement assistance, federal funds	SEG−F	C	24,431,100	24,431,100
(fb) Local roads for job preservation, state funds	GPR	C	−0−	−0−
(fr) Local roads improvement program, state funds	SEG	C	16,197,000	16,197,000
(ft) Local roads improvement program; discretionary grants, state funds	SEG	C	6,836,000	6,836,000
(fv) Local transportation facility improvement assistance, local funds	SEG−L	C	38,895,500	38,895,500
(fx) Local transportation facility improvement assistance, federal funds	SEG−F	C	72,272,900	72,272,900
(fz) Local roads for job preservation, federal funds	SEG−F	C	−0−	−0−
(gj) Railroad crossing protection installation and maintenance, state funds	SEG	C	−0−	−0−
(gq) Railroad crossing improvement and protection maintenance, state funds	SEG	A	2,112,000	2,112,000
(gr) Railroad crossing improvement and protection installation, state funds	SEG	C	1,595,700	1,595,700
(gs) Railroad crossing repair assistance, state funds	SEG	C	234,700	234,700
(gv) Railroad crossing improvement, local funds	SEG−L	C	−0−	−0−
(gx) Railroad crossing improvement, federal funds	SEG−F	C	3,297,100	3,297,100
(hq) Multimodal transportation studies, state funds	SEG	C	−0−	−0−
(hx) Multimodal transportation studies, federal funds	SEG−F	C	−0−	−0−
(iq) Transportation facilities economic assistance and development, state funds	SEG	C	3,402,600	3,402,600

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(iv) Transportation facilities economic assistance and development, local funds	SEG−L	C	3,588,700	3,588,700
(iw) Transportation facility improvement loans, local funds	SEG−L	C	−0−	−0−
(ix) Transportation facilities economic assistance & development, federal funds	SEG−F	C	−0−	−0−
(jq) Grant to village of Bellevue, state funds	SEG	A	100,000	−0−
(jr) Grant to village of Footville, state funds	SEG	A	20,000	−0−
(kv) Congestion mitigation and air quality improvement, local funds	SEG−L	C	3,124,700	3,124,700
(kx) Congestion mitigation and air quality improvement, federal funds	SEG−F	C	11,619,000	11,619,000
(mq) Astronautics assistance, state funds	SEG	C	−0−	−0−
(mv) Astronautics assistance, local funds	SEG−L	C	−0−	−0−
(mx) Astronautics assistance, federal funds	SEG−F	C	−0−	−0−
(nv) Transportation enhancement activities, local funds	SEG−L	C	1,682,600	1,682,600
(nx) Transportation enhancement activities, federal funds	SEG−F	C	19,578,500	6,251,600
(ny) Milwaukee lakeshore walkway, federal funds	SEG−F	B	−0−	−0−
(oq) Bicycle and pedestrian facilities, state funds	SEG	C	2,500,000	2,500,000
(ov) Bicycle and pedestrian facilities, local funds	SEG−L	C	680,000	680,000
(ox) Bicycle and pedestrian facilities, federal funds	SEG−F	C	2,720,000	2,720,000
(ph) Transportation infrastructure loans, gifts and grants	SEG	C	−0−	−0−
(pq) Transportation infrastructure loans, state funds	SEG	C	4,600	4,600
(pu) Transportation infrastructure loans, service funds	SEG−S	C	−0−	−0−
(pv) Transportation infrastructure loans, local funds	SEG−L	C	−0−	−0−
(px) Transportation infrastructure loans, federal funds	SEG−F	C	−0−	−0−
(qv) Safe routes to school, local funds	SEG−L	C	323,000	323,000
(qx) Safe routes to school, federal funds	SEG−F	C	3,230,100	3,230,100
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
SEGREGATED FUNDS			377,308,800	363,861,900
FEDERAL			(216,356,800)	(203,029,900)
OTHER			(57,377,100)	(57,257,100)
SERVICE			(−0−)	(−0−)
LOCAL			(103,574,900)	(103,574,900)
TOTAL−ALL SOURCES			377,308,800	363,861,900

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(3) State highway facilities				
(bq) Major highway development, state funds	SEG	C	95,921,900	98,216,000
(br) Major highway development, service funds	SEG−S	C	135,721,600	165,721,600
(bv) Major highway development, local funds	SEG−L	C	−0−	−0−
(bx) Major highway development, federal funds	SEG−F	C	95,886,900	78,693,100
(ck) West Canal Street reconstruction and extension, service funds	PR−S	C	−0−	−0−
(cq) State highway rehabilitation, state funds	SEG	C	284,114,900	292,792,400
(cr) Southeast Wisconsin freeway rehabilitation, state funds	SEG	C	59,947,600	68,297,600
(ct) Owner controlled insurance program, service funds	SEG−S	C	−0−	−0−
(cv) State highway rehabilitation, local funds	SEG−L	C	2,000,000	2,000,000
(cw) Southeast Wisconsin freeway rehabilitation, local funds	SEG−L	C	−0−	−0−
(cx) State highway rehabilitation, federal funds	SEG−F	C	352,726,400	313,554,500
(cy) Southeast Wisconsin freeway rehabilitation, federal funds	SEG−F	C	123,555,100	109,732,200
(dq) Major interstate bridge construction, state funds	SEG	C	−0−	−0−
(dv) Major interstate bridge construction, local funds	SEG−L	C	−0−	−0−
(dx) Major interstate bridge construction, federal funds	SEG−F	C	−0−	−0−
(eq) Highway maintenance, repair, and traffic operations, state funds	SEG	C	194,539,000	194,539,000
(er) State−owned lift bridge operations and maintenance, state funds	SEG	A	2,210,100	2,210,100
(ev) Highway maintenance, repair, and traffic operations, local funds	SEG−L	C	1,900,000	1,900,000
(ex) Highway maintenance, repair, and traffic operations, federal funds	SEG−F	C	1,102,900	1,102,900
(iq) Administration and planning, state funds	SEG	A	15,646,700	15,646,700
(ir) Disadvantaged business mobilization assistance, state funds	SEG	C	−0−	−0−
(iv) Administration and planning, local funds	SEG−L	C	−0−	−0−
(ix) Administration and planning, federal funds	SEG−F	C	3,715,400	3,715,400
(jh) Utility facilities within highway rights−of−way, state funds	PR	C	−0−	−0−
(jj) Damage claims	PR	C	2,503,000	2,553,400
(js) Telecommunications services, service funds	SEG−S	C	−0−	−0−

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(3) PROGRAM TOTALS				
PROGRAM REVENUE			2,503,000	2,553,400
OTHER			(2,503,000)	(2,553,400)
SERVICE			(−0−)	(−0−)
SEGREGATED FUNDS			1,368,988,500	1,348,121,500
FEDERAL			(576,986,700)	(506,798,100)
OTHER			(652,380,200)	(671,701,800)
SERVICE			(135,721,600)	(165,721,600)
LOCAL			(3,900,000)	(3,900,000)
TOTAL−ALL SOURCES			1,371,491,500	1,350,674,900
(4) GENERAL TRANSPORTATION OPERATIONS				
(aq) Departmental management and operations, state funds	SEG	A	58,609,100	59,409,100
(ar) Minor construction projects, state funds	SEG	C	−0−	−0−
(at) Capital building projects, service funds	SEG−S	C	5,940,000	5,940,000
(av) Departmental management and operations, local funds	SEG−L	C	369,000	369,000
(ax) Departmental management and operations, federal funds	SEG−F	C	14,438,700	14,438,700
(ch) Gifts and grants	SEG	C	−0−	−0−
(dq) Demand management	SEG	A	375,100	375,100
(eq) Data processing services, service funds	SEG−S	C	15,005,600	15,005,600
(er) Fleet operations, service funds	SEG−S	C	12,098,600	12,098,600
(es) Other department services, operations, service funds	SEG−S	C	5,200,900	5,200,900
(et) Equipment acquisition	SEG	A	−0−	−0−
(ew) Operating budget supplements, state funds	SEG	C	−0−	−0−
(4) PROGRAM TOTALS				
SEGREGATED FUNDS			112,037,000	112,837,000
FEDERAL			(14,438,700)	(14,438,700)
OTHER			(58,984,200)	(59,784,200)
SERVICE			(38,245,100)	(38,245,100)
LOCAL			(369,000)	(369,000)
TOTAL−ALL SOURCES			112,037,000	112,837,000
(5) MOTOR VEHICLE SERVICES AND ENFORCEMENT				
(cg) Convenience fees, state funds	PR	C	−0−	−0−
(ch) Repaired salvage vehicle examinations, state funds	PR	C	−0−	−0−
(ci) Breath screening instruments, state funds	PR	C	299,200	299,200
(cj) Vehicle registration, special group plates, state funds	PR	C	−0−	−0−
(cL) Football plate licensing fees, state funds	PR	C	−0−	−0−
(cq) Veh. reg., insp. & maint., driver licensing & aircraft reg., state funds	SEG	A	70,621,600	70,033,800
(cx) Vehicle registration and driver licensing, federal funds	SEG−F	C	194,100	194,100

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(dg) Escort, security and traffic enforcement services, state funds	PR	C	161,400	161,400
(dh) Traffic academy tuition payments, state funds	PR	C	474,800	474,800
(di) Chemical testing training and services, state funds	PR	A	1,354,300	1,354,300
(dk) Public safety radio management, service funds	PR−S	C	270,900	270,900
(dL) Public safety radio management, state funds	PR	C	22,000	22,000
(dq) Vehicle inspection, traffic enforcement and radio management, state funds	SEG	A	55,857,900	56,875,700
(dr) Transportation safety, state funds	SEG	A	1,447,700	1,447,700
(dx) Vehicle inspection and traffic enforcement, federal funds	SEG−F	C	8,494,700	8,494,700
(dy) Transportation safety, federal funds	SEG−F	C	4,950,200	3,841,400
(ej) Baseball plate licensing fees, state funds	PR	C	−0−	−0−
(ek) Safe−ride grant program; state funds	PR−S	C	−0−	−0−
(hq) Mtr. veh. emission inspec. & maint. prog.; contractor costs & equip. grants	SEG	A	3,548,100	3,548,100
(hx) Motor vehicle emission inspection and maintenance programs, federal funds	SEG−F	C	−0−	−0−
(iv) Municipal and county registration fee, local funds	SEG−L	C	−0−	−0−
(jr) Pretrial intoxicated driver intervention grants, state funds	SEG	A	731,600	731,600
(5) PROGRAM TOTALS				
PROGRAM REVENUE			2,582,600	2,582,600
OTHER			(2,311,700)	(2,311,700)
SERVICE			(270,900)	(270,900)
SEGREGATED FUNDS			145,845,900	145,167,100
FEDERAL			(13,639,000)	(12,530,200)
OTHER			(132,206,900)	(132,636,900)
LOCAL			(−0−)	(−0−)
TOTAL−ALL SOURCES			148,428,500	147,749,700
(6) Debt services				
(af) Prin. rpmt. & int., transit, local rds, major hwy & rehab., state funds	GPR	S	73,889,400	81,192,400
(aq) Prin. rpmt. & int., trans. facilities, major hwy & rehab., state funds	SEG	S	7,509,300	12,553,100
(ar) Principal repayment and interest, buildings, state funds	SEG	S	4,100	4,100
(au) Prin pmt & int, Marq interch & I94 n−s corridor reconst proj, state fds	SEG	S	22,661,700	25,836,800
(6) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			73,889,400	81,192,400
SEGREGATED FUNDS			30,175,100	38,394,000

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
OTHER			(30,175,100)	(38,394,000)
TOTAL−ALL SOURCES			104,064,500	119,586,400
(9) GENERAL PROVISIONS				
(qd) Freeway land disposal reimbursement clearing account	SEG	C	−0−	−0−
(qh) Highways, bridges and local transportation assistance clearing account	SEG	C	−0−	−0−
(qj) Hwys., bridges & local transp. assist. clearing acct., fed. funded pos.	SEG−F	C	−0−	−0−
(qn) Motor vehicle financial responsibility	SEG	C	−0−	−0−
(th) Temporary funding of projects 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			73,889,400	81,192,400
PROGRAM REVENUE			5,333,100	5,383,500
OTHER			(4,814,700)	(4,865,100)
SERVICE			(518,400)	(518,400)
SEGREGATED FUNDS			2,636,348,000	2,624,609,300
FEDERAL			(862,621,200)	(777,996,900)
OTHER			(1,491,200,700)	(1,534,086,300)
SERVICE			(173,966,700)	(203,966,700)
LOCAL			(108,559,400)	(108,559,400)
TOTAL−ALL SOURCES			2,715,570,500	2,711,185,200
Environmental Resources FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			254,170,200	264,325,200
PROGRAM REVENUE			76,289,900	76,972,600
FEDERAL			(27,013,500)	(26,652,800)
OTHER			(27,064,600)	(27,948,000)
SERVICE			(22,211,800)	(22,371,800)
SEGREGATED FUNDS			3,176,676,700	3,014,980,000
FEDERAL			(912,719,400)	(827,835,300)
OTHER			(1,981,431,200)	(1,874,618,600)
SERVICE			(173,966,700)	(203,966,700)
LOCAL			(108,559,400)	(108,559,400)
TOTAL−ALL SOURCES			3,507,136,800	3,356,277,800

Human Relations and Resources

20.410 Corrections, department of

(1) ADULT CORRECTIONAL SERVICES				
(a) General program operations	GPR	A	687,566,800	691,237,500
(aa) Institutional repair and maintenance	GPR	A	4,159,300	4,171,100
(ab) Corrections contracts and agreements	GPR	A	20,623,200	20,649,000
(b) Services for community corrections	GPR	A	137,231,600	139,366,000

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(bm) Pharmacological treatment for certain child sex offenders	GPR	A	108,900	108,900
(bn) Reimbursing counties for probation, extended supervision and parole holds	GPR	A	4,885,700	4,885,700
(c) Reimbursemnt claims of counties containing state prisons	GPR	S	85,700	85,700
(cw) Mother−young child care program	GPR	A	198,000	198,000
(d) Purchased services for offenders	GPR	A	30,851,600	30,851,600
(ds) Becky Young community corrections; recidivism reduction community services	GPR	A	−0−	−0−
(e) Principal repayment and interest	GPR	S	82,651,900	80,232,000
(ec) Prison industries principal, interest and rebates	GPR	S	−0−	−0−
(ed) Correctional facilities rental	GPR	A	−0−	−0−
(ef) Lease rental payments	GPR	S	−0−	−0−
(f) Energy costs; energy−related assessments	GPR	A	32,151,900	33,305,400
(g) Loan fund for persons on probation, extended supervision or parole	PR	A	−0−	−0−
(gb) Drug testing	PR	C	−0−	−0−
(gc) Sex offender honesty testing	PR	C	450,800	570,800
(gd) Sex offender management	PR	A	824,800	824,800
(ge) Administrative and minimum supervision	PR	A	−0−	−0−
(gf) Probation, parole and extended supervision	PR	A	11,753,900	11,753,900
(gg) Supervision of defendants and offenders	PR	A	−0−	−0−
(gh) Supervision of persons on lifetime supervision	PR	A	−0−	−0−
(gi) General operations	PR	A	3,808,600	3,815,800
(gj) General operations; child pornography surcharge	PR	C	5,000	5,000
(gk) Global positioning system tracking devices	PR	C	48,000	57,300
(gm) Sale of fuel and water service	PR	A	−0−	−0−
(gr) Home detention services	PR	A	696,700	697,400
(gt) Telephone company commissions	PR	A	1,105,100	1,105,100
(h) Administration of restitution	PR	A	1,155,600	1,156,500
(hm) Private business employment of inmates and residents	PR	A	−0−	−0−
(i) Gifts and grants	PR	C	33,400	33,400
(jz) Operations and maintenance	PR	C	401,200	423,700
(kc) Correctional institution enterprises; inmate activities and employment	PR−S	C	3,513,500	3,714,100
(kf) Correctional farms	PR−S	A	5,039,500	5,542,900
(kh) Victim services and programs	PR−S	A	264,100	264,100
(kk) Institutional operations and charges	PR−S	A	18,864,500	19,269,900
(km) Prison industries	PR−S	A	20,550,600	21,577,000

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(ko) Prison industries principal repayment, interest and rebates	PR−S	S	262,800	432,800
(kp) Correctional officer training	PR−S	A	2,216,000	2,221,100
(kx) Interagency and intra−agency programs	PR−S	C	2,871,600	2,965,200
(ky) Interagency and intra−agency aids	PR−S	C	1,427,700	1,427,700
(kz) Interagency and intra−agency local assistance	PR−S	C	−0−	−0−
(m) Federal project operations	PR−F	C	2,473,100	2,473,100
(n) Federal program operations	PR−F	C	86,800	86,800
(qm) Computer recycling	SEG	A	307,200	313,400
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			1,000,514,600	1,005,090,900
PROGRAM REVENUE			77,853,300	80,418,400
FEDERAL			(2,559,900)	(2,559,900)
OTHER			(20,283,100)	(20,443,700)
SERVICE			(55,010,300)	(57,414,800)
SEGREGATED FUNDS			307,200	313,400
OTHER			(307,200)	(313,400)
TOTAL−ALL SOURCES			1,078,675,100	1,085,822,700
(2) Earned release review commission				
(a) General program operations	GPR	A	1,172,000	1,172,000
(kx) Interagency and intra−agency programs	PR−S	C	−0−	−0−
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			1,172,000	1,172,000
PROGRAM REVENUE			−0−	−0−
SERVICE			(−0−)	(−0−)
TOTAL−ALL SOURCES			1,172,000	1,172,000
(3) Juvenile correctional services				
(a) General program operations	GPR	A	1,059,900	1,060,100
(ba) Mendota juvenile treatment center	GPR	A	1,365,500	1,365,500
(c) Reimbursement claims of counties containing juvenile corr facilities	GPR	A	198,000	198,000
(cd) Community youth and family aids	GPR	A	92,440,500	92,440,500
(cg) Serious juvenile offenders	GPR	B	18,666,900	18,621,600
(dm) Interstate compact for juveniles assessments	GPR	A	−0−	−0−
(e) Principal repayment and interest	GPR	S	4,750,900	4,670,500
(f) Community intervention program	GPR	A	3,712,500	3,712,500
(g) Legal service collections	PR	C	−0−	−0−
(gg) Collection remittances to local units of government	PR	C	−0−	−0−
(hm) Juvenile correctional services	PR	A	56,473,200	56,608,000
(ho) Juvenile residential aftercare	PR	A	5,245,900	5,514,900
(hr) Juvenile corrective sanctions program	PR	A	4,821,300	4,830,900
(i) Gifts and grants	PR	C	7,700	7,700
(j) State−owned housing maintenance	PR	A	34,600	34,600
(jr) Institutional operations and charges	PR	A	219,800	219,800
(jv) Secure detention services	PR	C	200,000	200,000

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(ko) Interagency programs; community youth and family aids	PR−S	C	2,449,200	2,449,200
(kp) Indian juvenile placements	PR−S	C	75,000	75,000
(kx) Interagency and intra−agency programs	PR−S	C	1,723,500	1,705,000
(ky) Interagency and intra−agency aids	PR−S	C	−0−	−0−
(kz) Interagency and intra−agency local assistance	PR−S	C	−0−	−0−
(m) Federal project operations	PR−F	C	219,400	219,400
(n) Federal program operations	PR−F	C	30,000	30,000
(o) Federal aid; community youth and family aids	PR−F	A	5,900,500	5,900,500
(q) Girls school benevolent trust fund	SEG	C	−0−	−0−
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			122,194,200	122,068,700
PROGRAM REVENUE			77,400,100	77,795,000
FEDERAL			(6,149,900)	(6,149,900)
OTHER			(67,002,500)	(67,415,900)
SERVICE			(4,247,700)	(4,229,200)
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			199,594,300	199,863,700
20.410 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			1,123,880,800	1,128,331,600
PROGRAM REVENUE			155,253,400	158,213,400
FEDERAL			(8,709,800)	(8,709,800)
OTHER			(87,285,600)	(87,859,600)
SERVICE			(59,258,000)	(61,644,000)
SEGREGATED FUNDS			307,200	313,400
OTHER			(307,200)	(313,400)
TOTAL−ALL SOURCES			1,279,441,400	1,286,858,400
20.425 Employment relations commission				
(1) LABOR RELATIONS				
(a) General program operations	GPR	A	2,375,200	2,570,200
(i) Fees, collective bargaining training, publications, and appeals	PR	A	554,800	554,800
20.425 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			2,375,200	2,570,200
PROGRAM REVENUE			554,800	554,800
OTHER			(554,800)	(554,800)
TOTAL−ALL SOURCES			2,930,000	3,125,000
20.432 Board on aging and long−term care				
(1) IDENTIFICATION OF THE NEEDS OF THE AGED AND DISABLED				
(a) General program operations	GPR	A	1,016,900	1,016,900
(i) Gifts and grants	PR	C	−0−	−0−
(k) Contracts with other state agencies	PR−S	C	1,115,800	1,115,800
(kb) Insurance and other information, counseling and assistance	PR−S	A	448,000	448,000
(m) Federal aid	PR−F	C	−0−	−0−
20.432 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			1,016,900	1,016,900

Statute, Agency and Purpose	Source	Type	2009−10	2010−11	
PROGRAM REVENUE			1,563,800	1,563,800	
FEDERAL			(−0−)	(−0−)	
OTHER			(−0−)	(−0−)	
SERVICE			(1,563,800)	(1,563,800)	
TOTAL−ALL SOURCES			2,580,700	2,580,700	
20.433 Child abuse and neglect prevention board					
(1) PREVENTION OF CHILD ABUSE AND NEGLECT					
(b) Grants to organizations	GPR	C	1,107,600	1,107,600	
(g) General program operations	PR	A	568,800	568,800	
(h) Grants to organizations; program revenues	PR	C	1,465,200	1,465,200	
(i) Gifts and grants	PR	C	−0−	−0−	
(k) Interagency programs	PR−S	C	−0−	−0−	
(m) Federal project operations	PR−F	C	170,100	170,100	
(ma) Federal project aids	PR−F	C	450,000	450,000	
(q) Children's trust fund; gifts and grants	SEG	C	23,100	23,100	
20.433 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES			1,107,600	1,107,600	
PROGRAM REVENUE			2,654,100	2,654,100	
FEDERAL			(620,100)	(620,100)	
OTHER			(2,034,000)	(2,034,000)	
SERVICE			(−0−)	(−0−)	
SEGREGATED FUNDS			23,100	23,100	
OTHER			(23,100)	(23,100)	
TOTAL−ALL SOURCES			3,784,800	3,784,800	
20.435 Health services, department of					
(1) PUBLIC HEALTH SERVICES PLANNING, REGULATION AND DELIVERY					
(a) General program operations	GPR	A	3,868,800	3,869,200	
(am) Services, reimbursement & payment related to human immunodeficiency virus	GPR	A	5,475,100	6,386,600	
(b) General aids and local assistance	GPR	A	573,200	573,200	
(c) Public health emergency quarantine costs	GPR	S	−0−	−0−	
(cb) Well woman program	GPR	A	2,228,200	2,228,200	
(cc) Cancer control and prevention	GPR	A	371,000	371,000	
(ce) Primary health for homeless individuals	GPR	C	−0−	−0−	
(ch) Emergency medical services; aids	GPR	A	2,178,000	2,178,000	
(cm) Immunization	GPR	S	−0−	−0−	
			3,176,600	3,176,600	**Vetoed**
(de) Dental services	GPR	A	3,004,800	3,004,800	**In Part**
(dg) Clinic aids	GPR	B	74,200	74,200	
			600,000		**Vetoed**
(dj) Dental health clinic grant	GPR	A	200,000	−0−	**In Part**
(dm) Rural health dental clinics	GPR	A	995,000	995,000	
(dn) Food distribution grants	GPR	A	320,000	320,000	
(ds) Statewide poison control program	GPR	A	220,700	220,700	
(e) Public health dispensaries and drugs	GPR	B	661,000	734,400	
(ed) Radon aids	GPR	A	29,700	29,700	

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(ef) Lead poisoning or lead exposure services	GPR	A	994,100	994,100
(eg) Pregnancy counseling	GPR	A	76,800	76,800
(em) Supplemental food program for women, infants and children benefits	GPR	C	179,300	179,300
(eu) Reducing fetal and infant mortality and morbidity	GPR	B	247,500	247,500
(ev) Pregnancy outreach and infant health	GPR	A	209,100	209,100
(f) Family planning	GPR	A	1,935,600	1,935,600
(fh) Community health services	GPR	A	5,539,000	5,539,000
(fm) Tobacco use control grants	GPR	C	6,850,000	6,850,000
(gi) Payments to the Women's Health Foundation	PR	C	−0−	−0−
(gm) Licensing, review and certifying activities fees; supplies and services	PR	A	14,695,900	16,442,400
(gp) Cancer information	PR	C	20,000	20,000
(gr) Supplemental food program for women, infants and children administration	PR	C	51,700	60,000
(hg) General program operations: health care information	PR	A	1,266,900	1,118,700
(hi) Compilations and special reports; health care information	PR	C	48,700	48,700
(i) Gifts and grants	PR	C	4,991,800	4,991,800
(ja) Congenital disorders; diagnosis, special dietary treatment and counseling	PR	A	2,391,400	2,482,200
(jb) Congenital disorders; operations	PR	A	86,700	86,700
(jd) Fees for administrative services	PR	C	125,000	125,000
(kb) Minority health	PR−S	A	148,500	148,500
(ke) American Indian health projects	PR−S	A	118,800	118,800
(kf) American Indian diabetes prevention and control	PR−S	A	25,000	25,000
(kx) Interagency and intra−agency programs	PR−S	C	2,961,400	2,961,600
(ky) Interagency and intra−agency aids	PR−S	C	914,700	914,700
(kz) Interagency and intra−agency local assistance	PR−S	C	−0−	−0−
(m) Federal project operations	PR−F	C	23,052,800	20,157,400
(ma) Federal project aids	PR−F	C	55,000,000	55,000,000
(mc) Federal block grant operations	PR−F	C	6,451,600	6,452,000
(md) Federal block grant aids	PR−F	C	7,910,800	7,910,800
(n) Federal program operations	PR−F	C	5,821,400	5,821,400
(na) Federal program aids	PR−F	C	85,000,000	85,000,000
(q) Groundwater and air quality standards	SEG	A	312,100	312,200
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			36,802,900	37,188,200
PROGRAM REVENUE			211,083,100	209,885,700
FEDERAL			(183,236,600)	(180,341,600)
OTHER			(23,678,100)	(25,375,500)
SERVICE			(4,168,400)	(4,168,600)

Statute, Agency and Purpose	Source	Type	2009−10	2010−11	
SEGREGATED FUNDS			312,100	312,200	
OTHER			(312,100)	(312,200)	
TOTAL−ALL SOURCES			248,198,100	247,386,100	
(2) MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES; FACILITIES					
(a) General program operations	GPR	A	65,844,200	65,808,100	
(aa) Institutional repair and maintenance	GPR	A	652,700	689,600	
(bj) Competency exams & treatmt, & conditional rel, sup rel, & comm sup svcs	GPR	B	8,324,700	9,135,200	
(bm) Secure mental health units or facilities	GPR	A	85,409,500	88,516,400	
(ee) Principal repayment and interest	GPR	S	16,207,000	16,014,700	
(f) Energy costs; energy−related assessments	GPR	A	4,488,600	4,705,900	
(g) Alternative services of institutes and centers	PR	C	11,853,400	11,814,700	
(gk) Institutional operations and charges	PR	A	165,997,600	162,479,300	
(i) Gifts and grants	PR	C	388,600	388,600	
(kx) Interagency and intra−agency programs	PR−S	C	7,160,700	7,184,500	
(m) Federal project operations	PR−F	C	−0−	−0−	
(2) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES			180,926,700	184,869,900	
PROGRAM REVENUE			185,400,300	181,867,100	
FEDERAL			(−0−)	(−0−)	
OTHER			(178,239,600)	(174,682,600)	
SERVICE			(7,160,700)	(7,184,500)	
TOTAL−ALL SOURCES			366,327,000	366,737,000	
(4) HEALTH CARE ACCESS AND ACCOUNTABILITY					
(a) General program operations	GPR	A	16,004,700	9,161,800	
			1,016,880,300	1,316,468,600	**Vetoed**
(b) Medical assistance program benefits	GPR	B	1,015,880,300	1,315,468,600	**In Part**
(bm) MA food stamp program admin; contracts costs; ins reports & res ctrs	GPR	B	31,451,700	32,175,900	
(bn) Income maintenance	GPR	B	36,136,400	36,136,400	
(bt) Relief block grants to counties	GPR	A	255,000	128,000	
(bv) Prescription drug assistance for elderly; aids	GPR	B	28,427,000	33,125,800	
(e) Disease aids	GPR	B	5,468,700	5,817,200	
(ed) State supplement to federal supplemental security income program	GPR	S	139,933,700	142,507,000	
(g) Family care benefit; cost sharing	PR	C	−0−	−0−	
(gp) Medical assistance; hospital assessments	PR	C	1,500,000	1,500,000	
(h) BadgerCare Plus childless adults program; intergovernmental transfernsfer	PR	C	6,731,400	6,731,400	
(i) Gifts and grants; health care financing	PR	C	25,115,800	27,115,800	
(iL) Medical assistance provider assessments	PR	C	−0−	−0−	

Statute, Agency and Purpose	Source	Type	2009−10	2010−11	
(im) Medical assistance; correct payment recovery; collections; other recoveries	PR	C	22,822,600	23,822,600	
(in) Community options program; family care; recovery of costs administration	PR	A	112,500	112,600	
(j) Prescription drug assistance for elderly; manufacturer rebates	PR	C	46,851,800	49,485,400	
(jb) Prescription drug assistance for elderly; enrollment fees	PR	C	2,803,900	2,804,200	
(je) Disease aids; drug manufacturer rebates	PR	C	224,800	241,000	
(jt) Care management organization, insolvency assistance	PR−S	C	−0−	−0−	
(jw) BadgerCare Plus, hospital assessmt & pharm benefits purch pool admin costs	PR	C	5,366,300	5,530,200	
(jz) Medical assistance and BadgerCare cost sharing & employer penalty assessmts	PR	C	27,507,600	27,507,600	
(kb) Relief block grants to tribal governing bodies	PR−S	A	792,000	792,000	
(kt) Medical assistance outreach and reimbursements for tribes	PR−S	B	1,059,300	1,059,300	
(kv) Care management organization; oversight	PR−S	C	−0−	−0−	
(kx) Interagency and intra−agency programs	PR−S	C	3,125,200	3,136,700	
(ky) Department of children and families payments for SSI	PR−S	C	47,035,200	47,035,200	
(kz) Interagency and intra−agency local assistance	PR−S	C	1,027,100	1,049,300	
(L) Fraud and error reduction	PR	C	840,300	840,400	
(m) Federal project operations	PR−F	C	1,190,700	1,254,600	
(ma) Federal project aids	PR−F	C	400,000	400,000	
(md) Federal block grant aids	PR−F	C	−0−	−0−	
(n) Federal program operations	PR−F	C	45,041,000	38,058,800	
(na) Federal aid: nursing home capital incentive	PR−F	C	9,730,400	10,230,400	
(nn) Federal aid; income maintenance	PR−F	C	55,935,400	55,935,400	
(np) Federal supplemental funding for food stamp administration	PR−F	A	2,313,000	2,313,000	
			4,174,268,500	4,059,929,200	Vetoed
(o) Federal aid; medical assistance	PR−F	C	4,173,564,000	4,059,273,700	In Part
(pa) Federal aid; medical assistance and food stamps contracts administration	PR−F	C	57,055,300	56,118,000	
(pg) Federal aid; prescription drug assistance for elderly	PR−F	C	36,570,900	36,924,200	
(pv) Food stamps; electronic benefits transfer	PR−F	C	−0−	−0−	
(w) Medical assistance trust fund	SEG	B	471,919,900	436,850,900	

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(wm) Medical assistance trust fund; nursing homes	SEG	S	−0−	−0−
(wp) Medical assistance trust fund; county reimbursement	SEG	S	−0−	−0−
(xc) Hospital assessment fund; hospital payments	SEG	A	378,694,500	414,507,300
(4) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			1,274,557,500	1,575,520,700
PROGRAM REVENUE			4,575,421,000	4,459,927,300
FEDERAL			(4,382,505,200)	(4,261,163,600)
OTHER			(139,877,000)	(145,691,200)
SERVICE			(53,038,800)	(53,072,500)
SEGREGATED FUNDS			850,614,400	851,358,200
OTHER			(850,614,400)	(851,358,200)
TOTAL−ALL SOURCES			6,700,592,900	6,886,806,200
(5) MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES				
(a) General program operations	GPR	A	1,528,800	1,529,300
(bc) Grants for community programs	GPR	A	5,933,500	5,933,500
(be) Mental health treatment services	GPR	A	10,628,000	10,628,000
(bL) Community support programs and psychosocial services	GPR	A	2,175,000	4,175,000
(co) Integrated service programs for children with severe disabilities	GPR	A	132,000	132,000
(da) Reimbursements to local units of government	GPR	S	346,800	346,800
(gb) Alcohol and drug abuse initiatives	PR	C	759,700	757,900
(gg) Collection remittances to local units of government	PR	C	4,900	4,900
(hx) Services related to drivers, receipts	PR	A	−0−	−0−
(hy) Services for drivers, local assistance	PR	A	990,000	990,000
(i) Gifts and grants	PR	C	235,600	235,600
(jb) Fees for administrative services	PR	C	4,500	4,500
(kb) Severely emotionally disturbed children	PR−S	C	724,500	724,500
(kg) Compulsive awareness gambling campaigns	PR−S	A	396,000	396,000
(kL) Indian aids	PR−S	A	268,900	268,900
(km) Indian drug abuse prevention and education	PR−S	A	495,000	495,000
(kx) Interagency and intra−agency programs	PR−S	C	1,341,900	1,123,000
(ky) Interagency and intra−agency aids	PR−S	C	−0−	−0−
(m) Federal project operations	PR−F	C	2,500	2,500
(ma) Federal project aids	PR−F	C	107,800	107,800
(mc) Social services block grant − operations	PR−F	C	2,833,600	2,834,500
(md) Federal block grant aids	PR−F	C	8,143,800	8,143,800
(me) Community mental health block grant − counties	PR−F	C	7,451,400	7,451,400
(n) Medical assistance state administration	PR−F	C	750,200	750,600
(na) Federal program aids	PR−F	C	−0−	−0−

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(nL) Federal program local assistance	PR−F	C	−0−	−0−
(o) Federal aid; community aids	PR−F	C	16,489,600	12,249,800
(5) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			20,744,100	22,744,600
PROGRAM REVENUE			40,999,900	36,540,700
FEDERAL			(35,778,900)	(31,540,400)
OTHER			(1,994,700)	(1,992,900)
SERVICE			(3,226,300)	(3,007,400)
TOTAL−ALL SOURCES			61,744,000	59,285,300
(6) QUALITY ASSURANCE SERVICES PLANNING, REGULATION AND DELIVERY				
(a) General program operations	GPR	A	5,382,300	5,382,300
(g) Nursing facility resident protection	PR	C	149,500	149,500
(hs) Interpreter services for hearing impaired	PR	A	−0−	−0−
(i) Gifts and grants	PR	C	100	100
(jb) Fees for administrative services	PR	C	197,300	197,300
(jm) Licensing and support services	PR	A	4,873,300	4,940,300
(kx) Interagency and intra−agency programs	PR−S	C	−0−	−0−
(ky) Interagency and intra−agency aids	PR−S	C	413,700	413,700
(kz) Interagency and intra−agency local assistance	PR−S	C	−0−	−0−
(m) Federal project operations	PR−F	C	815,800	815,800
(mc) Federal block grant operations	PR−F	C	211,200	211,200
(n) Federal program operations	PR−F	C	14,595,800	14,735,600
(na) Federal program aids	PR−F	C	−0−	−0−
(nL) Federal program local assistance	PR−F	C	−0−	−0−
(6) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			5,382,300	5,382,300
PROGRAM REVENUE			21,256,700	21,463,500
FEDERAL			(15,622,800)	(15,762,600)
OTHER			(5,220,200)	(5,287,200)
SERVICE			(413,700)	(413,700)
TOTAL−ALL SOURCES			26,639,000	26,845,800
(7) LONG TERM CARE SERVICES ADMINISTRATION AND DELIVERY				
(a) General program operations	GPR	A	11,392,100	12,715,100
(b) Community aids and medical assistance payments	GPR	A	124,613,900	172,080,800
(bc) Grants for community programs	GPR	A	406,200	406,200
(bd) Long−term care programs	GPR	A	87,809,700	87,809,700
(bg) Alzheimer's disease; training and information grants	GPR	A	131,400	131,400
(bm) Purchased services for clients	GPR	A	93,900	93,900
(br) Respite care	GPR	A	225,000	225,000
(bt) Early intervention services for infants and toddlers with disabilities	GPR	C	6,290,800	5,789,000
(c) Independent living centers	GPR	A	430,600	430,600
(cg) Guardianship grant program	GPR	A	100,000	100,000
(d) Interpreter services and telecommunication aid for the hearing impaired	GPR	A	178,200	178,200

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(da) Reimbursements to local units of government	GPR	S	53,200	53,200
(dh) Programs for senior citizens; elder abuse services; benefit specialist pgm	GPR	A	14,257,500	15,175,500
(ee) Administrative expenses for state supplement to federal SSI program	GPR	A	−0−	−0−
(g) Long−term care; county contributions	PR	C	44,217,200	62,795,800
(gc) Disabled children's long−term support waivers; state operations	PR	A	−0−	−0−
(gm) Health facilities review fees	PR	A	18,200	18,200
(h) Disabled children's long−term support waivers	PR	C	892,500	263,200
(hs) Interpreter services for hearing impaired	PR	A	39,900	39,900
(i) Gifts and grants	PR	C	15,100	15,100
(im) Community options program; family care benefit; recovery of costs	PR	C	390,300	392,100
(jb) Fees for administrative services	PR	C	5,000	5,000
(kc) Independent living center grants	PR−S	A	600,000	600,000
(kn) Elderly nutrition; home−delivered and congregate meals	PR−S	A	495,000	495,000
(kx) Interagency and intra−agency	PR−S	C	2,890,900	2,891,500
(ky) Interagency and intra−agency aids	PR−S	C	−0−	−0−
(kz) Interagency and intra−agency local assistance	PR−S	C	766,200	99,000
(m) Federal project operations	PR−F	C	4,404,300	4,393,500
(ma) Federal project aids	PR−F	C	663,100	663,100
(mb) Federal project local assistance	PR−F	C	−0−	−0−
(mc) Federal block grant operations	PR−F	C	631,300	631,600
(md) Federal block grant aids	PR−F	C	967,600	961,500
(me) Federal block grant local assistance	PR−F	C	−0−	−0−
(n) Federal program operations	PR−F	C	14,115,600	13,237,800
(na) Federal program aids	PR−F	C	30,491,100	28,100,700
(nL) Federal program local assistance	PR−F	C	6,762,300	6,762,300
(o) Federal aid; community aids	PR−F	C	33,246,300	33,105,600
(7) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			245,982,500	295,188,600
PROGRAM REVENUE			141,611,900	155,470,900
FEDERAL			(91,281,600)	(87,856,100)
OTHER			(45,578,200)	(63,529,300)
SERVICE			(4,752,100)	(4,085,500)
TOTAL−ALL SOURCES			387,594,400	450,659,500
(8) GENERAL ADMINISTRATION				
(a) General program operations	GPR	A	11,793,800	11,794,100
(i) Gifts and grants	PR	C	10,000	10,000
(k) Administrative and support services	PR−S	A	33,970,800	33,971,200
(kx) Interagency and intra−agency programs	PR−S	C	1,200	1,200
(m) Federal project operations	PR−F	C	23,000	23,000

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(ma) Federal project aids	PR−F	C	−0−	−0−
(mb) Income augmentation services receipts	PR−F	C	6,621,900	6,634,300
(mc) Federal block grant operations	PR−F	C	1,509,800	1,509,800
(n) Federal program operations	PR−F	C	2,521,200	2,521,200
(pz) Indirect cost reimbursements	PR−F	C	2,904,700	2,821,000
(8) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			11,793,800	11,794,100
PROGRAM REVENUE			47,562,600	47,491,700
FEDERAL			(13,580,600)	(13,509,300)
OTHER			(10,000)	(10,000)
SERVICE			(33,972,000)	(33,972,400)
TOTAL−ALL SOURCES			59,356,400	59,285,800
20.435 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			1,776,189,800	2,132,688,400
PROGRAM REVENUE			5,223,335,500	5,112,646,900
FEDERAL			(4,722,005,700)	(4,590,173,600)
OTHER			(394,597,800)	(416,568,700)
SERVICE			(106,732,000)	(105,904,600)
SEGREGATED FUNDS			850,926,500	851,670,400
OTHER			(850,926,500)	(851,670,400)
TOTAL−ALL SOURCES			7,850,451,800	8,097,005,700
20.437 Children and families, department of				
(1) CHILDREN AND FAMILY SERVICES				
(a) General program operations	GPR	A	7,036,400	7,121,200
(ab) Child abuse and neglect prevention grants	GPR	A	985,700	985,700
(ac) Child abuse and neglect prevention technical assistance	GPR	A	−0−	−0−
(b) Children and family aids payments	GPR	A	15,599,800	30,403,900
(bc) Grants for children's community programs	GPR	A	789,200	789,200
(cd) Domestic abuse grants	GPR	A	7,150,800	7,150,800
(cf) Foster and family−operated group home parent insurance and liability	GPR	A	59,400	59,400
(cw) Milwaukee child welfare services; general program operations	GPR	A	18,711,300	18,808,400
(cx) Milwaukee child welfare services; aids	GPR	A	52,664,800	54,887,100
(da) Child welfare program enhancement plan; aids	GPR	A	1,790,400	1,796,500
(dd) State foster care, guardianship, and adoption services	GPR	A	49,547,100	51,164,000
(dg) State adoption information exchange and state adoption center	GPR	A	169,600	169,600
(eg) Brighter futures initiative and tribal adolescent services	GPR	A	1,939,900	1,939,900
(f) Second−chance homes	GPR	A	−0−	−0−
(gg) Collection remittances to local units of government	PR	C	−0−	−0−

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(gx) Milwaukee child welfare services; collections	PR	C	3,474,100	3,474,100
(hh) Domestic abuse surcharge grants	PR	C	773,200	773,200
(i) Gifts and grants	PR	C	−0−	−0−
(j) Statewide automated child welfare information system receipts	PR	C	775,600	775,600
(jb) Fees for administrative services	PR	C	78,000	78,000
(jj) Searches for birth parents and adoption record information; foreign adopt	PR	A	125,100	125,100
(jm) Licensing activities	PR	C	40,000	40,000
(kw) Interagency and intra−agency aids; Milwaukee child welfare services	PR−S	A	26,981,400	19,881,400
(kx) Interagency and intra−agency programs	PR−S	C	12,069,200	12,050,800
(ky) Interagency and intra−agency aids	PR−S	C	−0−	−0−
(kz) Interagency and intra−agency local assistance	PR−S	A	395,000	395,000
(m) Federal project operations	PR−F	C	809,400	809,400
(ma) Federal project aids	PR−F	C	3,780,700	3,780,700
(mb) Federal project local assistance	PR−F	C	−0−	−0−
(mc) Federal block grant operations	PR−F	C	19,864,900	7,699,200
(md) Federal block grant aids	PR−F	C	1,583,000	1,583,000
(me) Federal block grant local assistance	PR−F	C	−0−	−0−
(mw) Federal aid; Milwaukee child welfare services general program operations	PR−F	C	3,292,600	3,354,700
(mx) Federal aid; Milwaukee child welfare services aids	PR−F	C	14,709,100	21,572,900
(n) Federal program operations	PR−F	C	7,304,100	7,386,800
(na) Federal program aids	PR−F	C	2,985,900	2,985,900
(nL) Federal program local assistance	PR−F	C	10,200,300	10,201,200
(o) Federal aid; children and family aids	PR−F	C	29,465,800	27,916,800
(pd) Federal aid; state foster care, guardianship, and adoption services	PR−F	C	47,443,500	49,761,100
(pm) Federal aid; adoption incentive payments	PR−F	C	−0−	−0−
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			156,444,400	175,275,700
PROGRAM REVENUE			186,150,900	174,644,900
FEDERAL			(141,439,300)	(137,051,700)
OTHER			(5,266,000)	(5,266,000)
SERVICE			(39,445,600)	(32,327,200)
TOTAL−ALL SOURCES			342,595,300	349,920,600
(2) ECONOMIC SUPPORT				
(a) General program operations	GPR	A	5,065,700	5,065,700
(b) Child support local assistance	GPR	C	−0−	−0−
(bc) Child support local assistance	GPR	C	−0−	4,250,000
(cm) Wisconsin works child care	GPR	A	28,849,400	28,849,400
(cr) Liability for overpayments collected under the AFDC program	GPR	S	13,183,900	−0−

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(dz) Temporary assistance for needy families; maintenance of effort	GPR	A	151,941,500	117,893,100
(e) Incentive payments for identifying children with health insurance	GPR	A	300,000	300,000
(f) Emergency shelter of the Fox Valley	GPR	A	50,000	50,000
(i) Gifts and grants	PR	C	2,500	2,500
(ja) Child support state operations − fees and reimbursements	PR	C	16,204,000	16,805,900
(jb) Fees for administrative services	PR	C	726,100	726,000
(jL) Job access loan repayments	PR	C	610,200	610,200
(jn) Child care licensing and certification	PR	C	1,423,200	1,423,200
(k) Child support transfers	PR−S	C	16,131,200	15,571,500
(kp) Delinquent support, maintenance and fee payments	PR−S	C	−0−	−0−
(kx) Interagency and intra−agency programs	PR−S	C	23,222,300	23,222,300
(L) Public assistance overpayment recovery, fraud and error reduction	PR	C	297,900	292,900
(ma) Federal project activities and administration	PR−F	C	521,100	521,100
(mc) Federal block grant operations	PR−F	A	25,145,300	25,463,100
(md) Federal block grant aids	PR−F	A	334,148,100	415,473,600
(me) Child care and temporary assistance overpayment recovery	PR−F	C	2,500,000	2,530,000
(mf) Federal economic stimulus funds	PR−F	C	30,493,400	−0−
(mm) Reimbursement from federal government	PR−F	C	−0−	−0−
(n) Child support operations; federal funds	PR−F	C	17,944,000	15,609,900
(na) Federal program aids	PR−F	C	−0−	−0−
(nL) Child support local assistance	PR−F	C	64,297,400	60,231,500
(nn) Federal program operations	PR−F	C	−0−	−0−
(om) Refugee assistance; federal funds	PR−F	C	6,096,000	6,040,400
(pv) Electronic benefits transfer	PR−F	C	−0−	−0−
(pz) Income augmentation services receipts	PR−F	C	−0−	−0−
(q) Centralized support receipt and disbursement; interest	SEG	S	150,000	100,000
(qm) Child support state ops and reimb for claims and exp; unclaimed pymnts	SEG	S	200,000	100,000
(r) Support receipt and disbursement program; payments	SEG	C	−0−	−0−
(s) Economic support − public benefits	SEG	A	9,139,700	9,139,700
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			199,390,500	156,408,200
PROGRAM REVENUE			539,762,700	584,524,100
FEDERAL			(481,145,300)	(525,869,600)
OTHER			(19,263,900)	(19,860,700)
SERVICE			(39,353,500)	(38,793,800)
SEGREGATED FUNDS			9,489,700	9,339,700
OTHER			(9,489,700)	(9,339,700)
TOTAL−ALL SOURCES			748,642,900	750,272,000

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(3) GENERAL ADMINISTRATION				
(a) General program operations	GPR	A	1,043,700	1,043,700
(fr) Skills enhancement grants	GPR	A	−0−	−0−
(i) Gifts and grants	PR	C	−0−	−0−
(jb) Fees for administrative services	PR	C	−0−	−0−
(k) Administrative and support services	PR−S	A	17,574,100	17,578,100
(kx) Interagency and intra−agency programs	PR−S	C	−0−	−0−
(ky) Interagency and intra−agency aids	PR−S	C	−0−	−0−
(kz) Interagency and intra−agency local assistance	PR−S	C	−0−	−0−
(mc) Federal block grant operations	PR−F	C	336,500	336,500
(md) Federal block grant aids	PR−F	C	−0−	−0−
(mf) Federal economic stimulus funds	PR−F	C	6,511,800	4,950,000
(mm) Reimbursements from federal government	PR−F	C	−0−	−0−
(mp) Income augmentation services receipts	PR−F	C	−0−	−0−
(n) Federal project activities	PR−F	C	269,100	269,100
(pz) Indirect cost reimbursements	PR−F	C	283,700	283,700
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			1,043,700	1,043,700
PROGRAM REVENUE			24,975,200	23,417,400
FEDERAL			(7,401,100)	(5,839,300)
OTHER			(−0−)	(−0−)
SERVICE			(17,574,100)	(17,578,100)
TOTAL−ALL SOURCES			26,018,900	24,461,100
20.437 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			356,878,600	332,727,600
PROGRAM REVENUE			750,888,800	782,586,400
FEDERAL			(629,985,700)	(668,760,600)
OTHER			(24,529,900)	(25,126,700)
SERVICE			(96,373,200)	(88,699,100)
SEGREGATED FUNDS			9,489,700	9,339,700
OTHER			(9,489,700)	(9,339,700)
TOTAL−ALL SOURCES			1,117,257,100	1,124,653,700
20.438 Board for people with developmental disabilities				
(1) DEVELOPMENTAL DISABILITIES				
(a) General program operations	GPR	A	19,800	19,800
(h) Program services	PR	C	−0−	−0−
(i) Gifts and grants	PR	C	−0−	−0−
(mc) Federal project operations	PR−F	C	841,100	841,100
(md) Federal project aids	PR−F	C	543,600	543,600
20.438 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			19,800	19,800
PROGRAM REVENUE			1,384,700	1,384,700
FEDERAL			(1,384,700)	(1,384,700)
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			1,404,500	1,404,500
20.440 Health and educational facilities authority				
(1) CONSTRUCTION OF HEALTH AND EDUCATIONAL FACILITIES				

Statute, Agency and Purpose	Source	Type	2009−10	2010−11	
(a) General program operations	GPR	C	−0−	−0−	
(1) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES			−0−	−0−	
TOTAL−ALL SOURCES			−0−	−0−	
(2) Rural hospital loan guarantee					
(a) Rural assistance loan fund	GPR	C	−0−	−0−	
(2) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES			−0−	−0−	
TOTAL−ALL SOURCES			−0−	−0−	
20.440 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES			−0−	−0−	
TOTAL−ALL SOURCES			−0−	−0−	
20.445 Workforce development, department of					
(1) Workforce development					
(a) General program operations	GPR	A	5,800,500	5,692,000	
(aa) Special death benefit	GPR	S	479,100	479,100	
(cr) State supplement to employment opportunity demonstration projects	GPR	A	222,900	222,900	
(e) Local youth apprenticeship grants	GPR	A	2,065,000	2,065,000	
(em) Youth apprenticeship training grants	GPR	A	−0−	−0−	
(f) Death and disability benefit payments; public insurrections	GPR	S	−0−	−0−	
(fg) Employment transit aids, state funds	GPR	A	516,400	516,400	
(fm) Youth summer jobs programs	GPR	A	469,300	469,300	
(fr) Milwaukee area workforce investment board	GPR	B	2,000,000 500,000	−0−	**Vetoed In Part**
(g) Gifts and grants	PR	C	−0−	−0−	
(ga) Auxiliary services	PR	C	422,200	422,200	
(gb) Local agreements	PR	C	1,982,700	1,982,700	
(gc) Unemployment administration	PR	C	−0−	−0−	
(gd) Unemployment interest and penalty payments	PR	C	2,033,000	2,033,000	
(gg) Unemployment information technology systems; interest and penalties	PR	C	−0−	−0−	
(gh) Unemployment tax and accounting system; assessments	PR	C	2,562,400	2,562,400	
(gk) Child labor permit system; fees	PR	A	325,500	434,000	
(ka) Interagency and intra−agency agreements	PR−S	C	28,969,300	28,969,300	
(kc) Administrative services	PR−S	A	32,628,000	32,628,000	
(km) Nursing workforce survey and grants	PR−S	C	172,900	172,900	
(m) Workforce investment and assistance; federal moneys	PR−F	C	117,730,600	83,158,900	
(n) Employment assistance and unemployment ins. administration; federal moneys	PR−F	C	58,473,700	57,096,700	
(na) Employment security buildings and equipment	PR−F	C	−0−	−0−	
(nb) Unemployment administration; information technology systems	PR−F	C	−0−	−0−	

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(nd) Unemployment administration; apprenticeship and other employment services	PR−F	C	2,743,100	3,093,100
(ne) Unemployment insurance administration and bank service costs	PR−F	C	2,600,000	2,600,000
(nf) Unemployment insurance administration	PR−F	C	1,000,000	−0−
(o) Equal rights; federal moneys	PR−F	C	985,500	985,500
(pz) Indirect cost reimbursements	PR−F	C	234,000	234,000
(ra) Worker's compensation operations fund; administration	SEG	A	11,953,900	11,962,800
(rb) Worker's compensation operations fund; contracts	SEG	C	93,900	93,900
(rp) Worker's compensation operations fund; uninsured employers program; admin	SEG	A	1,081,600	1,082,400
(s) Self−insured employers liability fund	SEG	C	−0−	−0−
(sm) Uninsured employers fund; payments	SEG	S	5,500,000	5,500,000
(t) Work injury supplemental benefit fund	SEG	C	4,223,800	4,223,800
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			11,553,200	9,444,700
PROGRAM REVENUE			252,862,900	216,372,700
FEDERAL			(183,766,900)	(147,168,200)
OTHER			(7,325,800)	(7,434,300)
SERVICE			(61,770,200)	(61,770,200)
SEGREGATED FUNDS			22,853,200	22,862,900
OTHER			(22,853,200)	(22,862,900)
TOTAL−ALL SOURCES			287,269,300	248,680,300
(2) Review commission				
(a) General program operations, review commission	GPR	A	175,200	175,200
(ha) Worker's compensation operations	PR	A	699,000	699,000
(m) Federal moneys	PR−F	C	219,200	219,200
(n) Unemployment administration; federal moneys	PR−F	C	2,156,200	2,156,200
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			175,200	175,200
PROGRAM REVENUE			3,074,400	3,074,400
FEDERAL			(2,375,400)	(2,375,400)
OTHER			(699,000)	(699,000)
TOTAL−ALL SOURCES			3,249,600	3,249,600
(5) Vocational rehabilitation services				
(a) General program operations; purchased services for clients	GPR	C	14,064,800	14,328,200
(gg) Contractual services	PR	C	−0−	−0−
(gp) Contractual services aids	PR	C	−0−	−0−
(h) Enterprises and services for blind and visually impaired	PR	C	213,000	213,000
(he) Supervised business enterprise	PR	C	119,100	119,100

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(i) Gifts and grants	PR	C	−0−	−0−
(kg) Vocational rehabilitation services for tribes	PR−S	A	346,500	346,500
(kx) Interagency and intra−agency programs	PR−S	C	−0−	−0−
(ky) Interagency and intra−agency aids	PR−S	C	284,100	284,100
(kz) Interagency and intra−agency local assistance	PR−S	C	−0−	−0−
(m) Federal project operations	PR−F	C	104,000	104,000
(ma) Federal project aids	PR−F	C	−0−	−0−
(n) Federal program aids and operations	PR−F	C	67,068,400	64,403,100
(nL) Federal program local assistance	PR−F	C	−0−	−0−
(5) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			14,064,800	14,328,200
PROGRAM REVENUE			68,135,100	65,469,800
FEDERAL			(67,172,400)	(64,507,100)
OTHER			(332,100)	(332,100)
SERVICE			(630,600)	(630,600)
TOTAL−ALL SOURCES			82,199,900	79,798,000
20.445 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			25,793,200	23,948,100
PROGRAM REVENUE			324,072,400	284,916,900
FEDERAL			(253,314,700)	(214,050,700)
OTHER			(8,356,900)	(8,465,400)
SERVICE			(62,400,800)	(62,400,800)
SEGREGATED FUNDS			22,853,200	22,862,900
OTHER			(22,853,200)	(22,862,900)
TOTAL−ALL SOURCES			372,718,800	331,727,900
20.455 Justice, department of				
(1) LEGAL SERVICES				
(a) General program operations	GPR	A	13,319,400	13,319,400
(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	575,500	575,500
(km) Interagency and intra−agency assistance	PR−S	A	980,900	980,900
(m) Federal aid	PR−F	C	1,084,600	1,084,600
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			14,943,500	14,943,500
PROGRAM REVENUE			2,641,000	2,641,000
FEDERAL			(1,084,600)	(1,084,600)
OTHER			(−0−)	(−0−)
SERVICE			(1,556,400)	(1,556,400)
TOTAL−ALL SOURCES			17,584,500	17,584,500
(2) LAW ENFORCEMENT SERVICES				
(a) General program operations	GPR	A	16,509,700	16,531,800
(am) Officer training reimbursement	GPR	S	83,800	83,800
(b) Investigations and operations	GPR	A	−0−	−0−

Statute, Agency and Purpose	Source	Type	2009−10	2010−11	
(c) Crime laboratory equipment	GPR	B	−0−	−0−	
(cm) Computers for transaction information for management of enforcement system	GPR	A	−0−	−0−	
(dg) Weed and seed and law enforcement technology	GPR	A	−0−	−0−	
(dq) Law enforcement community policing grants	GPR	B	247,500	247,500	
(g) Gaming law enforcement; racing revenues	PR	A	155,100	155,100	
(gc) Gaming law enforcement; Indian gaming	PR	A	138,900	138,900	
(gj) General operations; child pornography surcharge	PR	C	−0−	−0−	
(gm) Criminal history searches; fingerprint identification	PR	C	5,940,600	5,251,600	
(gp) Crime information alerts	PR	C	−0−	−0−	**Vetoed In Part**
(gr) Handgun purchaser record check	PR	C	450,000	450,000	
(h) Terminal charges	PR	A	2,671,900	2,671,900	
(i) Penalty surcharge, receipts	PR	A	−0−	−0−	
(j) Law enforcement training fund, local assistance	PR	A	4,849,800	4,849,800	
(ja) Law enforcement training fund, state operations	PR	A	3,466,800	3,466,800	
(jb) Crime laboratory equipment and supplies	PR	A	342,300	342,300	
(k) Interagency and intra−agency assistance	PR−S	C	1,239,600	1,202,200	
(kc) Transaction information management of enforcement system	PR−S	A	852,000	852,000	
(kd) Drug law enforcement, crime laboratories, and genetic evidence activities	PR−S	A	8,097,300	8,097,300	
(ke) Drug enforcement intelligence operations	PR−S	A	1,649,600	1,649,600	
(kg) Interagency and intra−agency assistance; fingerprint identification	PR−S	A	−0−	−0−	
(km) Lottery background investigations	PR−S	A	−0−	−0−	
(kp) Drug crimes enforcement; local grants	PR−S	A	797,700	797,700	
(kq) County law enforcement services	PR−S	A	544,500	544,500	
(kt) County−tribal programs, local assistance	PR−S	A	701,300	701,300	
(ku) County−tribal programs, state operations	PR−S	A	90,600	90,600	
(kw) Tribal law enforcement assistance	PR−S	A	772,200	772,200	
(Lm) Crime laboratories; deoxyribonucleic acid analysis	PR	C	728,500	728,500	
(m) Federal aid, state operations	PR−F	C	2,132,700	2,132,700	
(n) Federal aid, local assistance	PR−F	C	−0−	−0−	
(r) Gaming law enforcement; lottery revenues	SEG	A	364,000	364,000	

Statute, Agency and Purpose	Source	Type	2009−10	2010−11	
(2) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES			16,841,000	16,863,100	
PROGRAM REVENUE			35,621,400	34,895,000	
FEDERAL			(2,132,700)	(2,132,700)	
OTHER			(18,743,900)	(18,054,900)	
SERVICE			(14,744,800)	(14,707,400)	
SEGREGATED FUNDS			364,000	364,000	
OTHER			(364,000)	(364,000)	
TOTAL−ALL SOURCES			52,826,400	52,122,100	
(3) Administrative services					
(a) General program operations	GPR	A	5,126,800	5,126,800	
(g) Gifts, grants and proceeds	PR	C	−0−	−0−	
(k) Interagency and intra−agency assistance	PR−S	A	−0−	−0−	
(kb) Assistant district attorney and public defender retention pay	PR−S	C	−0−	−0−	**Vetoed In Part**
(m) Federal aid, state operations	PR−F	C	−0−	−0−	
(pz) Indirect cost reimbursements	PR−F	C	219,500	219,500	
(3) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES			5,126,800	5,126,800	
PROGRAM REVENUE			219,500	219,500	
FEDERAL			(219,500)	(219,500)	
OTHER			(−0−)	(−0−)	
SERVICE			(−0−)	(−0−)	
TOTAL−ALL SOURCES			5,346,300	5,346,300	
(5) Victims and witnesses					
(a) General program operations	GPR	A	1,046,300	1,046,300	
(b) Awards for victims of crimes	GPR	A	1,245,400	1,245,400	
(c) Reimbursement for victim and witness services	GPR	A	1,408,000	1,408,000	
(d) Reimbursement for forensic examinations	GPR	S	50,000	50,000	
(g) Crime victim and witness assistance surcharge, general services	PR	A	3,919,400	4,512,500	
(gc) Crime victim and witness surcharge, sexual assault victim services	PR	C	1,980,000	1,980,000	
(h) Crime victim compensation services	PR	A	51,600	51,600	
(hh) Crime victim restitution	PR	C	297,000	297,000	
(i) Victim compensation, inmate payments	PR	C	10,800	10,800	
(k) Interagency and intra−agency assistance; reimbursement to counties	PR−S	A	504,800	504,800	
(kj) Victim payments, victim surcharge	PR−S	A	796,600	993,000	
(kk) Reimbursement to counties for providing victim and witness services	PR−S	C	−0−	−0−	
(kp) Reimbursement to counties for victim−witness services	PR−S	A	832,100	832,100	
(m) Federal aid; victim compensation	PR−F	C	823,900	823,900	

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(ma) Federal aid, state operations relating to crime victim services	PR−F	C	99,200	99,200
(mh) Federal aid; victim assistance	PR−F	C	4,149,900	4,149,900
(5) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			3,749,700	3,749,700
PROGRAM REVENUE			13,465,300	14,254,800
FEDERAL			(5,073,000)	(5,073,000)
OTHER			(6,258,800)	(6,851,900)
SERVICE			(2,133,500)	(2,329,900)
TOTAL−ALL SOURCES			17,215,000	18,004,500
20.455 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			40,661,000	40,683,100
PROGRAM REVENUE			51,947,200	52,010,300
FEDERAL			(8,509,800)	(8,509,800)
OTHER			(25,002,700)	(24,906,800)
SERVICE			(18,434,700)	(18,593,700)
SEGREGATED FUNDS			364,000	364,000
OTHER			(364,000)	(364,000)
TOTAL−ALL SOURCES			92,972,200	93,057,400
20.465 Military affairs, department of				
(1) NATIONAL GUARD OPERATIONS				
(a) General program operations	GPR	A	5,698,100	5,698,100
(b) Repair and maintenance	GPR	A	806,900	806,900
(c) Public emergencies	GPR	S	40,000	40,000
(d) Principal repayment and interest	GPR	S	4,437,700	4,464,800
(e) Service flags	GPR	A	400	400
(f) Energy costs; energy−related assessments	GPR	A	3,175,900	3,293,200
(g) Military property	PR	A	691,100	691,100
(h) Intergovernmental services	PR	A	286,300	286,300
(i) Distance learning centers	PR	C	−0−	−0−
(k) Armory store operations	PR−S	A	242,200	242,200
(km) Agency services	PR−S	A	67,600	67,600
(Li) Gifts and grants	PR	C	−0−	−0−
(m) Federal aid	PR−F	C	28,803,800	28,803,800
(pz) Indirect cost reimbursements	PR−F	C	496,000	496,000
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			14,159,000	14,303,400
PROGRAM REVENUE			30,587,000	30,587,000
FEDERAL			(29,299,800)	(29,299,800)
OTHER			(977,400)	(977,400)
SERVICE			(309,800)	(309,800)
TOTAL−ALL SOURCES			44,746,000	44,890,400
(2) GUARD MEMBERS' BENEFITS				
(a) Tuition grants	GPR	S	3,719,300	3,719,300
(r) Military family relief	SEG	C	−0−	−0−
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			3,719,300	3,719,300
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			3,719,300	3,719,300

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(3) Emergency management services				
(a) General program operations	GPR	A	832,100	832,100
(b) Major disaster assistance	GPR	A	−0−	−0−
(dd) Regional emergency response teams	GPR	A	1,386,000	1,386,000
(dp) Emergency response equipment	GPR	A	463,300	463,300
(dr) Emergency response supplement	GPR	C	−0−	−0−
(dt) Emergency response training	GPR	B	64,300	64,300
(e) Disaster recovery aid; public health emergency quarantine costs	GPR	S	1,347,000	1,347,000
(f) Civil air patrol aids	GPR	A	18,800	18,800
(g) Program services	PR	A	3,042,500	2,222,500
(h) Interstate emergency assistance	PR	A	−0−	−0−
(i) Emergency planning and reporting; administration	PR	A	933,100	933,100
(j) Division of emergency management; gifts and grants	PR	C	−0−	−0−
(jm) Division of emergency management; emergency planning grants	PR	C	826,400	826,400
(jt) Regional emergency response reimbursement	PR	C	−0−	−0−
(m) Federal aid, state operations	PR−F	C	3,797,700	3,824,100
(n) Federal aid, local assistance	PR−F	C	12,800,000	12,800,000
(o) Federal aid, individuals and organizations	PR−F	C	1,926,400	1,926,400
(r) Division of emergency management; petroleum inspection fund	SEG	A	462,100	462,100
(s) Major disaster assistance; petroleum inspection fund	SEG	C	1,000,000	−0−
(t) Emergency response training − environmental fund	SEG	B	7,600	7,600
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			4,111,500	4,111,500
PROGRAM REVENUE			23,326,100	22,532,500
FEDERAL			(18,524,100)	(18,550,500)
OTHER			(4,802,000)	(3,982,000)
SEGREGATED FUNDS			1,469,700	469,700
OTHER			(1,469,700)	(469,700)
TOTAL−ALL SOURCES			28,907,300	27,113,700
(4) National guard youth programs				
(h) Gifts and grants	PR	C	−0−	−0−
(ka) Challenge academy program; public instruction funds	PR−S	C	1,615,100	1,615,100
(m) Federal aid	PR−F	C	2,464,600	2,464,600
(4) PROGRAM TOTALS				
PROGRAM REVENUE			4,079,700	4,079,700
FEDERAL			(2,464,600)	(2,464,600)
OTHER			(−0−)	(−0−)
SERVICE			(1,615,100)	(1,615,100)
TOTAL−ALL SOURCES			4,079,700	4,079,700
20.465 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			21,989,800	22,134,200

Statute, Agency and Purpose	Source	Type	2009−10	2010−11	
PROGRAM REVENUE			57,992,800	57,199,200	
FEDERAL			(50,288,500)	(50,314,900)	
OTHER			(5,779,400)	(4,959,400)	
SERVICE			(1,924,900)	(1,924,900)	
SEGREGATED FUNDS			1,469,700	469,700	
OTHER			(1,469,700)	(469,700)	
TOTAL−ALL SOURCES			81,452,300	79,803,100	
20.475 District attorneys					
(1) DISTRICT ATTORNEYS					
(d) Salaries and fringe benefits	GPR	A	32,235,800	32,235,800	
(h) Gifts and grants	PR	C	1,923,800	1,923,800	
(i) Other employees	PR	A	317,400	327,100	
(k) Interagency and intra−agency assistance	PR−S	C	−0−	−0−	
(kb) Assistant district attorney retention pay	PR−S	C	−0−	−0−	**Vetoed In Part**
(km) Deoxyribonucleic acid evidence activities	PR−S	A	132,000	132,000	
(m) Federal aid	PR−F	C	−0−	−0−	
(s) Salaries and fringe benefits; public benefits	SEG	A	9,139,700	9,139,700	
20.475 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES			32,235,800	32,235,800	
PROGRAM REVENUE			2,373,200	2,382,900	
FEDERAL			(−0−)	(−0−)	
OTHER			(2,241,200)	(2,250,900)	
SERVICE			(132,000)	(132,000)	
SEGREGATED FUNDS			9,139,700	9,139,700	
OTHER			(9,139,700)	(9,139,700)	
TOTAL−ALL SOURCES			43,748,700	43,758,400	
20.485 Veterans affairs, department of					
(1) VETERANS HOMES					
(a) Aids to indigent veterans	GPR	A	198,000	198,000	
(b) General fund supplement to institutional operations	GPR	B	−0−	−0−	
(d) Cemetery maintenance and beautification	GPR	A	23,600	23,600	
(e) Lease rental payments	GPR	S	−0−	−0−	
(f) Principal repayment and interest	GPR	S	1,616,100	1,598,200	
(g) Home exchange	PR	A	278,600	278,600	
(gd) Veterans home cemetery operations	PR	C	12,000	12,000	
(gk) Institutional operations	PR	A	85,442,200	86,408,200	
(go) Self−amortizing facilities; principal repayment and interest	PR	S	1,456,500	1,891,300	
(h) Gifts and bequests	PR	C	214,700	214,700	
(hm) Gifts and grants	PR	C	−0−	−0−	
(i) State−owned housing maintenance	PR−S	C	65,700	65,700	
(j) Geriatric program receipts	PR	C	208,300	208,300	
(jm) Aid to indigent veterans	PR	A	208,700	208,700	
(kg) Grants to counties	PR−S	A	76,500	76,200	
(m) Federal aid; care at veterans homes	PR−F	C	−0−	−0−	

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(mj) Federal aid; geriatric unit	PR−F	C	−0−	−0−
(mn) Federal projects	PR−F	C	25,000	25,000
(t) Veterans homes member accounts	SEG	C	−0−	−0−
(u) Rentals; improvements; equipment; land acquisition	SEG	A	−0−	−0−
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			1,837,700	1,819,800
PROGRAM REVENUE			87,988,200	89,388,700
FEDERAL			(25,000)	(25,000)
OTHER			(87,821,000)	(89,221,800)
SERVICE			(142,200)	(141,900)
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			89,825,900	91,208,500
(2) LOANS AND AIDS TO VETERANS				
(ac) Veterans assistance	GPR	A	−0−	−0−
(b) Housing vouchers for homeless veterans	GPR	A	−0−	−0−
(c) Operation of Wisconsin veterans museum	GPR	A	276,900	276,900
(d) Veterans memorials at the Highground	GPR	C	−0−	−0−
(db) General fund supplement to veterans trust fund	GPR	A	−0−	−0−
(dm) Military funeral honors	GPR	B	240,900	246,600
(e) Korean War memorial grant	GPR	A	−0−	−0−
(g) Consumer reporting agency fees	PR	C	−0−	−0−
(h) Public and private receipts	PR−S	C	18,200	18,200
(kg) American Indian services coordinator	PR−S	A	84,200	85,100
(km) American Indian grants	PR−S	A	68,000	68,000
(m) Federal payments; veterans assistance	PR−F	C	531,600	531,600
(mn) Federal projects; museum acquisitions and operations	PR−F	C	−0−	−0−
(rm) Veterans assistance program	SEG	B	628,000	643,900
(rp) Veterans assistance program receipts	SEG	C	82,700	85,500
(s) Transportation payment	SEG	A	200,000	200,000
(tf) Veterans tuition reimbursement program	SEG	B	1,877,900	1,403,100
(tj) Retraining assistance program	SEG	A	210,000	210,000
(tm) Facilities	SEG	C	98,400	52,800
(u) Administration of loans and aids to veterans	SEG	A	5,492,300	5,396,200
(v) Wisconsin veterans museum sales receipts	SEG	C	133,400	133,400
(vm) Assistance to needy veterans	SEG	A	1,093,700	1,241,800
(vo) Veterans of World War I	SEG	A	2,500	2,500
(vw) Payments to veterans organizations for claims service	SEG	A	177,500	177,500
(vx) County grants	SEG	A	344,500	342,400

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(w) Home for needy veterans	SEG	C	10,000	10,000
(wd) Operation of Wisconsin Veterans Museum	SEG	A	1,645,700	1,645,700
(x) Federal per diem payments	SEG−F	C	1,319,800	1,456,800
(yg) Acquisition of 1981 revenue bond mortgages	SEG	S	−0−	−0−
(yn) Veterans trust fund loans and expenses	SEG	B	5,150,000	5,150,000
(yo) Debt payment	SEG	S	−0−	−0−
(z) Gifts	SEG	C	−0−	−0−
(zm) Museum gifts and bequests	SEG	C	−0−	−0−
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			517,800	523,500
PROGRAM REVENUE			702,000	702,900
FEDERAL			(531,600)	(531,600)
OTHER			(−0−)	(−0−)
SERVICE			(170,400)	(171,300)
SEGREGATED FUNDS			18,466,400	18,151,600
FEDERAL			(1,319,800)	(1,456,800)
OTHER			(17,146,600)	(16,694,800)
TOTAL−ALL SOURCES			19,686,200	19,378,000
(3) Self−amortizing mortgage loans for veterans				
(b) Self insurance	GPR	S	−0−	−0−
(e) General program deficiency	GPR	S	−0−	−0−
(q) Foreclosure loss payments	SEG	C	801,000	801,000
(r) Funded reserves	SEG	C	50,000	50,000
(rm) Other reserves	SEG	C	−0−	−0−
(s) General program operations	SEG	A	3,567,800	3,458,500
(sm) County grants	SEG	A	344,500	342,400
(t) Debt service	SEG	C	26,264,200	26,257,800
(u) General obligation funding	SEG	C	−0−	−0−
(v) Revenue obligation repayment	SEG	C	−0−	−0−
(w) Revenue obligation funding	SEG	C	−0−	−0−
(wg) Escrow payments, recoveries, and refunds	SEG	C	−0−	−0−
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
SEGREGATED FUNDS			31,027,500	30,909,700
OTHER			(31,027,500)	(30,909,700)
TOTAL−ALL SOURCES			31,027,500	30,909,700
(4) Veterans memorial cemeteries				
(g) Cemetery operations	PR	A	231,800	231,800
(h) Gifts, grants and bequests	PR	C	−0−	−0−
(m) Federal aid; cemetery operations and burials	PR−F	C	164,800	164,800
(q) Cemetery administration and maintenance	SEG	A	652,500	652,600
(qm) Repayment of principal and interest	SEG	S	89,300	89,700
(r) Cemetery energy costs; energy−related assessments	SEG	A	92,600	106,300

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(4) PROGRAM TOTALS				
PROGRAM REVENUE			396,600	396,600
FEDERAL			(164,800)	(164,800)
OTHER			(231,800)	(231,800)
SEGREGATED FUNDS			834,400	848,600
OTHER			(834,400)	(848,600)
TOTAL−ALL SOURCES			1,231,000	1,245,200
20.485 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			2,355,500	2,343,300
PROGRAM REVENUE			89,086,800	90,488,200
FEDERAL			(721,400)	(721,400)
OTHER			(88,052,800)	(89,453,600)
SERVICE			(312,600)	(313,200)
SEGREGATED FUNDS			50,328,300	49,909,900
FEDERAL			(1,319,800)	(1,456,800)
OTHER			(49,008,500)	(48,453,100)
TOTAL−ALL SOURCES			141,770,600	142,741,400
20.490 Wisconsin housing and economic development authority				
(1) FACILITATION OF CONSTRUCTION				
(a) Capital reserve fund deficiency	GPR	C	−0−	−0−
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
TOTAL−ALL SOURCES			−0−	−0−
(2) HOUSING REHABILITATION LOAN PROGRAM				
(a) General program operations	GPR	C	−0−	−0−
(q) Loan loss reserve fund	SEG	C	−0−	−0−
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
(3) HOMEOWNERSHIP MORTGAGE ASSISTANCE				
(a) Homeowner eviction and lien protection program	GPR	C	−0−	−0−
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
TOTAL−ALL SOURCES			−0−	−0−
(4) DISADVANTAGED BUSINESS MOBILIZATION ASSISTANCE				
(g) Disadvantaged business mobilization loan guarantee	PR	C	−0−	−0−
(4) PROGRAM TOTALS				
PROGRAM REVENUE			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
(5) WISCONSIN DEVELOPMENT LOAN GUARANTEES				
(a) Wisconsin development reserve fund	GPR	C	−0−	−0−
(q) Recycling fund transfer to Wisconsin development reserve fund	SEG	C	−0−	−0−
(r) Agrichemical management fund transfer to Wisconsin development reserve fund	SEG	C	−0−	−0−

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(s) Petroleum inspection fund transfer to Wisconsin development reserve 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−
(6) WISCONSIN JOB TRAINING LOAN GUARANTEES				
(a) Wisconsin job training reserve fund	GPR	S	−0−	−0−
(k) Department of commerce appropriations transfer to Wisconsin job training	PR−S	C	−0−	−0−
(6) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
PROGRAM REVENUE			−0−	−0−
SERVICE			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
20.490 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
PROGRAM REVENUE			−0−	−0−
OTHER			(−0−)	(−0−)
SERVICE			(−0−)	(−0−)
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
20.495 University of Wisconsin hospitals and clinics board				
(1) CONTRACTUAL SERVICES				
(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			3,384,504,000	3,719,806,600
PROGRAM REVENUE			6,814,847,000	6,700,341,100
FEDERAL			(5,675,540,400)	(5,543,245,600)
OTHER			(792,174,600)	(815,919,400)
SERVICE			(347,132,000)	(341,176,100)
SEGREGATED FUNDS			944,901,400	944,092,800
FEDERAL			(1,319,800)	(1,456,800)
OTHER			(943,581,600)	(942,636,000)
SERVICE			(−0−)	(−0−)
LOCAL			(−0−)	(−0−)
TOTAL−ALL SOURCES			11,144,252,400	11,364,240,500

General Executive Functions

20.505 Administration, department of				
(1) SUPERVISION AND MANAGEMENT				
(a) General program operations	GPR	A	6,792,500	6,792,500

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(b) Midwest interstate low−level radioactive waste compact; loan from gen. fund	GPR	C	−0−	−0−
(bq) Appropriation obligations repayment; tobacco settlement revenues	GPR	A	98,800,000	92,600,000
(br) Appropriation obligations repayment; unfunded liabilities under the WRS	GPR	A	262,566,000	274,749,000
(cm) Comprehensive planning grants; general purpose revenue	GPR	A	−0−	−0−
(cn) Comprehensive planning; administrative support	GPR	A	−0−	−0−
(fo) Federal resource acquisition support grants	GPR	A	102,800	102,800
(g) Midwest interstate low−level radioactive waste compact; membership & costs	PR	A	4,600	4,600
(ge) High−voltage transmission line annual impact fee distributions	PR	C	−0−	−0−
(gs) High−voltage transmission line environmental impact fee distributions	PR	C	−0−	−0−
(ie) Land	PR	C	2,823,800	2,823,800
(if) Comprehensive planning grants; program revenue	PR	A	−0−	−0−
(im) Services to nonstate governmental units; entity contract	PR	A	1,698,300	1,665,600
(iq) Appropriation obligation proceeds; unfunded liabilities under the WRS	PR	C	−0−	−0−
(ir) Relay service	PR−S	A	4,446,500	4,446,500
(is) Information technology and communications services; nonstate entities	PR	A	17,908,300	17,908,300
(it) Appropriation obligations; agreements and ancillary arrangements	PR	C	−0−	−0−
(iu) Plat and proposed incorporation and annexation review	PR	C	584,400	584,400
(iv) Integrated business information system; nonstate entities	PR	C	−0−	−0−
(iw) Appropriation obligation proceeds; tobacco settlement revenues	PR	C	−0−	−0−
(j) Gifts, grants, and bequests	PR	C	−0−	−0−
(ja) Justice information systems	PR	A	4,345,700	4,345,700
(jc) Indigent civil legal services	PR	A	1,958,600	2,546,100
(ka) Materials and services to state agencies and certain districts	PR−S	A	7,141,800	7,141,800
(kb) Transportation, records, and document services	PR−S	A	18,928,100	18,960,800
(kc) Capital planning and building construction services	PR−S	A	11,592,300	11,592,300

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(kd) Integrated business information system	PR−S	C	9,321,100	9,321,100
(ke) Telecommunications services; state agencies; veterans services	PR−S	A	20,393,300	20,393,300
(kf) Procurement services	PR−S	C	3,633,300	3,633,300
(kj) Financial services	PR−S	A	9,229,300	9,229,300
(kL) Printing, mail, communication and information technology services; agencies	PR−S	A	103,157,700	103,157,700
(km) University of Wisconsin−Green Bay programming	PR−S	A	247,500	247,500
(kp) Interagency assistance; justice information systems	PR−S	A	363,000	363,000
(kq) Justice information systems development, operation and maintenance	PR−S	A	−0−	−0−
(kr) Legal services	PR−S	A	787,000	787,000
(ku) Management assistance grants to counties	PR−S	A	563,200	563,200
(mb) Federal aid	PR−F	C	63,621,000	7,812,400
(md) Oil overcharge restitution funds	PR−F	C	269,700	269,700
(n) Federal aid; local assistance	PR−F	C	231,502,200	90,000,000
(ng) Sale of forest products; funds for public schools and public roads	PR	C	−0−	−0−
(pz) Indirect cost reimbursements	PR−F	C	215,800	197,400
(r) VendorNet fund administration	SEG	A	84,700	84,700
(v) General program operations — environmental improvement programs; state funds	SEG	A	970,100	970,100
(x) General program operations — clean water fund program; federal funds	SEG−F	C	−0−	−0−
(y) General program operations — safe drinking water loan program; federal funds	SEG−F	C	−0−	−0−
(z) Transportation planning grants to local governmental units	SEG−S	B	−0−	−0−
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			368,261,300	374,244,300
PROGRAM REVENUE			514,736,500	317,994,800
FEDERAL			(295,608,700)	(98,279,500)
OTHER			(29,323,700)	(29,878,500)
SERVICE			(189,804,100)	(189,836,800)
SEGREGATED FUNDS			1,054,800	1,054,800
FEDERAL			(−0−)	(−0−)
OTHER			(1,054,800)	(1,054,800)
SERVICE			(−0−)	(−0−)
TOTAL−ALL SOURCES			884,052,600	693,293,900
(2) Risk management				
(a) General fund supplement — risk management claims	GPR	S	−0−	−0−
(am) Costs and judgments	GPR	S	−0−	−0−
(k) Risk management costs	PR−S	C	26,891,800	27,934,500

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(ki) Risk management administration	PR−S	A	6,861,200	6,861,200
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
PROGRAM REVENUE			33,753,000	34,795,700
SERVICE			(33,753,000)	(34,795,700)
TOTAL−ALL SOURCES			33,753,000	34,795,700
(3) UTILITY PUBLIC BENEFITS AND AIR QUALITY IMPROVEMENT				
(q) General program operations; utility public benefits	SEG	A	12,090,600	12,040,600
(r) Low−income assistance grants	SEG	S	19,447,300	19,447,300
(rr) Air quality improvement grants	SEG	S	−0−	−0−
(s) Transfer to air quality improvement fund	SEG	S	−0−	−0−
(3) PROGRAM TOTALS				
SEGREGATED FUNDS			31,537,900	31,487,900
OTHER			(31,537,900)	(31,487,900)
TOTAL−ALL SOURCES			31,537,900	31,487,900
(4) ATTACHED DIVISIONS AND OTHER BODIES				
(a) Adjudication of tax appeals	GPR	A	515,000	518,500
(b) Adjudication of equalization appeals	GPR	S	−0−	−0−
(bm) Aid to the Wisconsin covenant foundation, inc.	GPR	A	209,600	216,100
(d) Claims awards	GPR	S	22,500	22,500
(ea) Women's council operations	GPR	A	135,700	135,700
(ec) Service award program; general program operations	GPR	A	19,100	19,100
(er) Service award program; state matching awards	GPR	S	1,693,300	1,693,300
(es) Principal, interest & rebates; general purpose revenue−schools	GPR	S	4,349,800	4,342,400
(et) Principal, interest & rebates; general purpose rev.−public library boards	GPR	S	11,400	11,000
(f) Hearings and appeals operations	GPR	A	2,360,300	2,360,300
(h) Program services	PR	A	30,200	30,200
(ha) Principal, interest & rebates; program revenue−schools	PR	C	1,056,000	1,032,400
(hb) Principal, interest & rebates; program revenue−public library boards	PR	C	5,200	5,200
(hc) Administration of Governor's Wisconsin Educational Technology Conference	PR	A	166,900	166,900
(j) National and community service board; gifts and grants	PR	C	−0−	−0−
(js) Educ. tech. block grants; Wisc. advncd. telecomm. foundation assessments	PR	C	−0−	−0−
(k) Waste facility siting board; general program operations	PR−S	A	50,600	50,600
(ka) State use board — general program operations	PR−S	A	115,300	115,300

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(kb) National and community service board; administrative support	PR−S	A	236,600	236,600
(kp) Hearings and appeals fees	PR−S	A	3,355,400	3,350,400
(L) Equipment purchases and leases	PR	C	−0−	−0−
(Lm) Educational telecommunications; additional services	PR	C	−0−	−0−
(mp) Federal e−rate aid	PR−F	C	5,422,400	5,364,100
(o) National and community service board; federal aid for administration	PR−F	C	427,600	427,600
(p) National and community service board; federal aid for grants	PR−F	C	3,354,300	3,354,300
(r) State capitol and executive residence board; gifts and grants	SEG	C	−0−	−0−
(s) Telecommunications access; school districts	SEG	B	11,190,700	11,190,700
(t) Telecommunications access; private and technical colleges and libraries	SEG	B	5,015,300	5,015,300
(tm) Telecommunications access; private schools	SEG	B	694,300	694,300
(tu) Telecommunications access; state schools	SEG	B	82,500	82,500
(tw) Telecommunications access; juvenile correctional facilities	SEG	B	86,300	86,300
(4) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			9,316,700	9,318,900
PROGRAM REVENUE			14,220,500	14,133,600
FEDERAL			(9,204,300)	(9,146,000)
OTHER			(1,258,300)	(1,234,700)
SERVICE			(3,757,900)	(3,752,900)
SEGREGATED FUNDS			17,069,100	17,069,100
OTHER			(17,069,100)	(17,069,100)
TOTAL−ALL SOURCES			40,606,300	40,521,600
(5) Facilities management				
(c) Principal repayment and interest; Black Point Estate	GPR	S	94,700	107,800
(g) Principal repayment, interest and rebates; parking	PR−S	S	1,768,400	1,775,600
(ka) Facility operations and maintenance; police and protection functions	PR−S	A	38,372,200	38,372,200
(kb) Parking	PR	A	903,800	903,800
(kc) Principal repayment, interest and rebates	PR−S	C	20,316,300	22,401,000
(ke) Additional energy conservation construction projects	PR−S	C	−0−	−0−
(5) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			94,700	107,800
PROGRAM REVENUE			61,360,700	63,452,600
OTHER			(903,800)	(903,800)
SERVICE			(60,456,900)	(62,548,800)
TOTAL−ALL SOURCES			61,455,400	63,560,400
(6) Office of justice assistance				
(a) General program operations	GPR	A	262,300	262,300

Statute, Agency and Purpose	Source	Type	2009−10	2010−11	
(b) Alts. to pros. & incar. for pers. who use alch. or oth. drgs.; pre. assess.	GPR	A	−0−	−0−	
(br) Restorative justice	GPR	A	50,000	−0−	
(c) Law enforcement officer supplement grants	GPR	A	1,361,000	1,361,000	
(d) Youth diversion	GPR	A	356,700	356,700	
(f) Child advocacy centers	GPR	A	264,900	264,900	
(gj) Grants for victims of sexual assault; child pornography surcharge	PR	C	−0−	−0−	
(i) Gifts and grants	PR	C	−0−	−0−	
(j) Alts. to pros. & incar. for pers. who use alc. or oth. drgs; jus inf srchrg	PR	A	705,000	705,000	
(k) Law enforcement programs and youth diversion − administration	PR−S	A	191,000	191,000	
(ka) Public safety interoperable communication system; state fees	PR−S	A	−0−	−0−	
(kf) American Indian reintegration program	PR−S	A	−0−	318,300 50,000	Vetoed In Part
(kj) Youth diversion program	PR−S	A	747,100	747,100	
(km) Interagency and intra−agency aids	PR−S	C	281,600	281,600	
(kp) Data gathering and analysis	PR	A	−0−	−0−	
(kq) Traffic stop data collection; state	PR	A	−0−	−0−	
(kr) Traffic stop data collection; local	PR	A	−0−	−0−	
(ku) Grants for substance abuse treatment programs for criminal offenders	PR	C	7,500	7,500	
(m) Federal aid, justice assistance, state operations	PR−F	C	3,277,500	3,131,400	
(mb) Federal aid, homeland security	PR−F	C	36,534,400	36,456,800	
(p) Federal aid, local assistance and aids	PR−F	C	18,904,900	18,904,900	
(6) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES			2,294,900	2,244,900	
PROGRAM REVENUE			60,649,000	60,743,600	
FEDERAL			(58,716,800)	(58,493,100)	
OTHER			(712,500)	(712,500)	
SERVICE			(1,219,700)	(1,538,000)	
TOTAL−ALL SOURCES			62,943,900	62,988,500	
(8) Division of gaming					
(am) Interest on racing and bingo moneys	GPR	S	11,700	11,700	
(g) General program operations; racing	PR	A	1,589,700	1,589,700	
(h) General program operations; Indian gaming	PR	A	1,829,600	1,829,600	
(hm) Indian gaming receipts	PR	C	−0−	−0−	
(j) General program operations; raffles and crane games	PR	A	223,100	223,100	
(jm) General program operations; bingo	PR	A	292,900	292,900	
(8) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES			11,700	11,700	
PROGRAM REVENUE			3,935,300	3,935,300	
OTHER			(3,935,300)	(3,935,300)	
TOTAL−ALL SOURCES			3,947,000	3,947,000	

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
20.505 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			379,979,300	385,927,600
PROGRAM REVENUE			688,655,000	495,055,600
FEDERAL			(363,529,800)	(165,918,600)
OTHER			(36,133,600)	(36,664,800)
SERVICE			(288,991,600)	(292,472,200)
SEGREGATED FUNDS			49,661,800	49,611,800
FEDERAL			(−0−)	(−0−)
OTHER			(49,661,800)	(49,611,800)
SERVICE			(−0−)	(−0−)
TOTAL−ALL SOURCES			1,118,296,100	930,595,000
20.507 Board of commissioners of public lands				
(1) TRUST LANDS AND INVESTMENTS				
(h) Trust lands and investments − general program operations	PR−S	A	1,503,700	1,503,700
(j) Payments to American Indian tribes or bands for raised sunken logs	PR	C	−0−	−0−
(k) Trust lands and investments − interagency and intra−agency assistance	PR−S	A	−0−	−0−
(mg) Federal aid — flood control	PR−F	C	52,700	52,700
20.507 DEPARTMENT TOTALS				
PROGRAM REVENUE			1,556,400	1,556,400
FEDERAL			(52,700)	(52,700)
OTHER			(−0−)	(−0−)
SERVICE			(1,503,700)	(1,503,700)
TOTAL−ALL SOURCES			1,556,400	1,556,400
20.511 Government accountability board				
(1) ADMINISTRATION OF ELECTIONS, ETHICS, AND LOBBYING LAWS				
(a) General program operations; general purpose revenue	GPR	B	2,315,500	2,314,700
(b) Election−related cost reimbursement	GPR	B	36,200	91,800
(be) Investigations	GPR	S	31,100	31,100
(h) Materials and services	PR	A	107,900	107,900
(i) Elections administration; program revenue	PR	A	35,200	35,200
(im) Lobbying administration; program revenue	PR	A	381,100	381,100
(m) Federal aid	PR−F	C	−0−	−0−
(q) Wisconsin election campaign fund	SEG	C	742,500	742,500
(t) Election administration	SEG	A	100	100
(x) Federal aid; election administration fund	SEG−F	C	1,454,200	1,454,200
20.511 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			2,382,800	2,437,600
PROGRAM REVENUE			524,200	524,200
FEDERAL			(−0−)	(−0−)
OTHER			(524,200)	(524,200)
SEGREGATED FUNDS			2,196,800	2,196,800
FEDERAL			(1,454,200)	(1,454,200)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
OTHER			(742,600)	(742,600)
TOTAL−ALL SOURCES			5,103,800	5,158,600
20.515 Employee trust funds, department of				
(1) EMPLOYEE BENEFIT PLANS				
(a) Annuity supplements and payments	GPR	S	814,000	641,600
(c) Contingencies	GPR	S	30,000	30,000
(gm) Gifts and grants	PR	C	−0−	−0−
(m) Federal aid	PR−F	C	−0−	−0−
(sr) Gifts and grants; public employee trust fund	SEG	C	−0−	−0−
(t) Automated operating system	SEG	C	677,100	691,100
(u) Employee−funded reimbursement account plan	SEG	C	−0−	−0−
(um) Benefit administration	SEG	B	4,900	4,900
(ut) Health insurance data collection and analysis contracts	SEG	A	948,500	968,100
(w) Administration	SEG	C	24,529,300	25,232,700
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			844,000	671,600
PROGRAM REVENUE			−0−	−0−
FEDERAL			(−0−)	(−0−)
OTHER			(−0−)	(−0−)
SEGREGATED FUNDS			26,159,800	26,896,800
OTHER			(26,159,800)	(26,896,800)
TOTAL−ALL SOURCES			27,003,800	27,568,400
(2) PRIVATE EMPLOYER HEALTH CARE COVERAGE PROGRAM				
(a) Private employer health care coverage program; operating costs	GPR	B	−0−	−0−
(b) Grants for program administration	GPR	B	−0−	−0−
(g) Private employer health care coverage plan	PR	C	−0−	−0−
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
PROGRAM REVENUE			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
20.515 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			844,000	671,600
PROGRAM REVENUE			−0−	−0−
FEDERAL			(−0−)	(−0−)
OTHER			(−0−)	(−0−)
SEGREGATED FUNDS			26,159,800	26,896,800
OTHER			(26,159,800)	(26,896,800)
TOTAL−ALL SOURCES			27,003,800	27,568,400
20.525 Office of the governor				
(1) EXECUTIVE ADMINISTRATION				
(a) General program operations	GPR	S	3,808,400	3,808,400
(b) Contingent fund	GPR	S	20,400	20,400
(c) Membership in national associations	GPR	S	118,300	118,300
(d) Disability board	GPR	S	−0−	−0−
(f) Literacy improvement aids	GPR	A	23,600	23,600

Statute, Agency and Purpose	Source	Type	2009−10	2010−11	
(i) Gifts and grants	PR	C	−0−	−0−	
(m) Federal aid	PR−F	C	−0−	−0−	
(1) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES			3,970,700	3,970,700	
PROGRAM REVENUE			−0−	−0−	
FEDERAL			(−0−)	(−0−)	
OTHER			(−0−)	(−0−)	
TOTAL−ALL SOURCES			3,970,700	3,970,700	
(2) EXECUTIVE RESIDENCE					
(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			4,233,200	4,233,200	
PROGRAM REVENUE			−0−	−0−	
FEDERAL			(−0−)	(−0−)	
OTHER			(−0−)	(−0−)	
TOTAL−ALL SOURCES			4,233,200	4,233,200	
20.536 Investment board					
(1) INVESTMENT OF FUNDS					
(k) General program operations	PR	C	28,958,900	28,958,900	
(ka) General program operations; environmental improvement fund	PR−S	C	−0−	−0−	
20.536 DEPARTMENT TOTALS					
PROGRAM REVENUE			28,958,900	28,958,900	
OTHER			(28,958,900)	(28,958,900)	
SERVICE			(−0−)	(−0−)	
TOTAL−ALL SOURCES			28,958,900	28,958,900	
20.540 Office of the lieutenant governor					
(1) EXECUTIVE COORDINATION					
			426,800	443,600	**Vetoed**
(a) General program operations	GPR	A	390,800	390,800	**In Part**
(g) Gifts, grants and proceeds	PR	C	−0−	−0−	
(k) Grants from state agencies	PR−S	C	−0−	−0−	
(m) Federal aid	PR−F	C	−0−	−0−	
20.540 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES			426,800	443,600	
PROGRAM REVENUE			−0−	−0−	
FEDERAL			(−0−)	(−0−)	
OTHER			(−0−)	(−0−)	
SERVICE			(−0−)	(−0−)	
TOTAL−ALL SOURCES			426,800	443,600	
20.545 State employment relations, office of					
(1) STATE EMPLOYMENT RELATIONS					
(i) Services to non−state governmental units	PR	A	168,900	168,900	
(j) Gifts and donations	PR	C	−0−	−0−	
(jm) Employee development and training services	PR	A	270,400	270,400	
(k) General program operations	PR−S	A	5,246,200	5,246,200	

Statute, Agency and Purpose	Source	Type	2009−10	2010−11	
(ka) Publications	PR	A	152,800	152,800	
(km) Collective bargaining grievance arbitrations	PR	A	155,900	155,900	
(m) Federal grants and contracts	PR−F	C	−0−	−0−	
(pz) Indirect cost reimbursements	PR−F	C	−0−	−0−	
20.545 DEPARTMENT TOTALS					
PROGRAM REVENUE			5,994,200	5,994,200	
FEDERAL			(−0−)	(−0−)	
OTHER			(748,000)	(748,000)	
SERVICE			(5,246,200)	(5,246,200)	
TOTAL−ALL SOURCES			5,994,200	5,994,200	
20.550 Public defender board					
(1) Legal assistance					
(a) Program administration	GPR	A	2,595,800	2,771,000	
(b) Appellate representation	GPR	A	4,971,200	4,971,900	
(c) Trial representation	GPR	A	46,616,100	46,625,200	
(d) Private bar and investigator reimbursement	GPR	B	21,137,100	20,224,000	
(e) Private bar and investigator payments; administration costs	GPR	A	712,400	712,400	
(f) Transcripts, discovery and interpreters	GPR	A	1,325,700	1,325,700	
(fb) Payments from clients; administrative costs	PR	A	266,900	267,300	
(g) Gifts, grants and proceeds	PR	C	−0−	−0−	
(h) Contractual agreements	PR−S	A	−0−	−0−	
(i) Tuition payments	PR	C	−0−	−0−	
(kb) Assistant state public defender retention pay	PR−S	C	−0−	−0−	**Vetoed In Part**
(kj) Conferences and training	PR−S	A	140,900	140,900	
(L) Private bar and inv. reimbursement; payments for legal representation	PR	C	1,014,500	1,014,500	
(m) Federal aid	PR−F	C	−0−	−0−	
20.550 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES			77,358,300	76,630,200	
PROGRAM REVENUE			1,422,300	1,422,700	
FEDERAL			(−0−)	(−0−)	
OTHER			(1,281,400)	(1,281,800)	
SERVICE			(140,900)	(140,900)	
TOTAL−ALL SOURCES			78,780,600	78,052,900	
20.566 Revenue, department of					
(1) Collection of taxes					
(a) General program operations	GPR	A	54,019,900	54,019,900	
(g) Administration of county sales and use taxes	PR	A	3,355,800	3,363,400	
(ga) Cigarette tax stamps	PR	A	247,400	247,400	
(gb) Business tax registration	PR	A	1,569,300	1,569,300	
(gc) Administration of transit authority taxes	PR−S	A	−0−	−0−	
(gd) Administration of special district taxes	PR	A	409,700	409,700	

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(ge) Administration of local professional football stadium districts	PR	A	141,500	141,500
(gf) Administration of resort tax	PR	A	75,700	78,400
(gg) Administration of local taxes	PR	A	151,500	151,500
(gh) Administration of southeastern regional authority fees	PR	A	11,500	11,500
(gm) Administration of tax on controlled substances dealers	PR	A	−0−	−0−
(gn) Ambulatory surgical centers assessments	PR	C	110,200	110,200
(h) Debt collection	PR	A	827,500	833,000
(ha) Administration of liquor tax and alcohol beverages enforcement	PR	A	1,183,600	1,180,500
(hb) Collections by the department	PR	A	592,200	592,200
(hc) Collections from the financial record matching program	PR	A	188,000	382,000
(hm) Collections under contracts	PR	S	357,300	357,300
(hn) Collections under the multi−state tax commission audit program	PR−S	S	58,300	58,300
(ho) Collections under multistate streamlined sales tax	PR	S	40,000	40,000
(hp) Administration of income tax checkoff voluntary payments	PR	A	28,300	28,300
(i) Gifts and grants	PR	C	−0−	−0−
(m) Federal funds; state operations	PR−F	C	−0−	−0−
(q) Recycling surcharge administration	SEG	A	207,500	207,500
(qm) Administration of rental vehicle fee	SEG	A	67,600	67,600
(r) Administration of dry cleaner fees	SEG	A	63,000	63,000
(s) Petroleum inspection fee collection	SEG	A	197,700	197,700
(t) Farmland preservation credit, 2010 and beyond	SEG	A	−0−	−0−
(u) Motor fuel tax administration	SEG	A	1,646,300	1,496,300
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			54,019,900	54,019,900
PROGRAM REVENUE			9,347,800	9,554,500
FEDERAL			(−0−)	(−0−)
OTHER			(9,289,500)	(9,496,200)
SERVICE			(58,300)	(58,300)
SEGREGATED FUNDS			2,182,100	2,032,100
OTHER			(2,182,100)	(2,032,100)
TOTAL−ALL SOURCES			65,549,800	65,606,500
(2) State and local finance				
(a) General program operations	GPR	A	7,990,700	7,990,700
(b) Valuation error loans	GPR	A	−0−	−0−
(bm) Integrated property assessment system technology	GPR	A	2,476,200	2,476,200
(g) County assessment studies	PR	C	−0−	−0−
(gb) Manufacturing property assessment	PR	A	1,172,700	1,172,700
(gi) Municipal finance report compliance	PR	A	38,400	38,400
(h) Reassessments	PR	A	594,700	594,700

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(hm) Admin of tax incremental, and env remed tax incremental, financing program	PR	C	158,700	148,700
(i) Gifts and grants	PR	C	−0−	−0−
(m) Federal funds; state operations	PR−F	C	−0−	−0−
(q) Railroad and air carrier tax administration	SEG	A	199,800	199,800
(r) Lottery credit administration	SEG	A	296,000	296,000
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			10,466,900	10,466,900
PROGRAM REVENUE			1,964,500	1,954,500
FEDERAL			(−0−)	(−0−)
OTHER			(1,964,500)	(1,954,500)
SEGREGATED FUNDS			495,800	495,800
OTHER			(495,800)	(495,800)
TOTAL−ALL SOURCES			12,927,200	12,917,200
(3) ADMINISTRATIVE SERVICES AND SPACE RENTAL				
(a) General program operations	GPR	A	25,559,200	25,559,200
(b) Integrated tax system technology	GPR	A	4,043,900	4,087,100
(c) Expert professional services	GPR	B	70,300	70,300
(g) Services	PR	A	92,800	92,800
(gm) Reciprocity agreement and publications	PR	A	189,300	189,300
(go) Reciprocity agreement; Illinois	PR	A	−0−	−0−
(i) Gifts and grants	PR	C	−0−	−0−
(k) Internal services	PR−S	A	3,047,400	3,047,400
(m) Federal funds; state operations	PR−F	C	−0−	−0−
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			29,673,400	29,716,600
PROGRAM REVENUE			3,329,500	3,329,500
FEDERAL			(−0−)	(−0−)
OTHER			(282,100)	(282,100)
SERVICE			(3,047,400)	(3,047,400)
TOTAL−ALL SOURCES			33,002,900	33,046,100
(7) INVESTMENT AND LOCAL IMPACT FUND				
(e) Investment and local impact fund supplement	GPR	A	−0−	−0−
(g) Investment and local impact fund administrative expenses	PR	A	−0−	−0−
(n) Federal mining revenue	PR−F	C	−0−	−0−
(v) Investment and local impact fund	SEG	C	−0−	−0−
(7) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
PROGRAM REVENUE			−0−	−0−
FEDERAL			(−0−)	(−0−)
OTHER			(−0−)	(−0−)
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
(8) LOTTERY				
(q) General program operations	SEG	A	21,679,400	21,679,400

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(r) Retailer compensation	SEG	S	34,159,800	33,607,800
(s) Prizes	SEG	S	−0−	−0−
(v) Vendor fees	SEG	S	12,374,000	12,158,300
(8) PROGRAM TOTALS				
SEGREGATED FUNDS			68,213,200	67,445,500
OTHER			(68,213,200)	(67,445,500)
TOTAL−ALL SOURCES			68,213,200	67,445,500
20.566 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			94,160,200	94,203,400
PROGRAM REVENUE			14,641,800	14,838,500
FEDERAL			(−0−)	(−0−)
OTHER			(11,536,100)	(11,732,800)
SERVICE			(3,105,700)	(3,105,700)
SEGREGATED FUNDS			70,891,100	69,973,400
OTHER			(70,891,100)	(69,973,400)
TOTAL−ALL SOURCES			179,693,100	179,015,300
20.575 Secretary of state				
(1) MANAGING AND OPERATING PROGRAM RESPONSIBILITIES				
(g) Program fees	PR	A	721,900	721,900
(ka) Agency collections	PR−S	A	3,800	3,800
20.575 DEPARTMENT TOTALS				
PROGRAM REVENUE			725,700	725,700
OTHER			(721,900)	(721,900)
SERVICE			(3,800)	(3,800)
TOTAL−ALL SOURCES			725,700	725,700
20.585 Treasurer, state				
(1) CUSTODIAN OF STATE FUNDS				
(b) Insurance	GPR	A	−0−	−0−
(e) Unclaimed property; contingency appropriation	GPR	S	−0−	−0−
(g) Processing services	PR	A	353,400	253,400
(h) Training conferences	PR	C	−0−	−0−
(i) Gifts and grants	PR	C	−0−	−0−
(j) Unclaimed property; claims	PR	C	−0−	−0−
(k) Unclaimed property; administrative expenses	PR	A	4,758,900	4,762,900
(kb) General program operations	PR−S	A	−0−	−0−
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
PROGRAM REVENUE			5,112,300	5,016,300
OTHER			(5,112,300)	(5,016,300)
SERVICE			(−0−)	(−0−)
TOTAL−ALL SOURCES			5,112,300	5,016,300
(2) COLLEGE TUITION PREPAYMENT PROGRAM				
(q) Pymt of qualified higher ed expenses & refunds; college tuition & exp pgm	SEG	S	−0−	−0−
(s) Administrative expenses; college tuition and expenses program	SEG	A	66,300	66,300

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(t) Pymt of qualified higher ed exp & refunds; college savings pgm trust fund	SEG	S	−0−	−0−
(tm) Administrative expenses; college savings program trust fund	SEG	A	763,100	763,100
(u) Pymt of qualified higher ed exp & ref; college svgs pgm bank dep trust fund	SEG	S	−0−	−0−
(um) Administrative expenses; college savings program bank deposit trust fund	SEG	A	−0−	−0−
(v) Pymt of qualified higher ed exp & ref; college svgs pgm CU dep trust fund	SEG	S	−0−	−0−
(vm) Administrative expenses; college svgs pgm credit union deposit trust fund	SEG	A	−0−	−0−
(2) PROGRAM TOTALS				
SEGREGATED FUNDS			829,400	829,400
OTHER			(829,400)	(829,400)
TOTAL−ALL SOURCES			829,400	829,400
20.585 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
PROGRAM REVENUE			5,112,300	5,016,300
OTHER			(5,112,300)	(5,016,300)
SERVICE			(−0−)	(−0−)
SEGREGATED FUNDS			829,400	829,400
OTHER			(829,400)	(829,400)
TOTAL−ALL SOURCES			5,941,700	5,845,700
General Executive Functions FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			559,384,600	564,547,200
PROGRAM REVENUE			747,590,800	554,092,500
FEDERAL			(363,582,500)	(165,971,300)
OTHER			(85,016,400)	(85,648,700)
SERVICE			(298,991,900)	(302,472,500)
SEGREGATED FUNDS			149,738,900	149,508,200
FEDERAL			(1,454,200)	(1,454,200)
OTHER			(148,284,700)	(148,054,000)
SERVICE			(−0−)	(−0−)
LOCAL			(−0−)	(−0−)
TOTAL−ALL SOURCES			1,456,714,300	1,268,147,900

Judicial

20.625 Circuit courts

(1) COURT OPERATIONS				
(a) Circuit courts	GPR	S	70,626,000	70,882,100
(as) Violent crime court costs	GPR	A	−0−	−0−
(b) Permanent reserve judges	GPR	A	−0−	−0−
(c) Court interpreter fees	GPR	A	1,284,900	1,433,500
(d) Circuit court support payments	GPR	B	18,552,200	18,552,200
(e) Guardian ad litem costs	GPR	A	4,691,100	4,691,100

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(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−)
TOTAL−ALL SOURCES			95,154,200	95,558,900
20.660 Court of appeals				
(1) Appellate proceedings				
(a) General program operations	GPR	S	10,162,000	10,162,000
(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−)
TOTAL−ALL SOURCES			10,162,000	10,162,000
20.665 Judicial commission				
(1) Judicial conduct				
(a) General program operations	GPR	A	227,800	227,800
(cm) Contractual agreements	GPR	B	18,000	18,000
(mm) Federal aid	PR−F	C	−0−	−0−
20.665 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			245,800	245,800
PROGRAM REVENUE			−0−	−0−
FEDERAL			(−0−)	(−0−)
TOTAL−ALL SOURCES			245,800	245,800
20.670 Judicial council				
(1) Advisory services to the courts and the legislature				
(a) General program operations	GPR	A	127,600	127,600
(m) Federal aid	PR−F	C	−0−	−0−
20.670 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			127,600	127,600
PROGRAM REVENUE			−0−	−0−
FEDERAL			(−0−)	(−0−)
TOTAL−ALL SOURCES			127,600	127,600
20.680 Supreme court				
(1) Supreme court proceedings				
(a) General program operations	GPR	S	5,033,500	5,033,500
(m) Federal aid	PR−F	C	−0−	−0−
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			5,033,500	5,033,500
PROGRAM REVENUE			−0−	−0−
FEDERAL			(−0−)	(−0−)
TOTAL−ALL SOURCES			5,033,500	5,033,500
(2) Director of state courts				
(a) General program operations	GPR	A	7,621,800	7,621,800
(b) Judicial planning and research	GPR	A	−0−	−0−
(g) Gifts and grants	PR	C	56,500	42,300
(ga) Court commissioner training	PR	C	62,800	62,800
(gc) Court interpreter training and certification	PR	C	45,100	45,100
(h) Materials and services	PR	C	60,300	60,300

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(i) Municipal judge training	PR	C	153,100	153,100
(j) Court information systems	PR	C	9,850,700	9,850,700
(kc) Central services	PR−S	A	228,600	228,600
(ke) Interagency and intra−agency automation assistance	PR−S	C	−0−	−0−
(m) Federal aid	PR−F	C	929,600	924,000
(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
(3) Bar examiners and responsibility				
(g) Board of bar examiners	PR	C	748,900	748,900
(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
(4) Law library				
(a) General program operations	GPR	A	2,186,800	2,186,800
(g) Library collections and services	PR	C	135,900	135,900
(h) Gifts and grants	PR	C	622,100	622,100
(4) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			2,186,800	2,186,800
PROGRAM REVENUE			758,000	758,000
OTHER			(758,000)	(758,000)
TOTAL−ALL SOURCES			2,944,800	2,944,800
20.680 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			14,842,100	14,842,100
PROGRAM REVENUE			15,670,000	15,650,200
FEDERAL			(929,600)	(924,000)
OTHER			(14,511,800)	(14,497,600)
SERVICE			(228,600)	(228,600)
SEGREGATED FUNDS			768,100	768,100
OTHER			(768,100)	(768,100)
TOTAL−ALL SOURCES			31,280,200	31,260,400
Judicial FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			120,531,700	120,936,400
PROGRAM REVENUE			15,670,000	15,650,200
FEDERAL			(929,600)	(924,000)
OTHER			(14,511,800)	(14,497,600)
SERVICE			(228,600)	(228,600)
SEGREGATED FUNDS			768,100	768,100
FEDERAL			(−0−)	(−0−)
OTHER			(768,100)	(768,100)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
SERVICE			(−0−)	(−0−)
LOCAL			(−0−)	(−0−)
TOTAL−ALL SOURCES			136,969,800	137,354,700

Legislative

20.765 Legislature

(1) ENACTMENT OF STATE LAWS				
(a) General program operations — assembly	GPR	S	25,371,800	25,371,800
(b) General program operations — senate	GPR	S	18,185,000	18,185,000
(d) Legislative documents	GPR	S	4,067,700	4,067,700
(e) Gifts, grants and bequests	PR	C	−0−	−0−
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			47,624,500	47,624,500
PROGRAM REVENUE			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			47,624,500	47,624,500
(3) LEGISLATURE/SERVICE AGENCIES AND NATIONAL ASSOCIATIONS				
(a) Revisor of statutes bureau	GPR	B	−0−	−0−
(b) Legislative reference bureau	GPR	B	6,055,700	6,055,700
(c) Legislative audit bureau	GPR	B	6,155,900	6,155,900
(d) Legislative fiscal bureau	GPR	B	3,855,700	3,855,700
(e) Joint leg council, exec of functions, research, dev studies, comm assist	GPR	B	3,907,200	3,907,200
(ec) Joint legislative council; contractual studies	GPR	B	20,000	−0−
(em) Legislative technology services bureau	GPR	B	4,051,000	4,051,000
(f) Joint committee on legislative organization	GPR	B	−0−	−0−
(fa) Membership in national associations	GPR	S	235,600	244,600
(g) Gifts and grants to service agencies	PR	C	−0−	−0−
(ka) Audit bureau reimbursable audits	PR−S	A	1,912,300	2,023,000
(m) Federal aid	PR−F	C	−0−	−0−
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			24,281,100	24,270,100
PROGRAM REVENUE			1,912,300	2,023,000
FEDERAL			(−0−)	(−0−)
OTHER			(−0−)	(−0−)
SERVICE			(1,912,300)	(2,023,000)
TOTAL−ALL SOURCES			26,193,400	26,293,100
(4) CAPITOL OFFICES RELOCATION				
(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			71,905,600	71,894,600
PROGRAM REVENUE			1,912,300	2,023,000
FEDERAL			(−0−)	(−0−)
OTHER			(−0−)	(−0−)

Statute, Agency and Purpose	Source	Type	2009−10	2010−11	
SERVICE			(1,912,300)	(2,023,000)	
TOTAL−ALL SOURCES			73,817,900	73,917,600	
Legislative FUNCTIONAL AREA TOTALS					
GENERAL PURPOSE REVENUES			71,905,600	71,894,600	
PROGRAM REVENUE			1,912,300	2,023,000	
FEDERAL			(−0−)	(−0−)	
OTHER			(−0−)	(−0−)	
SERVICE			(1,912,300)	(2,023,000)	
SEGREGATED FUNDS			−0−	−0−	
FEDERAL			(−0−)	(−0−)	
OTHER			(−0−)	(−0−)	
SERVICE			(−0−)	(−0−)	
LOCAL			(−0−)	(−0−)	
TOTAL−ALL SOURCES			73,817,900	73,917,600	

General Appropriations

20.835 Shared revenue and tax relief					
(1) SHARED REVENUE PAYMENTS					
(b) Small municipalities shared revenue	GPR	S	−0−	−0−	
(c) Expenditure restraint program account	GPR	S	58,145,700	58,145,700	
(d) Shared revenue account	GPR	S	43,300,000	44,300,000	
(db) County and municipal aid account	GPR	S	788,129,800	687,653,300	
(dm) Public utility distribution account	GPR	S	12,134,400	14,840,000	
(e) State aid; tax exempt property	GPR	S	73,670,000	77,400,000	
(f) County mandate relief account	GPR	S	−0−	−0−	
(m) Federal economic stimulus funds	PR−F	A	−0−	76,139,100	
(q) County and municipal aid account; wireless 911 fund	SEG	A	20,340,000	−0−	
(r) County and municipal aid account; police and fire protection fund	SEG	C	46,233,400	61,033,400	
(1) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES			975,379,900	882,339,000	
PROGRAM REVENUE			−0−	76,139,100	
FEDERAL			(−0−)	(76,139,100)	
SEGREGATED FUNDS			66,573,400	61,033,400	
OTHER			(66,573,400)	(61,033,400)	
TOTAL−ALL SOURCES			1,041,953,300	1,019,511,500	
(2) TAX RELIEF					
(b) Claim of right credit	GPR	S	118,800	118,800	
(bb) Jobs tax credit	GPR	A	−0−	−0−	
(bd) Meat processing facility investment credit	GPR	S	300,000	700,000	
(bL) Film production company investment credit	GPR	S	−0−	−0−	**Vetoed In Part**
(bm) Film production services credit	GPR	S	1,500,000	1,500,000	**Vetoed In Part**
(bn) Dairy manufacturing facility investment credit	GPR	A	657,100	657,100	
(bp) Dairy manufcturing facility investment credit; dairy cooperatives	GPR	S	600,000	700,000	

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(br) Interest payments on overassessments of manufacturing property	GPR	S	10,000	10,000
(c) Homestead tax credit	GPR	S	126,600,000	126,400,000
(ci) Development zones investment credit	GPR	S	−0−	−0−
(cL) Development zones location credit	GPR	S	−0−	−0−
(cm) Development zones jobs credit	GPR	S	−0−	−0−
(cn) Development zones sales tax credit	GPR	S	−0−	−0−
(co) Enterprise zone jobs credit	GPR	S	1,625,000	1,865,000
(dm) Farmland preservation credit	GPR	S	12,400,000	400,000
(dn) Farmland tax relief credit	GPR	S	−0−	−0−
(do) Farmland preservation credit; 2010 and beyond	GPR	A	−0−	27,007,200
(em) Veterans and surviving spouses property tax credit	GPR	S	7,300,000	7,700,000
(en) Beginning farmer and farm asset owner tax credit	GPR	S	−0−	−0−
(ep) Cigarette and tobacco product tax refunds	GPR	S	39,500,000	42,000,000
(f) Earned income tax credit	GPR	S	120,635,800	119,125,800
(ka) Farmland tax relief credit; Indian gaming receipts	PR−S	C	−0−	−0−
(kf) Earned income tax credit; temporary assistance for needy families	PR−S	A	6,664,200	6,664,200
(q) Farmland tax relief credit	SEG	S	15,000,000	−0−
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			311,246,700	328,183,900
PROGRAM REVENUE			6,664,200	6,664,200
SERVICE			(6,664,200)	(6,664,200)
SEGREGATED FUNDS			15,000,000	−0−
OTHER			(15,000,000)	(−0−)
TOTAL−ALL SOURCES			332,910,900	334,848,100
(3) STATE PROPERTY TAX CREDITS				
(b) School levy tax credit and first dollar credit	GPR	S	820,075,200	877,550,000
(q) Lottery and gaming credit	SEG	S	119,671,400	117,957,000
(qb) School levy tax credit; lottery fund	SEG	A	−0−	14,850,000
(s) Lottery and gaming credit; late applications	SEG	S	360,000	360,000
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			820,075,200	877,550,000
SEGREGATED FUNDS			120,031,400	133,167,000
OTHER			(120,031,400)	(133,167,000)
TOTAL−ALL SOURCES			940,106,600	1,010,717,000
(4) COUNTY AND LOCAL TAXES				
(g) County taxes	PR	C	−0−	−0−
(gb) Special district taxes	PR	C	−0−	−0−
(gc) Transit authority taxes	PR	C	−0−	−0−
(gd) Premier resort area tax	PR	C	−0−	−0−

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(ge) Local professional football stadium district taxes	PR	C	−0−	−0−
(gg) Local taxes	PR	C	−0−	−0−
(gh) Southeastern regional transit authority fees	PR	C	−0−	−0−
(4) PROGRAM TOTALS				
PROGRAM REVENUE			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
(5) PAYMENTS IN LIEU OF TAXES				
(a) Payments for municipal services	GPR	A	20,649,200	20,649,200
(5) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			20,649,200	20,649,200
TOTAL−ALL SOURCES			20,649,200	20,649,200
20.835 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			2,127,351,000	2,108,722,100
PROGRAM REVENUE			6,664,200	82,803,300
FEDERAL			(−0−)	(76,139,100)
OTHER			(−0−)	(−0−)
SERVICE			(6,664,200)	(6,664,200)
SEGREGATED FUNDS			201,604,800	194,200,400
OTHER			(201,604,800)	(194,200,400)
TOTAL−ALL SOURCES			2,335,620,000	2,385,725,800
20.855 Miscellaneous appropriations				
(1) CASH MANAGEMENT EXPENSES; INTEREST AND PRINCIPAL REPAYMENT				
(a) Obligation on operating notes	GPR	S	13,000,000	13,000,000
(b) Operating note expenses	GPR	S	150,000	150,000
(bm) Payment of cancelled drafts	GPR	S	2,025,000	2,025,000
(c) Interest payments to program revenue accounts	GPR	S	−0−	−0−
(d) Interest payments to segregated funds	GPR	S	−0−	−0−
(dm) Interest reimbursements to federal government	GPR	S	−0−	−0−
(e) Interest on prorated local government payments	GPR	S	−0−	−0−
(gm) Payment of cancelled drafts; program revenues	PR	S	−0−	−0−
(q) Redemption of operating notes	SEG	S	−0−	−0−
(rm) Payment of cancelled drafts; 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
(3) CAPITOL RENOVATION EXPENSES				
(b) Capitol restoration and relocation planning	GPR	B	−0−	−0−

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(c) Historically significant furnishings	GPR	B	−0−	−0−
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
TOTAL−ALL SOURCES			−0−	−0−
(4) TAX, ASSISTANCE AND TRANSFER PAYMENTS				
(a) Interest on overpayment of taxes	GPR	S	2,500,000	2,500,000
(am) Great Lakes protection fund contribution	GPR	C	−0−	−0−
(b) Election campaign payments	GPR	S	203,500	203,500
(be) Study of engineering	GPR	A	1,666,700	1,666,700
(bm) Oil pipeline terminal tax distribution	GPR	S	825,000	900,000
(c) Minnesota income tax reciprocity	GPR	S	81,950,000	88,506,000
(ca) Minnesota income tax reciprocity bench mark	GPR	A	−0−	−0−
(cm) Illinois income tax reciprocity	GPR	S	45,229,000	48,395,000
(cn) Illinois income tax reciprocity bench mark	GPR	A	−0−	−0−
(co) Illinois income tax reciprocity, 1998 and 1999	GPR	A	−0−	−0−
(e) Transfer to conservation fund; land acquisition reimbursement	GPR	S	89,800	1,000
(f) Transfer to environmental fund; nonpoint sources	GPR	A	12,863,700	12,863,700
(fc) Aids for certain local purchases and projects	GPR	A	90,000	−0−
(fm) Transfer to the transportation fund; hub facility exemptions	GPR	S	1,953,300	1,953,300
(ge) Feeding America; Second Harvest food banks	PR	C	−0−	−0−
(q) Terminal tax distribution	SEG	S	1,703,000	1,873,000
(r) Petroleum allowance	SEG	S	600,000	600,000
(s) Transfer to conservation fund; motorboat formula	SEG	S	13,472,700	13,410,600
(t) Transfer to conservation fund; snowmobile formula	SEG	S	4,836,700	4,845,100
(u) Transfer to conservation fund; all−terrain vehicle formula	SEG	S	1,799,100	1,792,200
(w) Transfer to transportation fund; petroleum inspection fund	SEG	A	6,258,500	6,258,500
(4) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			147,371,000	156,989,200
PROGRAM REVENUE			−0−	−0−
OTHER			(−0−)	(−0−)
SEGREGATED FUNDS			28,670,000	28,779,400
OTHER			(28,670,000)	(28,779,400)
TOTAL−ALL SOURCES			176,041,000	185,768,600
(5) STATE HOUSING AUTHORITY RESERVE FUND				
(a) Enhancement of credit of authority debt	GPR	A	−0−	−0−
(5) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
TOTAL−ALL SOURCES			−0−	−0−

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(6) MISCELLANEOUS RECEIPTS				
(g) Gifts and grants	PR	C	−0−	−0−
(h) Vehicle and aircraft receipts	PR	A	−0−	−0−
(i) Miscellaneous program revenue	PR	A	−0−	−0−
(j) Custody accounts	PR	C	−0−	−0−
(k) Aids to individuals and organizations	PR−S	C	−0−	−0−
(ka) Local assistance	PR−S	C	−0−	−0−
(m) Federal aid	PR−F	C	−0−	−0−
(pz) Indirect cost reimbursements	PR−F	C	−0−	−0−
(6) PROGRAM TOTALS				
PROGRAM REVENUE			−0−	−0−
FEDERAL			(−0−)	(−0−)
OTHER			(−0−)	(−0−)
SERVICE			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
(8) MARQUETTE UNIVERSITY				
(a) Dental clinic and educ facility; principal repayment, interest & rebates	GPR	S	996,000	991,000
(8) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			996,000	991,000
TOTAL−ALL SOURCES			996,000	991,000
(9) STATE CAPITOL RENOVATION AND RESTORATION				
(a) South wing renovation and restoration	GPR	C	−0−	−0−
(9) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
TOTAL−ALL SOURCES			−0−	−0−
20.855 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			163,542,000	173,155,200
PROGRAM REVENUE			−0−	−0−
FEDERAL			(−0−)	(−0−)
OTHER			(−0−)	(−0−)
SERVICE			(−0−)	(−0−)
SEGREGATED FUNDS			28,670,000	28,779,400
OTHER			(28,670,000)	(28,779,400)
TOTAL−ALL SOURCES			192,212,000	201,934,600
20.865 Program supplements				
(1) EMPLOYEE COMPENSATION AND SUPPORT				
(a) Judgments, legal expenses and worker's compensation benefits	GPR	S	44,300	44,300
(c) Compensation and related adjustments	GPR	S	−0−	−0−
(ci) Nonrepresented university system faculty and academic pay adjustments	GPR	S	−0−	−0−
(cj) Pay adjustments for certain university employees	GPR	A	−0−	−0−
(cm) Represented university system faculty and academic staff pay adjustments	GPR	S	−0−	−0−

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(d) Employer fringe benefit costs	GPR	S	−0−	−0−
(e) Additional biweekly payroll	GPR	A	−0−	−0−
(em) Financial and procurement services	GPR	A	−0−	−0−
(fm) Risk management	GPR	A	−0−	−0−
(fn) Physically handicapped supplements	GPR	A	6,400	6,400
(g) Judgments and legal expenses; program revenues	PR	S	−0−	−0−
(i) Compensation and related adjustments; program revenues	PR	S	−0−	−0−
(ic) Nonrepresented university system faculty and academic pay adjustments	PR	S	−0−	−0−
(im) Represented university system faculty and academic staff pay adjustments	PR	S	−0−	−0−
(j) Employer fringe benefit costs; program revenues	PR	S	−0−	−0−
(jm) Additional biweekly payroll; nonfederal program revenue	PR	S	−0−	−0−
(js) Financial and procurement services; program revenues	PR	S	−0−	−0−
(kr) Risk management; program revenues	PR−S	S	−0−	−0−
(Ln) Physically handicapped supplements; program revenues	PR	S	−0−	−0−
(m) Additional biweekly payroll; federal program revenues	PR−F	S	−0−	−0−
(q) Judgments and legal expenses; segregated revenues	SEG	S	−0−	−0−
(s) Compensation and related adjustments; segregated revenues	SEG	S	−0−	−0−
(si) Nonrepresented university system faculty and academic pay adjustments	SEG	S	−0−	−0−
(sm) Represented university system faculty and academic staff pay adjustments	SEG	S	−0−	−0−
(t) Employer fringe benefit costs; segregated revenues	SEG	S	−0−	−0−
(tm) Additional biweekly payroll; nonfederal segregated revenues	SEG	S	−0−	−0−
(ts) Financial and procurement services; segregated revenues	SEG	S	−0−	−0−
(ur) Risk management; segregated revenues	SEG	S	−0−	−0−
(vn) Physically handicapped supplements; segregated revenues	SEG	S	−0−	−0−
(x) Additional biweekly payroll; federal segregated revenues	SEG−F	S	−0−	−0−
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			50,700	50,700
PROGRAM REVENUE			−0−	−0−
FEDERAL			(−0−)	(−0−)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
OTHER			(−0−)	(−0−)
SERVICE			(−0−)	(−0−)
SEGREGATED FUNDS			−0−	−0−
FEDERAL			(−0−)	(−0−)
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			50,700	50,700
(2) STATE PROGRAMS AND FACILITIES				
(a) Private facility rental increases	GPR	A	843,600	1,328,500
(ag) State−owned office rent supplement	GPR	A	−0−	−0−
(am) Space management and child care	GPR	A	−0−	−0−
(d) State deposit fund	GPR	S	−0−	−0−
(e) Maintenance of capitol and executive residence	GPR	A	5,009,900	5,009,900
(eb) Executive residence furnishings replacement	GPR	C	11,300	11,300
(em) Groundwater survey and analysis	GPR	A	202,800	202,800
(g) Private facility rental increases; program revenues	PR	S	−0−	−0−
(gg) State−owned office rent supplements; program revenues	PR	S	−0−	−0−
(gm) Space management and child care; program revenues	PR	S	−0−	−0−
(i) Integrated business information system; program revenues	PR−S	S	−0−	−0−
(j) State deposit fund; program revenues	PR	S	−0−	−0−
(L) Data processing and telecommunications study; program revenues	PR−S	S	−0−	−0−
(q) Private facility rental increases; segregated revenues	SEG	S	−0−	−0−
(qg) State−owned office rent supplements; segregated revenues	SEG	S	−0−	−0−
(qm) Space management and child care; segregated revenues	SEG	S	−0−	−0−
(r) Integrated business information system; segregated revenues	SEG−S	S	−0−	−0−
(t) State deposit fund; segregated revenues	SEG	S	−0−	−0−
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			6,067,600	6,552,500
PROGRAM REVENUE			−0−	−0−
OTHER			(−0−)	(−0−)
SERVICE			(−0−)	(−0−)
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
SERVICE			(−0−)	(−0−)
TOTAL−ALL SOURCES			6,067,600	6,552,500
(3) TAXES AND SPECIAL CHARGES				
(a) Property taxes	GPR	S	−0−	−0−
(g) Property taxes; program revenues	PR	S	−0−	−0−
(i) Payments for municipal services; program revenues	PR	S	−0−	−0−

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(q) Property taxes; segregated revenues	SEG	S	−0−	−0−
(s) Payments for municipal services; segregated revenues	SEG	S	−0−	−0−
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
PROGRAM REVENUE			−0−	−0−
OTHER			(−0−)	(−0−)
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
(4) JOINT COMMITTEE ON FINANCE SUPPLEMENTAL APPROPRIATIONS				
(a) General purpose revenue funds general program supplementation	GPR	B	13,434,100	3,483,400
(g) Program revenue funds general program supplementation	PR	S	−0−	−0−
(k) Public assistance programs supplementation	PR−S	C	−0−	−0−
(m) Federal funds general program supplementation	PR−F	C	−0−	−0−
(u) Segregated funds general program supplementation	SEG	S	2,587,800	3,883,100
(4) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			13,434,100	3,483,400
PROGRAM REVENUE			−0−	−0−
FEDERAL			(−0−)	(−0−)
OTHER			(−0−)	(−0−)
SERVICE			(−0−)	(−0−)
SEGREGATED FUNDS			2,587,800	3,883,100
OTHER			(2,587,800)	(3,883,100)
TOTAL−ALL SOURCES			16,021,900	7,366,500
(8) SUPPLEMENTATION OF PGM REV & PGM REV−SVC APPNS FROM PUBLIC EMP TRUST FUND				
(g) Supplementation of program revenue and program rev.−service appropriations	PR	S	−0−	−0−
(8) PROGRAM TOTALS				
PROGRAM REVENUE			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
20.865 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			19,552,400	10,086,600
PROGRAM REVENUE			−0−	−0−
FEDERAL			(−0−)	(−0−)
OTHER			(−0−)	(−0−)
SERVICE			(−0−)	(−0−)
SEGREGATED FUNDS			2,587,800	3,883,100
FEDERAL			(−0−)	(−0−)
OTHER			(2,587,800)	(3,883,100)
SERVICE			(−0−)	(−0−)
TOTAL−ALL SOURCES			22,140,200	13,969,700

20.866 Public debt

(1) BOND SECURITY AND REDEMPTION FUND

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(u) Principal repayment and interest	SEG	S	−0−	−0−
20.866 DEPARTMENT TOTALS				
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
20.867 Building commission				
(1) STATE OFFICE BUILDINGS				
(a) Principal repayment and interest; housing of state agencies	GPR	S	−0−	−0−
(b) Principal repayment and interest; capitol and executive residence	GPR	S	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
(2) ALL STATE−OWNED FACILITIES				
(b) Asbestos removal	GPR	A	−0−	−0−
(c) Hazardous materials removal	GPR	A	−0−	−0−
(f) Facilities preventive maintenance	GPR	A	−0−	−0−
(q) Building trust fund	SEG	C	−0−	−0−
(r) Planning and design	SEG	C	−0−	−0−
(u) Aids for buildings	SEG	C	−0−	−0−
(v) Building program funding contingency	SEG	C	−0−	−0−
(w) Building program funding	SEG	C	−0−	−0−
(2) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
(3) STATE BUILDING PROGRAM				
(a) Principal repayment and interest	GPR	S	14,004,600	33,966,500
(b) Principal repayment and interest	GPR	S	1,418,200	2,080,000
(bb) Principal repayment, interest and rebate; AIDS network	GPR	S	−0−	−0−
(bc) Principal repayment, interest and rebate; Oshkosh Grand Opera House	GPR	S	−0−	−0−
(bd) Principal repayment; Aldo Leopold Climate Classroom and Lab	GPR	S	−0−	−0−
(be) Principal repayment, interest and rebate; Bradley Center	GPR	S	−0−	−0−
(bf) Principal repayment, interest and rebate; AIDS Resource Center	GPR	S	−0−	−0−
(bg) Principal repayment, interest and rebate; Madison Children's Museum	GPR	S	−0−	−0−
(bh) Principal repayment, interest and rebate; Myrick Hixon EcoPark	GPR	S	−0−	−0−
(bm) Principal repayment, interest, and rebates; HR academy, inc.	GPR	S	116,900	117,100
(bn) Principal repayment, interest, rebates; Hmong Cultural Center	GPR	S	44,500	137,100

Statute, Agency and Purpose	Source	Type	2009−10	2010−11
(bp) Principal repayment, interest and rebates	GPR	S	−0−	−0−
(bq) Principal repayment, interest and rebates; children's research institute	GPR	S	646,700	801,000
(br) Principal repayment, interest and rebates	GPR	S	84,700	85,500
(bu) Principal repayment, interest, rebates; Kenosha Civil War Exhibit	GPR	S	26,900	26,900
(bv) Principal repayment, interest, rebates; Bond Health Center	GPR	S	15,000	58,600
(c) Lease rental payments	GPR	S	−0−	−0−
(d) Interest rebates on obligation proceeds; general fund	GPR	S	−0−	−0−
(e) Principal repayment, interest and rebates; parking ramp	GPR	S	−0−	−0−
(g) Principal repayment, interest and rebates; program revenues	PR	S	−0−	−0−
(h) Principal repayment, interest and rebates	PR	S	−0−	−0−
(i) Principal repayment, interest and rebates; capital equipment	PR	S	−0−	−0−
(k) Interest rebates on obligation proceeds; program revenues	PR−S	C	−0−	−0−
(kd) Energy conservation construction projects; prin repaymt, interest & rebates	PR	S	891,400	2,118,400
(q) Principal repayment and interest; segregated revenues	SEG	S	−0−	−0−
(r) Interest rebates on obligation proceeds; conservation fund	SEG	S	−0−	−0−
(s) Interest rebates on obligation proceeds; transportation fund	SEG	S	−0−	−0−
(t) Interest rebates on obligation proceeds; veterans trust fund	SEG	S	−0−	−0−
(w) Bonding services	SEG	S	1,024,200	1,024,200
(3) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			16,357,500	37,272,700
PROGRAM REVENUE			891,400	2,118,400
OTHER			(891,400)	(2,118,400)
SERVICE			(−0−)	(−0−)
SEGREGATED FUNDS			1,024,200	1,024,200
OTHER			(1,024,200)	(1,024,200)
TOTAL−ALL SOURCES			18,273,100	40,415,300
(4) Capital improvement fund interest earnings				
(q) Funding in lieu of borrowing	SEG	C	−0−	−0−
(r) Interest on veterans obligations	SEG	C	−0−	−0−
(4) PROGRAM TOTALS				
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
(5) Services to nonstate governmental units				
(g) Financial consulting services	PR	C	−0−	−0−

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
(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			891,400	2,118,400
OTHER			(891,400)	(2,118,400)
SERVICE			(−0−)	(−0−)
SEGREGATED FUNDS			1,024,200	1,024,200
OTHER			(1,024,200)	(1,024,200)
TOTAL−ALL SOURCES			31,490,900	53,406,100
20.875 Budget stabilization fund				
(1) TRANSFERS TO FUND				
(a) General fund transfer	GPR	S	−0−	−0−
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
TOTAL−ALL SOURCES			−0−	−0−
(2) TRANSFERS FROM FUND				
(q) Budget stabilization fund transfer	SEG	A	−0−	−0−
(2) PROGRAM TOTALS				
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
20.875 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			−0−	−0−
SEGREGATED FUNDS			−0−	−0−
OTHER			(−0−)	(−0−)
TOTAL−ALL SOURCES			−0−	−0−
General Appropriations				
FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			2,340,020,700	2,342,227,400
PROGRAM REVENUE			7,555,600	84,921,700
FEDERAL			(−0−)	(76,139,100)
OTHER			(891,400)	(2,118,400)
SERVICE			(6,664,200)	(6,664,200)
SEGREGATED FUNDS			233,886,800	227,887,100
FEDERAL			(−0−)	(−0−)
OTHER			(233,886,800)	(227,887,100)
SERVICE			(−0−)	(−0−)
LOCAL			(−0−)	(−0−)
TOTAL−ALL SOURCES			2,581,463,100	2,655,036,200
STATE TOTAL			30,882,928,300	30,968,547,000
GENERAL PURPOSE REVENUES			13,428,546,600	14,107,889,200
PROGRAM REVENUE			12,703,358,900	12,262,077,000
FEDERAL			(8,452,027,700)	(7,951,109,100)
OTHER			(3,428,725,100)	(3,502,719,600)
SERVICE			(822,606,100)	(808,248,300)
SEGREGATED FUNDS			4,751,022,800	4,598,580,800
FEDERAL			(915,493,400)	(830,746,300)

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2009−10	2010−11
OTHER			(3,553,003,300)	(3,455,308,400)
SERVICE			(173,966,700)	(203,966,700)
LOCAL			(108,559,400)	(108,559,400)

SECTION 177. 20.115 (1) (gg) of the statutes is created to read:

20.115 **(1)** (gg) *Meat and poultry inspection.* The amounts in the schedule to be used for meat and poultry inspection under s. 97.42. All moneys received under s. 97.60 shall be credited to this appropriation.

SECTION 177j. 20.115 (1) (im) of the statutes is created to read:

20.115 **(1)** (im) *Consumer protection; telephone solicitor fees.* The amounts in the schedule from telephone solicitor registration and registration renewal fees paid under the rules promulgated under s. 100.52 (3) (a), for consumer protection and consumer information and education.

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.

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 180f. 20.115 (2) (q) of the statutes is created to read:

20.115 **(2)** (q) *Animal health inspection, testing and enforcement.* From the agricultural chemical cleanup fund, the amounts in the schedule for animal health inspection and testing and for enforcement of animal health laws.

SECTION 180n. 20.115 (4) (b) of the statutes is amended to read:

20.115 **(4)** (b) *Aids to county and district fairs.* The amounts in the schedule to provide state aids to counties and agricultural societies, associations or boards and to incorporated dairy or livestock associations~~, not to exceed $15,000 per fair~~ as provided in s. 93.23. ~~If the total due the several counties and agricultural societies under this paragraph exceeds the amounts in the schedule, the department shall equitably prorate that amount.~~

SECTION 180p. 20.115 (4) (qm) of the statutes is amended to read:

20.115 **(4)** (qm) *Grants for ~~soybean crushing~~ agricultural facilities.* Biennially, from the recycling fund, the amounts in the schedule for grants for ~~soybean crushing~~ agricultural facilities under 2007 Wisconsin Act 20, section 9103 (4u) and 2009 Wisconsin Act .... (this act), section 9103 (3f).

SECTION 180s. 20.115 (4) (t) of the statutes is created to read:

20.115 **(4)** (t) *Aids to county and district fairs for 2009−11 fiscal biennium.* From the agricultural chemical cleanup fund, the amounts in the schedule to provide state aids to counties and agricultural societies, associations, or boards and to incorporated dairy or livestock associations under s. 93.23 (1).

SECTION 180sc. 20.115 (4) (t) of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed.

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:

20.115 **(7)** (gm) *Seed testing and labeling.* All moneys received from fees under ss. 94.43 (3) and (4) and 94.45 ~~(3)~~ (1) (c) for seed testing and labeling activities.

SECTION 185. 20.115 (7) (i) of the statutes is created to read:

20.115 **(7)** (i) *Agricultural conservation easements; gifts and grants.* All moneys received from gifts and grants for the purchase of agricultural conservation ease-

ments under s. 93.73, to be used for the program under s. 93.73.

SECTION 185p. 20.115 (7) (qd) of the statutes is amended to read:

20.115 **(7)** (qd) *Soil and water ~~management~~ administration; environmental fund.* From the environmental fund, the amounts in the schedule for administration of the soil and water resource management program under s. 92.14.

SECTION 185r. 20.115 (7) (qe) of the statutes is created to read:

20.115 **(7)** (qe) *Soil and water management; local assistance.* From the environmental fund, the amounts in the schedule for support of local land conservation personnel under the soil and water resource management program under s. 92.14.

SECTION 185t. 20.115 (7) (qf) of the statutes is created to read:

20.115 **(7)** (qf) *Soil and water management; aids.* From the environmental fund, the amounts in the schedule for cost−sharing grants and contracts under the soil and water resource management program under s. 92.14, but not for the support of local land conservation personnel.

SECTION 186. 20.115 (7) (s) of the statutes is amended to read:

20.115 **(7)** (s) *Principal repayment and interest; soil and water, environmental fund.* From the environmental fund, ~~the amounts in the schedule~~ a sum sufficient for the payment of principal and interest costs incurred in providing funds for soil and water resource management projects under s. 92.14, to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing those projects, and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

SECTION 187. 20.115 (7) (tb) of the statutes is created to read:

20.115 **(7)** (tb) *Principal and interest; agricultural conservation easements, working lands fund.* From the working lands fund, the amounts in the schedule 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 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 192. 20.115 (8) (g) of the statutes is amended to read:

20.115 **(8)** (g) *Gifts and grants.* Except as provided in par. (ge) and sub. (7) (i), all moneys received from gifts and grants to carry out the purposes for which made.

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.

SECTION 194p. 20.115 (8) (jm) of the statutes is amended to read:

20.115 **(8)** (jm) *Telephone solicitation regulation.* All moneys received from telephone solicitor registration and registration renewal fees paid under the rules promulgated under s. 100.52 (3) (a) not appropriated under sub. (1) (im) for establishing and maintaining the nonsolicitation directory under s. 100.52 (2).

SECTION 196. 20.143 (1) (bk) of the statutes is created to read:

20.143 **(1)** (bk) *Wisconsin venture fund.* The amounts in the schedule for grants under ss. 560.255 and 560.277.

SECTION 197. 20.143 (1) (bm) of the statutes is repealed.

SECTION 198q. 20.143 (1) (bt) of the statutes is created to read:

20.143 **(1)** (bt) *Value supply chain grants.* The amounts in the schedule for grants under 2009 Wisconsin Act .... (this act), section 9110 (14u).

SECTION 199. 20.143 (1) (c) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

20.143 **(1)** (c) *Wisconsin development fund; grants, loans, reimbursements, and assistance.* Biennially, the amounts in the schedule for grants under s. 560.145; for grants and loans under s. 560.275 (2) and subch. V of ch. 560; for reimbursements under s. 560.167; ~~for providing~~

~~assistance under s. 560.06;~~ for the costs specified in s. 560.607; for the loan under 1999 Wisconsin Act 9, section 9110 (4); and for the grants under 1995 Wisconsin Act 27, section 9116 (7gg), 1995 Wisconsin Act 119, section 2 (1), 1997 Wisconsin Act 27, section 9110 (6g), ~~1999 Wisconsin Act 9, section 9110 (5),~~ 2003 Wisconsin Act 33, section 9109 (1d) and (2q), 2007 Wisconsin Act 20, section 9108 (4u), (6c), (7c), (7f), (8c), (8i), (9i), and (10q), 2009 Wisconsin Act 2, section 9110 (2) and (3)~~; and for providing up to $100,000 annually for the continued development of a manufacturing and advanced technology training center in Racine. Of the amounts in the schedule, $50,000 shall be allocated in each of fiscal years 1997–98 and 1998–99 for providing the assistance under s. 560.06 (1)~~, and 2009 Wisconsin Act .... (this act), section 9110 (10q) and (17q).

Vetoed In Part

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 204p. 20.143 (1) (gc) of the statutes is amended to read:

20.143 **(1)** (gc) ~~*Business development assistance*~~ *Regulatory ombudsman center.* All moneys received under s. 560.42 (3) (a) for providing materials and services under subch. III of ch. 560.

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 206m. 20.143 (1) (gm) of the statutes, as affected by 2009 Wisconsin Act 2, 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 206s. 20.143 (1) (gv) of the statutes is created to read:

20.143 **(1)** (gv) *Wisconsin development fund, entrepreneurial assistance grants.* The amounts in the schedule from the 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., s. 560.66, 2005 stats., s. 560.157, subch. V of ch. 560, 1989 Wisconsin Act 336, section 3015 (1m), 1989 Wisconsin Act 336, section 3015 (2m), 1989 Wisconsin Act 336, section 3015 (3gx), 1997 Wisconsin Act 27, section 9110 (7f), 1997 Wisconsin Act 310, section 2 (2d), 1999 Wisconsin Act 9, section 9110 (4), and 2007 Wisconsin Act 20, section 9108 (5x), for entrepreneurial assistance grants under s. 560.157.

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., ss. 560.145, 560.157, and 560.45, subch. V of ch. 560, 1989 Wisconsin Act 336, section 3015 (1m), 1989 Wisconsin Act 336, section 3015 (2m), 1989 Wisconsin Act 336, section 3015 (3gx), 1997 Wisconsin Act 27, section 9110 (7f), 1997 Wisconsin Act 310, section 2 (2d), 1999 Wisconsin Act 9, section 9110 (4), and 2007 Wisconsin Act 20, section 9108 (5x), not appropriated under par. (gv) to be used for grants and loans under s. 560.275 (2), s. 560.45, and subch. V of ch. 560, ~~for assistance under s. 560.06 (2),~~ for the loan under 1999 Wisconsin Act 9, section 9110 (4), for the grant under 2001 Wisconsin Act 16, section 9110 (7g), for the grants under 2003 Wisconsin Act 33, section 9109 (1d) and (2q), for grants under 2009 Wisconsin Act .... (this act), section 9110 (13u), for the study under 2009 Wisconsin Act .... (this act), section 9110 (15u), and for reimbursements under s. 560.167.

Vetoed In Part

SECTION 207p. 20.143 (1) (ig) of the statutes is amended to read:

20.143 **(1)** (ig) *Gaming economic development and diversification; repayments.* Biennially, the amounts in the schedule for grants and loans under s. 560.138, for grants under 2009 Wisconsin Act .... (this act), section 9110 (13u) and s. 560.45, and for the study under 2009 Wisconsin Act .... (this act), section 9110 (15u). All moneys received in repayment of loans under ss. 560.137 (2), 2005 stats., and 560.138 shall be credited to this appropriation account.

Vetoed In Part

SECTION 208. 20.143 (1) (im) of the statutes is amended to read:

20.143 **(1)** (im) *Minority business projects; repayments.* All moneys received on or before June 30, 2009, in repayment of grants or loans under s. 560.82 (1m) (b), 2007 stats., and s. 560.82 (1m) (c), 2007 stats., and loans under 1997 Wisconsin Act 9, section 3, to be used for grants and loans under ~~s. 560.82, the grant under 2001 Wisconsin Act 16, section 9110 (7g), and the loans under 1997 Wisconsin Act 9, section 3~~ 2009 Wisconsin Act .... (this act), section 9110 (13u), s. 560.45, and subch. II of ch. 560 and for the study under 2009 Wisconsin Act .... (this act), section 9110 (15u).

Vetoed In Part

SECTION 209. 20.143 (1) (io) of the statutes is created to read:

20.143 **(1)** (io) *Grant and loan repayments; forward innovation fund.* All moneys received in repayment of grants or loans under subch. II of ch. 560, grants or loans under s. 560.82 (1m) (b) and (c), 2007 stats., and loans under 1997 Wisconsin Act 9, section 3, to be used for grants and loans under subch. II of ch. 560.

SECTION 210. 20.143 (1) (ir) of the statutes is amended to read:

20.143 **(1)** (ir) *Rural economic development loan repayments.* All moneys received in repayment of loans under s. 560.17, to be used for grants and loans under ~~s.~~ ss. 560.17 and 560.45, for grants under 2009 Wisconsin Act .... (this act), section 9110 (13u), and for the study under 2009 Wisconsin Act .... (this act), section 9110 (15u).

Vetoed In Part

SECTION 211. 20.143 (1) (jc) of the statutes is renumbered 20.285 (1) (jc) and amended to read:

20.285 **(1)** (jc) *Physician and dentist and health care provider loan assistance programs~~; penalties~~.* All moneys received ~~in penalties~~ under ss. ~~560.183 (6m)~~ 36.60 and ~~560.184 (6m)~~ 36.61 and all moneys transferred under 2009 Wisconsin Act .... (this act), section 9210 (1), to be used for loan repayments under ss. ~~560.183~~ 36.60 and ~~560.184~~ 36.61 and costs associated with the repayments.

SECTION 212. 20.143 (1) (jL) of the statutes is repealed.

SECTION 213. 20.143 (1) (jm) of the statutes is repealed.

SECTION 214. 20.143 (1) (kj) of the statutes is amended to read:

20.143 **(1)** (kj) *Gaming economic development and diversification; grants and loans.* Biennially, the amounts in the schedule for grants and loans under s. 560.138, for the grants under s. 560.139 (1) (a)~~, (2), and (3)~~, and for the grants under 2001 Wisconsin Act 16, section 9110 (2k), (11pk), and (11zx)~~. Of the amounts in the schedule, $500,000 shall be allocated in each fiscal year for the grants under s. 560.139 (3)~~, and 2009 Wisconsin Act .... (this act), section 9110 (16i). All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 6j. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (b), the unencumbered balance on June 30 of each odd−numbered year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 215. 20.143 (1) (kr) of the statutes is renumbered 20.285 (1) (ks) and amended to read:

20.285 **(1)** (ks) *Physician and dentist and health care provider loan assistance programs; repayments~~, and contract~~.* Biennially, the amounts in the schedule for loan repayments under ss. ~~560.183 and 560.184 and for contracting under ss. 560.183 (8) and 560.184 (7)~~ 36.60 and 36.61. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 6r. ~~and all moneys transferred under 1999 Wisconsin Act 9, section 9210 (1),~~ shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (b), the unencumbered balance on June 30 of each odd−numbered year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 215d. 20.143 (1) (qm) of the statutes is amended to read:

Vetoed In Part

20.143 **(1)** (qm) *Brownfields grant program and related grants; environmental fund.* From the environmental fund, the amounts in the schedule for grants under ss. 560.13 and 560.139 (1) (c) and for the grant under ~~2005 Wisconsin Act 25, section 9108 (3f)~~ 2009 Wisconsin Act .... (this act), section 9110 (12h) .

SECTION 215p. 20.143 (2) (b) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

20.143 **(2)** (b) *Housing grants and loans; general purpose revenue.* Biennially, the amounts in the schedule for grants and loans under s. 560.9803 ~~and~~, for grants under s. 560.9805 and 2009 Wisconsin Act .... (this act), section 9110 (12u), and for the grant under 2009 Wisconsin Act 2, section 9110 (1).

SECTION 216. 20.143 (2) (fm) of the statutes is amended to read:

20.143 **(2)** (fm) *Shelter for homeless and transitional housing grants.* ~~The~~ Biennially, the amounts in the schedule for transitional housing grants under s. 560.9806 and for grants to agencies and shelter facilities for homeless individuals and families as provided under s. 560.9808. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. ~~All funds allocated but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless transferred to the next calendar year by the joint committee on finance.~~

SECTION 216s. 20.143 (3) (r) of the statutes is amended to read:

20.143 **(3)** (r) *Safety and building operations; petroleum inspection fund.* From the petroleum inspection fund, the amounts in the schedule for the purposes of ch. 168 and ss. 101.09 ~~and~~, 101.142, and 101.1435.

SECTION 217f. 20.143 (3) (sm) of the statutes is amended to read:

20.143 **(3)** (sm) *Diesel truck idling reduction grants.* From the petroleum inspection fund, the amounts in the schedule for diesel truck idling reduction grants under s.

560.125. No funds may be encumbered under this paragraph after June 30, ~~2011~~ 2015.

SECTION 217g. 20.143 (3) (sn) of the statutes is amended to read:

20.143 **(3)** (sn) *Diesel truck idling reduction grant administration.* From the petroleum inspection fund, the amounts in the schedule for administering the Diesel Truck Idling Reduction Grant Program under s. 560.125. No funds may be encumbered under this paragraph after December 31, ~~2012~~ 2016.

SECTION 219. 20.143 (3) (vm) of the statutes is created to read:

20.143 **(3)** (vm) *Removal of underground petroleum storage tanks.* From the petroleum inspection fund, the amounts in the schedule for the removal of abandoned underground petroleum storage tanks under s. 101.1435.

SECTION 219e. 20.143 (3) (w) of the statutes is amended to read:

20.143 **(3)** (w) *Petroleum storage environmental remedial action; administration.* From the petroleum inspection fund, the amounts in the schedule for the administration of ss. 101.143, 101.1435, and 101.144.

SECTION 221. 20.145 (1) (g) (intro.) of the statutes is amended to read:

20.145 **(1)** (g) *General program operations.* (intro.) The amounts in the schedule for general program operations, including organizational support services and oversight of care management organizations, and for transferring to the appropriation account under s. 20.435 (4) (kv) the amount allocated by the commissioner of insurance. All of the following shall be credited to this appropriation account:

SECTION 222. 20.145 (1) (g) 3. of the statutes is created to read:

20.145 **(1)** (g) 3. All moneys received under ss. 648.15 and 648.27.

Vetoed In Part

SECTION 222m. 20.155 (1) (j) of the statutes is amended to read:

20.155 **(1)** (j) *Intervenor financing and grants.* ~~The~~ Biennially, the amounts in the schedule for intervenor financing and grants under s. 196.31. All moneys received for intervenor financing under s. 196.31 (2) shall be credited to this appropriation.

Vetoed In Part

SECTION 225d. 20.155 (3) (r) of the statutes is created to read:

20.155 **(3)** (r) *Enhanced 911 grants.* From the 911 fund, all moneys received under s. 256.35 (3g) (a) 4. a. to award grants under and administer the requirements of s. 256.35 (3g). In a fiscal year, no more than 1 percent of the moneys received under s. 256.35 (3g) (a) 4. a. may be used for administrative purposes.

SECTION 225k. 20.155 (3) (t) of the statutes is created to read:

20.155 **(3)** (t) *Police and fire protection fee administration.* From the police and fire protection fund, the amounts in the schedule for the costs of administering s. 196.025 (6).

SECTION 225L. 20.155 (3) (t) of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed. **Vetoed In Part**

SECTION 226. 20.165 (1) (g) of the statutes is amended to read:

20.165 **(1)** (g) *General program operations.* The amounts in the schedule for the licensing, rule making, and regulatory functions of the department, other than the licensing, rule−making, and credentialing functions of the medical examining board and the affiliated credentialing boards attached to the medical examining board and except for preparing, administering, and grading examinations. Ninety percent of all moneys received under chs. 440 to 480, except ch. 448, ss. 440.03 (13) ~~and~~, 440.05 (1) (b), and 446.02 (3) (a), less $10 of each renewal fee received under s. 452.12 (5), and all moneys transferred from the appropriation under par. (i) and all moneys received under s. 440.055 (2), shall be credited to this appropriation.

SECTION 226m. 20.165 (1) (gc) of the statutes is created to read:

20.165 **(1)** (gc) *Chiropractic examination.* Ninety percent of all moneys received from examinees under s. 446.02 (3) (a), for the purpose of developing and administering examinations to applicants for licensure under s. 446.02 (2).

SECTION 227. 20.165 (1) (hg) of the statutes is created to read:

20.165 **(1)** (hg) *General program operations; medical examining board.* Biennially, the amounts in the schedule for the licensing, rule−making, and regulatory functions of the medical examining board and the affiliated credentialing boards attached to the medical examining board, except for preparing, administering, and grading examinations. Ninety percent of all moneys received for issuing and renewing credentials under ch. 448 shall be credited to this appropriation.

SECTION 228h. 20.165 (1) (jm) of the statutes is created to read:

20.165 **(1)** (jm) *Nursing workforce survey administration.* Biennially, the amounts in the schedule for administrative expenses related to distributing a nursing workforce survey to applicants for renewal of credentials under s. 441.01 (7). All moneys received from the fee under s. 441.01 (7) (a) 2. shall be credited to this appropriation account. Annually, there is transferred from this appropriation account to the appropriation account under s. 20.445 (1) (km) all moneys received from the fee under s. 441.01 (7) (a) 2. that are not appropriated to this appropriation account.

SECTION 229m. 20.225 (1) (b) of the statutes is amended to read:

20.225 **(1)** (b) *Energy costs; energy−related assessments.* The amounts in the schedule to pay for utilities

and for fuel, heat, and air conditioning, to pay assessments levied by the department of administration under s. 16.847 (3) for ~~debt service~~ costs incurred and ~~energy cost~~ savings generated at facilities of the board, and to pay costs incurred under ss. 16.858 and 16.895, by or on behalf of the board.

SECTION 230v. 20.235 (1) (fe) of the statutes is amended to read:

20.235 **(1)** (fe) *Wisconsin higher education grants; University of Wisconsin System students.* A sum sufficient equal to ~~$50,000,000~~ $37,750,000 in the ~~2007−08~~ 2009−10 fiscal year, equal to ~~$55,000,000~~ $58,345,400 in the ~~2008−09~~ 2010−11 fiscal year, and equal to the amount calculated under s. 39.435 (7) for the Wisconsin higher education grant program under s. 39.435 for University of Wisconsin System students, except for grants awarded under s. 39.435 (2) or (5), thereafter.

SECTION 231. 20.235 (1) (fz) of the statutes is amended to read:

20.235 **(1)** (fz) *Remission of fees and reimbursement for veterans and dependents.* Biennially, the amounts in the schedule to reimburse the Board of Regents of the University of Wisconsin System and technical college district boards under s. 39.50 for fee remissions made under ss. 36.27 (3n) (b) or (3p) (b) and 38.24 (7) (b) or (8) (b) and to reimburse veterans and dependents as provided in ss. 36.27 (3n) (bm) or (3p) (bm) and 38.24 (7) (bm) or (8) (bm).

SECTION 232. 20.235 (1) (ke) of the statutes is created to read:

20.235 **(1)** (ke) *Wisconsin higher education grants for University of Wisconsin System students; auxiliary enterprises.* The amounts in the schedule for the Wisconsin higher education grant program under s. 39.435 for University of Wisconsin System students, except for grants awarded under s. 39.435 (2) or (5). All moneys transferred to this appropriation account from the appropriation account under s. 20.285 (1) (h) shall be credited to this appropriation account. No moneys may be expended or encumbered from this appropriation after June 30, 2010.

SECTION 233. 20.235 (1) (ke) of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed.

SECTION 234m. 20.245 (1) (c) of the statutes is amended to read:

20.245 **(1)** (c) *Energy costs; energy−related assessments.* The amounts in the schedule to pay for utilities and for fuel, heat, and air conditioning, to pay assessments levied by the department of administration under s. 16.847 (3) for ~~debt service~~ costs incurred and ~~energy cost~~ savings generated at facilities of the society, and to pay costs incurred by or on behalf of the historical society under ss. 16.858 and 16.895.

SECTION 235. 20.245 (1) (k) of the statutes is amended to read:

20.245 **(1)** (k) *Storage facility.* ~~The~~ Biennially, the amounts in the schedule to support the operation of a storage facility for the collections of the historical society. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 4d. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) ~~(a)~~ (b), the unencumbered balance on June 30 of each odd−numbered year shall revert to the appropriation account under s. 20.505 (8) (hm).

SECTION 237m. 20.255 (1) (c) of the statutes is amended to read:

20.255 **(1)** (c) *Energy costs; Wisconsin Educational Services Program for the Deaf and Hard of Hearing and Wisconsin Center for the Blind and Visually Impaired; energy−related assessments.* The amounts in the schedule to be used at the facilities of the Wisconsin Educational Services Program for the Deaf and Hard of Hearing and the Wisconsin Center for the Blind and Visually Impaired to pay for utilities and for fuel, heat and air conditioning, to pay assessments levied by the department of administration under s. 16.847 (3) for ~~debt service~~ costs incurred and ~~energy cost~~ savings generated at departmental facilities, and to pay costs incurred by or on behalf of the department under ss. 16.858 and 16.895.

SECTION 238. 20.255 (1) (hm) of the statutes is amended to read:

20.255 **(1)** (hm) *Services for drivers.* The amounts in the schedule for services for drivers. All moneys transferred from the appropriation account under s. 20.435 ~~(6)~~ (5) (hx) shall be credited to this appropriation account, except that the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.435 ~~(6)~~ (5) (hx).

SECTION 239. 20.255 (1) (j) of the statutes is created to read:

20.255 **(1)** (j) *Milwaukee Parental Choice Program; financial audits.* All moneys received under s. 119.23 (2) (a) 3. to be used to evaluate the financial information submitted under s. 119.23 (7) (am) and (d) 2. and 3. by private schools participating in the Milwaukee Parental Choice Program.

SECTION 240b. 20.255 (1) (q) of the statutes is created to read:

20.255 **(1)** (q) *Environmental education.* From income and interest in the normal school fund, the amounts in the schedule for an environmental education consultant in the department.

SECTION 241d. 20.255 (2) (ac) of the statutes is amended to read:

20.255 **(2)** (ac) *General equalization aids.* The amounts in the schedule for the payment of educational aids under ss. 121.08, 121.09, 121.095, ~~and~~ 121.105, 121.137 and subch. VI of ch. 121.

SECTION 242d. 20.255 (2) (ch) of the statutes is created to read: **Vetoed In Part**

Vetoed In Part

20.255 **(2)** (ch) *Full−time open enrollment; supplement.* A sum sufficient for payments to school districts under s. 118.51 (16) (e).

SECTION 244f. 20.255 (2) (de) of the statutes is created to read:

20.255 **(2)** (de) *School district grants.* The amounts in the schedule for grants to school districts under 2009 Wisconsin Act .... (this act), section 9139 (9i). No money may be encumbered from this appropriation after June 30, 2010.

SECTION 244g. 20.255 (2) (er) of the statutes is created to read:

20.255 **(2)** (er) *Global Academy.* The amounts in the schedule for a grant to the Global Academy under 2009 Wisconsin Act .... (this act), section 9139 (5i).

SECTION 244r. 20.255 (2) (es) of the statutes is created to read:

20.255 **(2)** (es) *Distance learning.* The amounts in the schedule for a grant to the Chequamegon School District for a distance learning lab under 2009 Wisconsin Act .... (this act), section 9139 (6i).

Vetoed In Part

SECTION 244s. 20.255 (2) (fu) of the statutes is amended to read:

20.255 **(2)** (fu) *Milwaukee parental choice program.* A sum sufficient to make the payments to private schools under s. 119.23 (4) ~~and~~, (4m), and (10) (e).

SECTION 244t. 20.255 (2) (fv) of the statutes is created to read:

20.255 **(2)** (fv) *Milwaukee Parental Choice Program; transfer pupils.* A sum sufficient to make the payments under s. 119.23 (4r).

SECTION 246. 20.255 (2) (km) of the statutes is created to read:

20.255 **(2)** (km) *Tribal language revitalization grants.* The amounts in the schedule for grants to school districts and cooperative educational service agencies under s. 115.745. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 5. 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 247. 20.255 (2) (m) of the statutes is amended to read:

20.255 **(2)** (m) *Federal aids; local aid.* All federal moneys received as authorized under s. 16.54, except as otherwise appropriated under this subsection, to aid local governmental units or agencies.

SECTION 248. 20.255 (2) (n) of the statutes is created to read:

20.255 **(2)** (n) *Federal aid; economic stimulus funds.* All federal moneys received, as authorized by the governor under s. 16.54, as economic stimulus funds pursuant to federal legislation enacted during the 111th Congress other than allocations from the state fiscal stabilization fund that are distributed to school districts as general equalization aid, to be expended for the purposes for which received.

SECTION 250. 20.255 (3) (dn) of the statutes is amended to read:

20.255 **(3)** (dn) *Project Lead the Way grants.* The amounts in the schedule for annual grants to Project Lead the Way to provide discounted professional development services and software for participating high schools in this state. No moneys may be encumbered under this paragraph after June 30, ~~2009~~ 2011.

SECTION 251. 20.255 (3) (e) of the statutes is repealed.

SECTION 252. 20.255 (3) (ea) of the statutes is renumbered 20.255 (3) (r) and amended to read:

20.255 **(3)** (r) *Library service contracts.* ~~The~~ From the universal service fund, the amounts in the schedule for library service contracts under s. 43.03 (6) and (7).

SECTION 253. 20.255 (3) (qm) (title) of the statutes is amended to read:

20.255 **(3)** (qm) (title) ~~*Supplemental aid*~~ *Aid to public library systems.*

SECTION 253m. 20.285 (1) (c) of the statutes is amended to read:

20.285 **(1)** (c) *Energy costs; energy−related assessments.* The amounts in the schedule to pay for utilities and for fuel, heat, and air conditioning, to pay assessments levied by the department of administration under s. 16.847 (3) for ~~debt service~~ costs incurred and ~~energy cost~~ savings generated at university facilities, and to pay costs incurred under ss. 16.858 and 16.895, including all operating costs recommended by the department of administration that result from the installation of pollution abatement equipment in state−owned or operated heating, cooling, or power plants, by or on behalf of the board of regents, and including the cost of purchasing electricity, steam, and chilled water generated by the cogeneration facility constructed pursuant to an agreement under 2001 Wisconsin Act 109, section 9156 (2z) (g).

SECTION 254. 20.285 (1) (h) of the statutes is amended to read:

20.285 **(1)** (h) *Auxiliary enterprises.* Except as provided under subs. (5) (i) and (6) (g), all moneys received by the University of Wisconsin System for or on account of any housing facility, commons, dining halls, cafeteria, student union, athletic activities, stationery stand or bookstore, parking facilities or car fleet, or such other auxiliary enterprise activities as the board designates and including such fee revenues as allocated by the board and including such moneys received under leases entered into previously with nonprofit building corporations as the board designates to be receipts under this paragraph, but not including any moneys received from the sale of real property during ~~the period before 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], to be used for the operation, maintenance, and capital expenditures of activities specified in this paragraph, including the transfer of funds to pars. (kd) ~~and~~, (ke), and (kj) and to s. 20.235 (1) (ke), and to nonprofit building corporations to be used by the corporations for the retirement of existing indebtedness and such other payments as may be required under existing loan agreements, for optional rental payments in addition to the mandatory rental payments under the leases and subleases in connection with the providing of facilities for such activities, and for grants under ss. 36.25 (14) and 36.34. A separate account shall be maintained for each campus and extension. Upon the request of the extension or any campus within the system, the board of regents may transfer surplus moneys appropriated under this paragraph to the appropriation account under par. (kp). In fiscal year 2009−10, the amount in the schedule under s. 20.235 (1) (ke) shall be transferred from this appropriation account to the appropriation account under s. 20.235 (1) (ke), and the amount in the schedule under par. (kj) shall be transferred from this appropriation account to the appropriation account under par. (kj). Of the amounts transferred to s. 20.235 (1) (ke) and to par. (kj), no more than $3,500,000 may be drawn from the account of the extension or any single campus.

SECTION 255. 20.285 (1) (h) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

20.285 **(1)** (h) *Auxiliary enterprises.* Except as provided under subs. (5) (i) and (6) (g), all moneys received by the University of Wisconsin System for or on account of any housing facility, commons, dining halls, cafeteria, student union, athletic activities, stationery stand or bookstore, parking facilities or car fleet, or such other auxiliary enterprise activities as the board designates and including such fee revenues as allocated by the board and including such moneys received under leases entered into previously with nonprofit building corporations as the board designates to be receipts under this paragraph, but not including any moneys received from the sale of real property during 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], to be used for the operation, maintenance, and capital expenditures of activities specified in this paragraph, including the transfer of funds to pars. (kd)~~, (ke) and (kj) and to s. 20.235 (1) (ke)~~ and (ke), and to nonprofit building corporations to be used by the corporations for the retirement of existing indebtedness and such other payments as may be required under existing loan agreements, for optional rental payments in addition to the mandatory rental payments under the leases and subleases in connection with the providing of facilities for such activities, and for grants under ss. 36.25 (14) and 36.34. A separate account shall be maintained for each campus and extension. Upon the request of the extension or any campus within the system, the board of regents may transfer surplus moneys appropriated under this paragraph to the appropriation account under par. (kp). ~~In fiscal year 2009−10, the amount in the schedule under s. 20.235 (1) (ke) shall be transferred from this appropriation account to the appropriation account under s. 20.235 (1) (ke), and the amount in the schedule under par. (kj) shall be transferred from this appropriation account to the appropriation account under par. (kj). Of the amounts transferred to s. 20.235 (1) (ke) and to par. (kj), no more than $3,500,000 may be drawn from the account of the extension or any single campus.~~

SECTION 256. 20.285 (1) (ia) of the statutes is amended to read:

20.285 **(1)** (ia) *State laboratory of hygiene, drivers.* All moneys transferred from the appropriation account under s. 20.435 ~~(6)~~ (5) (hx) for the state laboratory of hygiene for costs associated with services for drivers.

SECTION 257. 20.285 (1) (iz) of the statutes is amended to read:

20.285 **(1)** (iz) *General operations receipts.* All moneys received for or on account of the University of Wisconsin System, unless otherwise specifically appropriated, including all moneys received from the sale of real property during ~~the period prior to July 1, 2007, and~~ the period beginning on October 27, 2007, and ending on June 30, 2009, to be used for general operations. In fiscal ~~years 2007−08,~~ year 2008−09, the board shall transfer $15,000,000 from this appropriation account to the medical assistance trust fund. In fiscal year 2009−10, ~~and~~ the board shall transfer $23,800,000 from this appropriation account to the medical assistance trust fund. In fiscal year 2010−11, the board shall transfer $25,000,000 from this appropriation account to the medical assistance trust fund. In fiscal years 2011−12 and 2012−13, the board shall annually transfer ~~$15,000,000~~ $27,500,000 from this appropriation account to the medical assistance trust fund.

SECTION 258. 20.285 (1) (iz) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

20.285 **(1)** (iz) *General operations receipts.* All moneys received for or on account of the University of Wisconsin System, unless otherwise specifically appropriated, including all moneys received from the sale of real property during 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], to be used for general operations. In fiscal year 2008−09, the board shall transfer $15,000,000 from this appropriation account to the medical assistance trust fund. In fiscal year 2009−10, the board shall transfer $23,800,000 from this appropriation account to the medical assistance trust fund. In fiscal year 2010−11, the board shall transfer $25,000,000 from this appropriation

account to the medical assistance trust fund. In fiscal years 2011−12 and 2012−13, the board shall annually transfer $27,500,000 from this appropriation account to the medical assistance trust fund.

SECTION 259. 20.285 (1) (j) of the statutes is amended to read:

20.285 **(1)** (j) *Gifts and donations.* All moneys received from gifts, grants, bequests and devises, except moneys received from the sale of real property during ~~the period before 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], to be administered and expended in accordance with the terms of the gift, grant, bequest or devise to carry out the purposes for which made and received.

SECTION 259e. 20.285 (1) (jq) of the statutes is amended to read:

20.285 **(1)** (jq) *Steam and chilled−water plant; principal repayment, interest, and rebates; nonstate entities.* All moneys received from utility charges to the University of Wisconsin Hospitals and Clinics Authority and agencies of the federal government that are approved by the department of administration under s. 36.11 (48) to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in purchasing the Walnut Street steam and chilled−water plant enumerated under 2003 Wisconsin Act 33, section 9106 (1) (g) 2. and in renovating and adding an addition to the Charter Street heating and cooling plant enumerated under 2009 Wisconsin Act .... (this act), section 9106 (1) (g) 3., to make payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing the purchase of the plant, and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

SECTION 260. 20.285 (1) (ka) of the statutes is amended to read:

20.285 **(1)** (ka) *Sale of real property.* All net proceeds from the sale of real property by the board under s. 36.34, 1969 stats., and s. 36.33, except net proceeds received during ~~the period before 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], to be used for the purposes of s. 36.34, 1969 stats., and s. 36.33, including the expenses enumerated in s. 13.48 (2) (d) incurred in selling the real property under those sections.

SECTION 261m. 20.285 (1) (kj) of the statutes is created to read:

20.285 **(1)** (kj) *Academic fee increase grants.* The amounts in the schedule for academic fee increase grants under s. 36.25 (49). All moneys transferred to this appropriation account from the appropriation account under par. (h) shall be credited to this appropriation account. No moneys may be encumbered under this paragraph after June 30, 2011.

SECTION 261q. 20.285 (1) (ko) of the statutes is amended to read:

20.285 **(1)** (ko) *Steam and chilled−water plant; principal repayment, interest, and rebates.* All moneys received from utility charges to University of Wisconsin−Madison campus operations that are approved by the department of administration under s. 36.11 (48) to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in purchasing the Walnut Street steam and chilled−water plant enumerated under 2003 Wisconsin Act 33, section 9106 (1) (g) 2. and in renovating and adding an addition to the Charter Street heating and cooling plant enumerated under 2009 Wisconsin Act .... (this act), section 9106 (1) (g) 3., to make payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing the purchase of the plant, and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

SECTION 261t. 20.285 (1) (r) of the statutes is amended to read:

20.285 **(1)** (r) *Environmental education; environmental assessments.* From the environmental fund, as a continuing appropriation, an amount equal to 50% of the environmental assessments under s. 299.93 (1) (a) and 70% of the environmental assessments under s. 299.93 (1) (b) for environmental education grants under s. 36.54 (2).

SECTION 261w. 20.285 (1) (rm) of the statutes is created to read:

20.285 **(1)** (rm) *Environmental program grants and scholarships.* From income and interest in the normal school fund, the amounts in the schedule for grants and scholarships under s. 36.49.

SECTION 262. 20.285 (1) (s) of the statutes is created to read:

20.285 **(1)** (s) *Wisconsin Bioenergy Initiative.* From the recycling and renewable energy fund, the amounts in the schedule to support research under the Wisconsin Bioenergy Initiative into improved plant biomass, improved biomass processing, conversion of biomass into energy products, development of a sustainable energy economy, and development of enabling technologies for bioenergy research.

SECTION 262m. 20.285 (4) (dd) of the statutes is amended to read:

20.285 **(4)** (dd) *Lawton minority undergraduate grants program.* A sum sufficient equal to ~~$5,218,300~~ $6,399,500 in the ~~2005−06~~ 2009−10 fiscal year and ~~$5,531,400~~ $6,757,900 in the ~~2006−07~~ 2010−11 fiscal year, and in subsequent fiscal years a sum sufficient equal to the amount calculated under s. 36.34 (1) (c), for the

Lawton minority undergraduate grant program under s. 36.34 (1).

SECTION 262s. 20.292 (1) (eh) of the statutes is amended to read:

20.292 **(1)** (eh) *Training program grants.* ~~The~~ Biennially, the amounts in the schedule for grants under s. 38.41.

SECTION 264. 20.320 (1) (sm) of the statutes is amended to read:

20.320 **(1)** (sm) *Land recycling loan program financial assistance.* From the clean water fund program federal revolving loan fund account in the environmental improvement fund, a sum sufficient, not to exceed a total of $20,000,000 less the maximum transfer amount specified in any agreement under s. 25.43 (2s), to provide land recycling loan program financial assistance under s. 281.60.

SECTION 266. 20.370 (1) (fs) of the statutes is amended to read:

20.370 **(1)** (fs) *Endangered resources — voluntary payments; sales, leases, and fees.* As a continuing appropriation, from moneys received as amounts designated under ss. 71.10 (5) (b) and 71.30 (10) (b), the net amounts certified under ss. 71.10 (5) (h) 4. and 71.30 (10) (h) 3., all moneys received from the sale or lease of resources derived from the land in the state natural areas system, and all moneys received from fees collected under ss. 23.27 (3) (b), 29.319 (2), 29.563 (10), and 341.14 (6r) (b) 5. and 12., for the purposes of the endangered resources program, as defined under ss. 71.10 (5) (a) 2. and 71.30 (10) (a) 2. Three percent of the moneys certified under ss. 71.10 (5) (h) 4. and 71.30 (10) (h) 3. in each fiscal year and 3% of the fees received under s. 341.14 (6r) (b) 5. and 12. in each fiscal year shall be allocated for wildlife damage control and payment of claims for damage associated with endangered or threatened species, except that this combined allocation may not exceed $100,000 per fiscal year.

SECTION 266m. 20.370 (1) (hq) of the statutes is amended to read:

20.370 **(1)** (hq) *Elk hunting fees.* All moneys received from the sale of elk hunting licenses under s. 29.182 and from voluntary contributions under s. 29.567 and $7 of each processing fee collected under s. 29.563 (14) (a) 3. to be used for administering elk hunting licenses, for elk management and research activities, and for the elk hunter education program under s. 29.595.

SECTION 268. 20.370 (2) (bg) of the statutes is amended to read:

20.370 **(2)** (bg) *Air management — stationary sources.* The amounts in the schedule for purposes related to stationary sources of air contaminants as specified in s. 285.69 (2) (c) and to transfer the amounts appropriated under s. 20.143 (1) (kc) to the appropriation account under s. 20.143 (1) (kc). All moneys received from fees ~~imposed on owners and operators of stationary sources for which operation permits are required under the federal clean air act~~ under s. 285.69 (2) (a) and (e), except moneys appropriated under subs. (3) (bg), (8) (mg) and (9) (mh), and all moneys received from fees imposed under s. 285.69 (7) shall be credited to this appropriation.

SECTION 269. 20.370 (2) (bh) of the statutes is amended to read:

20.370 **(2)** (bh) *Air management — state permit sources.* The amounts in the schedule for purposes related to stationary sources of air contaminants for which an operation permit is required under s. 285.60 but not under the federal clean air act as specified in s. 285.69 ~~(2) (i)~~ (2m) (b). All moneys received from fees imposed under s. 285.69 ~~(1g) and imposed under s. 285.69 (2) on owners and operators of stationary sources for which operation permits are required under s. 285.60 but not under the federal clean air act~~ (2m) shall be credited to this appropriation account.

SECTION 270m. 20.370 (3) (aq) of the statutes is amended to read:

20.370 **(3)** (aq) *Law enforcement — snowmobile enforcement and safety ~~training~~.* The amounts in the schedule from the snowmobile account in the conservation fund for state law enforcement operations under ss. 350.055, 350.12 (4) (a) 2m., 3., and 3m., and 350.155 ~~and~~, for safety training and fatality reporting, and for the funding for a snowmobile rail crossing under 2009 Wisconsin Act .... (this act), section 9137 (6x).

SECTION 270p. 20.370 (3) (aq) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

20.370 **(3)** (aq) *Law enforcement — snowmobile enforcement and safety training.* The amounts in the schedule from the snowmobile account in the conservation fund for state law enforcement operations under ss. 350.055, 350.12 (4) (a) 2m., 3., and 3m., and 350.155 and for safety training and fatality reporting.

SECTION 271m. 20.370 (3) (ar) of the statutes is amended to read: **Vetoed In Part**

20.370 **(3)** (ar) *Law enforcement — boat enforcement and safety training.* Annually, from the moneys received under s. 30.52 (3) and 30.527 (3), the amounts in the schedule for boat law enforcement by the state and for boat safety training.

SECTION 272. 20.370 (3) (bg) of the statutes is amended to read:

20.370 **(3)** (bg) *Enforcement — stationary sources.* From the general fund, from the moneys received from fees imposed ~~on owners and operators of stationary sources for which operation permits are required under the federal clean air act~~ under s. 285.69 (2) (a) and (e), the amounts in the schedule for enforcement operations related to stationary sources of air contaminants.

SECTION 272m. 20.370 (3) (is) of the statutes is amended to read:

20.370 **(3)** (is) ~~*Lake research*~~ *Aquatic invasive species control; voluntary contributions.* As a continuing appropriation, all moneys received from the fishing and boating voluntary contributions under ss. 29.564 (2) and 30.52 (3m) (b) to be used for ~~research conducted by the department to determine methods of improving the quality of the lakes in this state~~ research by the department concerning invasive species that are aquatic species, for grants under s. 23.22 (2) (c) to control invasive species that are aquatic species, and for promotional activities and materials to encourage voluntary contributions under ss. 29.564 and 30.52 (3m) ~~(b)~~.

SECTION 273s. 20.370 (4) (ac) of the statutes is created to read:

20.370 **(4)** (ac) *Wisconsin River monitoring and study.* The amounts in the schedule for the Wisconsin River monitoring and study under s. 281.14. No moneys may be encumbered under this paragraph after June 30, 2014.

SECTION 274. 20.370 (4) (ai) of the statutes is created to read:

20.370 **(4)** (ai) *Water resources — water use fees.* From the general fund, all moneys received under s. 281.346 (12) for activities related to water use and the administration of s. 281.346.

SECTION 275. 20.370 (4) (aj) of the statutes is created to read:

20.370 **(4)** (aj) *Water resources—ballast water discharge permits.* From the general fund, all moneys received from fees collected under s. 283.35 (1m) to administer and enforce the ballast water discharge permit program under s. 283.35 (1m) and for grants under 2009 Wisconsin Act .... (this act), section 9137 (3w).

SECTION 275d. 20.370 (4) (bj) of the statutes is amended to read:

20.370 **(4)** (bj) *Storm water management — fees.* From the general fund, the amounts in the schedule for the administration, including enforcement, of the storm water discharge permit program under s. 283.33. All moneys received under s. 283.33 (9) and under 2009 Wisconsin Act .... (this act), section 9110 (11f) shall be credited to this appropriation account.

SECTION 275f. 20.370 (4) (cg) of the statutes is amended to read:

20.370 **(4)** (cg) *Groundwater quantity administration.* From the general fund, from the moneys received under s. 281.34, the amounts in the schedule for the administration of the program under s. 281.34 and, before July 1, 2010, for the administration of s. 281.346.

SECTION 275fn. 20.370 (4) (mi) of the statutes is amended to read:

20.370 **(4)** (mi) *General program operations — private and public sources.* From the general fund, all moneys not otherwise appropriated that are received from private or public sources, other than state agencies and the federal government, for facilities, materials or services provided by the department relating to the management of the state's water resources and the state's fishery resources and all moneys required under s. 283.31 (8) (b) to be credited to this appropriation to pay for expenses associated with those facilities, materials or services.

SECTION 275g. 20.370 (5) (ar) of the statutes is amended to read:

20.370 **(5)** (ar) *Resource aids — county conservation aids.* As a continuing appropriation, the amounts in the schedule for county fish and game projects under s. 23.09 (12) and for a public shooting range under 2009 Wisconsin Act .... (this act), section 9137 (4u).

SECTION 275j. 20.370 (5) (ar) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

20.370 **(5)** (ar) *Resource aids — county conservation aids.* As a continuing appropriation, the amounts in the schedule for county fish and game projects under s. 23.09 (12).

SECTION 275L. 20.370 (5) (az) of the statutes is created to read:

20.370 **(5)** (az) *Resource aids — urban forestry grants.* Biennially, the amounts in the schedule for urban forestry grants under s. 23.097.

SECTION 276. 20.370 (5) (bw) of the statutes is amended to read:

20.370 **(5)** (bw) *Resource aids — county sustainable forestry and county forest administration grants.* ~~The~~ Biennially, the amounts in the schedule for ~~urban forestry grants under s. 23.097,~~ county sustainable forestry grants under s. 28.11 (5r)~~,~~ and county forest administration grants under s. 28.11 (5m).

SECTION 276p. 20.370 (6) (ac) of the statutes is created to read:

20.370 **(6)** (ac) *Lake Koshkonong study.* The amounts in the schedule for the grant for the study of Lake Koshkonong under 2009 Wisconsin Act .... (this act), section 9137 (6i).

SECTION 277. 20.370 (6) (as) of the statutes is amended to read:

20.370 **(6)** (as) *Environmental aids—invasive aquatic species and lake monitoring.* Biennially, from the conservation fund, the amounts in the schedule for grants under s. 23.22 (2) (c) to control invasive species that are aquatic species and for lake monitoring contracts under s. 281.68 (1t).

SECTION 278t. 20.370 (6) (bu) of the statutes is amended to read:

20.370 **(6)** (bu) *Financial assistance for responsible units.* From the recycling and renewable energy fund, the amounts in the schedule for grants to responsible units under s. 287.23 and for the grant under 2009 Wisconsin Act .... (this act), section 9137 (1q).

SECTION 279g. 20.370 (6) (dq) of the statutes is amended to read:

20.370 **(6)** (dq) *Environmental aids − urban nonpoint source.* Biennially, from the environmental fund, the amounts in the schedule to provide financial assistance for urban nonpoint source water pollution abatement and storm water management under s. 281.66 and for municipal flood control and riparian restoration under s. 281.665 and to make the ~~grant~~ grants under ~~2007 Wisconsin Act 20, section 9135 (1i)~~ 2009 Wisconsin Act .... (this act), section 9137 (5q) and (6i).

SECTION 280. 20.370 (7) (ca) of the statutes is renumbered 20.370 (7) (cq) and amended to read:

20.370 **(7)** (cq) *Principal repayment and interest — nonpoint source grants.* ~~A~~ From the environmental fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in providing funds under s. 20.866 (2) (te) for nonpoint source water pollution abatement projects under s. 281.65, to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing those projects, to the extent that these payments are not made under par. (cg), and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

SECTION 281. 20.370 (7) (cb) of the statutes is amended to read:

20.370 **(7)** (cb) *Principal repayment and interest — pollution abatement bonds.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement or improvement of point source water pollution abatement facilities and sewage collection facilities under ss. 281.55, 281.56 and 281.57 and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a), to the extent that these payments are not made under par. (ct).

SECTION 282. 20.370 (7) (ce) of the statutes is renumbered 20.370 (7) (cr) and amended to read:

20.370 **(7)** (cr) *Principal repayment and interest — nonpoint source.* ~~A~~ From the environmental fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing nonpoint source projects under s. 20.866 (2) (tf), to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing those projects, and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

SECTION 283. 20.370 (7) (cf) of the statutes is renumbered 20.370 (7) (cs) and amended to read:

20.370 **(7)** (cs) *Principal repayment and interest — urban nonpoint source cost−sharing.* ~~A~~ From the environmental fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing cost−sharing grants for projects under s. 20.866 (2) (th), to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing those grants, and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

SECTION 284. 20.370 (7) (ct) of the statutes is created to read:

20.370 **(7)** (ct) *Principal and interest — pollution abatement, environmental fund.* From the environmental fund, the amounts in the schedule to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement or improvement of point source water pollution abatement facilities and sewage collection facilities under ss. 281.55, 281.56 and 281.57, to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing those facilities, and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

SECTION 286. 20.370 (8) (mg) of the statutes is amended to read:

20.370 **(8)** (mg) *General program operations — stationary sources.* From the general fund, from the moneys received from fees ~~imposed on owners and operators of stationary sources for which operation permits are required under the federal clean air act~~ under s. 285.69 (2) (a) and (e), the amounts in the schedule for the administration of the operation permit program under ch. 285 and s. 299.15.

SECTION 288. 20.370 (9) (hk) of the statutes is amended to read:

20.370 **(9)** (hk) *Approval fees to Lac du Flambeau band−servicefunds.* From the general fund, the amounts in the schedule for the purpose of making payments to the Lac du Flambeau band of the Lake Superior Chippewa under s. 29.2295 (4) (a) ~~and (4m)~~. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 8r. 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 289. 20.370 (9) (mh) of the statutes is amended to read:

20.370 **(9)** (mh) *General program operations — stationary sources.* From the general fund, from the moneys received from fees ~~imposed on owners and operators of stationary sources for which operation permits are required under the federal clean air act~~ under s. 285.69 (2) (a) and (e), the amounts in the schedule for customer service, communications and aids administration for the operation permit program under ch. 285 and s. 299.15.

SECTION 290m. 20.380 (1) (km) of the statutes is amended to read:

20.380 **(1)** (km) ~~*Tourist*~~ *Grants for regional tourist information* ~~*assistant*~~ *centers.* The amounts in the sched-

ule ~~to pay~~ for ~~a~~ tourist information ~~assistant~~ center grants under s. 41.16. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 6b. 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 291. 20.395 (1) (bq) of the statutes is created to read:

20.395 **(1)** (bq) *Intercity bus assistance program, state funds.* As a continuing appropriation, the amounts in the schedule for the intercity bus assistance program under s. 85.26.

SECTION 292. 20.395 (1) (bv) of the statutes is amended to read:

20.395 **(1)** (bv) *Transit and ~~transportation employment and mobility~~ other transportation−related aids, local funds.* All moneys received from any local unit of government or other source for urban mass transit purposes under s. 85.20, for rural public transportation purposes under s. 85.23, ~~or~~ for transportation employment and mobility purposes under s. 85.24 that are not funded from other appropriations under this subsection, or for intercity bus assistance purposes under s. 85.26, for such purposes.

SECTION 293. 20.395 (1) (bx) of the statutes is amended to read:

20.395 **(1)** (bx) *Transit and ~~transportation employment and mobility~~ other transportation−related aids, federal funds.* All moneys received from the federal government for urban mass transit purposes under s. 85.20, for rural public transportation purposes under s. 85.23, ~~or~~ for transportation employment and mobility purposes under s. 85.24 that are not funded from other appropriations under this subsection, or for intercity bus assistance purposes under s. 85.26, for such purposes.

SECTION 294. 20.395 (1) (ck) of the statutes is created to read:

20.395 **(1)** (ck) *Tribal elderly transportation grants.* From the general fund, the amounts in the schedule for grants under s. 85.215 to American Indian tribes and bands for transportation assistance for the elderly. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 22. 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 294m. 20.395 (1) (hw) of the statutes is created to read:

20.395 **(1)** (hw) *Tier A−3 transit operating aids, state funds.* The amounts in the schedule for mass transit aids under s. 85.20 (4m) (a) 6. e.

SECTION 294o. 20.395 (2) (gr) of the statutes is amended to read:

20.395 **(2)** (gr) *Railroad crossing improvement and protection installation, state funds.* As a continuing appropriation, the amounts in the schedule to pay the costs for railroad crossing protection improvements under s. 195.28 (2) ~~and~~, for the installation of railroad crossing gates under 1999 Wisconsin Act 9, section 9150 (9g), and for the grant under 2009 Wisconsin Act .... (this act), section 9150 (11f).

SECTION 294p. 20.395 (2) (jq) of the statutes is created to read:

20.395 **(2)** (jq) *Grant to village of Bellevue, state funds.* The amounts in the schedule for the grant under 2009 Wisconsin Act .... (this act), section 9150 (4c).

SECTION 294r. 20.395 (2) (jq) of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed.

SECTION 294t. 20.395 (2) (jr) of the statutes is created to read:

20.395 **(2)** (jr) *Grant to village of Footville, state funds.* The amounts in the schedule for the grant under 2009 Wisconsin Act .... (this act), section 9150 (5bb).

SECTION 294w. 20.395 (2) (jr) of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed.

SECTION 295g. 20.395 (2) (oq) of the statutes is created to read:

20.395 **(2)** (oq) *Bicycle and pedestrian facilities, state funds.* As a continuing appropriation, the amounts in the schedule for grants under the bicycle and pedestrian facilities program under s. 85.024 and for grants involving bicycle and pedestrian facilities under the transportation enhancement activities program under s. 85.026.

SECTION 295m. 20.395 (3) (ct) of the statutes is amended to read:

20.395 **(3)** (ct) *~~Marquette interchange reconstruction, owner~~ Owner controlled insurance program, service funds.* All moneys received from contractors on ~~the Marquette interchange reconstruction project~~ any highway improvement project having an estimated cost exceeding $500,000,000 as payments arising from safety violations or claims for the purposes of funding safety coordination efforts and safety programs on the project and making premium payments for insurance maintained by the department on the project.

SECTION 295o. 20.395 (3) (dq) of the statutes is created to read:

20.395 **(3)** (dq) *Major interstate bridge construction, state funds.* As a continuing appropriation, the amounts in the schedule for major interstate bridge projects under s. 84.016.

SECTION 295p. 20.395 (3) (dv) of the statutes is created to read:

20.395 **(3)** (dv) *Major interstate bridge construction, local funds.* All moneys received from any local unit of government or other source for major interstate bridge projects under s. 84.016, for such purpose.

SECTION 295q. 20.395 (3) (dx) of the statutes is created to read:

20.395 **(3)** (dx) *Major interstate bridge construction, federal funds.* All moneys received from the federal government for major interstate bridge projects under s. 84.016, for such purpose.

Vetoed In Part

SECTION 295s. 20.395 (3) (ev) of the statutes is amended to read:

20.395 **(3)** (ev) *Highway maintenance, repair, and traffic operations, local funds.* All moneys received from any local unit of government or other sources for the maintenance and repair of roadside improvements under s. 84.04, state trunk highways under s. 84.07, and bridges that are not on the state trunk highway system under s. 84.10; for signing under s. 86.195; for highway operations such as permit issuance, pavement marking, highway signing, traffic signalization, and highway lighting under ss. 84.04, 84.07, 84.10, and 348.25 to 348.27 and ch. 349; and for the disadvantaged business demonstration and training program under s. 84.076; for such purposes; and all moneys received from private entities in connection with agreements under s. 84.04 (2m), for wayside or rest area maintenance. This paragraph does not apply to special maintenance activities under s. 84.04 on roadside improvements.

SECTION 296. 20.395 (5) (cg) of the statutes is amended to read:

20.395 **(5)** (cg) ~~*Internet and telephone transactions*~~ *Convenience fees, state funds.* From the general fund, all moneys received from ~~Internet and telephone credit card transaction fees that are~~ convenience fees authorized under s. 85.14 (1) (a) ~~and all moneys received from convenience fees~~ for the purpose of paying ~~vendor and Internet~~ charges assessed against the department under s. 85.14 (1) (b) and charges associated with the acceptance of payment by credit card, debit card, and other electronic payment mechanism.

SECTION 297. 20.395 (5) (ci) of the statutes is amended to read:

20.395 **(5)** (ci) *Breath screening instruments, state funds.* From the general fund, all moneys transferred from the appropriation account under s. 20.435 ~~(6)~~ (5) (hx) for the purchase and maintenance of breath screening instruments. Notwithstanding s. 20.001 (3) (a), the unencumbered balance in this appropriation account on June 30 of each year shall be transferred to the appropriation account under s. 20.435 ~~(6)~~ (5) (hx).

SECTION 298. 20.395 (5) (cL) (title) of the statutes is amended to read:

20.395 **(5)** (cL) (title) ~~*Licensing*~~ *Football plate licensing fees, state funds.*

SECTION 299. 20.395 (5) (di) of the statutes is amended to read:

20.395 **(5)** (di) *Chemical testing training and services, state funds.* From the general fund, the amounts in the schedule for the chemical testing training and services provided by the state traffic patrol. All moneys transferred from the appropriation account under s. 20.435 ~~(6)~~ (5) (hx) shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance in this appropriation account on June 30 of each year shall be transferred to the appropriation account under s. 20.435 ~~(6)~~ (5) (hx).

SECTION 304. 20.395 (5) (ej) of the statutes is created to read:

20.395 **(5)** (ej) *Baseball plate licensing fees, state funds.* From the general fund, all moneys received under s. 341.14 (6r) (b) 13. a. for the purpose of making payments of licensing fees under s. 341.14 (6r) (i).

SECTION 305. 20.395 (5) (ek) of the statutes is amended to read:

20.395 **(5)** (ek) *Safe−ride grant program; state funds.* From the general fund, all moneys transferred from the appropriation account under s. 20.435 ~~(6)~~ (5) (hx) for the purpose of awarding grants under s. 85.55.

SECTION 305m. 20.395 (6) (af) of the statutes is amended to read:

20.395 **(6)** (af) *Principal repayment and interest, local roads for job preservation program, transit improvements, and major highway and rehabilitation projects, state funds.* From the general fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the local roads for job preservation program under s. 86.312, transit capital improvements under s. 85.11, as provided under s. 20.866 (2) (uq), and major highway and rehabilitation projects, as provided under ss. 20.866 (2) (uum) and (uur), 84.555, and 84.95, to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing the local roads for job preservation program under s. 86.312, and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

SECTION 305s. 20.395 (6) (aq) of the statutes is amended to read:

20.395 **(6)** (aq) *Principal repayment and interest, transportation facilities, state highway rehabilitation, major highway projects, state funds.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the acquisition, construction, development, enlargement, or improvement of transportation facilities under ss. 84.51, 84.52, 84.53, 85.08 (2) (L) and (4m) (c) and (d), 85.09, and 85.095 (2), state highway rehabilitation projects, as provided under ss. 20.866 (2) (uut) and 84.57, major highway projects, as provided under ss. 20.866 (2) (uus) and 84.56, and major interstate bridge projects, as provided under ss. 20.866 (2) (ugm) and 84.016, and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

SECTION 307. 20.395 (9) (gg) of the statutes is repealed.

SECTION 307f. 20.410 (1) (ds) of the statutes is created to read:

20.410 **(1)** (ds) *Becky Young Community Corrections; recidivism reduction community services.* The amounts in the schedule to provide services under s. 301.068 to persons who are on probation, or who are soon to be or are currently on parole or extended supervision, following a felony conviction, in an effort to reduce recidivism.

SECTION 307m. 20.410 (1) (f) of the statutes is amended to read:

20.410 **(1)** (f) *Energy costs; energy−related assessments.* The amounts in the schedule to be used at state correctional institutions to pay for utilities and for fuel, heat and air conditioning, to pay assessments levied by the department of administration under s. 16.847 (3) for ~~debt service~~ costs incurred and ~~energy cost~~ savings generated at departmental facilities, and to pay costs incurred by or on behalf of the department under ss. 16.858 and 16.895.

SECTION 311. 20.410 (2) (title) of the statutes is amended to read:

20.410 **(2)** (title) ~~PAROLE~~ EARNED RELEASE REVIEW COMMISSION.

SECTION 312. 20.410 (2) (a) of the statutes is amended to read:

20.410 **(2)** (a) *General program operations.* The amounts in the schedule for the general program operations of the ~~parole~~ earned release review commission.

SECTION 313. 20.410 (3) (hm) of the statutes is amended to read:

20.410 **(3)** (hm) *Juvenile correctional services.* Except as provided in pars. (ho) and (hr), the amounts in the schedule for juvenile correctional services specified in s. 301.26 (4) (c) and (d). All moneys received from the sale of surplus property, including vehicles, from juvenile correctional institutions operated by the department, all moneys received as payments in restitution of property damaged at juvenile correctional institutions operated by the department, all moneys received from miscellaneous services provided at a juvenile correctional institution operated by the department, all moneys transferred from the appropriation ~~account~~ accounts under pars. (ho) and (hr) as provided in ~~2007 Wisconsin Act 20, section 9209 (1f)~~ 2009 Wisconsin Act .... (this act), section 9211 (1), all moneys transferred under s. 301.26 (4) (cm), and, except as provided in par. (hr), all moneys received in payment for juvenile correctional services specified in s. 301.26 (4) (d), (dt), and (g) shall be credited to this appropriation account. If moneys generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year institutional costs by 2% or more, all moneys in excess of that 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement at juvenile correctional institutions including the Mendota Juvenile Treatment Center. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

SECTION 314. 20.410 (3) (hm) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

20.410 **(3)** (hm) *Juvenile correctional services.* Except as provided in pars. (ho) and (hr), the amounts in the schedule for juvenile correctional services specified in s. 301.26 (4) (c) and (d). All moneys received from the sale of surplus property, including vehicles, from juvenile correctional institutions operated by the department, all moneys received as payments in restitution of property damaged at juvenile correctional institutions operated by the department, all moneys received from miscellaneous services provided at a juvenile correctional institution operated by the department, ~~all moneys transferred from the appropriation accounts under pars. (ho) and (hr) as provided in 2009 Wisconsin Act .... (this act), section 9211 (1),~~ all moneys transferred under s. 301.26 (4) (cm), and, except as provided in par. (hr), all moneys received in payment for juvenile correctional services specified in s. 301.26 (4) (d), (dt), and (g) shall be credited to this appropriation account. If moneys generated by the daily rate under s. 301.26 (4) (d) exceed actual fiscal year institutional costs by 2% or more, all moneys in excess of that 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement at juvenile correctional institutions including the Mendota Juvenile Treatment Center. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

SECTION 315. 20.410 (3) (ho) of the statutes is amended to read:

20.410 **(3)** (ho) *Juvenile residential aftercare.* The amounts in the schedule for providing foster care, treatment foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, treatment foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and

(14), and 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year foster care, treatment foster care, group home care, and institutional child care costs, that excess shall be transferred to the appropriation account under par. (hm) as provided in 2009 Wisconsin Act .... (this act), section 9211 (1), except that, if those moneys generated exceed those costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, treatment foster care, group home care, or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

SECTION 316. 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act .... (this act), section 315, is amended to read:

20.410 **(3)** (ho) *Juvenile residential aftercare.* The amounts in the schedule for providing foster care, ~~treatment foster care,~~ group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, ~~treatment foster care,~~ group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year foster care, ~~treatment foster care,~~ group home care, and institutional child care costs, that excess shall be transferred to the appropriation account under par. (hm) as provided in 2009 Wisconsin Act .... (this act), SECTION 9211 (1), except that if those moneys generated exceed those costs by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, ~~treatment foster care,~~ group home care, or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

SECTION 317. 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act .... (this act), sections 315 and 316, is amended to read:

20.410 **(3)** (ho) *Juvenile residential aftercare.* The amounts in the schedule for providing foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52. All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment for providing foster care, group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year foster care, group home care, and institutional child care costs~~, that excess shall be transferred to the appropriation account under par. (hm) as provided in 2009 Wisconsin Act .... (this act), section 9211 (1), except that, if those moneys generated exceed those costs~~ by 2% or more, all moneys in excess of 2% shall be remitted to the counties during the subsequent calendar year or transferred to the appropriation account under par. (kx) during the subsequent fiscal year. Each county and the department shall receive a proportionate share of the remittance and transfer depending on the total number of days of placement in foster care, group home care, or institutional child care. Counties shall use the funds for purposes specified in s. 301.26. The department shall deposit in the general fund the amounts transferred under this paragraph to the appropriation account under par. (kx).

SECTION 318. 20.410 (3) (hr) of the statutes is amended to read:

20.410 **(3)** (hr) *Juvenile corrective sanctions program.* The amounts in the schedule for the corrective sanctions services specified in s. 301.26 (4) (eg). All moneys received in payment for the corrective sanctions services specified in s. 301.26 (4) (eg) shall be credited to this appropriation account. If moneys generated by the daily rate exceed actual fiscal year corrective sanctions services costs, that excess shall be transferred to the appropriation account under par. (hm) as provided in 2009 Wisconsin Act .... (this act), section 9211 (1).

SECTION 319. 20.410 (3) (hr) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

20.410 **(3)** (hr) *Juvenile corrective sanctions program.* The amounts in the schedule for the corrective sanctions services specified in s. 301.26 (4) (eg). All moneys received in payment for the corrective sanctions services specified in s. 301.26 (4) (eg) shall be credited to this appropriation account. ~~If moneys generated by the daily rate exceed actual fiscal year corrective sanctions services costs, that excess shall be transferred to the appropriation account under par. (hm) as provided in 2009 Wisconsin Act .... (this act), section 9211 (1).~~

SECTION 319e. 20.410 (3) (kp) of the statutes is created to read:

20.410 **(3)** (kp) *Indian juvenile placements.* The amounts in the schedule to be used for unexpected or unusually high−cost out−of−home care placements of Indian juveniles who have been adjudicated delinquent. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 21d. 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 319j. 20.410 (3) (o) of the statutes is created to read:

20.410 **(3)** (o) *Federal aid; community youth and family aids.* The amounts in the schedule for the improvement and provision of juvenile delinquency−related services under s. 301.26 and for reimbursement to counties having a population of less than 500,000 for the cost of court attached intake services as provided in s. 938.06 (4). All moneys received from the federal government pursuant to P.L. 111−5 for juvenile delinquency−related services shall be credited to this appropriation account. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department of corrections may transfer moneys under this paragraph between fiscal years. Except for moneys authorized for transfer under s. 301.26 (3), all moneys from this paragraph allocated under s. 301.26 (3) and not spent or encumbered by counties by December 31 of each year shall lapse into the general fund on the succeeding January 1. The joint committee on finance may transfer additional moneys to the next calendar year.

SECTION 320. 20.425 (1) (a) of the statutes is amended to read:

20.425 **(1)** (a) *General program operations.* The amounts in the schedule for the purposes provided in subchs. I, IV ~~and~~, V, and VI of ch. 111 and s. 230.45 (1).

SECTION 321. 20.425 (1) (i) of the statutes is amended to read:

20.425 **(1)** (i) *Fees, collective bargaining training, publications, and appeals.* The amounts in the schedule for the performance of fact−finding, mediation, and arbitration functions, for the provision of copies of transcripts, for the cost of operating training programs under ss. 111.09 (3), 111.71 (5), and 111.94 (3), for the preparation of publications, transcripts, reports, and other copied material, and for costs related to conducting appeals under s. 230.45. All moneys received under ss. 111.09 (1) and (2), 111.71 (1) and (2), 111.94 (1) and (2), 111.9993, and 230.45 (3), all moneys received from arbitrators and arbitration panel members, and individuals who are interested in serving in such positions, and from individuals and organizations who participate in other collective bargaining training programs conducted by the commission, and all moneys received from the sale of publications, transcripts, reports, and other copied material shall be credited to this appropriation account.

SECTION 325. 20.435 (1) (title) of the statutes is amended to read:

20.435 **(1)** (title) PUBLIC HEALTH SERVICES PLANNING, REGULATION, AND DELIVERY~~; STATE OPERATIONS~~.

SECTION 326. 20.435 (1) (b) of the statutes is created to read:

20.435 **(1)** (b) *General aids and local assistance.* The amounts in the schedule for aids and local assistance relating to public health services.

SECTION 326p. 20.435 (1) (dj) of the statutes is created to read:

20.435 **(1)** (dj) *Dental health clinic grant.* The amounts in the schedule for the grant under 2009 Wisconsin Act .... (this act), section 9122 (5px).

SECTION 326r. 20.435 (1) (dj) of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed.

SECTION 327. 20.435 (1) (gm) of the statutes is amended to read:

20.435 **(1)** (gm) *Licensing, review and certifying activities; fees; supplies and services.* The amounts in the schedule for the purposes specified in ss. 252.23, 252.24, 252.245, 253.12, 254.176, 254.178, 254.179, 254.20 (5) and (8), 254.31 to 254.39, 254.41, 254.47, 254.61 to 254.88, 255.08 (2), and 256.15 (8) ~~and~~, ch. 69, and 2009 Wisconsin Act .... (this act), section 9122 (5v), for automation of vital records, including master lease payments, for the purchase and distribution of medical supplies, and to analyze and provide data under s. 250.04. All moneys received under ss. 250.04 (3m), 252.23 (4) (a), 252.24 (4) (a), 252.245 (9), 254.176, 254.178, 254.181, 254.20 (5) and (8), 254.31 to 254.39, 254.41, 254.47, 254.61 to 254.88, 255.08 (2) (b), and 256.15 (5) (f) and (8) (d) and ch. 69, other than s. 69.22 (1m), and as reimbursement for medical supplies shall be credited to this appropriation account. **Vetoed In Part**

SECTION 327d. 20.435 (1) (gm) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

20.435 **(1)** (gm) *Licensing, review and certifying activities; fees; supplies and services.* The amounts in the schedule for the purposes specified in ss. 252.23, 252.24, 252.245, 253.12, 254.176, 254.178, 254.179, 254.20 (5) and (8), 254.31 to 254.39, 254.41, 254.47, 254.61 to 254.88, 255.08 (2), and 256.15 (8), ch. 69, ~~and 2009 Wisconsin Act .... (this act), section 9122 (5v),~~ for automation of vital records, including master lease payments, for the purchase and distribution of medical supplies, and to analyze and provide data under s. 250.04. All moneys received under ss. 250.04 (3m), 252.23 (4) (a), 252.24 (4) (a), 252.245 (9), 254.176, 254.178, 254.181, 254.20 (5) and (8), 254.31 to 254.39, 254.41, 254.47, 254.61 to 254.88, 255.08 (2) (b), and 256.15 (5) (f) and (8) (d) and ch. 69, other than s. 69.22 (1m), and as reimbursement for medical supplies shall be credited to this appropriation account. **Vetoed In Part**

SECTION 328. 20.435 (1) (gp) of the statutes is created to read:

20.435 **(1)** (gp) *Cancer information.* All moneys received from fees collected for access to cancer registry information under s. 255.04 for collecting, compiling, and disseminating cancer information under s. 255.04.

SECTION 329. 20.435 (1) (i) of the statutes is repealed and recreated to read:

20.435 **(1)** (i) *Gifts and grants.* All moneys received from gifts, grants, bequests, and trust funds relating to public health services, to be expended for the purposes for which received.

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 330r. 20.435 (1) (kf) of the statutes is created to read:

20.435 **(1)** (kf) *American Indian diabetes prevention and control.* The amounts in the schedule for activities under s. 250.20 (6) to prevent and control diabetes among American Indians. All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 24. 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 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:

20.435 **(1)** (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 public health services, for the purposes for which received.

SECTION 335. 20.435 (1) (ma) of the statutes is created to read:

20.435 **(1)** (ma) *Federal project aids.* All moneys received from the federal government or any of its agencies for aids to individuals and organizations for specific limited term projects relating to public health services, for the purposes for which received.

SECTION 336. 20.435 (1) (mc) of the statutes is repealed and recreated to read:

20.435 **(1)** (mc) *Federal block grant operations.* All block grant moneys received from the federal government or any of its agencies for the state administration of federal block grants relating to public health services, for the purposes for which received.

SECTION 337. 20.435 (1) (md) of the statutes is created to read:

20.435 **(1)** (md) *Federal block grant aids.* All block grant moneys received from the federal government or any of its agencies for aids to individuals and organizations relating to public health services, for the purposes for which received.

SECTION 338. 20.435 (1) (n) of the statutes is amended to read:

20.435 **(1)** (n) *Federal program operations.* All moneys received from the federal government or any of its agencies for the state administration of continuing programs ~~to be expended~~ relating to public health services, for the purposes ~~specified~~ for which received.

SECTION 339. 20.435 (1) (na) of the statutes is created to read:

20.435 **(1)** (na) *Federal program aids.* All moneys received from the federal government or any of its agencies for aids to individuals and organizations for continuing programs relating to public health services, for the purposes for which received.

SECTION 340. 20.435 (2) (title) of the statutes is repealed and recreated to read:

20.435 **(2)** (title) MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES SERVICES; FACILITIES.

SECTION 340h. 20.435 (2) (bj) of the statutes is amended to read:

20.435 **(2)** (bj) *Competency examinations and treatment, and conditional ~~and~~ release, supervised release, and community supervision services.* Biennially, the amounts in the schedule for outpatient competency examinations and treatment services; and for payment by the department of costs for treatment and services for persons released under s. 980.06 (2) (c), 1997 stats., s. 980.08 (5), 2003 stats., or s. 971.17 (3) (d) or (4) (e) or

980.08 (4) (g) or for persons who are inmates of the department of corrections who are released on community supervision, for which the department has contracted with county departments under s. 51.42 (3) (aw) 1. d., with other public agencies, or with private agencies to provide the treatment and services.

SECTION 340m. 20.435 (2) (f) of the statutes is amended to read:

20.435 **(2)** (f) *Energy costs; energy−related assessments.* The amounts in the schedule to be used at mental health institutes and centers for the developmentally disabled to pay for utilities and for fuel, heat and air conditioning, to pay assessments levied by the department of administration under s. 16.847 (3) for ~~debt service~~ costs incurred and ~~energy cost~~ savings generated at departmental facilities, and to pay costs incurred by or on behalf of the department under ss. 16.858 and 16.895.

SECTION 341. 20.435 (2) (i) of the statutes is repealed and recreated to read:

20.435 **(2)** (i) *Gifts and grants.* All moneys received from gifts, grants, bequests, and trust funds relating to operating institutions and evaluating, treating, and caring for persons under ch. 980, to be expended for the purposes for which received.

SECTION 342. 20.435 (2) (m) of the statutes is repealed and recreated to read:

20.435 **(2)** (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 operating institutions and to evaluating, treating, and caring for persons under ch. 980, for the purposes for which received.

SECTION 343. 20.435 (4) (title) of the statutes is amended to read:

20.435 **(4)** (title) HEALTH ~~SERVICES PLANNING, REGULATION AND DELIVERY; HEALTH CARE FINANCING; OTHER SUPPORT PROGRAMS~~ CARE ACCESS AND ACCOUNTABILITY.

SECTION 344. 20.435 (4) (a) of the statutes is amended to read:

20.435 **(4)** (a) *General program operations.* The amounts in the schedule for general program operations, including health care financing regulation, administration, ~~and~~ field services and medical assistance eligibility determinations under s. 49.45 (2) (a) 3, and administration of the pharmacy benefits purchasing pool under s. 146.45.

SECTION 345. 20.435 (4) (b) of the statutes is amended to read:

20.435 **(4)** (b) *Medical Assistance program benefits.* Biennially, the amounts in the schedule to provide a portion of the state share of Medical Assistance program benefits administered under subch. IV of ch. 49, for a portion of the Badger Care health care program under s. 49.665, to provide a portion of the Medical Assistance program benefits administered under subch. IV of ch. 49 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, for services under the family care benefit under s. 46.284 (5), for assisting victims of diseases, as provided in ss. 49.68, 49.683, and 49.685, and for reduction of any operating deficits as specified in 2005 Wisconsin Act 15, section 3. 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 346. 20.435 (4) (bm) of the statutes is amended to read:

20.435 **(4)** (bm) *Medical Assistance, food stamps, and Badger Care administration; contract costs, insurer reports, and resource centers.* Biennially, the amounts in the schedule to provide a portion of the state share of administrative contract costs for the Medical Assistance program under subch. IV of ch. 49 and the Badger Care health care program under s. 49.665 and to provide the state share of administrative costs for the food stamp program under s. 49.79, other than payments to counties and tribal governing bodies under s. 49.78 (8), to develop and implement a registry of recipient immunizations, to reimburse 3rd parties for their costs under s. 49.475, for costs associated with outreach activities, for state administration of state supplemental grants to supplemental security income recipients under s. 49.77, and for services of resource centers under s. 46.283. No state positions may be funded in the department of health services from this appropriation, except positions for the performance of duties under a contract in effect before January 1, 1987, related to the administration of the Medical Assistance program between the subunit of the department primarily responsible for administering the Medical Assistance program and another subunit of the department. Total administrative funding authorized for the program under s. 49.665 may not exceed 10% of the amounts budgeted under ~~pars. (bc), (p), and (x)~~ pars. (p) and (x).

SECTION 347. 20.435 (4) (bm) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

20.435 **(4)** (bm) *Medical Assistance, food stamps, and Badger Care administration; contract costs, insurer reports, and resource centers.* Biennially, the amounts in the schedule to provide a portion of the state share of

administrative contract costs for the Medical Assistance program under subch. IV of ch. 49 and the Badger Care health care program under s. 49.665 and to provide the state share of administrative costs for the food stamp program under s. 49.79, other than payments to counties and tribal governing bodies under s. 49.78 (8), to develop and implement a registry of recipient immunizations, to reimburse 3rd parties for their costs under s. 49.475, for costs associated with outreach activities, for state administration of state supplemental grants to supplemental security income recipients under s. 49.77, to administer the pharmacy benefits purchasing pool under s. 146.45, and for services of resource centers under s. 46.283. No state positions may be funded in the department of health services from this appropriation, except positions for the performance of duties under a contract in effect before January 1, 1987, related to the administration of the Medical Assistance program between the subunit of the department primarily responsible for administering the Medical Assistance program and another subunit of the department. Total administrative funding authorized for the program under s. 49.665 may not exceed 10% of the amounts budgeted under pars. (p) and (x).

SECTION 348. 20.435 (4) (bt) of the statutes is amended to read:

20.435 **(4)** (bt) *Relief block grants to counties.* The amounts in the schedule for relief block grants to counties under ss. 49.025 and 49.027 for relief or health care services provided before July 1, 2009.

SECTION 349. 20.435 (4) (bt) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is repealed.

SECTION 350. 20.435 (4) (d) of the statutes is repealed.

SECTION 351. 20.435 (4) (gm) of the statutes is renumbered 20.435 (7) (gm).

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.

SECTION 354. 20.435 (4) (h) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

20.435 **(4)** (h) *BadgerCare Plus Childless Adults Program; intergovernmental transfer.* All moneys received from any county ~~either to provide supplemental payments to eligible health care providers that contract with the county for the provision of health care services before July 1, 2009, funded by a relief block grant under subch. II of ch. 49 or~~ to provide benefits under the demonstration project under s. 49.45 (23) for the purpose of providing ~~either the supplemental payments or~~ the benefits.

SECTION 355. 20.435 (4) (jt) of the statutes is created to read:

20.435 **(4)** (jt) *Care management organization; insolvency assistance.* All moneys received as assessments under s. 648.75 (3) for the purpose of funding arrangements for, or to pay expenses related to, services for enrollees of an insolvent or financially hazardous care management organization.

SECTION 356. 20.435 (4) (jw) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

20.435 **(4)** (jw) *BadgerCare Plus and hospital assessment administrative costs.* ~~Biennially, the amounts in the schedule~~ All moneys received from payment of enrollment fees under the program under s. 49.45 (23), all moneys transferred under s. 50.38 (9), all moneys transferred from the appropriation account under par. (jz), and 10 percent of all moneys received from penalty assessments under s. 49.471 (9) (c), for administration of the program under s. 49.45 (23), to provide a portion of the state share of administrative costs for the BadgerCare Plus Medical Assistance program under s. 49.471, and for administration of the hospital assessment under s. 50.38. ~~All moneys transferred under s. 50.38 (9) and 10 percent of all moneys received from penalty assessments under s. 49.471 (9) (c) shall be credited to this appropriation account.~~

SECTION 357. 20.435 (4) (jw) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

20.435 **(4)** (jw) *BadgerCare Plus ~~and~~, hospital assessment, and pharmacy benefits purchasing pool administrative costs.* All moneys received from payment of enrollment fees under the program under s. 49.45 (23), all moneys transferred under s. 50.38 (9), all moneys transferred from the appropriation account under par. (jz), and 10 percent of all moneys received from penalty assessments under s. 49.471 (9) (c), for administration of the program under s. 49.45 (23), to provide a portion of the state share of administrative costs for the BadgerCare Plus Medical Assistance program under s. 49.471, ~~and~~ for administration of the hospital assessment under s. 50.38, and to administer a contract with an entity to operate the pharmacy benefits purchasing pool under s. 146.65.

SECTION 358. 20.435 (4) (jz) of the statutes is amended to read:

20.435 **(4)** (jz) *Medical Assistance and Badger Care cost sharing and employer penalty assessments.* All moneys received in cost sharing from medical assistance

recipients, including payments under s. 49.665 (5), all moneys received from penalty assessments under s. 49.665 (7) (b) 2., and 90 percent of all moneys received from penalty assessments under s. 49.471 (9) (c) 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, 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 359. 20.435 (4) (jz) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

20.435 **(4)** (jz) *Medical Assistance and Badger Care cost sharing ~~and~~, employer penalty assessments, and pharmacy benefits purchasing pool operations.* All moneys received in cost sharing from medical assistance recipients, including payments under s. 49.665 (5), all moneys received from penalty assessments under s. 49.665 (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 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.

SECTION 362p. 20.435 (4) (np) of the statutes is created to read:

20.435 **(4)** (np) *Federal supplemental funding for food stamp administration.* The amounts in the schedule from moneys received from the federal government under P.L. 111−5 for administration of the supplemental nutrition assistance program, for administration of the food stamp program as provided in s. 49.78 (8) (c).

SECTION 362r. 20.435 (4) (np) of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed.

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. 49.686, ~~and~~ to pay for premiums and drug copayments under the pilot program under s. 49.686 (6), and for case management services under s. 49.45 (25) (be).

SECTION 367. 20.435 (5) (bc) of the statutes is created to read:

20.435 **(5)** (bc) *Grants for community programs.* The amounts in the schedule for grants for community programs under s. 46.48. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. Except for amounts authorized to be carried forward under s. 46.48 and as otherwise provided in this paragraph, all funds allocated but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless carried forward to the next calendar year by the joint committee on finance. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department shall transfer from this appropriation account to the appropriation account for the department of children and families under s. 20.437 (2) (dz) funds allocated by the department under s. 46.48 (30) but unexpended on June 30 of each year.

SECTION 368. 20.435 (5) (cb) of the statutes is renumbered 20.435 (1) (cb).

SECTION 369. 20.435 (5) (cc) of the statutes is renumbered 20.435 (1) (cc).

SECTION 370. 20.435 (5) (ce) of the statutes is renumbered 20.435 (1) (ce).

SECTION 371. 20.435 (5) (ch) of the statutes is renumbered 20.435 (1) (ch).

SECTION 372. 20.435 (5) (cm) of the statutes is renumbered 20.435 (1) (cm).

SECTION 373. 20.435 (5) (da) of the statutes is created to read:

20.435 **(5)** (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 require mental health or alcoholism or other drug abuse treatment.

SECTION 374. 20.435 (5) (de) of the statutes is renumbered 20.435 (1) (de).

SECTION 375. 20.435 (5) (dg) of the statutes is renumbered 20.435 (1) (dg).

SECTION 376. 20.435 (5) (dm) of the statutes is renumbered 20.435 (1) (dm) and amended to read:

20.435 **(1)** (dm) *Rural health dental clinics.* The amounts in the schedule for the rural health dental clinics under s. 146.65 ~~and grants under 2007 Wisconsin Act 20, section 9121 (8x)~~.

SECTION 377. 20.435 (5) (ds) of the statutes is renumbered 20.435 (1) (ds).

SECTION 378d. 20.435 (5) (e) of the statutes is renumbered 20.435 (1) (e) and amended to read:

20.435 **(1)** (e) *Public health dispensaries and drugs.* Biennially, the amounts in the schedule for establishing and maintaining public health dispensaries for victims of diseases ~~and~~, for the provision of drugs for the treatment of mycobacterium tuberculosis, as provided in s. 252.10 (6) and (7), as allocated by the department, and for tuberculosis prevention activities under s. 252.07 (12).

SECTION 379. 20.435 (5) (ed) of the statutes is renumbered 20.435 (1) (ed).

SECTION 380. 20.435 (5) (ef) of the statutes is renumbered 20.435 (1) (ef).

SECTION 381. 20.435 (5) (eg) of the statutes is renumbered 20.435 (1) (eg).

SECTION 382. 20.435 (5) (eu) of the statutes is renumbered 20.435 (1) (eu) and amended to read:

20.435 **(1)** (eu) *Reducing fetal and infant mortality and morbidity.* Biennially, the amounts in the schedule to provide services under ~~2007 Wisconsin Act 20, section 9121 (6d)~~ s. 253.16.

SECTION 383. 20.435 (5) (ev) of the statutes is renumbered 20.435 (1) (ev).

SECTION 384. 20.435 (5) (f) of the statutes is renumbered 20.435 (1) (f) and amended to read:

20.435 **(1)** (f) *Family planning.* The amounts in the schedule to provide family planning services under s. 253.07 ~~and under 1991 Wisconsin Act 39, section 9125 (21q)~~. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. All funds distributed by the department under s. 253.07 (2) (b) and (4) but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless transferred to the next calendar year by the joint committee on finance.

SECTION 385. 20.435 (5) (fh) of the statutes is renumbered 20.435 (1) (fh).

SECTION 386. 20.435 (5) (fi) of the statutes is renumbered 20.435 (1) (gi).

SECTION 387. 20.435 (5) (fm) of the statutes is renumbered 20.435 (1) (fm) and amended to read:

20.435 **(1)** (fm) *Tobacco use control ~~grants~~.* As a continuing appropriation, the amounts in the schedule for grants and programs under s. 255.15 (3).

SECTION 388. 20.435 (5) (g) of the statutes is renumbered 20.435 (1) (g).

SECTION 389. 20.435 (5) (i) of the statutes is amended to read:

20.435 **(5)** (i) *Gifts and grants~~; aids~~.* All moneys received from gifts, grants ~~and~~, bequests ~~to provide aids to individuals for~~, and trust funds relating to mental health and alcoholism or other drug abuse services ~~consistent with the purpose of the gift, grant or bequest~~, to be expended for the purposes for which received.

SECTION 390. 20.435 (5) (ja) of the statutes is renumbered 20.435 (1) (ja) and amended to read:

20.435 **(1)** (ja) *Congenital disorders; diagnosis, special dietary treatment and counseling.* The amounts in the schedule to provide diagnostic services, special dietary treatment and follow−up counseling for congenital disorders and periodic evaluation of infant screening programs as specified under s. 253.13. All moneys received by the department under s. 253.13 (2), less the amounts appropriated under ~~sub. (1)~~ par. (jb), shall be credited to this appropriation account.

SECTION 391. 20.435 (5) (jb) of the statutes is created to read:

20.435 **(5)** (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 mental health and alcoholism or other drug abuse services, for the purpose of providing those state mailings, special computer services, training programs, printed materials, and publications.

SECTION 392. 20.435 (5) (kb) of the statutes is renumbered 20.435 (1) (kb).

SECTION 393. 20.435 (5) (ke) of the statutes is renumbered 20.435 (1) (ke).

SECTION 394. 20.435 (5) (kx) of the statutes is created to read:

20.435 **(5)** (kx) *Interagency and intra−agency programs.* 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 mental health and alcoholism or other

drug abuse services, for the purposes for which received, and all moneys transferred under s. 49.45 (30g) (b) for administrative costs incurred for reimbursing and monitoring community recovery services.

SECTION 395. 20.435 (5) (ky) of the statutes is amended to read:

20.435 **(5)** (ky) *Interagency and intra−agency aids.* ~~All~~ Except as provided in pars. (kc), (kg), (kL), and (km), 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 aids to individuals and organizations relating to mental health and alcoholism or other drug abuse services, for the purposes for which received.

SECTION 396. 20.435 (5) (kz) of the statutes is amended to read:

20.435 **(5)** (kz) *Interagency and intra−agency local assistance.* ~~All~~ Except as provided in par. (kc), 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 local assistance relating to mental health and alcoholism or other drug abuse services, for the purposes for which received.

SECTION 397. 20.435 (5) (m) of the statutes is created to read:

20.435 **(5)** (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 mental health and alcoholism or other drug abuse services, for the purposes for which received.

SECTION 398. 20.435 (5) (ma) of the statutes is repealed and recreated to read:

20.435 **(5)** (ma) *Federal project aids.* All moneys received from the federal government or any of its agencies for aids to individuals and organizations for specific limited term projects relating to mental health and alcoholism or other drugs abuse services, for the purposes for which received.

SECTION 399. 20.435 (5) (mc) of the statutes is created to read:

20.435 **(5)** (mc) *Federal block grant operations.* All block grant moneys received from the federal government or any of its agencies for the state administration of federal block grants relating to mental health and alcoholism or other drug abuse services, for the purposes for which received.

SECTION 400. 20.435 (5) (md) of the statutes is repealed and recreated to read:

20.435 **(5)** (md) *Federal block grant aids.* All block grant moneys received from the federal government or any of its agencies for aids to individuals and organizations relating to mental health and alcoholism or other drug abuse services, for the purposes for which received.

SECTION 401. 20.435 (5) (me) of the statutes is created to read:

20.435 **(5)** (me) *Federal block grant local assistance.* Except as provided in par. (o), all block grant moneys received from the federal government or any of its agencies for local assistance relating to mental health and alcoholism or other drug abuse services, for the purposes for which received.

SECTION 402. 20.435 (5) (n) of the statutes is created to read:

20.435 **(5)** (n) *Federal program operations.* All moneys received from the federal government or any of its agencies for the state administration of continuing programs relating to mental health and alcoholism or other drug abuse services, for the purposes for which received.

SECTION 403. 20.435 (5) (na) of the statutes is repealed and recreated to read:

20.435 **(5)** (na) *Federal program aids.* All moneys received from the federal government or any of its agencies for aids to individuals and organizations for continuing programs relating to mental health and alcoholism or other drug abuse services, for the purposes for which received.

SECTION 404. 20.435 (5) (nL) of the statutes is created to read:

20.435 **(5)** (nL) *Federal program local assistance.* All moneys received from the federal government or any of its agencies for local assistance for continuing programs relating to mental health and alcoholism or other drug abuse services, for the purposes for which received.

SECTION 405. 20.435 (5) (o) of the statutes is created to read:

20.435 **(5)** (o) *Federal aid; community aids.* All federal moneys received for substance abuse prevention and treatment under 42 USC 300x−21 to 300x−35 and for community mental health services under 42 USC 300x to 300x−9 in amounts pursuant to allocation plans developed by the department for the provision or purchase of services authorized under sub. (7) (b) for distribution under s. 46.40. Disbursement from this appropriation account may be made directly to counties for social and mental hygiene services under s. 46.03 (20) (b) or 46.031 or directly to counties in accordance with federal requirements for the dispersal of federal funds.

SECTION 406. 20.435 (6) (title) of the statutes is repealed and recreated to read:

20.435 **(6)** (title) QUALITY ASSURANCE SERVICES PLANNING, REGULATION, AND DELIVERY.

SECTION 407. 20.435 (6) (a) of the statutes is amended to read:

20.435 **(6)** (a) *General program operations~~; physical disabilities~~.* The amounts in the schedule for general program operations relating to quality assurance services, including field services and administrative services~~, for operation of the council on physical disabilities under s. 46.29~~.

SECTION 408. 20.435 (6) (e) of the statutes is repealed.

SECTION 409. 20.435 (6) (ee) of the statutes is repealed.

SECTION 410. 20.435 (6) (gb) of the statutes is renumbered 20.435 (5) (gb).

SECTION 411. 20.435 (6) (gc) of the statutes is renumbered 20.435 (7) (gc).

SECTION 412. 20.435 (6) (hs) of the statutes is renumbered 20.435 (7) (hs).

SECTION 413. 20.435 (6) (hx) of the statutes is renumbered 20.435 (5) (hx) and amended to read:

20.435 **(5)** (hx) *Services related to drivers, receipts.* The amounts in the schedule for services related to drivers. All moneys received by the secretary of administration from the driver improvement surcharge on court fines and forfeitures authorized under s. 346.655 and all moneys transferred from the appropriation account under s. 20.395 (5) (di) shall be credited to this appropriation account. The secretary of administration shall annually transfer to the appropriation account under s. 20.395 (5) (ek) 9.75 percent of all moneys credited to this appropriation account from the driver improvement surcharge. Any unencumbered moneys in this appropriation account may be transferred to ~~sub. (7)~~ par. (hy) and ss. 20.255 (1) (hm), 20.285 (1) (ia), 20.395 (5) (ci) and (di), and 20.455 (5) (h) by the secretary of administration, after consultation with the secretaries of health services and transportation, the superintendent of public instruction, the attorney general, and the president of the University of Wisconsin System.

SECTION 414. 20.435 (6) (i) of the statutes is repealed and recreated to read:

20.435 **(6)** (i) *Gifts and grants.* All moneys received from gifts, grants, bequests, or trust funds relating to quality assurance services, for the purposes for which received.

SECTION 415. 20.435 (6) (jb) of the statutes is amended to read:

20.435 **(6)** (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 quality assurance services, for the purpose of providing those state mailings, special computer services, training programs, printed materials and publications.

SECTION 416. 20.435 (6) (jm) of the statutes is amended to read:

20.435 **(6)** (jm) *Licensing and support services.* The amounts in the schedule for the purposes specified in ss. 48.685 (2) (am) and (b) 1., (3) (a) and (b), and (5) (a), 49.45 (47), 50.02 (2), 50.025, 50.031, 50.065 (2) (am) and (b) 1., (3) (a) and (b), and (5), 50.13, 50.135, 50.36 (2), 50.49 (2) (b), 50.495, 50.52 (2) (a), 50.57, 50.981, and 146.40 (4r) (b) and (er), and subch. IV of ch. 50 and to conduct health facilities plan and rule development activities, for accrediting nursing homes, convalescent homes, and homes for the aged, to conduct capital construction and remodeling plan reviews under ss. 50.02 (2) (b) and 50.36 (2), and for the costs of inspecting, licensing or certifying, and approving facilities, issuing permits, and providing technical assistance, that are not specified under any other paragraph in this subsection. All moneys received under ss. 48.685 (8), 49.45 (42) (c), 49.45 (47) (c), 50.02 (2), 50.025, 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 (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:

20.435 **(6)** (mc) *Federal block grant operations.* All block grant moneys received from the federal government or any of its agencies for the state administration of federal block grants relating to quality assurance services, for the purposes for which received.

SECTION 422. 20.435 (6) (n) of the statutes is repealed and recreated to read:

20.435 **(6)** (n) *Federal program operations.* All moneys received from the federal government or any of its agencies for the state administration of continuing programs relating to quality assurance services, for the purposes for which received.

SECTION 423. 20.435 (6) (na) of the statutes is created to read:

20.435 **(6)** (na) *Federal program aids.* All moneys received from the federal government or any of its agencies for aids to individuals and organizations for continuing programs relating to quality assurance services, for the purposes for which received.

SECTION 424. 20.435 (6) (nL) of the statutes is created to read:

20.435 **(6)** (nL) *Federal program local assistance.* All moneys received from the federal government or any of its agencies for local assistance for continuing programs relating to quality assurance services, for the purposes for which received.

SECTION 425. 20.435 (7) (title) of the statutes is repealed and recreated to read:

20.435 **(7)** (title) LONG−TERM CARE SERVICES ADMINISTRATION AND DELIVERY.

SECTION 426. 20.435 (7) (a) of the statutes is created to read:

20.435 **(7)** (a) *General program operations.* The amounts in the schedule for general program operations relating to long−term care services, including field services and administrative services, and for operation of the council on physical disabilities under s. 46.29.

SECTION 427. 20.435 (7) (bc) of the statutes is amended to read:

20.435 **(7)** (bc) *Grants for community programs.* The amounts in the schedule for grants for community programs under s. 46.48. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the department of health services may credit or deposit into this appropriation account funds for the purpose specified in s. 46.48 (13) that the department transfers from the appropriation account under ~~par.~~ sub. (5) (bL) that are allocated by the department under that appropriation account but unexpended or unencumbered on June 30 of each year. Except for amounts authorized to be carried forward under s. 46.48 and as otherwise provided in this paragraph, all funds allocated but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless carried forward to the next calendar year by the joint committee on finance. ~~Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department shall transfer from this appropriation account to the appropriation account for the department of children and families under s. 20.437 (2) (dz) funds allocated by the department under s. 46.48 (30) but unexpended on June 30 of each year.~~

SECTION 428. 20.435 (7) (be) of the statutes is renumbered 20.435 (5) (be).

SECTION 429. 20.435 (7) (bL) of the statutes is renumbered 20.435 (5) (bL) and amended to read:

20.435 **(5)** (bL) *Community support programs and psychosocial services.* The amounts in the schedule for one−time grants under s. 51.423 (3) to counties that currently do not operate certified community support programs, for community support program services under s. 51.421 (3) (e), ~~and~~ for community−based psychosocial services under the requirements of s. 49.45 (30e), and for mental health crisis intervention under the requirements of s. 49.45 (41). Notwithstanding s. 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 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 appropriated under ~~sub. (6)~~ par. (gc), for distribution to counties according to a formula developed by the department as a portion of the state share of payments for services for children under the waiver under s. 46.278 or for services provided under the disabled children's long−term support program.

SECTION 436. 20.435 (7) (hy) of the statutes is renumbered 20.435 (5) (hy) and amended to read:

20.435 **(5)** (hy) *Services for drivers, local assistance.* As a continuing appropriation, the amounts in the schedule for the purpose of s. 51.42 for drivers referred through assessment, to be allocated according to a plan developed by the department of health services. All moneys transferred from ~~sub. (6)~~ par. (hx) shall be credited to this appropriation.

SECTION 437. 20.435 (7) (i) of the statutes is amended to read:

20.435 **(7)** (i) *Gifts and grants~~; local assistance~~.* All moneys received from gifts, grants, bequests, and trust funds ~~to provide local assistance for community services consistent with the purpose of the gift, grant, bequest or trust fund~~ relating to long−term care services, for the purposes for which received.

SECTION 438. 20.435 (7) (im) of the statutes is amended to read:

20.435 **(7)** (im) *Community options program; family care benefit; recovery of costs; birth to 3 waiver administration.* From the moneys received from the recovery of costs of care under ss. 46.27 (7g) and 867.035 and under rules promulgated under s. 46.286 (7) for enrollees who are ineligible for medical assistance, all moneys not appropriated under sub. (4) (in), and all moneys transferred to this appropriation account from the appropriation account under sub. (4) (o), for payments to county departments and aging units under s. 46.27 (7g) (d), payments to care management organizations for provision of the family care benefit under s. 46.284 (5), payment of claims under s. 867.035 (3) ~~and~~, payments for long−term community support services funded under s. 46.27 (7) as provided in ss. 46.27 (7g) (e) and 867.035 (4m), and for administration of the waiver program under s. 46.99.

SECTION 439. 20.435 (7) (jb) of the statutes is created to read:

20.435 **(7)** (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 long−term care services, for the purpose of providing those state mailings, special computer services, training programs, printed materials, and publications.

SECTION 440. 20.435 (7) (kb) of the statutes is renumbered 20.435 (5) (kc).

SECTION 441. 20.435 (7) (kg) of the statutes is renumbered 20.435 (5) (kg).

SECTION 442. 20.435 (7) (kL) of the statutes is renumbered 20.435 (5) (kL).

SECTION 443. 20.435 (7) (km) of the statutes is renumbered 20.435 (5) (km).

SECTION 444. 20.435 (7) (kx) of the statutes is created to read:

20.435 **(7)** (kx) *Interagency and intra−agency programs.* 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 long−term care services, for the purposes for which received.

SECTION 445. 20.435 (7) (ky) of the statutes is amended to read:

20.435 **(7)** (ky) *Interagency and intra−agency aids.* ~~All~~ Except as provided in par. (kc), all moneys received from other state agencies and all moneys received by the department from the department ~~not directed to be deposited under par. (kc)~~ for aids to individuals and organizations relating to long−term care services, for the purposes for which received.

SECTION 446. 20.435 (7) (kz) of the statutes is amended to read:

20.435 **(7)** (kz) *Interagency and intra−agency local assistance.* ~~All~~ Except as provided in par. (kn), all moneys received from other state agencies and all moneys received by the department from the department ~~not directed to be deposited under par. (kc)~~ for local assistance relating to long−term care services, for ~~local assistance~~ the purposes for which received.

SECTION 447. 20.435 (7) (m) of the statutes is created to read:

20.435 **(7)** (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 long−term care services, for the purposes for which received.

SECTION 448. 20.435 (7) (ma) of the statutes is repealed and recreated to read:

20.435 **(7)** (ma) *Federal project aids.* All moneys received from the federal government or any of its agencies for aids to individuals and organizations for specific limited term projects relating to long−term care services, for the purposes for which received.

SECTION 449. 20.435 (7) (mb) of the statutes is repealed and recreated to read:

20.435 **(7)** (mb) *Federal project local assistance.* All federal moneys received from the federal government or any of its agencies for local assistance for specific limited term projects relating to long−term care services, for the purposes for which received.

SECTION 450. 20.435 (7) (mc) of the statutes is created to read:

20.435 **(7)** (mc) *Federal block grant operations.* All block grant moneys received from the federal government or any of its agencies for the state administration of federal block grants relating to long−term care services, for the purposes for which received.

SECTION 451. 20.435 (7) (md) of the statutes is repealed and recreated to read:

20.435 **(7)** (md) *Federal block grant aids.* All block grant moneys received from the federal government or any of its agencies for aids to individuals and organiza-

tions relating to long−term care services, for the purposes for which received.

SECTION 452. 20.435 (7) (me) of the statutes is amended to read:

20.435 **(7)** (me) *Federal block grant local assistance.* ~~All~~ Except as provided in par. (o), all block grant moneys received from the federal government or any of its agencies for ~~community services~~ local assistance relating to long−term care services, for the purposes for which received.

SECTION 453. 20.435 (7) (n) of the statutes is created to read:

20.435 **(7)** (n) *Federal program operations.* All moneys received from the federal government or any of its agencies for the state administration of continuing programs relating to long−term care services, for the purposes for which received.

SECTION 454. 20.435 (7) (na) of the statutes is repealed and recreated to read:

20.435 **(7)** (na) *Federal program aids.* All moneys received from the federal government or any of its agencies for aids to individuals and organizations for continuing programs relating to long−term care services programs, for the purposes for which received.

SECTION 455. 20.435 (7) (nL) of the statutes is repealed and recreated to read:

20.435 **(7)** (nL) *Federal program local assistance.* Except as provided in par. (o), all moneys received from the federal government or any of its agencies for local assistance for continuing programs relating to long−term care services, for the purposes for which received.

SECTION 456. 20.435 (8) (i) of the statutes is repealed and recreated to read:

20.435 **(8)** (i) *Gifts and grants.* All moneys received for gifts, grants, bequests, and trust funds that are not appropriated under sub. (1), (2), (4), (5), (6), or (7), to be expended for the purposes for which received.

SECTION 458. 20.435 (8) (m) of the statutes is repealed and recreated to read:

20.435 **(8)** (m) *Federal project operations.* All moneys received from the federal government or any of its agencies for the state administration of department functions and not appropriated under sub. (1), (2), (4), (5), (6), or (7), for the purposes for which received.

SECTION 459. 20.435 (8) (ma) of the statutes is repealed and recreated to read:

20.435 **(8)** (ma) *Federal project aids.* All moneys received from the federal government or any of its agencies for aids to individuals and organizations for specific limited term projects and not appropriated under sub. (1), (2), (4), (5), (6), or (7), for the purposes for which received.

SECTION 460. 20.435 (8) (n) of the statutes is repealed and recreated to read:

20.435 **(8)** (n) *Federal program operations.* All moneys received from the federal government or any of its agencies for the state administration of continuing programs and not appropriated under sub. (1), (2), (4), (5), (6), or (7), for the purposes for which received.

SECTION 461. 20.435 (9) (i) of the statutes is repealed.

SECTION 462. 20.435 (9) (m) of the statutes is repealed.

SECTION 463. 20.435 (9) (ma) of the statutes is repealed.

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.

SECTION 472. 20.437 (1) (cf) of the statutes is amended to read:

20.437 **(1)** (cf) *Foster~~, treatment foster~~ and family−operated group home parent insurance and liability.* The amounts in the schedule to purchase insurance or pay claims as provided under s. 48.627.

SECTION 473. 20.437 (1) (dd) of the statutes is amended to read:

20.437 **(1)** (dd) *State foster care, guardianship, and adoption services.* The amounts in the schedule for foster care, treatment foster care, institutional child care, and subsidized adoptions under ss. 48.48 (12) and 48.52, for the cost of care for children under s. 49.19 (10) (d), for the cost of subsidized guardianship payments under s. 48.62 (5), for the cost of the foster care monitoring system, for 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 for the cost of providing postadoption services to children with special needs who have been adopted.

SECTION 474. 20.437 (1) (dd) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

20.437 **(1)** (dd) *State foster care, guardianship, and adoption services.* The amounts in the schedule for foster care, ~~treatment foster care,~~ institutional child care, and subsidized adoptions under ss. 48.48 (12) and 48.52, for the cost of care for children under s. 49.19 (10) (d), for the cost of subsidized guardianship payments under s. 48.62 (5), for the cost of the foster care monitoring system, for 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 for the cost of providing postadoption services to children with special needs who have been adopted.

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 476h. 20.437 (1) (jm) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

20.437 **(1)** (jm) *Licensing activities.* All moneys received from licensing activities under ss. 48.60, 48.62, 48.625, and 938.22 (7) and from fees under ss. 48.615, 48.625, and 938.22 (7) (b) and (c) for the costs of licensing child welfare agencies under s. 48.60, foster homes ~~and treatment foster homes~~ under s. 48.62, group homes under s. 48.625, and shelter care facilities under s. 938.22 (7).

SECTION 477. 20.437 (1) (kc) of the statutes is repealed.

SECTION 478. 20.437 (1) (kd) of the statutes is repealed.

SECTION 478j. 20.437 (1) (kz) of the statutes is amended to read:

20.437 **(1)** (kz) *Interagency and intra−agency local assistance.* ~~Except as provided in par. (kw), all~~ The amounts in the schedule to be used for unexpected or unusually high−cost out−of−home care placements of Indian children by tribal courts. All moneys ~~received~~ transferred from ~~other state agencies and all moneys received by the department from the department for local assistance, for such purposes~~ the appropriation account under s. 20.505 (8) (hm) 21. 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 section 20.505 (8) (hm).

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.

SECTION 480. 20.437 (1) (pd) of the statutes, as affected by 2009 Wisconsin Act .... (this act), 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 guardian-

ship 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.

SECTION 481. 20.437 (2) (ab) of the statutes is renumbered 20.437 (1) (ab).

SECTION 482. 20.437 (2) (ac) of the statutes is renumbered 20.437 (1) (ac).

SECTION 482c. 20.437 (2) (bc) of the statutes is created to read:

20.437 **(2)** (bc) *Child support local assistance.* As a continuing appropriation, the amounts in the schedule to be distributed as child support incentive payments as provided in s. 49.24 (1) (a). If federal legislation provides for the matching of federal funds for federal child support incentive payments at a rate of 66 percent or more, no moneys may be encumbered under or expended from this appropriation while the federal legislation is in effect.

SECTION 483. 20.437 (2) (cr) of the statutes is created to read:

20.437 **(2)** (cr) *Liability for overpayments collected under the Aid to Families with Dependent Children Program.* A sum sufficient to pay any remaining liability to the federal government related to overpayments made under the program under s. 49.19 that were collected by the department of workforce development after the commencement of the federal Temporary Assistance for Needy Families Program under 42 USC 601 to 619. The amount of any remaining liability shall be determined by the secretary of children and families in consultation with the federal secretary of health and human services.

SECTION 484. 20.437 (2) (cr) of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed.

SECTION 485. 20.437 (2) (dn) of the statutes is renumbered 20.435 (1) (dn) and amended to read:

20.435 **(1)** (dn) *Food distribution grants.* The amounts in the schedule for grants for food distribution programs under ss. ~~49.171~~ 46.75 and ~~49.1715~~ 46.77.

SECTION 486. 20.437 (2) (dz) of the statutes is amended to read:

20.437 **(2)** (dz) *Temporary Assistance for Needy Families programs; maintenance of effort.* The amounts in the schedule, less the amounts withheld under s. 49.143 (3), for administration and benefit payments under Wisconsin Works under ss. 49.141 to 49.161, the learnfare program under s. 49.26, and the work experience program for noncustodial parents under s. 49.36; for payments to local governments, organizations, tribal governing bodies, and Wisconsin Works agencies; and for emergency assistance for families with needy children under s. 49.138. Payments may be made from this appropriation account for any contracts under s. 49.845 (4) and for any fraud investigation and error reduction activities under s. 49.197 (1m). Moneys appropriated under this paragraph may be used to match federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services shall credit ~~or deposit into~~ to this appropriation account funds for the purposes of this appropriation that the department transfers from the appropriation account under s. 20.435 ~~(7)~~ (5) (bc). All funds allocated by the department but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless transferred to the next calendar year by the joint committee on finance.

SECTION 487p. 20.437 (2) (e) of the statutes is created to read:

20.437 **(2)** (e) *Incentive payments for identifying children with health insurance.* The amounts in the schedule for incentive payments under s. 49.25.

SECTION 488. 20.437 (2) (em) of the statutes is renumbered 20.435 (1) (em) and amended to read:

20.435 **(1)** (em) *Supplemental food program for women, infants and children benefits.* As a continuing appropriation, the amounts in the schedule to provide a state supplement under s. ~~49.17~~ 253.06 to the federal special supplemental food program for women, infants, and children authorized under 42 USC 1786.

SECTION 488d. 20.437 (2) (f) of the statutes is created to read:

20.437 **(2)** (f) *Emergency Shelter of the Fox Valley.* The amounts in the schedule to provide the funding to the Emergency Shelter of the Fox Valley under s. 49.139.

SECTION 489. 20.437 (2) (g) of the statutes is repealed.

SECTION 490. 20.437 (2) (gr) of the statutes is renumbered 20.435 (1) (gr) and amended to read:

20.435 **(1)** (gr) *Supplemental food program for women, infants, and children administration.* All moneys received from the supplemental food enforcement surcharges on fines, forfeitures, and recoupments that are levied by a court under s. ~~49.17~~ 253.06 (4) (c) and on forfeitures and recoupments that are levied by the department under s. ~~49.17~~ 253.06 (5) (c) to finance fraud reduction in the supplemental food program for women, infants, and children under s. ~~49.17~~ 253.06.

SECTION 491. 20.437 (2) (i) of the statutes is amended to read:

20.437 **(2)** (i) *Gifts and grants.* All moneys received from gifts, grants, donations, and burial trusts for the execution of the department's functions ~~consistent with the purpose of the gift, grant, donation or trust~~ relating to economic support, to carry out the purposes for which made and received.

SECTION 492. 20.437 (2) (jb) of the statutes is amended to read:

20.437 **(2)** (jb) *Fees for administrative services.* All moneys received from fees charged for filing statements

of economic interest under s. 49.143 (1) (ac), for providing worker's compensation coverage for persons participating in employment and training programs under ch. 49, and for providing state mailings, special computer services, training programs, ~~worker's compensation coverage for persons participating in employment and training programs under ch. 49,~~ printed materials, and publications relating to economic support, for the purposes of filing statements of economic interest under s. 49.143 (1) (ac), providing worker's compensation coverage for persons participating in employment and training programs under ch. 49, and providing state mailings, special computer services, training programs, ~~worker's compensation coverage for persons participating in employment and training programs under ch. 49,~~ printed materials, and publications relating to economic support.

SECTION 493d. 20.437 (2) (jm) of the statutes is renumbered 20.437 (1) (jm) and amended to read:

20.437 **(1)** (jm) *Licensing activities.* ~~The amounts in the schedule~~ All moneys received from licensing activities under ss. 48.60, 48.62, 48.625, and 938.22 (7) and from fees under ss. 48.615, 48.625, and 938.22 (7) (b) and (c) for the costs of licensing child welfare agencies under s. 48.60, foster homes and treatment foster homes under s. 48.62, group homes under s. 48.625, ~~day care centers under s. 48.65~~ and shelter care facilities under s. 938.22 (7). ~~All moneys received for these licensing activities and from fees under ss. 48.615, 48.625, 48.65 (3) and 938.22 (7) (b) and (c) shall be credited to this appropriation account.~~

SECTION 493f. 20.437 (2) (jn) of the statutes is created to read:

20.437 **(2)** (jn) *Child care licensing and certification activities.* All moneys received from licensing activities under s. 48.65, from certifying activities under s. 48.651, and from fees under ss. 48.65 (3) and 48.651 (2) for the costs of licensing day care centers under s. 48.65 and of certifying day care providers under s. 48.651.

SECTION 494. 20.437 (2) (L) of the statutes is amended to read:

20.437 **(2)** (L) *Public assistance overpayment recovery ~~and~~, fraud investigation, and error reduction.* All moneys received as the state's share of the recovery of overpayments and incorrect payments under s. 49.191 (3) (c), 1997 stats., and s. 49.195, 1997 stats., for any contracts under s. 49.845 (4) ~~and~~, for any activities ~~to reduce error and fraud~~ under s. 49.197 (1m) to investigate fraud relating to the Aid to Families with Dependent Children program and the Wisconsin Works program, for any activities under s. 49.197 (3) to reduce payment errors in the Wisconsin Works program, and for costs associated with collection of public assistance overpayments.

SECTION 495. 20.437 (2) (m) of the statutes is repealed.

SECTION 496. 20.437 (2) (ma) of the statutes is amended to read:

20.437 **(2)** (ma) *Federal project activities and administration.* All moneys received from the federal government ~~or any of its agencies~~ for specific ~~limited term~~ projects, to be expended ~~as aids to individuals or organizations or as local assistance for the purposes specified, and all moneys received from the federal government or any of its agencies~~ for ~~the state~~ those projects and their administration ~~of specific limited term projects, to be expended for the purposes specified~~.

SECTION 497. 20.437 (2) (md) of the statutes is amended to read:

20.437 **(2)** (md) *Federal block grant aids.* The amounts in the schedule~~, less the amounts withheld under s. 49.143 (3),~~ for aids to individuals or organizations and to be transferred to the appropriation accounts under ~~sub. (1) (kc), (kd), and (kx) and~~ ss. 20.435 (4) (kz), (6) (kx), (7) (ky), and (8) (kx) and 20.835 (2) (kf). All block grant moneys received for these purposes from the federal government or any of its agencies ~~and all moneys recovered under s. 49.143 (3)~~ shall be credited to this appropriation account. The department may credit to this appropriation account the amount of any returned check, or payment in other form, that is subject to expenditure in the same contract period in which the original payment attempt was made, regardless of the fiscal year in which the original payment attempt was made.

SECTION 498. 20.437 (2) (mf) of the statutes is created to read:

20.437 **(2)** (mf) *Federal economic stimulus funds.* All federal economic stimulus funds received by the state related to the Child Care and Development Block Grant, for the purposes for which made and received. 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 499. 20.437 (2) (nL) of the statutes is amended to read:

20.437 **(2)** (nL) *Child support local assistance; federal funds.* All moneys received from the federal government or any of its agencies for continuing programs, except for federal child support incentive payments retained by the department under s. 49.24 (2) (c), to be expended as local assistance for the purposes specified~~, except that the following amounts shall lapse from this appropriation to the general fund: in each calendar year, 55% of the federal moneys made available to support prosecution of welfare fraud in this state, as determined by the secretary of administration~~.

SECTION 501. 20.437 (3) (i) of the statutes is amended to read:

20.437 **(3)** (i) *Gifts and grants.* All moneys received from gifts, grants, donations, and burial trusts for the execution of the department's functions ~~consistent with the purpose of the gift, grant, donation, or trust~~ that are not

immediately identifiable with a specific program, to carry out the purposes for which made and received.

SECTION 502. 20.437 (3) (jb) of the statutes is amended to read:

20.437 **(3)** (jb) *Fees for administrative services.* All moneys received from fees charged for providing state mailings, special computer services, training programs, printed materials, and publications that are not immediately identifiable with a specific program, for the purpose of providing state mailings, special computer services, training programs, printed materials, and publications that are not immediately identifiable with a specific program.

SECTION 504. 20.437 (3) (m) of the statutes is repealed.

SECTION 505. 20.437 (3) (ma) of the statutes is repealed.

SECTION 506. 20.437 (3) (mb) of the statutes is repealed.

SECTION 507. 20.437 (3) (mc) of the statutes is amended to read:

20.437 **(3)** (mc) *Federal block grant operations.* All block grant moneys received from the federal government for the state administration of federal block grants, except as otherwise appropriated under this section, to be expended for the purposes ~~specified~~ for which received.

SECTION 508. 20.437 (3) (md) of the statutes is amended to read:

20.437 **(3)** (md) *Federal block grant aids.* All block grant moneys received from the federal government ~~or any of its agencies~~, except as otherwise appropriated under this section, to be expended as aids to individuals or organizations or for local assistance.

SECTION 509. 20.437 (3) (me) of the statutes is repealed.

SECTION 510. 20.437 (3) (mf) of the statutes is created to read:

20.437 **(3)** (mf) *Federal economic stimulus funds.* All federal economic stimulus funds received by the state for programs administered by the department, for the purposes for which made and received. 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 511. 20.437 (3) (n) of the statutes is amended to read:

20.437 **(3)** (n) *Federal ~~program operations~~ project activities.* All moneys received from the federal government ~~or any of its agencies for the state administration of continuing programs~~ for specific projects, except as otherwise appropriated under this section, to be expended for the purposes ~~specified~~ for which received.

SECTION 512. 20.437 (3) (na) of the statutes is repealed.

SECTION 513. 20.437 (3) (nL) of the statutes is repealed.

SECTION 514. 20.438 (1) (h) of the statutes is created to read:

20.438 **(1)** (h) *Program services.* As a continuing appropriation, all moneys received by the board for people with developmental disabilities from invoicing entities for using state−owned space, as conference fees and other related expenditures, and from printing and publishing forms, documents, pamphlets, and other publications, to carry out the responsibilities of the board for people with developmental disabilities.

SECTION 515. 20.438 (1) (i) of the statutes is created to read:

20.438 **(1)** (i) *Gifts and grants.* All moneys received from gifts, grants, and bequests for the activities of the board for people with developmental disabilities, to carry out the purposes for which made and received.

SECTION 516v. 20.445 (1) (fr) of the statutes is created to read:

20.445 **(1)** (fr) *Milwaukee Area Workforce Investment Board.* Biennially, the amounts in the schedule for a grant to the Milwaukee Area Workforce Investment Board, Inc., under 2009 Wisconsin Act .... (this act), section 9156 (2w) . **Vetoed In Part**

SECTION 516w. 20.445 (1) (fr) of the statutes, as created by 2009 Wisconsin Act .... (this act) is repealed.

SECTION 517d. 20.445 (1) (gk) of the statutes is created to read:

20.445 **(1)** (gk) *Child labor permit system; fees.* The amounts in the schedule to fund the cost of the department's information technology systems, including the department's child labor permit system, and to fund other operational expenses of the division of equal rights in the department. All moneys received from fees collected under s. 103.805 (1) shall be credited to this appropriation account.

SECTION 518h. 20.445 (1) (km) of the statutes is created to read:

20.445 **(1)** (km) *Nursing workforce survey and grants.* All moneys transferred from the appropriation account under s. 20.165 (1) (jm) for developing, compiling, processing, evaluating, and reporting on the survey required under s. 106.30 (2) and (3) and for awarding grants under s. 106.30 (5) (a).

SECTION 519. 20.445 (1) (n) of the statutes is amended to read:

20.445 **(1)** (n) *Employment assistance and unemployment insurance administration; federal moneys.* All federal moneys received, as authorized by the governor under s. 16.54, for the administration of employment assistance and unemployment insurance programs of the department, for the performance of the department's other functions under subch. I of ch. 106 and ch. 108, except moneys appropriated under par. (nf), and to pay

the compensation and expenses of appeal tribunals and of employment councils appointed under s. 108.14, to be used for such purposes, except as provided in s. 108.161 (3e), and, from the moneys received by this state under section 903 (d) of the federal Social Security Act, as amended, to transfer to the appropriation account under par. (nb) an amount determined by the treasurer of the unemployment reserve fund not exceeding the lesser of the amount specified in s. 108.161 (4) (d) or the amounts in the schedule under par. (nb), to transfer to the appropriation account under par. (nd) an amount determined by the treasurer of the unemployment reserve fund not exceeding the lesser of the amount specified in s. 108.161 (4) (d) or the amounts in the schedule under par. (nd), and to transfer to the appropriation account under par. (ne) an amount ~~determined by the treasurer of the unemployment reserve fund~~ not exceeding the lesser of the amount specified in s. 108.161 (4) (d) or the sum of the amounts in the schedule under par. (ne) and the amount determined by the treasurer of the unemployment reserve fund that is required to pay for the cost of banking services incurred by the unemployment reserve fund.

SECTION 519a. 20.445 (1) (n) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

20.445 **(1)** (n) *Employment assistance and unemployment insurance administration; federal moneys.* All federal moneys received, as authorized by the governor under s. 16.54, for the administration of employment assistance and unemployment insurance programs of the department, for the performance of the department's other functions under subch. I of ch. 106 and ch. 108~~, except moneys appropriated under par. (nf),~~ and to pay the compensation and expenses of appeal tribunals and of employment councils appointed under s. 108.14, to be used for such purposes, except as provided in s. 108.161 (3e), and, from the moneys received by this state under section 903 (d) of the federal Social Security Act, as amended, to transfer to the appropriation account under par. (nb) an amount determined by the treasurer of the unemployment reserve fund not exceeding the lesser of the amount specified in s. 108.161 (4) (d) or the amounts in the schedule under par. (nb), to transfer to the appropriation account under par. (nd) an amount determined by the treasurer of the unemployment reserve fund not exceeding the lesser of the amount specified in s. 108.161 (4) (d) or the amounts in the schedule under par. (nd), and to transfer to the appropriation account under par. (ne) an amount not exceeding the lesser of the amount specified in s. 108.161 (4) (d) or the sum of the amounts in the schedule under par. (ne) and the amount determined by the treasurer of the unemployment reserve fund that is required to pay for the cost of banking services incurred by the unemployment reserve fund.

SECTION 520. 20.445 (1) (nd) of the statutes is amended to read:

20.445 **(1)** (nd) *Unemployment administration; apprenticeship and other employment services.* From the moneys received from the federal government under section 903 (d) of the federal Social Security Act, as amended, the amounts in the schedule, as authorized by the governor under s. 16.54, to be used for administration by the department of apprenticeship programs under subch. I of ch. 106 and for administration and service delivery of employment and workforce information services, including the delivery of reemployment assistance services to unemployment insurance claimants. All moneys transferred from par. (n) for this purpose shall be credited to this appropriation account. No moneys may be expended from this appropriation unless the treasurer of the unemployment reserve fund determines that such expenditure is currently needed for the ~~purpose~~ purposes specified in this paragraph.

SECTION 521. 20.445 (1) (ne) of the statutes is amended to read:

20.445 **(1)** (ne) *Unemployment insurance administration~~;~~ and bank service costs.* From the moneys received by this state under section 903 ~~(d)~~ of the federal Social Security Act, as amended, all moneys transferred from the appropriation account under par. (n) to be used for the administration of unemployment insurance and for the payment of the cost of banking services incurred by the unemployment reserve fund. No moneys may be expended from this appropriation unless the treasurer of the unemployment reserve fund determines that such expenditure is currently needed for the purpose specified in this paragraph.

SECTION 521e. 20.445 (1) (nf) of the statutes is repealed.

SECTION 522. 20.445 (1) (om) of the statutes is renumbered 20.437 (2) (om).

SECTION 523. 20.445 (1) (ra) of the statutes is amended to read:

20.445 **(1)** (ra) *Worker's compensation operations fund; administration.* From the worker's compensation operations fund, the amounts in the schedule for the administration of the worker's compensation program by the department and for transfer to the appropriation account under par. (rp). All moneys received under ss. 102.28 (2) (b) and 102.75 for the department's activities ~~and not appropriated under par. (rp)~~ shall be credited to this appropriation. From this appropriation, an amount not to exceed $5,000 may be expended each fiscal year for payment of expenses for travel and research by the council on worker's compensation and the amount in the schedule under par. (rp) shall be transferred to the appropriation account under par. (rp).

SECTION 524. 20.445 (1) (rp) of the statutes is amended to read:

20.445 **(1)** (rp) *Worker's compensation operations fund; uninsured employers program; administration.* From the worker's compensation operations fund, the

amounts in the schedule for the administration of ss. 102.28 (4) and 102.80 to 102.89. All moneys transferred from the appropriation account under par. (ra) to this appropriation account shall be credited to this appropriation account.

SECTION 525. 20.445 (5) (n) of the statutes is amended to read:

20.445 **(5)** (n) *Federal program aids and operations.* All moneys received from the federal government, as authorized by the governor under s. 16.54, for the state administration of continuing programs and all federal moneys received for the purchase of goods and services under ch. 47 and for the purchase of vocational rehabilitation programs for individuals and organizations, to be expended for the purposes specified. The department shall, in each fiscal year, transfer to the appropriation account under s. 20.435 (7) (kc) $600,000 of moneys received from the federal social security administration for reimbursement of grants to independent living centers.

Vetoed In Part

SECTION 525m. 20.455 (2) (gp) of the statutes is created to read:

20.455 **(2)** (gp) *Crime information alerts.* All moneys received as fee payments under s. 165.785 (2) and all moneys received as gifts, grants, or donations for the provision of services under s. 165.785 (1) and the provision of a crime alert network.

SECTION 528d. 20.455 (2) (i) 16. of the statutes is repealed.

Vetoed In Part

SECTION 535m. 20.455 (3) (g) of the statutes is amended to read:

20.455 **(3)** (g) *Gifts, grants and proceeds.* All moneys received from gifts and grants and all proceeds from services, conferences, and sales of publications and promotional materials to carry out the purposes for which made or collected, except as provided in sub. (2) (gm) and (gp).

Vetoed In Part

SECTION 535s. 20.455 (3) (kb) of the statutes is created to read:

20.455 **(3)** (kb) *Assistant district attorney and public defender retention pay.* All moneys transferred to this appropriation account under s. 165.03 (1) for the purpose of making transfers under s. 165.03 (2) (b) and (c).

SECTION 537. 20.455 (5) (g) of the statutes is amended to read:

20.455 **(5)** (g) *Crime victim and witness assistance surcharge, general services.* The amounts in the schedule for purposes of ch. 950. All moneys received from any crime victim and witness assistance surcharge authorized under s. 973.045 (1) that are allocated as part A of the surcharge under s. 973.045 (1r) (a) 1., 26 percent of all moneys received from any crime victim and witness assistance surcharge authorized under s. 973.045 (1) that are allocated as part B of the surcharge under s. 973.045 (1r) (a) 2., all moneys received from any crime victim and witness assistance surcharge authorized under s. 973.045 (1m), and all moneys received from any delinquency victim and witness assistance surcharge authorized under s. 938.34 (8d) (a) shall be credited to this appropriation account. The department of justice shall transfer from this appropriation account to the appropriation account under par. (kj) the amounts in the schedule under par. (kj).

SECTION 537c. 20.455 (5) (g) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

20.455 **(5)** (g) *Crime victim and witness assistance surcharge, general services.* The amounts in the schedule for purposes of ch. 950. All moneys received from any crime victim and witness assistance surcharge authorized under s. 973.045 (1) that are allocated ~~as part A of the surcharge~~ to this appropriation account under s. 973.045 ~~(1r) (a) 1., 26 percent of all moneys received from any crime victim and witness assistance surcharge authorized under s. 973.045 (1) that are allocated as part B of the surcharge under s. 973.045 (1r) (a) 2.~~ (2m) (b), all moneys received from any crime victim and witness assistance surcharge authorized under s. 973.045 (1m), and all moneys received from any delinquency victim and witness assistance surcharge authorized under s. 938.34 (8d) (a) shall be credited to this appropriation account. The department of justice shall transfer from this appropriation account to the appropriation account under par. (kj) the amounts in the schedule under par. (kj).

SECTION 538. 20.455 (5) (gc) of the statutes is amended to read:

20.455 **(5)** (gc) *Crime victim and witness surcharge, sexual assault victim services.* ~~All~~ Seventy−four percent of all moneys received from any crime victim and witness assistance surcharge authorized under s. 973.045 (1) that are allocated as part B of the surcharge under s. 973.045 (1r) (a) 2., to provide grants for sexual assault victim services under s. 165.93.

SECTION 538c. 20.455 (5) (gc) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

20.455 **(5)** (gc) *Crime victim and witness surcharge, sexual assault victim services.* ~~Seventy−four percent of all~~ All moneys received from any crime victim and witness assistance surcharge authorized under s. 973.045 (1) that are allocated ~~as part B of the surcharge~~ to this appropriation account under s. 973.045 ~~(1r) (a) 2.~~ (2m) (a), to provide grants for sexual assault victim services under s. 165.93.

SECTION 539. 20.455 (5) (h) of the statutes is amended to read:

20.455 **(5)** (h) *Crime victim compensation services.* The amounts in the schedule to provide crime victim compensation services. All moneys transferred from the appropriation account under s. 20.435 ~~(6)~~ (5) (hx) shall be credited to this appropriation account, except that the unencumbered balance on June 30 of each year shall

revert to the appropriation account under s. 20.435 ~~(6)~~ (5) (hx).

SECTION 540m. 20.465 (1) (f) of the statutes is amended to read:

20.465 **(1)** (f) *Energy costs; energy−related assessments.* The amounts in the schedule to be used at military buildings under control of the department to pay for utilities and for fuel, heat and air conditioning, to pay assessments levied by the department of administration under s. 16.847 (3) for ~~debt service~~ costs incurred and ~~energy cost~~ savings generated at departmental facilities, and to pay costs incurred by or on behalf of the department under ss. 16.858 and 16.895.

SECTION 540s. 20.465 (2) (r) of the statutes is created to read:

20.465 **(2)** (r) *Military family relief.* All moneys received from the military family relief fund for the payment of financial aid to military families under s. 321.45 and for all of the administrative costs that the department incurs in making those payments.

Vetoed In Part

SECTION 542m. 20.475 (1) (kb) of the statutes is created to read:

20.475 **(1)** (kb) *Assistant district attorney retention pay.* All moneys transferred from the appropriation under s. 20.455 (3) (kb) to this appropriation account for making retention payments to assistant district attorneys under s. 978.12 (7) (b).

SECTION 542p. 20.475 (1) (s) of the statutes is created to read:

20.475 **(1)** (s) *Salaries and fringe benefits; public benefits.* From the utility public benefits fund, the amounts in the schedule for salaries and fringe benefits of district attorneys and state employees of the office of the district attorney and for payments under s. 978.045 (2) (b).

SECTION 542s. 20.475 (1) (s) of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed.

SECTION 544. 20.485 (1) (gk) of the statutes is amended to read:

20.485 **(1)** (gk) *Institutional operations.* The amounts in the schedule for the care of the members of the Wisconsin veterans homes under s. 45.50, for the payment of stipends under s. 45.50 (9), for the transfer of moneys to the appropriation account under s. 20.435 (4) (ky) for payment of the state share of the medical assistance costs related to the provision of stipends under s. 45.50 (9), for the payment of assistance to indigent veterans under s. 45.43 to allow them to reside at the Wisconsin Veterans Home at Union Grove, for the transfer of moneys to the appropriation account under par. (kg), for the payment of grants under s. 45.82, and for the transfer of moneys under s. 45.03 (20). Not more than 1 percent of the moneys credited to this appropriation may be used for the payment of assistance to indigent veterans under s. 45.43. All moneys received under par. (m) and s. 45.51 (7) (b) and (8) and all moneys received for the care of members under medical assistance, as defined in s. 49.43 (8), shall be credited to this appropriation.

SECTION 545. 20.485 (1) (i) of the statutes is amended to read:

20.485 **(1)** (i) *State−owned housing maintenance.* ~~The amounts in the schedule~~ All moneys received by the department from rentals of state−owned housing at Wisconsin veterans homes for maintenance of state−owned housing at Wisconsin veterans homes under s. 45.50. ~~All moneys received by the department from rentals of state−owned housing shall be credited to this appropriation account.~~

SECTION 546g. 20.485 (1) (kg) of the statutes is created to read:

20.485 **(1)** (kg) *Grants to counties.* The amounts in the schedule for the payments of grants made under s. 45.82 (1) to (3). All moneys transferred from the appropriation account under par. (gk) shall be credited to this appropriation account.

SECTION 547. 20.485 (1) (q) of the statutes is repealed.

SECTION 548. 20.485 (2) (f) of the statutes is repealed.

SECTION 549. 20.485 (2) (h) of the statutes is created to read:

20.485 **(2)** (h) *Public and private receipts.* All moneys received from counties, municipalities, and private agencies for facilities, materials, or services provided by the department to pay for expenses associated with those facilities, materials, or services.

SECTION 550. 20.485 (2) (rm) of the statutes is amended to read:

20.485 **(2)** (rm) *Veterans assistance program.* Biennially, the amounts in the schedule for general program operations of the veterans assistance program under s. 45.43 and for grants under s. 45.03 (13) (j).

SECTION 551. 20.485 (2) (rp) of the statutes is amended to read:

20.485 **(2)** (rp) *Veterans assistance program receipts.* ~~The amounts in the schedule~~ All moneys received from fees under s. 45.43 (2) for the provision of assistance to veterans under s. 45.43 (1). ~~All moneys received from fees under s. 45.43 (2) shall be credited to this appropriation account.~~

SECTION 551w. 20.485 (2) (u) of the statutes is amended to read:

20.485 **(2)** (u) *Administration of loans and aids to veterans.* The amounts in the schedule for the administration of loans and aids to veterans, and for payment of legal services under s. 45.03 (13) (d), and for the purpose described in 2009 Wisconsin Act .... (this act), section 9155 (2q).

SECTION 552. 20.485 (2) (x) of the statutes is amended to read:

20.485 **(2)** (x) *Federal per diem payments.* ~~The amounts in the schedule~~ All moneys received from the

federal government as per diem payments for veterans participating in the veterans assistance program under s. 45.43 for the provision of assistance to veterans under s. 45.43. ~~All moneys received from the federal government as per diem payments for veterans participating in the veterans assistance program under s. 45.43 shall be credited to this appropriation account.~~

SECTION 552m. 20.485 (4) (r) of the statutes is amended to read:

20.485 **(4)** (r) *Cemetery energy costs; energy−related assessments.* From the veterans trust fund, the amounts in the schedule to be used at the veterans memorial cemeteries operated under s. 45.61 for utilities and for fuel, heat and air conditioning, to pay assessments levied by the department of administration under s. 16.847 (3) for ~~debt service~~ costs incurred and ~~energy cost~~ savings generated at departmental facilities, and for costs incurred by or on behalf of the department of veterans affairs under ss. 16.858 and 16.895.

SECTION 553. 20.505 (1) (e) of the statutes is repealed.

SECTION 554. 20.505 (1) (is) of the statutes is amended to read:

20.505 **(1)** (is) *Information technology and communications services; nonstate entities.* From the sources specified in ss. 16.972 (2) (b) and (c), 16.974 (2) and (3), and 16.997 (2) (d) and (2g) (a) 3., to provide computer, telecommunications, electronic communications, and supercomputer services, but not integrated business information system services under s. 16.971 (2) (cf), to state authorities, units of the federal government, local governmental units, and entities in the private sector, the amounts in the schedule.

SECTION 555. 20.505 (1) (ja) of the statutes is amended to read:

20.505 **(1)** (ja) *Justice information systems.* The amounts in the schedule for the development and operation of automated justice information systems under s. 16.971 (9). ~~Five−twelfths of the moneys~~ Of each $21.50 received under s. 814.86 (1), $7.50 shall be credited to this appropriation account.

SECTION 556. 20.505 (1) (jc) of the statutes is created to read:

20.505 **(1)** (jc) *Indigent civil legal services.* The amounts in the schedule to provide grants for the provision of civil legal services to indigent persons under s. 16.19. Of each $21.50 received under s. 814.86 (1), $4 shall be credited to this account.

SECTION 558. 20.505 (1) (kn) of the statutes is repealed.

SECTION 560. 20.505 (1) (kr) of the statutes is created to read:

20.505 **(1)** (kr) *Legal services.* The amounts in the schedule to provide legal services under s. 16.004 (15). All moneys received from assessments under s. 16.004 (15) (b) shall be credited to this appropriation account.

SECTION 571. 20.505 (5) (ka) of the statutes is amended to read:

20.505 **(5)** (ka) *Facility operations and maintenance; police and protection functions.* The amounts in the schedule for the purpose of financing the costs of operation of state−owned or operated facilities that are not funded from other appropriations, including custodial and maintenance services; minor projects; utilities, fuel, heat and air conditioning; assessments levied by the department under s. 16.847 (3) for ~~debt service~~ costs incurred and ~~energy cost~~ savings generated at departmental facilities; costs incurred under ss. 16.858 and 16.895 by or on behalf of the department; and supplementing the costs of operation of child care facilities for children of state employees under s. 16.841; and for police and protection functions under s. 16.84 (2) and (3). All moneys received from state agencies for the operation of such facilities, parking rental fees established under s. 16.843 (2) (bm) and miscellaneous other sources, all moneys received from assessments under s. 16.895, all moneys received for the performance of gaming protection functions under s. 16.84 (3), and all moneys transferred from the appropriation account under s. 20.865 (2) (e) for this purpose shall be credited to this appropriation account.

SECTION 571m. 20.505 (5) (kd) of the statutes is repealed.

SECTION 571n. 20.505 (5) (ke) of the statutes is amended to read:

20.505 **(5)** (ke) *Additional energy conservation construction projects.* All moneys ~~transferred from the appropriation account under par. (kd)~~ received by the department from agencies, as defined in s. 16.70 (1e), in payment of assessments under s. 16.847 (3) for energy cost savings at state facilities, for the purpose of providing additional funding to those agencies~~, as defined in s. 16.70 (1e),~~ for energy conservation construction projects at state facilities under the jurisdiction of the agencies as provided in s. 16.847 (2).

SECTION 572. 20.505 (6) (b) of the statutes is amended to read:

20.505 **(6)** (b) *Alternatives to prosecution and incarceration for persons who use alcohol or other drugs; presentencing assessments.* The amounts in the schedule for making grants to counties under s. 16.964 (12) (b) and entering into contracts under s. 16.964 (12) (j) ~~and for making grants under 2007 Wisconsin Act 20, section 9101 (4)~~.

SECTION 572g. 20.505 (6) (br) of the statutes is created to read:

20.505 **(6)** (br) *Restorative justice.* The amounts in the schedule for the grant under 2009 Wisconsin Act .... (this act), section 9101 (13f).

SECTION 572h. 20.505 (6) (br) of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed.

SECTION 572j. 20.505 (6) (j) of the statutes is created to read:

20.505 **(6)** (j) *Alternatives to prosecution and incarceration for persons who use alcohol or other drugs; justice information surcharge.* The amounts in the schedule for making grants to counties under s. 16.964 (12) (b). Of each $21.50 received under s. 814.86 (1), $1.50 shall be credited to this appropriation account.

SECTION 574. 20.505 (6) (ka) of the statutes is created to read:

20.505 **(6)** (ka) *Public safety interoperable communication system; state fees.* The amounts in the schedule to operate a statewide public safety interoperable communication system. All moneys received from public safety agencies that are state agencies as fees under s. 16.964 (15) (b) shall be credited to this appropriation account.

SECTION 575. 20.505 (6) (kc) of the statutes is repealed.

SECTION 575f. 20.505 (6) (kf) of the statutes is created to read:

20.505 **(6)** (kf) *American Indian reintegration program.* The amounts in the schedule for the American Indian reintegration program under s. 16.964 (17). All moneys transferred from the appropriation account under sub. (8) (hm) 23. 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 sub. (8) (hm).

SECTION 577. 20.505 (6) (kp) of the statutes is created to read:

20.505 **(6)** (kp) *Data gathering and analysis.* The amounts in the schedule for gathering and analyzing statistics on the justice system, including racial disparity, uniform crime reporting, and incident−based reporting. Of each $21.50 received under s. 814.86 (1), $1.50 shall be credited to this appropriation account and the amounts in the schedule under pars. (kq) and (kr) shall be transferred to those appropriation accounts.

SECTION 577d. 20.505 (6) (kq) of the statutes is created to read:

20.505 **(6)** (kq) *Traffic stop data collection; state.* The amounts in the schedule to fund state information technology and administrative costs associated with traffic stop data collection. All moneys transferred to this appropriation from the appropriation account under par. (kp) shall be credited to this appropriation account.

SECTION 577s. 20.505 (6) (kr) of the statutes is created to read:

20.505 **(6)** (kr) *Traffic stop data collection; local.* The amounts in the schedule to fund local information technology and administrative costs associated with traffic stop data collection. All moneys transferred to this appropriation from the appropriation account under par. (kp) shall be credited to this appropriation account.

SECTION 579. 20.505 (8) (hm) (intro.) of the statutes is amended to read:

20.505 **(8)** (hm) *Indian gaming receipts.* (intro.) All moneys required to be credited to this appropriation under s. 569.06, all moneys transferred under 2001 Wisconsin Act 16, sections 9201 (5mk), 9205 (1mk), 9210 (3mk), 9223 (5mk), 9224 (1mk), 9225 (1mk), 9231 (1mk), 9237 (4mk), 9240 (1mk), 9251 (1mk), 9256 (1mk), 9257 (2mk), and 9258 (2mk), and all moneys that revert to this appropriation account from the appropriation accounts specified in subds. 1c. to 19., 22., and 23., less the amounts appropriated under par. (h) and s. 20.455 (2) (gc), for the purpose of annually transferring the following amounts:

SECTION 580. 20.505 (8) (hm) 5. of the statutes is created to read:

20.505 **(8)** (hm) 5. The amount transferred to s. 20.255 (2) (km) shall be the amount in the schedule under s. 20.255 (1) (km).

SECTION 581. 20.505 (8) (hm) 6e. of the statutes is amended to read:

20.505 **(8)** (hm) 6e. The amount transferred to s. 20.435 ~~(5)~~ (1) (kb) shall be the amount in the schedule under s. 20.435 ~~(5)~~ (1) (kb).

SECTION 582. 20.505 (8) (hm) 6r. of the statutes is amended to read:

20.505 **(8)** (hm) 6r. The amount transferred to s. ~~20.143 (1) (kr)~~ 20.285 (1) (ks) shall be the amount in the schedule under s. ~~20.143 (1) (kr)~~ 20.285 (1) (ks).

SECTION 584. 20.505 (8) (hm) 18b. of the statutes is amended to read:

20.505 **(8)** (hm) 18b. The amount transferred to s. 20.435 ~~(5)~~ (1) (ke) shall be the amount in the schedule under s. 20.435 ~~(5)~~ (1) (ke).

SECTION 585. 20.505 (8) (hm) 18c. of the statutes is amended to read:

20.505 **(8)** (hm) 18c. The amount transferred to s. 20.435 ~~(7)~~ (5) (kL) shall be the amount in the schedule under s. 20.435 ~~(7)~~ (5) (kL).

SECTION 586. 20.505 (8) (hm) 18d. of the statutes is amended to read:

20.505 **(8)** (hm) 18d. The amount transferred to s. 20.435 ~~(7)~~ (5) (km) shall be the amount in the schedule under s. 20.435 ~~(7)~~ (5) (km).

SECTION 586t. 20.505 (8) (hm) 21. of the statutes is amended to read:

20.505 **(8)** (hm) 21. The amount transferred to s. ~~20.435 (3)~~ 20.437 (1) (kz) shall be ~~$500,000 in fiscal year 2007−08~~ the amount in the schedule under s. 20.437 (1) (kz).

SECTION 586v. 20.505 (8) (hm) 21d. of the statutes is created to read:

20.505 **(8)** (hm) 21d. The amount transferred to s. 20.410 (3) (kp) shall be the amount in the schedule under s. 20.410 (3) (kp).

SECTION 587. 20.505 (8) (hm) 22. of the statutes is created to read:

20.505 **(8)** (hm) 22. The amount transferred to s. 20.395 (1) (ck) shall be the amount in the schedule under s. 20.395 (1) (ck).

SECTION 587b. 20.505 (8) (hm) 23. of the statutes is created to read:

20.505 **(8)** (hm) 23. The amount transferred to sub. (6) (kf) shall be the amount in the schedule under sub. (6) (kf).

SECTION 587d. 20.505 (8) (hm) 24. of the statutes is created to read:

20.505 **(8)** (hm) 24. The amount transferred to s. 20.435 (1) (kf) shall be the amount in the schedule under s. 20.435 (1) (kf).

SECTION 589b. 20.511 (1) (b) of the statutes is amended to read:

20.511 **(1)** (b) *Election−related cost reimbursement.* ~~A sum sufficient~~ Biennially, the amounts in the schedule to reimburse municipalities for claims allowed under s. 5.68 (7).

SECTION 591. 20.511 (1) (m) of the statutes is created to read:

20.511 **(1)** (m) *Federal aid.* All moneys received from the federal government, as authorized by the governor under s. 16.54, that are not appropriated under par. (x), to be used for the administration of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19.

SECTION 592. 20.511 (1) (x) (title) of the statutes is amended to read:

20.511 **(1)** (x) (title) *Federal aid; election administration fund.*

SECTION 596. 20.545 (1) (a) of the statutes is repealed.

SECTION 597. 20.545 (1) (k) of the statutes is repealed and recreated to read:

20.545 **(1)** (k) *General program operations.* The amounts in the schedule to administer state employment relations functions and the civil service system under subchs. V and VI of ch. 111 and ch. 230, to pay awards under s. 230.48, and to defray the expenses of the state employees suggestion board. All moneys received from state agencies for materials and services provided by the office of state employment relations shall be credited to this appropriation.

SECTION 598. 20.545 (1) (km) of the statutes is amended to read:

20.545 **(1)** (km) *Collective bargaining grievance arbitrations.* The amounts in the schedule for the payment of the state's share of costs related to collective bargaining grievance arbitrations under s. 111.86 and related to collective bargaining grievance arbitrations under s. 111.993. All moneys received from state agencies for the purpose of reimbursing the state's share of the costs related to grievance arbitrations under s. 111.86 and to reimburse the state's share of costs for training related to grievance arbitrations, and all moneys received from institutions, as defined in s. 36.05 (9), for the purpose of reimbursing the state's share of the costs related to grievance arbitrations under s. 111.993 and to reimburse the state's share of costs for training related to grievance arbitrations shall be credited to this appropriation account.

SECTION 598k. 20.550 (1) (fb) of the statutes is amended to read: **Vetoed In Part**

20.550 **(1)** (fb) *Payments from clients; administrative costs.* The amounts in the schedule for the costs of determining, collecting and processing the payments received from persons as payment for legal representation under s. ~~977.07 (2),~~ 977.075 or 977.076.

SECTION 598m. 20.550 (1) (kb) of the statutes is created to read: **Vetoed In Part**

20.550 **(1)** (kb) *Assistant state public defender retention pay.* All moneys transferred from the appropriation under s. 20.455 (3) (kb) to this appropriation account for making retention payments to assistant state public defenders under s. 977.10.

SECTION 601. 20.566 (1) (gc) of the statutes is created to read:

20.566 **(1)** (gc) *Administration of transit authority taxes.* From the moneys received from the appropriation account under s. 20.835 (4) (gc), the amounts in the schedule for the purpose of administering the transit authority taxes imposed under s. 77.708. Notwithstanding s. 20.001 (3) (a), at the end of the fiscal year the unencumbered balance in this appropriation account shall be transferred to the appropriation account under s. 20.835 (4) (gc).

SECTION 601m. 20.566 (1) (gh) (title) of the statutes is amended to read:

20.566 **(1)** (gh) (title) *Administration of southeastern regional transit authority fees.*

SECTION 601s. 20.566 (1) (gn) of the statutes is created to read:

20.566 **(1)** (gn) *Ambulatory surgical center assessment.* All moneys received under s. 146.98 for administration of the assessment under s. 146.98 and to transfer moneys to the Medical Assistance trust fund as required under s. 146.98 (4).

SECTION 602. 20.566 (1) (hc) of the statutes is created to read:

20.566 **(1)** (hc) *Collections from the financial record matching program.* From moneys received from the collection of delinquent Wisconsin taxes and other debts under s. 71.91, that are collected as a result of the program under s. 71.91 (8), the amounts in the schedule to pay the costs incurred by the department of revenue and financial institutions to match account holders at financial institutions to the department's delinquent account database, as provided under s. 71.91 (8). Notwithstanding s. 20.001 (3) (a), at the end of the fiscal year the unencumbered balance of this appropriation account lapses to the general fund.

SECTION 602s. 20.566 (1) (hp) of the statutes is amended to read:

20.566 **(1)** (hp) *Administration of income tax check-off voluntary payments.* The amounts in the schedule for the payment of all administrative costs, including data processing costs, incurred in administering ss. 71.10 (5), (5e), (5f), (5fm), (5g), (5h), (5i), (5j), and (5m), and 71.30 (10). All moneys specified for deposit in this appropriation under ss. 71.10 (5) (h) 5., (5e) (h) 4., (5f) (i), (5fm) (i), (5g) (i), (5h) (i), (5i) (i), (5j), (i), and (5m) (i), and 71.30 (10) (i) and (11) (i) shall be credited to this appropriation.

SECTION 603. 20.566 (1) (t) of the statutes is created to read:

20.566 **(1)** (t) *Farmland preservation credit, 2010 and beyond.* From the working lands fund, the amounts in the schedule for administration of the farmland preservation tax credit under s. 71.613.

SECTION 606. 20.566 (2) (hm) of the statutes is amended to read:

20.566 **(2)** (hm) *Administration of tax incremental, and environmental remediation tax incremental, financing ~~program~~ programs.* All moneys received from the fees imposed under ss. 60.85 (5) (a) and (6) (am), 66.1105 (5) (a) and (6) (ae), and 66.1106 (7) (am) and (13) (b) to pay the costs of the department of revenue in providing staff and administrative services associated with tax incremental districts under ss. 60.85 ~~and~~, 66.1105, and 66.1106, and to reimburse a municipality for costs incurred by the municipality related to the department's administration of the tax incremental financing program.

SECTION 608. 20.566 (8) (q) of the statutes is amended to read:

20.566 **(8)** (q) *General program operations.* From the lottery fund, the amounts in the schedule for general program operations under ch. 565. Annually, of the moneys appropriated under this paragraph, an amount equal to the amounts in the schedule for the appropriation account under s. 20.435 ~~(7)~~ (5) (kg) shall be transferred to the appropriation account under s. 20.435 ~~(7)~~ (5) (kg).

SECTION 609. 20.625 (1) (c) of the statutes is amended to read:

20.625 **(1)** (c) *Court interpreter fees.* The amounts in the schedule to pay interpreter fees reimbursed under s. 758.19 (8) and 2009 Wisconsin Act .... (this act), section 9109 (1).

SECTION 614. 20.680 (2) (j) of the statutes is amended to read:

20.680 **(2)** (j) *Court information systems.* All moneys received under s. 758.19 (4m), all moneys received under ss. 814.61, 814.62, and 814.63 that are required to be credited to this appropriation account under those sections, and ~~one-half of the moneys~~ $6 of each $21.50 received under s. 814.86 (1) for the operation of circuit court automated information systems under s. 758.19 (4).

SECTION 617. 20.835 (1) (db) of the statutes is amended to read:

20.835 **(1)** (db) *County and municipal aid account.* ~~Beginning in 2004, a~~ A sum sufficient to make payments to counties, towns, villages, and cities under s. 79.035, less the amount paid from the appropriations under pars. (m), (q), and (r).

SECTION 618d. 20.835 (1) (m) of the statutes is created to read:

20.835 **(1)** (m) *Federal economic stimulus funds.* From the amounts received from the American Recovery and Reinvestment Act of 2009, the amounts in the schedule for the county and municipal aid programs under ss. 79.035 and 79.043.

SECTION 619. 20.835 (1) (q) of the statutes is created to read:

20.835 **(1)** (q) *County and municipal aid account; wireless 911 fund.* From the wireless 911 fund, the amounts in the schedule to make payments under s. 79.035. No moneys may be encumbered or expended from this appropriation after December 31, 2012.

SECTION 619d. 20.835 (1) (r) of the statutes is created to read:

20.835 **(1)** (r) *County and municipal aid account; police and fire protection fund.* From the police and fire protection fund, after deducting the amounts appropriated from that fund under s. 20.155 (3) (t), all moneys received from the fees collected under s. 196.025 (6) to make the payments under s. 79.035.

SECTION 620. 20.835 (2) (bb) of the statutes is created to read:

20.835 **(2)** (bb) *Jobs tax credit.* The amounts in the schedule to make the payments under ss. 71.07 (3q) (d) 2., 71.28 (3q) (d) 2., and 71.47 (3q) (d) 2.

SECTION 621m. 20.835 (2) (bL) of the statutes is created to read:

20.835 **(2)** (bL) *Film production company investment credit.* A sum sufficient to make the payments under s. 71.07 (5h) (d) 2., 71.28 (5h) (d) 2., and 71.47 (5h) (d) 2. **Vetoed In Part**

SECTION 624. 20.835 (2) (d) of the statutes is repealed.

SECTION 625. 20.835 (2) (dm) of the statutes is amended to read:

20.835 **(2)** (dm) *Farmland preservation credit.* A sum sufficient to pay the aggregate claims approved under ~~subch. IX of ch. 71~~ ss. 71.57 to 71.61.

SECTION 626. 20.835 (2) (do) of the statutes is created to read:

20.835 **(2)** (do) *Farmland preservation credit, 2010 and beyond.* The amounts in the schedule to pay the aggregate claims approved under s. 71.613 (2).

SECTION 627. 20.835 (2) (en) of the statutes is created to read:

20.835 **(2)** (en) *Beginning farmer and farm asset owner tax credit.* A sum sufficient to pay the claims approved under ss. 71.07 (8r), 71.28 (8r), and 71.47 (8r).

SECTION 628. 20.835 (2) (q) of the statutes is amended to read:

20.835 **(2)** (q) *Farmland tax relief credit.* From the lottery fund, a sum sufficient to pay the aggregate claims approved under ss. 71.07 (3m) (c), 71.28 (2m) (c), and 71.47 (2m) (c), to the extent that these claims are not paid under par. (ka). No moneys may be encumbered or expended from this appropriation account during 1999−00, or for a taxable year that begins after December 31, 2009.

SECTION 629d. 20.835 (3) (b) of the statutes is amended to read:

20.835 **(3)** (b) *School levy tax credit and first dollar credit.* A sum sufficient to make the payments under s. 79.10 (4) and (5m), to the extent that the payments are not paid under par. (qb).

SECTION 629e. 20.835 (3) (qb) of the statutes is created to read:

20.835 **(3)** (qb) *School levy tax credit; lottery fund.* From the lottery fund, the amounts in the schedule to make the payments under s. 79.10 (4).

SECTION 630. 20.835 (4) (gb) of the statutes is amended to read:

20.835 **(4)** (gb) *Special district taxes.* All moneys received from the taxes imposed under s. 77.705, and from the appropriation account under s. 20.566 (1) (gd), and all moneys received under s. 341.14 (6r) (b) 13. b., for the purpose of distribution to the special districts that adopt a resolution imposing taxes under subch. V of ch. 77, and for the purpose of financing a local professional baseball park district, except that of those tax revenues collected under subch. V of ch. 77 3% for the first 2 years of collection and 1.5% thereafter shall be credited to the appropriation account under s. 20.566 (1) (gd).

SECTION 631. 20.835 (4) (gc) of the statutes is created to read:

20.835 **(4)** (gc) *Transit authority taxes*. All moneys received from the taxes imposed under s. 77.708, and from the appropriation account under s. 20.566 (1) (gc), for the purpose of distribution to the transit authorities that adopt a resolution imposing taxes under subch. V of ch. 77, except that 1.5 percent of those tax revenues collected under subch. V of ch. 77 shall be credited to the appropriation account under s. 20.566 (1) (gc).

SECTION 632. 20.835 (4) (gh) of the statutes is amended to read:

20.835 **(4)** (gh) ~~*Regional*~~ *Southeastern regional transit authority fees.* All moneys received from the fees imposed under subch. XIII of ch. 77, and from the appropriation account under s. 20.566 (1) (gh), for distribution to the southeastern regional transit authority under s. 59.58 ~~(6)~~ (7), except that 2.55% of the moneys received from the fees imposed under subch. XIII of ch. 77 shall be credited to the appropriation account under s. 20.566 (1) (gh).

SECTION 632e. 20.855 (4) (be) of the statutes is created to read:

20.855 **(4)** (be) *Study of engineering.* The amounts in the schedule, to be disbursed by the department of administration over a 3−year period, to make grants to a municipality or a non−profit organization in a 1st class city for the purpose of furthering the study of engineering to meet the needs of business and the state. This paragraph does not apply after June 30, 2012.

SECTION 632g. 20.855 (4) (fc) of the statutes is created to read:

20.855 **(4)** (fc) *Aids for certain local purchases and projects.* The amounts in the schedule for the purposes specified in 2009 Wisconsin Act .... (this act), section 9157 (2u).

SECTION 632i. 20.855 (4) (ge) of the statutes is created to read:

20.855 **(4)** (ge) *Feeding America; Second Harvest food banks.* As a continuing appropriation, from moneys received as amounts designated under s. 71.10 (5j) (b), the net amount certified under s. 71.10 (5j) (h) 3. for Second Harvest food banks in Wisconsin that are members of Feeding America.

SECTION 633. 20.865 (1) (ci) of the statutes is amended to read:

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

SECTION 634. 20.865 (1) (cm) of the statutes is created to read:

20.865 **(1)** (cm) *Represented university faculty and academic staff pay adjustments.* A sum sufficient to supplement the appropriations to the Board of Regents of the University of Wisconsin System for the cost of compensation and related adjustments approved by the legislature under s. 111.9991 for University of Wisconsin System employees under s. 230.08 (2) (d) who are included within a collective bargaining unit for which a representative is certified under subch. VI of ch. 111, as determined under s. 20.928.

SECTION 635. 20.865 (1) (ic) of the statutes is amended to read:

20.865 **(1)** (ic) *Nonrepresented university system senior executive, faculty and academic pay adjustments.* From the appropriate program revenue and program revenue−service accounts, a sum sufficient to supplement the appropriations to the University of Wisconsin System

to pay the cost of pay and related adjustments approved by the joint committee on employment relations under s. 230.12 (3) (e) for University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included within a collective bargaining unit for which a representative is certified under subch. V or VI of ch. 111, as determined under s. 20.928, other than adjustments funded under par. (cj).

SECTION 636. 20.865 (1) (im) of the statutes is created to read:

20.865 **(1)** (im) *Represented university system faculty and academic staff pay adjustments; program revenue.* From the appropriate program revenue and program revenue−service accounts, a sum sufficient to supplement the appropriations to the Board of Regents of the University of Wisconsin System for the cost of compensation and related adjustments for University of Wisconsin System employees under s. 230.08 (2) (d) who are included within a collective bargaining unit for which a representative is certified under subch. VI of ch. 111, as determined under s. 20.928.

SECTION 637. 20.865 (1) (si) of the statutes is amended to read:

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

SECTION 638. 20.865 (1) (sm) of the statutes is created to read:

20.865 **(1)** (sm) *Represented university faculty and academic staff pay adjustments; segregated revenues.* From the appropriate segregated funds, a sum sufficient to supplement the appropriations to the Board of Regents of the University of Wisconsin System for the cost of compensation and related adjustments for University of Wisconsin System employees under s. 230.08 (2) (d) who are included within a collective bargaining unit for which a representative is certified under subch. VI of ch. 111, as determined under s. 20.928.

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), ~~(ca),~~ (cb), (cc), (cd), ~~(ce), (cf),~~ (cg), (cq), (cr), (cs), (ct), (ea), (eq), and (er), 20.395 (6) (af), (aq), (ar), and (au), 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), and (kc), ~~and (kd),~~ 20.855 (8) (a), and 20.867 (1) (a) and (b) and (3) (a), (b), (bb), (bc), (bd), (be), (bf), (bg), (bh), (bm), (bn), (bp), (bq), (br), (bu), (bv), (g), (h), (i), (kd), 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.

SECTION 641m. 20.866 (2) (s) of the statutes is renumbered 20.866 (2) (s) (intro.) and amended to read:

20.866 **(2)** (s) *University of Wisconsin; academic facilities.* (intro.) From the capital improvement fund, a sum sufficient for the board of regents of the University of Wisconsin System to acquire, construct, develop, enlarge or improve university academic educational facilities and facilities to support such facilities. The state may contract public debt in an amount not to exceed ~~$1,567,180,800~~ $1,893,731,800 for this purpose. Of this amount:

SECTION 641n. 20.866 (2) (s) 1. of the statutes is created to read:

20.866 **(2)** (s) 1. An amount equal to $123,410,000 is allocated for the Milwaukee initiative. The total amount of debt authorized under this subdivision may not exceed the following amounts on the following dates:

a. Prior to July 1, 2011, $43,365,000.

b. July 1, 2011, to June 30, 2013, $93,330,000.

c. July 1, 2013, or thereafter, $123,410,000.

SECTION 641p. 20.866 (2) (t) of the statutes is amended to read:

20.866 **(2)** (t) *University of Wisconsin; self−amortizing facilities.* From the capital improvement fund, a sum sufficient for the board of regents of the University of Wisconsin System to acquire, construct, develop, enlarge or improve university self−amortizing educational facilities and facilities to support such facilities. The state may contract public debt in an amount not to exceed ~~$1,615,268,200~~ $2,185,196,800 for this purpose. Of this amount, $4,500,000 is allocated only for the University of Wisconsin−Madison indoor practice facility for athletic programs and only at the time that ownership of the facility is transferred to the state.

SECTION 642. 20.866 (2) (tc) of the statutes is amended to read:

20.866 **(2)** (tc) *Clean water fund program.* From the capital improvement fund, a sum sufficient for the purposes of s. 281.57 (10m) and (10r) and to be transferred to the environmental improvement fund for the purposes of the clean water fund program under ss. 281.58 and 281.59. The state may contract public debt in an amount

not to exceed ~~$697,643,200~~ $777,043,200 for this purpose. Of this amount, the amount needed to meet the requirements for state deposits under 33 USC 1382 is allocated for those deposits. Of this amount, $8,250,000 is allocated to fund the minority business development and training program under s. 200.49 (2) (b). Moneys from this appropriation account may be expended for the purposes of s. 281.57 (10m) and (10r) only in the amount by which the department of natural resources and the department of administration determine that moneys available under par. (tn) are insufficient for the purposes of s. 281.57 (10m) and (10r).

SECTION 643. 20.866 (2) (td) of the statutes is amended to read:

20.866 **(2)** (td) *Safe drinking water loan program.* From the capital improvement fund, a sum sufficient to be transferred to the environmental improvement fund for the safe drinking water loan program under s. 281.61. The state may contract public debt in an amount not to exceed ~~$38,400,000~~ $45,400,000 for this purpose.

SECTION 644. 20.866 (2) (tf) of the statutes is amended to read:

20.866 **(2)** (tf) *Natural resources; nonpoint source.* From the capital improvement fund, a sum sufficient for the department of natural resources to fund nonpoint source water pollution abatement projects under s. 281.65 (4c) and (4e). The state may contract public debt in an amount not to exceed ~~$11,000,000~~ $18,000,000 for this purpose.

SECTION 645. 20.866 (2) (th) of the statutes is amended to read:

20.866 **(2)** (th) *Natural resources; urban nonpoint source cost−sharing.* From the capital improvement fund, a sum sufficient for the department of natural resources to provide cost−sharing grants for urban nonpoint source water pollution abatement and storm water management projects under s. 281.66, to provide municipal flood control and riparian restoration cost−sharing grants under s. 281.665, and to make the grant under 2007 Wisconsin Act 20, section 9135 (1i). The state may contract public debt in an amount not to exceed ~~$29,900,000~~ $35,900,000 for this purpose. Of this amount, $500,000 is allocated in fiscal biennium 2001−03 for dam rehabilitation grants under s. 31.387.

SECTION 646. 20.866 (2) (ti) of the statutes is amended to read:

20.866 **(2)** (ti) *Natural resources; contaminated sediment removal.* From the capital improvement fund, a sum sufficient for the department of natural resources to fund removal of contaminated sediment under s. 281.87. The state may contract public debt in an amount not to exceed ~~$17,000,000~~ $22,000,000 for this purpose.

SECTION 646e. 20.866 (2) (tk) of the statutes is amended to read:

20.866 **(2)** (tk) *Natural resources; environmental segregated fund supported administrative facilities.* From the capital improvement fund, a sum sufficient for the department of natural resources to acquire, construct, develop, enlarge or improve natural resource administrative office, laboratory, equipment storage and maintenance facilities. The state may contract public debt in an amount not to exceed ~~$10,339,800~~ $10,842,500 for this purpose.

SECTION 646m. 20.866 (2) (tu) of the statutes is amended to read:

20.866 **(2)** (tu) *Natural resources; segregated revenue supported facilities.* From the capital improvement fund, a sum sufficient for the department of natural resources to acquire, construct, develop, enlarge or improve natural resource administrative office, laboratory, equipment storage or maintenance facilities and to acquire, construct, develop, enlarge or improve state recreation facilities and state fish hatcheries. The state may contract public debt in an amount not to exceed ~~$73,277,700~~ $80,754,000 for this purpose.

SECTION 647. 20.866 (2) (tx) of the statutes is amended to read:

20.866 **(2)** (tx) *Natural resources; dam safety projects.* From the capital improvement fund, a sum sufficient for the department of natural resources to provide financial assistance to counties, cities, villages, towns and public inland lake protection and rehabilitation districts for dam safety projects under s. 31.385. The state may contract public debt in an amount not to exceed ~~$5,500,000~~ $9,500,000 for this purpose.

SECTION 647m. 20.866 (2) (ugm) of the statutes is created to read:

20.866 **(2)** (ugm) *Transportation; major interstate bridge construction.* From the capital improvement fund, a sum sufficient for the department of transportation to fund major interstate bridge projects under s. 84.016. The state may contract public debt in an amount not to exceed $225,000,000 for this purpose.

SECTION 648. 20.866 (2) (up) of the statutes is amended to read:

20.866 **(2)** (up) *Transportation; rail passenger route development.* From the capital improvement fund, a sum sufficient for the department of transportation to fund rail passenger route development under s. 85.061 (3). The state may contract public debt in an amount not to exceed ~~$82,000,000~~ $122,000,000 for this purpose. Of this amount, not more than $10,000,000 may be used to fund the purposes specified in s. 85.061 (3) (a) 2. and 3.

SECTION 649. 20.866 (2) (uq) of the statutes is created to read:

20.866 **(2)** (uq) *Transportation; southeast Wisconsin transit improvements.* From the capital improvement fund, a sum sufficient for the department of transportation to provide grants for transit capital improvements under s. 85.11. The state may contract public debt in an amount not to exceed $100,000,000 for this purpose.

Debt incurred under this paragraph shall be incurred prior to January 1, 2021.

SECTION 650. 20.866 (2) (uup) of the statutes is amended to read:

20.866 **(2)** (uup) *Transportation; Marquette interchange and I 94 north−south corridor reconstruction projects.* From the capital improvement fund, a sum sufficient for the department of transportation to fund the Marquette interchange reconstruction project under s. 84.014, as provided under s. 84.555, and the reconstruction of the I 94 north−south corridor, as provided under s. 84.555 (1m) ~~(a)~~. The state may contract public debt in an amount not to exceed ~~$303,300,000~~ $553,550,000 for these purposes.

SECTION 650m. 20.866 (2) (uur) of the statutes is amended to read:

20.866 **(2)** (uur) *Transportation; state highway rehabilitation projects.* From the capital improvement fund, a sum sufficient for the department of transportation to fund state highway rehabilitation projects, as provided under s. 84.95. The state may contract public debt in an amount not to exceed $250,000,000 for this purpose. In addition, the state may contract public debt in an amount not to exceed $50 million for this purpose. In addition, the state may contract public debt in an amount not to exceed $204,712,200 for this purpose.

SECTION 650t. 20.866 (2) (uus) of the statutes is created to read:

20.866 **(2)** (uus) *Transportation; major highway projects.* From the capital improvement fund, a sum sufficient for the department of transportation to fund major highway projects, as provided under s. 84.56. The state may contract public debt in an amount not to exceed $50,000,000 for these purposes.

SECTION 650x. 20.866 (2) (uut) of the statutes is created to read:

20.866 **(2)** (uut) *Transportation; state highway rehabilitation, certain projects.* From the capital improvement fund, a sum sufficient for the department of transportation to fund state highway rehabilitation projects, as provided under s. 84.57. The state may contract public debt in an amount not to exceed $60,000,000 for this purpose.

SECTION 651. 20.866 (2) (uv) of the statutes is amended to read:

20.866 **(2)** (uv) *Transportation, harbor improvements.* From the capital improvement fund, a sum sufficient for the department of transportation to provide grants for harbor improvements. The state may contract public debt in an amount not to exceed ~~$53,400,000~~ $66,100,000 for this purpose.

SECTION 652. 20.866 (2) (uw) of the statutes is amended to read:

20.866 **(2)** (uw) *Transportation; rail acquisitions and improvements.* From the capital improvement fund, a sum sufficient for the department of transportation to acquire railroad property under ss. 85.08 (2) (L) and 85.09; and to provide grants and loans for rail property acquisitions and improvements under s. 85.08 (4m) (c) and (d). The state may contract public debt in an amount not to exceed ~~$66,500,000~~ $126,500,000 for these purposes.

SECTION 652m. 20.866 (2) (ux) of the statutes is amended to read:

20.866 **(2)** (ux) *Corrections; correctional facilities.* From the capital improvement fund, a sum sufficient for the department of corrections to acquire, construct, develop, enlarge or improve adult and juvenile correctional facilities. The state may contract public debt in an amount not to exceed ~~$812,235,900~~ $819,800,800 for this purpose.

SECTION 652n. 20.866 (2) (uy) of the statutes is amended to read:

20.866 **(2)** (uy) *Corrections; self−amortizing facilities and equipment.* From the capital improvement fund, a sum sufficient for the department of corrections to acquire, develop, enlarge or improve facilities and equipment used in prison industries. The state may contract public debt in an amount not to exceed ~~$7,337,000~~ $12,779,900 for this purpose.

SECTION 652p. 20.866 (2) (v) of the statutes is amended to read:

20.866 **(2)** (v) *Health services; mental health and secure treatment facilities.* From the capital improvement fund, a sum sufficient for the department of health services to acquire, construct, develop, enlarge or extend mental health and secure treatment facilities. The state may contract public debt in an amount not to exceed ~~$172,817,700~~ $170,950,100 for this purpose.

SECTION 653. 20.866 (2) (we) of the statutes is amended to read:

20.866 **(2)** (we) *Agriculture; soil and water.* From the capital improvement fund, a sum sufficient for the department of agriculture, trade and consumer protection to provide for soil and water resource management under s. 92.14. The state may contract public debt in an amount not to exceed ~~$33,075,000~~ $40,075,000 for this purpose.

SECTION 654. 20.866 (2) (wf) of the statutes is amended to read:

20.866 **(2)** (wf) *Agriculture; conservation reserve enhancement.* From the capital improvement fund, a sum sufficient for the department of agriculture, trade and consumer protection to fund the conservation reserve enhancement program under s. 93.70. The state may contract public debt in an amount not to exceed ~~$40,000,000~~ $28,000,000 for this purpose.

SECTION 655. 20.866 (2) (wg) of the statutes is created to read:

20.866 **(2)** (wg) *Agriculture; conservation easements.* From the capital improvement fund, a sum sufficient for the department of agriculture, trade and consumer protection to purchase agricultural conservation

easements under s. 93.73. The state may contract public debt in an amount not to exceed $12,000,000 for this purpose.

SECTION 655d. 20.866 (2) (ws) of the statutes is amended to read:

20.866 **(2)** (ws) *Administration; energy conservation projects; capital improvement fund.* From the capital improvement fund, a sum sufficient for the department of administration to provide funding to agencies, as defined in s. 16.70 (1e), for energy conservation construction projects at state facilities under the jurisdiction of the agencies pursuant to s. 16.847 (2). The state may contract public debt in an amount not exceeding ~~$30,000,000~~ $80,000,000 for this purpose.

SECTION 655f. 20.866 (2) (xf) of the statutes is created to read:

20.866 **(2)** (xf) *Building commission; refunding tax−supported and self−amortizing general obligation debt incurred before July 1, 2011.* From the capital improvement fund, a sum sufficient to refund the whole or any part of any unpaid indebtedness used to finance tax−supported or self−amortizing facilities. The state may contract public debt in an amount not to exceed $309,000,000 for this purpose. Such indebtedness shall be construed to include any premium and interest payable with respect thereto. Debt incurred by this paragraph shall be incurred before July 1, 2011, and shall be repaid under the appropriations providing for the retirement of public debt incurred for tax−supported and self−amortizing facilities in proportional amounts to the purposes for which the debt was refinanced.

SECTION 655n. 20.866 (2) (y) of the statutes is amended to read:

20.866 **(2)** (y) *Building commission; housing state departments and agencies.* From the capital improvement fund, a sum sufficient to the building commission for the purpose of housing state departments and agencies. The state may contract public debt in an amount not to exceed ~~$554,279,900~~ $604,526,500 for this purpose.

SECTION 655p. 20.866 (2) (z) (intro.) of the statutes is amended to read:

20.866 **(2)** (z) *Building commission; other public purposes.* (intro.) From the capital improvement fund, a sum sufficient to the building commission for relocation assistance and capital improvements for other public purposes authorized by law but not otherwise specified in this chapter. The state may contract public debt in an amount not to exceed ~~$1,883,901,000~~ $2,104,751,000 for this purpose. Of this amount:

SECTION 655q. 20.866 (2) (zbi) of the statutes is created to read:

20.866 **(2)** (zbi) *AIDS Resource Center of Wisconsin, Inc.* From the capital improvement fund, a sum sufficient for the building commission to provide a grant to the AIDS Resource Center of Wisconsin, Inc., for construction and renovation of facilities and purchase of equipment as described in s. 13.48 (40). The state may contract public debt in an amount not to exceed $800,000 for this purpose.

SECTION 655r. 20.866 (2) (zbj) of the statutes is created to read:

20.866 **(2)** (zbj) *Bradley Center Sports and Entertainment Corporation.* From the capital improvement fund, a sum sufficient for the building commission to provide a grant to the Bradley Center Sports and Entertainment Corporation for capital maintenance and repair of its sports and entertainment facility under ch. 232. The state may contract public debt in an amount not to exceed $5,000,000 for this purpose. The total amount of debt authorized under this paragraph may not exceed the following amounts on the following dates:

1. Prior to July 1, 2010, $2,500,000.
2. July 1, 2010, or thereafter, $5,000,000.

SECTION 655s. 20.866 (2) (zbo) of the statutes is created to read:

20.866 **(2)** (zbo) *AIDS Network, Inc.* From the capital improvement fund, a sum sufficient for the building commission to provide a grant to the AIDS Network, Inc., for construction and renovation of facilities and purchase of equipment. The state may contract public debt in an amount not to exceed $300,000 for this purpose.

SECTION 655t. 20.866 (2) (zch) of the statutes is created to read:

20.866 **(2)** (zch) *Myrick Hixon EcoPark, Inc.* From the capital improvement fund, a sum sufficient for the building commission to provide a grant to Myrick Hixon EcoPark, Inc., to aid in the construction of an educational center facility in the city of La Crosse. The state may contract public debt in an amount not to exceed $500,000 for this purpose.

SECTION 655u. 20.866 (2) (zcj) of the statutes is created to read:

20.866 **(2)** (zcj) *Madison Children's Museum.* From the capital improvement fund, a sum sufficient for the building commission to provide a grant to the Madison Children's Museum for construction of a museum facility in Madison. The state may contract public debt in an amount not to exceed $250,000 for this purpose.

SECTION 655ub. 20.866 (2) (zdb) of the statutes is created to read:

20.866 **(2)** (zdb) *Grand Opera House in Oshkosh.* From the capital improvement fund, a sum sufficient for the building commission to provide a grant to the city of Oshkosh to aid in the repair and restoration of the Grand Opera House in Oshkosh. The state may contract public debt in an amount not to exceed $500,000 for this purpose.

SECTION 655uc. 20.866 (2) (zdc) of the statutes is created to read:

20.866 **(2)** (zdc) *Aldo Leopold climate change classroom and interactive laboratory.* From the capital improvement fund, a sum sufficient for the building com-

mission to provide a grant to the Aldo Leopold Nature Center, Inc., to aid in the construction of a climate change classroom and interactive laboratory that will border the cities of Madison and Monona. The state may contract public debt in an amount not to exceed $500,000 for this purpose.

SECTION 655v. 20.866 (2) (zem) of the statutes is amended to read:

20.866 **(2)** (zem) *Historical society; historic records.* From the capital improvement fund, a sum sufficient for the historical society to construct a storage facility and to acquire and install systems and equipment necessary to prepare historic records for transfer to new storage facilities. The state may contract public debt in an amount not to exceed ~~$18,650,000~~ $26,650,000 for this purpose.

SECTION 655w. 20.866 (2) (zf) of the statutes is amended to read:

20.866 **(2)** (zf) *Historical society; historic sites.* From the capital improvement fund, a sum sufficient for the historical society to acquire, construct, develop, enlarge or improve historic sites and facilities. The state may contract public debt in an amount not to exceed ~~$3,107,800~~ 10,067,800 for this purpose.

SECTION 655x. 20.866 (2) (zj) of the statutes is amended to read:

20.866 **(2)** (zj) *Military affairs; armories and military facilities.* From the capital improvement fund, a sum sufficient for the department of military affairs to acquire, construct, develop, enlarge, or improve armories and other military facilities. The state may contract public debt in an amount not to exceed ~~$32,772,500~~ $51,415,300 for this purpose.

SECTION 656. 20.866 (2) (zn) of the statutes is amended to read:

20.866 **(2)** (zn) *Veterans affairs; self−amortizing mortgage loans.* From the capital improvement fund, a sum sufficient for the department of veterans affairs for loans to veterans under s. 45.37 (6) (a). The state may contract public debt in an amount not to exceed ~~$2,205,840,000~~ $2,400,840,000 for this purpose.

SECTION 656e. 20.866 (2) (zp) of the statutes is amended to read:

20.866 **(2)** (zp) *Veterans affairs; self−amortizing facilities.* From the capital improvement fund, a sum sufficient for the department of veterans affairs to acquire, construct, develop, enlarge or improve facilities at state veterans homes. The state may contract public debt in an amount not to exceed ~~$38,051,600~~ $38,370,100 for this purpose.

SECTION 657e. 20.867 (3) (bb) of the statutes is created to read:

20.867 **(3)** (bb) *Principal repayment, interest and rebates; AIDS Network, Inc.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the construction and renovation of facilities and purchase of equipment for the AIDS Network, Inc., to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing the project, and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

SECTION 657eb. 20.867 (3) (bc) of the statutes is created to read:

20.867 **(3)** (bc) *Principal repayment, interest and rebates; Grand Opera House in Oshkosh.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the repair and restoration of the Grand Opera House in Oshkosh, to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing the project, and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

SECTION 657ec. 20.867 (3) (bd) of the statutes is created to read:

20.867 **(3)** (bd) *Principal repayment, interest and rebates; Aldo Leopold climate change classroom and interactive laboratory.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the construction of a climate change classroom and interactive laboratory that will border the cities of Madison and Monona, to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing the project, and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

SECTION 657f. 20.867 (3) (be) of the statutes is created to read:

20.867 **(3)** (be) *Principal repayment, interest and rebates; Bradley Center Sports and Entertainment Corporation.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the capital maintenance and repair of a sports and entertainment facility under ch. 232 for the Bradley Center Sports and Entertainment Corporation, to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing the project, and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

SECTION 657g. 20.867 (3) (bf) of the statutes is created to read:

20.867 **(3)** (bf) *Principal repayment, interest and rebates; AIDS Resource Center of Wisconsin, Inc.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the construction and renovation of facilities and purchase of equipment for the AIDS Resource Center of Wisconsin, Inc., as described in s. 13.48 (40), to make the payments determined by the building commission under s. 13.488

(1) (m) that are attributable to the proceeds of obligations incurred in financing the project, and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

SECTION 657h. 20.867 (3) (bg) of the statutes is created to read:

20.867 **(3)** (bg) *Principal repayment, interest, and rebates; Madison Children's Museum.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the construction of a museum facility in Madison for the Madison Children's Museum, to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing the project, and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

SECTION 657i. 20.867 (3) (bh) of the statutes is created to read:

20.867 **(3)** (bh) *Principal repayment, interest, and rebates; Myrick Hixon EcoPark, Inc.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the construction of an educational center facility in the city of La Crosse, to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing the project, and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

SECTION 657m. 20.867 (3) (h) of the statutes is amended to read:

20.867 **(3)** (h) *Principal repayment, interest, and rebates.* A sum sufficient to guarantee full payment of principal and interest costs for self−amortizing or partially self−amortizing facilities enumerated under ss. 20.190 (1) (j), 20.245 (1) (j), 20.285 (1) (im), (je), (jq), (kd), (km), and (ko), 20.370 (7) (eq), 20.485 (1) (go), and ~~20.505 (5) (kd)~~ 20.867 (3) (kd) if moneys available in those appropriations are insufficient to make full payment, to make full payment of the amounts determined by the building commission under s. 13.488 (1) (m) if the appropriation under s. 20.190 (1) (j), 20.245 (1) (j), 20.285 (1) (im), (je), (jq), (kd), (km), or (ko), 20.485 (1) (g), ~~or~~ ~~20.505 (5) (kd)~~ 20.867 (3) (kd) is insufficient to make full payment of those amounts, and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a). All amounts advanced under the authority of this paragraph shall be repaid to the general fund whenever the balance of the appropriation for which the advance was made is sufficient to meet any portion of the amount advanced. The department of administration may take whatever action is deemed necessary including the making of transfers from program revenue appropriations and corresponding appropriations from program receipts in segregated funds and including actions to enforce contractual obligations that will result in additional program revenue for the state, to ensure recovery of the amounts advanced.

SECTION 657p. 20.867 (3) (kd) of the statutes is created to read:

20.867 **(3)** (kd) *Energy conservation construction projects; principal repayment, interest and rebates.* All moneys received by the building commission from agencies, as defined in s. 16.70 (1e), in payment of assessments under s. 16.847 (3), for the purpose of reimbursing s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing energy conservation construction projects at state facilities, to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing energy conservation construction projects at state facilities, and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

SECTION 660. 20.917 (3) (b) of the statutes is amended to read:

20.917 **(3)** (b) This subsection applies to employees in all positions in the civil service, including those employees in positions included in collective bargaining units under subch. V or VI of ch. 111, whether or not the employees are covered by a collective bargaining agreement.

SECTION 661. 20.923 (4) (b) 6. of the statutes is amended to read:

20.923 **(4)** (b) 6. ~~Parole~~ Earned release review commission: chairperson.

SECTION 662. 20.923 (6) (intro.) of the statutes is amended to read:

20.923 **(6)** SALARIES SET BY APPOINTING AUTHORITIES. (intro.) Salaries for the following positions may be set by the appointing authority, subject to restrictions otherwise set forth in the statutes and the compensation plan under s. 230.12, except where the salaries are a subject of bargaining with a certified representative of a collective bargaining unit under s. 111.91 or 111.998:

SECTION 663. 20.928 (1) of the statutes is amended to read:

20.928 **(1)** Each state agency head shall certify to the department of administration, at such time and in such manner as the secretary of administration prescribes, the sum of money needed by the state agency from the appropriations under s. 20.865 (1) (c), (ci), (cm), (cj), (d), (i), (ic), (im), (j), (s), (si), (sm), and (t). Upon receipt of the certifications together with such additional information as the secretary of administration prescribes, the secretary shall determine the amounts required from the respective appropriations to supplement state agency budgets.

SECTION 664xg. 23.0916 (6) of the statutes is amended to read:

23.0916 **(6)** REPORTING REQUIREMENT. The department shall prepare ~~an annual~~ a biennial report that identi-

fies all land subject to this section that has been acquired during ~~each~~ the preceding fiscal ~~year~~ biennium and upon which public access for any nature−based outdoor activity is prohibited. For each acquisition, the report shall specify for which of these nature−based outdoor activities public access is prohibited and shall include the reason for the prohibition. The department shall submit the report to the joint committee on finance and to the appropriate standing committees of the legislature in the manner provided under s. 13.172 (3). The department shall submit the report no later than November 15 for the preceding fiscal ~~year~~ biennium and shall submit the first biennial report no later than November 15, ~~2008~~ 2009.

SECTION 664xm. 23.09165 (2) (a) of the statutes is renumbered 23.09165 (2).

SECTION 664xp. 23.09165 (2) (b) of the statutes is repealed.

SECTION 664xs. 23.09165 (3) (e) of the statutes is repealed.

SECTION 664xv. 23.0917 (6m) (a) of the statutes is amended to read:

23.0917 **(6m)** (a) The department may not obligate from the appropriation under s. 20.866 (2) (ta) for a given project or activity any moneys unless it first notifies the joint committee on finance in writing of the proposal. The committee may schedule a meeting to review the department's proposal only if at least 5 members of the committee, one of whom is a cochairperson, object to the proposal in writing. If the cochairpersons of the committee do not notify the department within 14 working days after the date of the department's notification that the committee has scheduled a meeting to review the proposal, the department may obligate the moneys. If, within 14 working days after the date of the notification by the department, the cochairpersons of the committee notify the department that the committee has scheduled a meeting to review the proposal, the department may obligate the moneys only upon approval of the committee unless par. (b) applies. A proposal as submitted by the department is approved unless a majority of the members of the committee who attend the meeting to review the proposal vote to modify or deny the proposal.

SECTION 665. 23.094 (2) (c) 3. of the statutes is repealed.

SECTION 665b. 24.61 (3) (a) 13. of the statutes is created to read:

24.61 **(3)** (a) 13. A local professional baseball park district created under subch. III of ch. 229 for the purpose under s. 229.68 (16) (a).

SECTION 665d. 24.61 (3) (b) of the statutes is amended to read:

24.61 **(3)** (b) *Terms; conditions.* A municipality, cooperative educational service agency, drainage district created under ch. 88, local professional baseball park district created under subch. III of ch. 229, or federated public library system may obtain a state trust fund loan for the sum of money, for the time and upon the conditions as may be agreed upon between the board and the borrower, subject to the limitations, restrictions, and conditions set forth in this subchapter.

SECTION 665f. 24.66 (3w) of the statutes is created to read:

24.66 **(3w)** LOCAL PROFESSIONAL BASEBALL PARK DISTRICT. An application for a loan by a local professional baseball park district created under subch. III of ch. 229 shall be accompanied by a certified copy of a resolution of the district board of the local professional baseball park district approving the loan.

SECTION 665h. 24.67 (1) (intro.) of the statutes is amended to read:

24.67 **(1)** (intro.) If the board approves the application, it shall cause certificates of indebtedness to be prepared in proper form and transmitted to the municipality, cooperative educational service agency, local professional baseball park district created under subch. III of ch. 229, or federated public library system submitting the application. The certificate of indebtedness shall be executed and signed:

SECTION 665j. 24.67 (1) (p) of the statutes is created to read:

24.67 **(1)** (p) For a local professional baseball park district created under subch. III of ch. 229, by the chairperson of the district board.

SECTION 665L. 24.67 (2) (j) of the statutes is created to read:

24.67 **(2)** (j) For a local professional baseball park district created under subch. III of ch. 229, by the secretary of the district board.

SECTION 665n. 24.67 (3) of the statutes is amended to read:

24.67 **(3)** If a municipality has acted under subs. (1) and (2), it shall certify that fact to the department of administration. Upon receiving a certification from a municipality, or upon direction of the board if a loan is made to a cooperative educational service agency, drainage district created under ch. 88, local professional baseball park district created under subch. III of ch. 229, or a federated public library system, the secretary of administration shall draw a warrant for the amount of the loan, payable to the treasurer of the municipality, cooperative educational service agency, drainage district, or federated public library system making the loan or as the treasurer of the municipality, cooperative educational service agency, drainage district, local professional baseball park district, or federated public library system directs. The certificate of indebtedness shall then be conclusive evidence of the validity of the indebtedness and that all the requirements of law concerning the application for the making and acceptance of the loan have been complied with.

SECTION 665p. 24.70 (1) of the statutes is amended to read:

24.70 **(1)** APPLICABILITY. This section applies to all outstanding state trust fund loans to borrowers other than school districts, drainage districts created under ch. 88, local professional baseball park districts created under subch. III of ch. 229, and federated public library systems.

SECTION 665r. 24.717 of the statutes is created to read:

24.717 Collections from local professional baseball park districts. (1) APPLICABILITY. This section applies to all outstanding trust fund loans to local professional baseball park districts created under subch. III of ch. 229.

(2) CERTIFIED STATEMENT. If a local professional baseball park district has a state trust fund loan, the board of commissioners of public lands shall transmit to the local professional baseball park district board a certified statement of the amount due on or before October 1 of each year until the loan is paid. The board of commissioners of public lands shall furnish a copy of each certified statement to the department of administration.

(3) PAYMENT TO BOARD. The local professional baseball park district board shall transmit to the board of commissioners of public lands on its own order the full amount levied for state trust fund loans within 15 days after March 15. Any payment not made by March 30 is delinquent and is subject to a penalty of 1 percent per month or fraction thereof, to be paid to the board of commissioners of public lands with the delinquent payment.

(4) FAILURE TO MAKE PAYMENT. If the local professional baseball park district board fails to remit the amounts due under sub. (3), the secretary of administration, upon certification of delinquency by the board of commissioners of public lands, shall deduct the amount due, including any penalty, from any state payments due the district, shall remit such amount to the secretary of administration, and, no later than June 15, shall notify the district board and the board of commissioners of public lands to that effect.

SECTION 665s. 24.80 of the statutes is amended to read:

24.80 Normal school fund. The lands and moneys described in s. 24.79, not being granted for any other specified purpose, accrue to the school fund under article X, section 2, of the constitution; and having been found unnecessary for the support and maintenance of common schools, are appropriated to the support and maintenance of state universities and suitable libraries and apparatus therefor, and to that end are set apart and denominated the "Normal School Fund". All lands, moneys, loans, investments and securities set apart to the normal school fund and all swamp lands and income and interest received on account of the capital of that fund constitute a separate and perpetual fund. ~~All~~ Except as provided in ss. 20.255 (1) (q) and 20.285 (1) (rm), all income and interest from the normal school fund shall be paid into the general fund as general purpose revenue. Normal school fund income, interest and revenues do not include expenses deducted from gross receipts permitted under ss. 24.04 (2), 24.53 and 24.62 (1).

SECTION 665ss. 25.17 (1) (jx) of the statutes is created to read:

25.17 **(1)** (jx) Military family relief fund (s. 25.38);

SECTION 665su. 25.17 (1) (kb) of the statutes is created to read: **Vetoed In Part**

25.17 **(1)** (kb) 911 fund (s. 25.985);

SECTION 665t. 25.17 (1) (ku) of the statutes is created to read:

25.17 **(1)** (ku) Police and fire protection fund (s. 25.99);

SECTION 665w. 25.17 (1) (ku) of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed. **Vetoed In Part**

SECTION 666. 25.17 (1) (yx) of the statutes is created to read:

25.17 **(1)** (yx) Working lands fund (s. 25.466);

SECTION 667. 25.17 (59) of the statutes is repealed.

SECTION 667m. 25.18 (3) of the statutes is created to read:

25.18 **(3)** Notwithstanding s. 19.45 (4), investment board employees may disclose information to other investment board employees who are also students participating in a program in the School of Business at the University of Wisconsin−Madison related to applied securities analysis, or participating in a comparable program, if the only use of the information unrelated to investment board purposes would be for purposes related to the program.

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 668s. 25.38 of the statutes is created to read:

25.38 Military family relief fund. There is established a separate nonlapsible trust fund designated as the military family relief fund. The fund shall consist of money deposited in the fund under s. 71.10 (5i) (i), together with all donations, gifts, or bequests made to the fund.

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 669d. 25.40 (1) (a) 3. of the statutes, as affected by 2009 Wisconsin Act .... (this act), 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), 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), 341.307 (4) (a), 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:

25.40 **(1)** (a) 25. Moneys received under s. 341.14 (6r) (b) 12. that are deposited in the conservation fund and credited to the appropriation under s. 20.370 (1) (fs).

SECTION 675. 25.40 (1) (a) 26. of the statutes is created to read:

25.40 **(1)** (a) 26. Moneys received under s. 341.14 (6r) (b) 13. that are deposited into the general fund and credited to the appropriation accounts under ss. 20.395 (5) (ej) and 20.835 (4) (gb).

SECTION 675m. 25.40 (1) (a) 27. of the statutes is created to read:

25.40 **(1)** (a) 27. Moneys received under s. 344.63 (1) (d) that are deposited in a trust account for the benefit of the depositors and claimants.

SECTION 677. 25.43 (2s) of the statutes is created to read:

25.43 **(2s)** (a) If the secretary of administration determines that the moneys available in the dry cleaner environmental response fund are insufficient to pay awards under s. 292.65, the secretary of administration and the secretary of natural resources may enter into an agreement establishing terms and conditions for the transfer of moneys from the environmental improvement fund to the dry cleaner environmental response fund, including a maximum transfer amount, and the repayment to the environmental improvement fund of the amount transferred plus interest when sufficient funds are available in the dry cleaner environmental response fund. The maximum transfer amount specified in an agreement under this paragraph may not exceed the lesser of the following:

1. Six million two hundred thousand dollars.

2. The difference between $20,000,000 and the amount that has been expended under s. 20.320 (1) (sm) when the agreement is entered into.

(b) If the secretaries enter into an agreement under this subsection, the secretary of administration may transfer from the environmental improvement fund to the dry cleaner environmental response fund an amount that does not exceed the lesser of the amount of the shortfall in the dry cleaner environmental response fund or the maximum amount specified in the agreement under par. (a).

SECTION 678. 25.46 (7) of the statutes is amended to read:

25.46 **(7)** The fees imposed under s. 289.67 (1) for environmental management, except that for each ton of waste ~~for which the fee is $1.60 per ton, 75 cents~~, $3.20 is for nonpoint source water pollution abatement.

SECTION 679. 25.466 of the statutes is created to read:

25.466 Working lands fund. There is created a separate trust fund designated as the working lands fund, consisting of all moneys received under ss. 91.48 (2) (c) and 91.66 (1) (c) and all moneys received due to the sale, modification, or termination of an easement purchased under s. 93.73.

SECTION 680. 25.47 (4m) of the statutes is created to read:

25.47 **(4m)** The payments under s. 101.1435 (3).

SECTION 680n. 25.60 of the statutes is amended to read: **Vetoed In Part**

25.60 Budget stabilization fund. There is created a separate nonlapsible trust fund designated as the budget stabilization fund, consisting of moneys transferred to the fund from the general fund under ss. 13.48 (14) (c), 16.518 (3), and 16.72 (4) (b) 1.

SECTION 681. 25.75 (2) of the statutes is amended to read:

25.75 **(2)** CREATION. There is created a separate nonlapsible trust fund known as the lottery fund, to consist of gross lottery revenues received by the department of revenue and moneys transferred to the lottery fund under ss. 20.435 ~~(7)~~ (5) (kg), 20.455 (2) (g), and 20.505 (8) (am), (g), and (jm).

SECTION 681g. 25.77 (13) of the statutes is created to read:

25.77 **(13)** All moneys transferred under s. 146.98 (4).

Vetoed In Part

SECTION 681i. 25.985 of the statutes is created to read:

25.985 911 fund. There is established a separate nonlapsible trust fund designated as the 911 fund, consisting of deposits by the public service commission under s. 256.35 (3g) (a) 4. a.

SECTION 682k. 25.99 of the statutes is created to read:

25.99 Police and fire protection fund. There is established a separate nonlapsible trust fund designated as the police and fire protection fund, consisting of deposits by the public service commission and department of revenue under s. 196.025 (6) (c) 3.

Vetoed In Part

SECTION 682L. 25.99 of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed.

SECTION 682m. 26.39 (7) (a) of the statutes is amended to read:

26.39 **(7)** (a) From the appropriation under s. 20.370 (5) (ax), the department shall establish a scholarship grant program to assist individuals who are seeking certification by the Wisconsin Professional Loggers Association as master loggers or who are seeking logger safety training certified by the Wisconsin Professional Loggers Association. A scholarship grant under the program may not exceed 50 percent of the total cost of receiving the certification or training. The department shall promulgate rules that establish criteria for the program.

SECTION 685g. 27.01 (15) (b) of the statutes is renumbered 27.01 (15) (b) (intro.) and amended to read:

27.01 **(15)** (b) (intro.) The number of state park campsites with electric receptacles shall be maintained by the department so that ~~not~~ all of the following apply:

1. No more than ~~25%~~ 30 percent of all state park campsites in the state have electric receptacles ~~and not.~~

3. No less than ~~25%~~ 25 percent of all state park campsites in the state are rustic state park campsites.

SECTION 685h. 27.01 (15) (b) 2. of the statutes is created to read:

27.01 **(15)** (b) 2. No more than 50 percent of the state park campsites in any one state park have electric receptacles.

SECTION 686. 29.2295 (4) (a) of the statutes is amended to read:

29.2295 **(4)** (a) ~~Annually~~ For each fiscal year, the department ~~may~~ shall pay to the band an amount for the issuance of the approvals specified in sub. (2) (a) to (L) within the reservation.

SECTION 687. 29.2295 (4) (am) of the statutes is created to read:

29.2295 **(4)** (am) The payment under par. (a) shall be equal to the amount appropriated for that fiscal year under s. 20.370 (9) (hk) or the amount calculated under par. (b), whichever is greater.

SECTION 688. 29.2295 (4) (b) (intro.) of the statutes is repealed and recreated to read:

29.2295 **(4)** (b) (intro.) For purposes of par. (am), the calculated amount shall be the sum of the following:

SECTION 689. 29.2295 (4) (b) 1. of the statutes is amended to read:

29.2295 **(4)** (b) 1. The amount in fees received by the department from the issuance of the approvals specified in sub. (2) (a) to (j) during the preceding fiscal year by issuing agents other than the band at locations within the reservation.

SECTION 690. 29.2295 (4) (b) 2. of the statutes is amended to read:

29.2295 **(4)** (b) 2. An amount calculated by multiplying the number of resident and nonresident sports licenses issued during the preceding fiscal year by issuing agents other than the band at locations within the reservation by the amount of the fee for an annual fishing license, including the portion of the issuing fee for an annual fishing license that the department receives.

SECTION 691. 29.2295 (4) (c) 1. of the statutes is amended to read:

29.2295 **(4)** (c) 1. ~~The~~ Subject to subd. 2., the department shall make the ~~payments~~ payment under ~~this subsection~~ par. (a) from the appropriation under s. 20.370 (9) (hk).

SECTION 692. 29.2295 (4) (c) 2. of the statutes is repealed and recreated to read:

29.2295 **(4)** (c) 2. If the amount calculated under par. (b) for a fiscal year exceeds the amount appropriated under s. 20.370 (9) (hk) for that fiscal year, the department shall make a payment from the appropriation under s. 20.370 (9) (ht) to the band that equals the difference between the 2 amounts.

SECTION 693. 29.2295 (4m) of the statutes is repealed.

SECTION 694. 29.2295 (5) (b) of the statutes is amended to read:

29.2295 **(5)** (b) A requirement that the fees collected and retained by the band under sub. (3) and the payments received under sub. (4) be used only for fishery management within the reservation.

SECTION 695. 29.563 (14) (a) 1. of the statutes is amended to read:

29.563 **(14)** (a) 1. The processing fee for applications for approvals under the cumulative preference systems for the hunter's choice deer hunting permit, bonus deer hunting permit, wild turkey hunting license, Class A bear license, Canada goose hunting permit, sharp−tailed grouse hunting permit, ~~bobcat hunting and trapping permit,~~ otter trapping permit, fisher trapping permit or sturgeon fishing permit: $2.75.

SECTION 696. 29.563 (14) (a) 1m. of the statutes is created to read:

29.563 **(14)** (a) 1m. The processing fee for applications for bobcat hunting and trapping permits: $5.75.

SECTION 697. 29.563 (14) (a) 3. of the statutes is amended to read:

29.563 **(14)** (a) 3. The processing fee for applications for elk hunting licenses: ~~$2.75~~ $9.75.

SECTION 697c. 29.564 (title) and (1) of the statutes are amended to read:

29.564 (title) **Voluntary contributions; ~~lake research~~ invasive species grants. (1)** Any applicant for a fishing license under s. 29.563 (3) (a) to (c) may, in addition to paying any fee charged for the license, elect to make a voluntary ~~$1~~ contribution of at least $2 to be used for ~~lake~~ research by the department concerning invasive species that are aquatic species and for grants under s. 23.22 (2) (c) to control invasive species that are aquatic species.

SECTION 697g. 29.564 (1m) of the statutes is created to read:

29.564 **(1m)** If a person appointed under s. 29.024 (6) (a) 2., 3., or 4., collects a voluntary contribution under sub. (1) from an applicant for a fishing license, the person collecting the voluntary contribution may retain 50 cents of the voluntary contribution to compensate for the person's services in collecting the voluntary contribution.

SECTION 697m. 29.564 (2) of the statutes is amended to read:

29.564 **(2)** All moneys collected under sub. (1), less the amount retained as authorized under sub. (1m), shall be deposited into the account under s. 20.370 (3) (is).

SECTION 698. 29.889 (7) (b) 1. of the statutes is amended to read:

29.889 **(7)** (b) 1. If the amount of the claim is ~~$250~~ $500 or less, the claimant will receive no payment.

SECTION 699. 29.889 (7) (b) 2. of the statutes is amended to read:

29.889 **(7)** (b) 2. If the amount of claim is more than ~~$250~~ $500 but not more than $5,250, the claimant will be paid 100% of the amount of the claim that exceeds ~~$250~~ $500.

SECTION 700. 29.889 (7) (b) 4. of the statutes is amended to read:

29.889 **(7)** (b) 4. The total amount paid to a claimant under this paragraph may not exceed ~~$15,000~~ $10,000 for each claim.

SECTION 702. 30.29 (3) (b) of the statutes is amended to read:

30.29 **(3)** (b) *Agriculture activities.* A person operating a motor vehicle while the person is engaged in agricultural use, as defined under s. 91.01 ~~(1)~~ (2).

SECTION 702m. 30.443 (1) (a) of the statutes is amended to read:

30.443 **(1)** (a) Promulgate rules establishing standards for erosion prevention or control at sites in the riverway that are not subject to the standards established under s. ~~101.1205 (1) or~~ 101.653 (2) or 281.33 (3m) (a) and that have a natural slope of 20% or less.

SECTION 702r. 30.443 (1) (b) of the statutes is amended to read:

30.443 **(1)** (b) Promulgate rules establishing standards for erosion prevention or control that are in addition to standards established under ss. ~~101.1205 (1) and~~ 101.653 (2) and 281.33 (3m) (a) for sites in the riverway that are subject to those standards and that have a natural slope of 12% or more but 20% or less.

SECTION 702t. 30.443 (2) of the statutes is amended to read:

30.443 **(2)** The board may impose any of the applicable standards established under sub. (1) (a) or (b) or ss. ~~101.1205 (1) and~~ 101.653 (2) or 281.33 (3m) (a) as a condition for receiving a permit under s. 30.44 (1), and the board may promulgate rules to enforce these standards in the riverway.

SECTION 703. 30.52 (3) (b) of the statutes is amended to read:

30.52 **(3)** (b) *Fee for boats under 16 feet.* The fee for the issuance or renewal of a certificate of number for a boat less than 16 feet in length is ~~$19~~ $22.

SECTION 704. 30.52 (3) (c) of the statutes is amended to read:

30.52 **(3)** (c) *Fee for boats 16 feet or more but less than 26 feet.* The fee for the issuance or renewal of a certificate of number for a boat 16 feet or more but less than 26 feet in length is ~~$28~~ $32.

SECTION 705. 30.52 (3) (d) of the statutes is amended to read:

30.52 **(3)** (d) *Fee for boats 26 feet or more but less than 40 feet.* The fee for the issuance or renewal of a certificate of number for a boat 26 feet or more but less than 40 feet in length is ~~$52~~ $60.

SECTION 706. 30.52 (3) (e) of the statutes is amended to read:

30.52 **(3)** (e) *Fee for boats 40 feet or longer.* The fee for the issuance or renewal of a certificate of number for a boat 40 feet or more in length is ~~$86~~ $100.

SECTION 706c. 30.52 (3m) (title) and (a) of the statutes are amended to read:

30.52 **(3m)** (title) VOLUNTARY CONTRIBUTIONS; ~~LAKE RESEARCH~~ INVASIVE SPECIES GRANTS. (a) Any applicant for the issuance or renewal of a certificate of number or registration under sub. (3) (b) to (im) may, in addition to paying the fee charged for the certificate, elect to make a voluntary ~~$3~~ contribution of at least $2 to be used for ~~lake~~ research by the department concerning invasive species that are aquatic species and for grants under s. 23.22 (2) (c) to control invasive species that are aquatic species.

SECTION 706g. 30.52 (3m) (am) of the statutes is created to read:

30.52 **(3m)** (am) If a person appointed under sub. (1m) (a) 3. collects a voluntary contribution under par. (a) from an applicant for the issuance or renewal of a certificate of number or registration, the person collecting the

voluntary contribution may retain 50 cents of the voluntary contribution to compensate for the person's services in collecting the voluntary contribution.

SECTION 706k. 30.52 (3m) (b) of the statutes is amended to read:

30.52 **(3m)** (b) All moneys collected under par. (a), less the amount retained as authorized under par. (am), shall be deposited into the account under s. 20.370 (3) (is).

Vetoed In Part

SECTION 706m. 30.527 of the statutes is created to read:

30.527 Nonresident boat sticker. (1) Except as provided in sub. (2), beginning on January 1, 2010, no person may operate, and no owner may give permission for operation of, a boat in the waters of this state unless a nonresident boat sticker issued under this subsection is displayed on the boat.

(2) The requirement under sub. (1) does not apply to a person who operates, or gives permission for the operation of, a boat if any of the following applies:

(a) The boat is covered by a registration issued by the department under s. 30.51 (1) (b).

(b) The boat is exempt from registration under s. 30.51 (2) (a) 1., 2., 3m., 4., or 6. to 9. or (c) 1., 2., or 4.

(c) The boat does not land or dock at, or launch from, a pier, wharf, or other area on, or extending from, the shore of the waters of this state.

(3) A person who applies for issuance of a nonresident boat sticker under this section shall pay the department a fee of $14.25. A nonresident boat sticker issued under this section may be issued only by the department and persons appointed by the department and expires on December 31 of each year.

(4) (a) The department may appoint any person who is not an employee of the department as the department's agent to issue nonresident boat stickers and to collect the fees for these stickers.

(b) Any person, including the department, who issues a nonresident boat sticker shall collect in addition to the fee under sub. (3) an issuing fee of 75 cents. An agent appointed under sub. (3) may retain 50 cents of the issuing fee to compensate the agent for the agent's services in issuing the sticker.

(c) The department shall establish, by rule, procedures for issuing nonresident boat stickers and the department may promulgate rules regulating the activities of persons who are appointed to be agents under this subsection.

Vetoed In Part

SECTION 706r. 31.02 (4g) of the statutes is repealed.

SECTION 706s. 31.02 (4r) of the statutes is repealed.

SECTION 707. 31.19 (1) of the statutes is renumbered 31.19 (1m) and amended to read:

31.19 **(1m)** DETERMINATION OF DAM SIZE. For the purposes of this section, a dam is considered to be a large dam if either of the following applies:

(a) It has a structural height of 25 feet or more and impounds more than 15 acre−feet of water~~; or~~.

(b) It has a structural height of more than 6 feet and impounds ~~more than~~ 50 acre−feet or more of water.

SECTION 708. 31.19 (1g) of the statutes is created to read:

31.19 **(1g)** DEFINITIONS. In this section:

(a) "High hazard dam" means a large dam the failure of which would probably cause loss of human life.

(b) "Low hazard dam" means a large dam the failure of which would probably not cause significant property damage or loss of human life.

(c) "Significant hazard dam" means a large dam the failure of which would probably cause significant property damage but would probably not cause loss of human life.

SECTION 709. 31.19 (2) (title) of the statutes is amended to read:

31.19 **(2)** (title) ~~DECENNIAL~~ LARGE DAM INSPECTION.

SECTION 710. 31.19 (2) (a) of the statutes is amended to read:

31.19 **(2)** (a) ~~*Requirement*~~ *Inspection by the department*. ~~Except as provided under par. (b), at~~ At least once every 10 years the department shall conduct a detailed inspection of each high hazard dam ~~which is maintained or operated in or across navigable waters~~ and each significant hazard dam.

SECTION 711. 31.19 (2) (ag) of the statutes is created to read:

31.19 **(2)** (ag) *Owner responsibility.* 1. Owners of each high hazard dam, each significant hazard dam, and each low hazard dam shall engage a professional engineer registered under s. 443.04 to inspect the dam as specified in this paragraph.

2. An owner of a high hazard dam shall cause the dam to be inspected at least 4 times between each inspection conducted by the department under par. (a). An owner of a significant hazard dam shall cause the dam to be inspected at least 2 times between each inspection conducted by the department under par. (a). An owner of a low hazard dam shall cause the dam to be inspected at least once every 10 years.

3. The owner of a dam required to be inspected under this paragraph shall submit to the department, no later than 90 days after the date of the inspection, a report of the results of the inspection. The report shall include information on any deficiencies in the dam, recommendations for addressing those deficiencies, and recommendations on improving the safety and structural integrity of the dam.

SECTION 712. 31.19 (2) (ar) of the statutes is created to read:

31.19 **(2)** (ar) *Dam classification.* The department shall classify each dam in this state as a high hazard, sig-

nificant hazard, or low hazard dam for the purpose of this section.

SECTION 712m. 31.19 (2) (b) of the statutes is amended to read:

31.19 **(2)** (b) *Exemption for federally inspected dams.* ~~An~~ Notwithstanding the inspection requirements under pars. (a) and (ag), an inspection under par. (a) or (ag) is not required if the dam is inspected periodically by or under the supervision of a federal agency in a manner which is acceptable to the department and if the results of each inspection are made available to the department.

SECTION 713. 31.385 (1b) (intro.) and (a) of the statutes are consolidated, renumbered 31.385 (1b) and amended to read:

31.385 **(1b)** In this section~~: (a) "Dam~~ "dam safety project" means the maintenance, repair, modification, abandonment or removal of a dam to increase its safety or any other activity that will increase the safety of a dam.

SECTION 714. 31.385 (1b) (b) of the statutes is repealed.

SECTION 715. 31.385 (1m) (b) of the statutes is amended to read:

31.385 **(1m)** (b) To private owners for the removal of ~~small~~ dams.

SECTION 715g. 31.385 (2) (a) 1. of the statutes is renumbered 31.385 (2) (a) 1. (intro.) and amended to read:

31.385 **(2)** (a) 1. (intro.) Except as provided in subd. 2., financial assistance for a dam safety project is limited to ~~no~~ the sum of the following:

a. No more than 50% of the ~~cost~~ first $400,000 of costs of the project.

SECTION 715m. 31.385 (2) (a) 1. b. of the statutes is created to read:

31.385 **(2)** (a) 1. b. No more than 25 percent of the costs of the project that exceed $400,000.

SECTION 716. 31.385 (2) (a) 2. of the statutes is amended to read:

31.385 **(2)** (a) 2. A project to remove ~~an abandoned~~ a dam shall not be subject to the ~~50%~~ cost ~~limit~~ limits under subd. 1.

SECTION 717. 31.385 (2) (a) 3. of the statutes is amended to read:

31.385 **(2)** (a) 3. Financial assistance is limited to no more than ~~$200,000~~ $400,000 for each dam safety project.

SECTION 718. 31.385 (2) (ag) of the statutes is amended to read:

31.385 **(2)** (ag) Of the amounts appropriated under s. 20.866 (2) (tL) and (tx), at least $250,000 shall be used for projects to remove ~~small~~ dams. A project to remove a ~~small~~ dam may include restoring the stream or river that was dammed.

SECTION 719. 31.385 (2) (ar) of the statutes is amended to read:

31.385 **(2)** (ar) Of the amounts appropriated under s. 20.866 (2) (tL) and (tx), at least $100,000 shall be used for the removal of abandoned dams. The amounts required to be used under this paragraph are in addition to the amounts required to be used for the removal of dams under par. (ag).

SECTION 721d. 31.385 (6) of the statutes is created to read:

31.385 **(6)** (a) Notwithstanding the limitations under sub. (2) (a) and the funding allocation requirements under sub. (2) (ag) and (ar), the department shall provide financial assistance to all of the following:

1. Adams County for a dam safety project for Easton Dam in the amount necessary for the project, but not to exceed $150,000.

2. The city of Stanley for a dam safety project for Stanley Dam in the amount necessary for the project, but not to exceed $150,000.

3. The city of Montello for a dam safety project for Montello Dam, in the amount necessary for the project, but not to exceed $150,000.

4. Eau Claire County for dam safety projects for Lake Altoona Dam, for Lake Eau Claire Dam, and for a dam located in Coon Fork Lake County Park, in the amount necessary for the projects, but not to exceed $27,000.

(b) The counties and cities need not contribute to the costs of the dam safety projects under par. (a) 1. to 4., and sub. (2) (c) does not apply to these projects. The dam safety projects under par. (a) 1. to 4. need not be included as dam safety projects under the inventory maintained by the department under sub. (4) in order to receive financial assistance under this subsection.

SECTION 722. 32.02 (11) of the statutes is amended to read:

32.02 **(11)** Any housing authority created under ss. 66.1201 to 66.1211; redevelopment authority created under s. 66.1333; community development authority created under s. 66.1335; local cultural arts district created under subch. V of ch. 229, subject to s. 229.844 (4) (c); ~~or~~ local exposition district created under subch. II of ch. 229; or transit authority created under s. 66.1039.

SECTION 723. 32.035 (1) (b) of the statutes is amended to read:

32.035 **(1)** (b) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural commodities resulting from an agricultural use, as defined in s. 91.01 ~~(1)~~ (2), for sale and home use, and customarily producing the commodities in sufficient quantity to be capable of contributing materially to the operator's support.

SECTION 724. 32.05 (1) (a) of the statutes is amended to read:

32.05 **(1)** (a) Except as provided under par. (b), a county board of supervisors or a county highway committee when so authorized by the county board of super-

visors, a city council, a village board, a town board, a sewerage commission governing a metropolitan sewerage district created by ss. 200.05 or 200.21 to 200.65, the secretary of transportation, a commission created by contract under s. 66.0301, a joint local water authority created by contract under s. 66.0823, a transit authority created under s. 66.1039, a housing authority under ss. 66.1201 to 66.1211, a local exposition district created under subch. II of ch. 229, a local cultural arts district created under subch. V of ch. 229, a redevelopment authority under s. 66.1333 or a community development authority under s. 66.1335 shall make an order providing for the laying out, relocation and improvement of the public highway, street, alley, storm and sanitary sewers, watercourses, water transmission and distribution facilities, mass transit facilities, airport, or other transportation facilities, gas or leachate extraction systems to remedy environmental pollution from a solid waste disposal facility, housing project, redevelopment project, cultural arts facilities, exposition center or exposition center facilities which shall be known as the relocation order. This order shall include a map or plat showing the old and new locations and the lands and interests required. A copy of the order shall, within 20 days after its issue, be filed with the county clerk of the county wherein the lands are located or, in lieu of filing a copy of the order, a plat may be filed or recorded in accordance with s. 84.095.

SECTION 727. 32.07 (2) of the statutes is amended to read:

32.07 **(2)** The petitioner shall determine necessity if application is by the state or any commission, department, board or other branch of state government or by a city, village, town, county, school district, board, commission, public officer, commission created by contract under s. 66.0301, joint local water authority under s. 66.0823, transit authority created under s. 66.1039, redevelopment authority created under s. 66.1333, local exposition district created under subch. II of ch. 229, local cultural arts district created under subch. V of ch. 229, housing authority created under ss. 66.1201 to 66.1211 or for the right−of−way of a railroad up to 100 feet in width, for a telegraph, telephone or other electric line, for the right−of−way for a gas pipeline, main or service or for easements for the construction of any elevated structure or subway for railroad purposes.

SECTION 735. 34.045 (1m) of the statutes is repealed.

SECTION 736. 34.05 (1) of the statutes is amended to read:

34.05 **(1)** ~~Except as provided in sub. (4), the~~ The governing board of each public depositor shall, by resolution, designate one or more public depositories, organized and doing business under the laws of this state or federal law and located in this state, in which the treasurer of the governing board shall deposit all public moneys received by him or her and specify whether the moneys shall be maintained in time deposits subject to the limitations of s. 66.0603 (1m), demand deposits, or savings deposits and whether a surety bond or other security shall be required to be furnished under s. 34.07 by the public depository to secure the repayment of such deposits. A designation of a public depository by the governing board shall be a designation of the public depository for all treasurers of the governing board and for all public depositors for which each treasurer shall act.

SECTION 737. 34.05 (4) of the statutes is repealed.

SECTION 738. 36.09 (1) (j) of the statutes is amended to read:

36.09 **(1)** (j) Except where such matters are a subject of bargaining with a certified representative of a collective bargaining unit under s. 111.91 or 111.998, the board shall establish salaries for persons not in the classified staff prior to July 1 of each year for the next fiscal year, and shall designate the effective dates for payment of the new salaries. In the first year of the biennium, payments of the salaries established for the preceding year shall be continued until the biennial budget bill is enacted. If the budget is enacted after July 1, payments shall be made following enactment of the budget to satisfy the obligations incurred on the effective dates, as designated by the board, for the new salaries, subject only to the appropriation of funds by the legislature and s. 20.928 (3). This paragraph does not limit the authority of the board to establish salaries for new appointments. The board may not increase the salaries of employees specified in ss. 20.923 (5) and (6) (m) and 230.08 (2) (d) under this paragraph unless the salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary increase to correct salary inequities under par. (h), to fund job reclassifications or promotions, or to recognize competitive factors. The board may not increase the salary of any position identified in s. 20.923 (4g) under this paragraph unless the salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary increase to correct a salary inequity or to recognize competitive factors. The board may not increase the salary of any position identified in s. 20.923 (4g) (ae) and (am) to correct a salary inequity that results from the appointment of a person to a position identified in s. 20.923 (4g) (ae) and (am) unless the increase is approved by the office of state employment relations. The granting of salary increases to recognize competitive factors does not obligate inclusion of the annualized amount of the increases in the appropriations under s. 20.285 (1) for subsequent fiscal bienniums. No later than October 1 of each year, the board shall report to the joint committee on finance and the secretary of administration and director of the office of state employment relations concerning the amounts of any salary increases granted to recognize competitive factors, and the institutions at which they are granted, for the 12−month period ending on the preceding June 30.

SECTION 738d. 36.11 (32) of the statutes is created to read:

36.11 **(32)** NURSING PROGRAM. The board shall plan for the establishment of a bachelor of science nursing program at the University of Wisconsin−Stevens Point.

SECTION 738e. 36.11 (48) of the statutes is amended to read:

36.11 **(48)** REPORT ON UTILITY CHARGES; ASSESSMENT OF CERTAIN UTILITY CHARGES. The board shall ensure that the University of Wisconsin−Madison reports annually to the department of administration on utility charges in the following fiscal year to fund principal and interest costs incurred in purchasing the Walnut Street steam and chilled−water plant enumerated under 2003 Wisconsin Act 33, section 9106 (1) (g) 2. and in renovating and adding an addition to the Charter Street heating and cooling plant enumerated under 2009 Wisconsin Act .... (this act), section 9106 (1) (g) 3., and the methodology used to calculate those charges. The board may not assess the utility charges until the charges are approved by the department of administration.

SECTION 738s. 36.11 (55) of the statutes is created to read:

36.11 **(55)** REVIEW OF SYSTEM CONTRACTS WITH RESEARCH COMPANIES. The board shall review any contract submitted by the system under s. 946.13 (12) (b) 2. b. to determine whether entering into the contract would constitute a violation of s. 946.13 (1). The board shall complete the review and, if the board determines that entering into the contract would constitute a violation of s. 946.13 (1), notify the system of its determination within 45 days after the date of submittal.

SECTION 740. 36.25 (49) of the statutes is created to read:

36.25 **(49)** ACADEMIC FEE INCREASE GRANTS. The board may make grants in the 2009−10 fiscal year from the appropriation under s. 20.285 (1) (kj), in the 2010−11 fiscal year from the appropriations under s. 20.285 (1) (a) and (kj), and in the 2011−12 fiscal year and each fiscal year thereafter from the appropriation under s. 20.285 (1) (a), to resident undergraduate students who do not receive grants under s. 39.435 that are payable from the appropriation under s. 20.235 (1) (fe), whose annual family income is less than $60,000, and who have unmet financial need. Beginning in fiscal year 2011−12, the board may make a grant under this subsection only to those students enrolled in the system during fiscal year 2010−11 who maintain continuous enrollment. A grant to a student under this subsection shall be in an amount determined by the board that corresponds to any increase, or any portion of an increase, in academic fees charged to the student, but may not exceed the amount of the student's unmet need. The board may not make a grant under this subsection to a student whose name appears on the statewide support lien docket under s. 49.854 (2) (b), unless the student provides to the board a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

SECTION 741. 36.25 (50) of the statutes is created to read:

36.25 **(50)** SCHOOL OF PUBLIC HEALTH. The board may create a school of public health at the University of Wisconsin−Milwaukee.

SECTION 742. 36.25 (51) of the statutes is created to read:

36.25 **(51)** SCHOOL OF FRESHWATER SCIENCES. The board may create a school of freshwater sciences at the University of Wisconsin−Milwaukee.

SECTION 743. 36.27 (2) (cr) of the statutes is created to read:

36.27 **(2)** (cr) A person who is a citizen of a country other than the United States is entitled to the exemption under par. (a) if that person meets all of the following requirements:

1. The person graduated from a high school in this state or received a declaration of equivalency of high school graduation from this state.

2. The person was continuously present in this state for at least 3 years following the first day of attending a high school in this state or immediately preceding receipt of a declaration of equivalency of high school graduation.

3. The person enrolls in an institution and provides that institution with proof that the person has filed or will file an application for a permanent resident visa with U.S. Citizenship and Immigration Services as soon as the person is eligible to do so.

SECTION 744d. 36.27 (3n) (b) (intro.) of the statutes is amended to read:

36.27 **(3n)** (b) (intro.) Except as provided in subds. 1. to 3. and par. (bg), the board shall grant full remission of academic fees and segregated fees for 128 credits or 8 semesters, whichever is longer, less the number of credits or semesters for which the person received remission of fees under s. 38.24 (7) and less the amount of any academic fees or segregated fees paid under 38 USC 3319, to any resident student who is also any of the following:

SECTION 745d. 36.27 (3n) (bg) of the statutes is created to read:

36.27 **(3n)** (bg) Before the Board of Regents may grant a remission of academic fees and segregated fees under par. (b), the Board of Regents shall require the resident student to apply to the payment of those fees all educational assistance to which the resident student is entitled under 38 USC 3319. This requirement applies notwithstanding the fact that the resident student may be entitled to educational assistance under 10 USC 16132a, 10 USC 16163a, or 38 USC 3500 to 3566 as well as under 38 USC 3319, unless the resident student has 12 months or less of eligibility remaining for educational assistance

under 10 USC 16132a, 10 USC 16163a, or 38 USC 3500 to 3566.

SECTION 745f. 36.27 (3n) (bm) of the statutes is created to read:

36.27 **(3n)** (bm) 1. For a resident student who is entitled to educational assistance under 10 USC 16132a, 10 USC 16163a, or 38 USC 3500 to 3566 and under 38 USC 3319, if the amount of educational assistance, not including educational assistance for tuition, to which the resident student is entitled under 10 USC 16132a, 10 USC 16163a, or 38 USC 3500 to 3566 is greater than the amount of educational assistance, not including educational assistance for tuition, that the resident student received under 38 USC 3319 for an academic year , as determined by the higher educational aids board, in June of the academic year the higher educational aids board shall reimburse the resident student for the difference in those amounts of educational assistance, as calculated by the higher educational aids board, from the appropriation account under s. 20.235 (1) (fz). The higher educational aids board shall make that determination and calculation in consultation with the Board of Regents.

Vetoed In Part

2. If in any fiscal year there are insufficient moneys available in the appropriation account under s. 20.235 (1) (fz) to provide full reimbursement under subd. 1. to all resident students who are eligible for that reimbursement, the higher educational aids board and the Board of Regents shall reimburse those resident students as provided in s. 39.50 (4).

SECTION 746d. 36.27 (3p) (b) of the statutes is amended to read:

36.27 **(3p)** (b) ~~The~~ Except as provided in par. (bg), the board shall grant full remission of nonresident tuition, academic fees, and segregated fees charged for 128 credits or 8 semesters, whichever is longer, less the number of credits or semesters for which the person received remission of fees under s. 38.24 (8) and less the amount of any academic fees or segregated fees paid under 10 USC 2107 (c) ~~or~~, 38 USC 3104 (a) (7) (A), or 38 USC 3313, to any student who is a veteran.

SECTION 747d. 36.27 (3p) (bg) of the statutes is created to read:

36.27 **(3p)** (bg) Before the Board of Regents may grant a remission of nonresident tuition, academic fees, and segregated fees under par. (b), the board shall require the student to apply to the payment of that tuition and those fees all educational assistance to which the student is entitled under 38 USC 3313. This requirement applies notwithstanding the fact that the student may be entitled to educational assistance under 10 USC 16131 to 16137, 10 USC 16161 to 16166, or 38 USC 3001 to 3036 as well as under 38 USC 3313, unless the student has 12 months or less of eligibility remaining for educational assistance under 10 USC 16131 to 16137, 10 USC 16161 to 16166, or 38 USC 3001 to 3036.

SECTION 747f. 36.27 (3p) (bm) of the statutes is created to read:

36.27 **(3p)** (bm) 1. For a student who is entitled to educational assistance under 10 USC 16131 to 16137, 10 USC 16161 to 16166, or 38 USC 3001 to 3036 and under 38 USC 3313, if the amount of educational assistance, not including educational assistance for tuition, to which the student is entitled under 10 USC 16131 to 16137, 10 USC 16161 to 16166, or 38 USC 3001 to 3036 is greater than the amount of educational assistance, not including educational assistance for tuition, that the student received under 38 USC 3313 for an academic year , as determined by the higher educational aids board, in June of the academic year the higher educational aids board shall reimburse the student for the difference in those amounts of educational assistance, as calculated by the higher educational aids board, from the appropriation account under s. 20.235 (1) (fz). The higher educational aids board shall make that determination and calculation in consultation with the Board of Regents.

Vetoed In Part

2. If in any fiscal year there are insufficient moneys available in the appropriation account under s. 20.235 (1) (fz) to provide full reimbursement under subd. 1. to all students who are eligible for that reimbursement, the higher educational aids board and the Board of Regents shall reimburse those students as provided in s. 39.50 (4).

SECTION 747m. 36.27 (4) (a) of the statutes is amended to read:

36.27 **(4)** (a) The board may annually exempt from nonresident tuition, but not from incidental or other fees, up to ~~200~~ 300 students enrolled at the University of Wisconsin−Parkside as juniors or seniors in programs identified by that institution as having surplus capacity and up to ~~150~~ 225 students enrolled at the University of Wisconsin−Superior in programs identified by that institution as having surplus capacity.

SECTION 747p. 36.34 (1) (c) 1. a. and b. of the statutes are amended to read:

36.34 **(1)** (c) 1. a. For purposes of calculating the amount to be appropriated under s. 20.285 (4) (dd) for fiscal year ~~2007−08~~ 2011−12, "base amount" means the amount shown in the schedule under s. 20.005 for that appropriation for fiscal year ~~2006−07~~ 2010−11.

b. For purposes of calculating the amount to be appropriated under s. 20.285 (4) (dd) for each fiscal year after fiscal year ~~2007−08~~ 2011−12, "base amount" means the appropriation determined under subd. 2. for the previous fiscal year.

SECTION 747r. 36.34 (1) (c) 2. (intro.) of the statutes is amended to read:

36.34 **(1)** (c) 2. (intro.) Beginning in ~~2007~~ 2011, biennially, by February 1, the board shall calculate the amounts to be appropriated under s. 20.285 (4) (dd) for the next biennium as follows:

SECTION 747rm. 36.49 of the statutes is created to read:

36.49 Environmental program grants and scholarships. From the appropriation under s. 20.285 (1) (rm), the board shall annually do the following:

(1) Make need−based grants totaling $100,000 to students who are members of underrepresented groups and who are enrolled in a program leading to a certificate or a bachelor's degree from the Nelson Institute for Environmental Studies at the University of Wisconsin−Madison.

(2) Provide annual scholarships totaling $100,000 to students enrolled in the sustainable management degree program through the University of Wisconsin−Extension.

SECTION 747s. 36.60 (8) (g) of the statutes is created to read:

36.60 **(8)** (g) Make recommendations to the governor on all of the following:

1. Ways to improve the delivery of health care to persons living in rural areas of the state that constitute shortage areas.

2. Ways to help communities evaluate and utilize the linkage between rural health facilities and economic development.

3. Coordination of state and federal programs available to assist rural health care service delivery.

4. Strengthening coordination and maintenance of rural services and delivery system.

5. Development of mechanisms to reduce shortages of health care providers in rural areas.

SECTION 748. 38.04 (4) (ag) of the statutes is amended to read:

38.04 **(4)** (ag) A program approved by the ~~development finance~~ economic policy board under subch. ~~IV~~ V of ch. 560 is exempt from board approval under par. (a).

SECTION 749. 38.15 (1) of the statutes is amended to read:

38.15 **(1)** Subject to sub. (3), if the district board intends to make a capital expenditure in excess of ~~$1,000,000~~ $1,500,000, excluding moneys received from gifts, grants or federal funds, for the acquisition of sites, purchase or construction of buildings, the lease/purchase of buildings if costs exceed ~~$1,000,000~~ $1,500,000 for the lifetime of the lease, building additions or enlargements or the purchase of fixed equipment relating to any such activity, it shall adopt a resolution stating its intention to do so and identifying the anticipated source of revenue for each project and shall submit the resolution to the electors of the district for approval. The referendum shall be noticed, called and conducted as provided in s. 67.05 (3) insofar as applicable. For the purposes of this section, all projects located on a single campus site within one district which are bid concurrently or which are approved by the board under s. 38.04 (10) within a 2−year period shall be considered as one capital expenditure project.

SECTION 750. 38.15 (2) of the statutes is amended to read:

38.15 **(2)** No more than $1,000,000 in reserve funds, consisting of property tax revenues and investment earnings on those revenues, may be utilized by the district board to finance capital expenditures in excess of ~~$1,000,000~~ $1,500,000 for the purposes under sub. (1).

SECTION 751. 38.22 (6) (e) of the statutes is created to read:

38.22 **(6)** (e) Any person who is a citizen of a country other than the United States if that person meets all of the following requirements:

1. The person graduated from a high school in this state or received a declaration of equivalency of high school graduation from this state.

2. The person was continuously present in this state for at least 3 years following the first day of attending a high school in this state or immediately preceding receipt of a declaration of equivalency of high school graduation.

3. The person enrolls in a district school and provides the district board with proof that the person has filed or will file an application for a permanent resident visa with U.S. Citizenship and Immigration Services as soon as the person is eligible to do so.

SECTION 752. 38.24 (3) (a) of the statutes is amended to read:

38.24 **(3)** (a) For all students who are not residents of this state, nor subject to reciprocal agreements with the board, annually the board shall establish a fee based on ~~100% of the statewide cost per full−time equivalent student for operating the programs in which they are enrolled~~ 150 percent of program fees established under sub. (1m) (a) and (b).

SECTION 753d. 38.24 (7) (b) (intro.) of the statutes is amended to read:

38.24 **(7)** (b) (intro.) Except as provided in subds. 1. to 3. and par. (bg), the district board shall grant full remission of fees under sub. (1m) (a) to (c) for 128 credits or 8 semesters, whichever is longer, less the number of credits or semesters for which the person received remission of fees from any other district board under this subsection and from the Board of Regents under s. 36.27 (3n) (b) and less the amount of any fees paid under 38 USC 3319, to any resident student who is also any of the following:

SECTION 754d. 38.24 (7) (bg) of the statutes is created to read:

38.24 **(7)** (bg) Before the district board may grant a remission of fees under par. (b), the district board shall require the resident student to apply to the payment of those fees all educational assistance to which the resident student is entitled under 38 USC 3319. This requirement applies notwithstanding the fact that the resident student may be entitled to educational assistance under 10 USC 16132a, 10 USC 16163a, or 38 USC 3500 to 3566 as well

as under 38 USC 3319, unless the resident student has 12 months or less of eligibility remaining for educational assistance under 10 USC 16132a, 10 USC 16163a, or 38 USC 3500 to 3566.

SECTION 754f. 38.24 (7) (bm) of the statutes is created to read:

38.24 **(7)** (bm) 1. For a resident student who is entitled to educational assistance under 10 USC 16132a, 10 USC 16163a, or 38 USC 3500 to 3566 and under 38 USC 3319, if the amount of educational assistance, other than educational assistance for tuition, to which the resident student is entitled under 10 USC 16132a, 10 USC 16163a, or 38 USC 3500 to 3566 is greater than the amount of educational assistance, other than educational assistance for tuition, that the resident student received under 38 USC 3319 for an academic year , as determined by the higher educational aids board, in June of the academic year the higher educational aids board shall reimburse the resident student for the difference in those amounts of educational assistance, as calculated by the higher educational aids board, from the appropriation account under s. 20.235 (1) (fz). The higher educational aids board shall make that determination and calculation in consultation with the board and district board.

Vetoed In Part

2. If in any fiscal year there are insufficient moneys available in the appropriation account under s. 20.235 (1) (fz) to provide full reimbursement under subd. 1. to all resident students who are eligible for that reimbursement, the higher educational aids board and the district board shall reimburse those resident students as provided in s. 39.50 (4).

SECTION 755d. 38.24 (8) (b) of the statutes is amended to read:

38.24 **(8)** (b) ~~The~~ Except as provided in par. (bg), the district board shall grant full remission of the fees charged under sub. (1m) (a) to (c) for 128 credits or 8 semesters, whichever is longer, less the number of credits or semesters for which the person received remission of fees from any other district board under this subsection and from the Board of Regents under s. 38.27 (3p) and less the amount of any fees paid under 10 USC 2107 (c) ~~or~~, 38 USC 3104 (a) (7) (A), or 38 USC 3313, to any student who is a veteran.

SECTION 756d. 38.24 (8) (bg) of the statutes is created to read:

38.24 **(8)** (bg) Before the district board may grant a remission of fees under par. (b), the district board shall require the student to apply to the payment of those fees all educational assistance to which the student is entitled under 38 USC 3313. This requirement applies notwithstanding the fact that the student may be entitled to educational assistance under 10 USC 16131 to 16137, 10 USC 16161 to 16166, or 38 USC 3001 to 3036 as well as under 38 USC 3313, unless the student has 12 months or less of eligibility remaining for educational assistance under 10 USC 16131 to 16137, 10 USC 16161 to 16166, or 38 USC 3001 to 3036.

SECTION 756f. 38.24 (8) (bm) of the statutes is created to read:

38.24 **(8)** (bm) 1. For a student who is entitled to educational assistance under 10 USC 16131 to 16137, 10 USC 16161 to 16166, or 38 USC 3001 to 3036 and under 38 USC 3313, if the amount of educational assistance, other than educational assistance for tuition, to which the student is entitled under 10 USC 16131 to 161310 USC 16161 to 16166, or 38 USC 3001 to 3036 is greater than the amount of educational assistance, other than educational assistance for tuition, that the student received under 38 USC 3313 for an academic year , as determined by the higher educational aids board, in June of the academic year the higher educational aids board shall reimburse the student for the difference in those amounts of educational assistance, as calculated by the higher educational aids board, from the appropriation account under s. 20.235 (1) (fz). The higher educational aids board shall make that determination and calculation in consultation with the board and district board.

Vetoed In Part

2. If in any fiscal year there are insufficient moneys available in the appropriation account under s. 20.235 (1) (fz) to provide full reimbursement under subd. 1. to all students who are eligible for that reimbursement, the higher educational aids board and the district board shall reimburse those students as provided in s. 39.50 (4).

SECTION 758d. 38.41 (2) (a) (intro.) and 1. of the statutes are consolidated, renumbered 38.41 (2) and amended to read:

38.41 **(2)** The board may award a grant to a district board to provide skills training or other education to a business if ~~all of the following apply: 1. The~~ the business is located in this state and ~~satisfies any of the following criteria: a. The~~ the applicant submits to the board an affidavit stating that the business has no more than 100 employees~~. b. The business~~ or had no more than $10,000,000 in gross annual income in its most recent fiscal year.

SECTION 758h. 38.41 (2) (a) 2. to 6. of the statutes are repealed.

SECTION 758k. 38.41 (2) (b) of the statutes is repealed.

SECTION 758L. 38.41 (2) (c) of the statutes is repealed.

SECTION 758p. 38.41 (3) (b) of the statutes is repealed.

SECTION 758t. 38.41 (3) (c) of the statutes is amended to read:

38.41 **(3)** (c) The board may award no more than $500,000 in ~~the 2007−08 fiscal year, and no more than $1,000,000 in~~ any fiscal year ~~thereafter,~~ under sub. (2).

SECTION 760d. 39.435 (3) of the statutes is amended to read:

39.435 **(3)** Grants under sub. (1) shall not be less than $250 during any one academic year, unless the joint committee on finance approves an adjustment in the amount of the minimum grant. Grants under sub. (1) shall not exceed $3,000 during any one academic year, except that beginning in academic year 2009−10, grants under sub. (1) shall not exceed $3,150 during any one academic year. The board shall, by rule, establish a reporting system to periodically provide student economic data and shall promulgate other rules the board deems necessary to assure uniform administration of the program.

SECTION 760g. 39.435 (7) (a) 1. of the statutes is amended to read:

39.435 **(7)** (a) 1. For purposes of calculating the amount to be appropriated under s. 20.235 (1) (fe) for fiscal year ~~2009−10~~ 2011−12, "base amount" means the amount shown in the schedule under s. 20.005 for that appropriation for fiscal year ~~2008−09~~ 2010−11.

SECTION 760i. 39.435 (7) (a) 2. of the statutes is amended to read:

39.435 **(7)** (a) 2. For purposes of calculating the amount to be appropriated under s. 20.235 (1) (fe) for each fiscal year after fiscal year ~~2009−10~~ 2011−12, "base amount" means the appropriation amount calculated under par. (b) for the previous fiscal year.

SECTION 760k. 39.435 (7) (b) (intro.) of the statutes is amended to read:

39.435 **(7)** (b) (intro.) Biennially, beginning on February 1, ~~2009~~ 2011, the board shall calculate the amounts to be appropriated under s. 20.235 (1) (fe) for the next biennium as follows:

SECTION 761. 39.435 (8) of the statutes is amended to read:

39.435 **(8)** The board shall award grants under this section to University of Wisconsin System students from the ~~appropriation~~ appropriations under s. 20.235 (1) (fe) and (ke).

SECTION 762. 39.435 (8) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

39.435 **(8)** The board shall award grants under this section to University of Wisconsin System students from the ~~appropriations~~ appropriation under s. 20.235 (1) (fe) ~~and (ke)~~.

SECTION 763. 39.437 (1) of the statutes is amended to read:

39.437 **(1)** ESTABLISHMENT OF GRANT PROGRAM. There is established, to be administered by the board, with the assistance of the office of the Wisconsin Covenant Scholars Program in the department of administration as provided in subs. (2) (a) 2., (4), and (5), a Wisconsin Covenant Scholars Program to provide grants to students who meet the eligibility criteria specified in sub. (2).

SECTION 764. 39.437 (2) (a) of the statutes is renumbered 39.437 (2) (a) (intro.) and amended to read:

39.437 **(2)** (a) (intro.) Except as provided in par. (b), a student is eligible for a grant under this section if the student ~~is~~ meets all of the following criteria:

1. The student is a resident of this state and is enrolled at least half time and registered as a freshman, sophomore, junior, or senior in a public or private, nonprofit, accredited institution of higher education or in a tribally controlled college in this state.

SECTION 765. 39.437 (2) (a) 2. of the statutes is created to read:

39.437 **(2)** (a) 2. The student has been designated as a Wisconsin covenant scholar by the office of the Wisconsin Covenant Scholars Program in the department of administration.

SECTION 766. 39.437 (4) (a) of the statutes is amended to read:

39.437 **(4)** (a) By February 1 of each year, the Board of Regents of the University of Wisconsin System shall provide to the ~~board~~ office of the Wisconsin Covenant Scholars Program in the department of administration information relating to the resident undergraduate academic fees charged to attend each of the institutions within that system for the current academic year, the technical college system board shall provide to ~~the board~~ that office information relating to the fees under s. 38.24 (1m) (a) to (c) charged to attend each of the technical colleges within that system for the current academic year, ~~and~~ each tribally controlled college in this state shall provide to ~~the board~~ that office information relating to the tuition and fees charged to attend the tribal college for the current academic year, and the Wisconsin Association of Independent Colleges and Universities or a successor organization shall provide to that office information relating to tuition and fees charged to attend each of the private, nonprofit, accredited institutions of higher education in this state for the current academic year.

SECTION 767. 39.437 (4) (b) of the statutes is amended to read:

39.437 **(4)** (b) By April 1 of each year, the ~~board~~ office of the Wisconsin Covenant Scholars Program in the department of administration shall determine the average of the resident undergraduate academic fees charged for the current academic year among the institutions within the University of Wisconsin System, the average of the fees under s. 38.24 (1m) (a) to (c) charged for the current academic year among the technical colleges in this state, ~~and~~ the average of the tuition and fees charged for the current academic year among the tribally controlled colleges in this state, and the average of the tuition and fees charged for the current academic year among the private, nonprofit, accredited institutions of higher education in this state.

SECTION 768. 39.437 (4) (c) of the statutes is created to read:

39.437 **(4)** (c) To the extent permitted under 20 USC 1232g and 34 CFR part 99, the department of public instruction shall provide pupil information to the office of the Wisconsin Covenant Scholars Program in the department of administration as necessary for that office to fulfill its role in the administration of the grant program under this section.

SECTION 769. 39.437 (5) of the statutes is renumbered 39.437 (5) (intro.) and amended to read:

39.437 **(5)** RULES. (intro.) The ~~board~~ department of administration shall promulgate rules to implement this section, including ~~rules~~ all of the following:

(a) Rules establishing a reporting system to periodically provide student economic data ~~and any~~.

(c) Any other rules the ~~board~~ department of administration considers necessary to assure the uniform administration of this section.

SECTION 770. 39.437 (5) (b) of the statutes is created to read:

39.437 **(5)** (b) Rules establishing eligibility criteria for designation as a Wisconsin covenant scholar under sub. (2) (a) 2.

SECTION 770j. 39.50 (3m) (title) of the statutes is amended to read:

39.50 **(3m)** (title) ~~PRORATED~~ REMISSION OF FEES; PRORATED REIMBURSEMENT.

SECTION 770k. 39.50 (4) of the statutes is created to read:

Vetoed In Part

39.50 **(4)** REIMBURSEMENT OF VETERANS AND DEPENDENTS; PRORATED REIMBURSEMENT. In June of each fiscal year, the higher educational aids board shall determine the total amount of reimbursement due to students under ss. 36.27 (3n) (bm) 1. and (3p) (bm) 1. and 38.24 (7) (bm) 1. and (8) (bm) 1. If the moneys appropriated under s. 20.235 (1) (fz) are not sufficient to provide full reimbursement to those students, the higher educational aids board shall prorate the reimbursement paid to those students under ss. 36.27 (3n) (bm) 1. and (3p) (bm) 1. and 38.24 (7) (bm) 1. and (8) (bm) 1. in the proportion that the moneys available bears to the total amount eligible for reimbursement under ss. 36.27 (3n) (bm) 1. and (3p) (bm) 1. and 38.24 (7) (bm) 1. and (8) (bm) 1. If the higher educational aids board prorates reimbursement under this subsection, the Board of Regents shall reimburse a student who is eligible for reimbursement under s. 36.27 (3n) (bm) 1. or (3p) (bm) 1., and the appropriate technical college district board shall reimburse a student who is eligible for reimbursement under s. 38.24 (7) (bm) 1. or (8) (bm) 1., in an amount that is equal to the difference between the amount of reimbursement for which the student is eligible and the amount of reimbursement paid by the higher educational aids board.

SECTION 771. 40.02 (2m) of the statutes is amended to read:

40.02 **(2m)** "Alternate payee" means a former spouse or domestic partner of a participant who is named in a qualified domestic relations order as having a right to receive a portion of the benefits of the participant.

SECTION 772. 40.02 (8) (a) 2. of the statutes is amended to read:

40.02 **(8)** (a) 2. In the absence of a written designation of beneficiary, or if all designated beneficiaries who survive the decedent die before filing with the department a beneficiary designation applicable to that death benefit or an application for any death benefit payable, the person determined in the following sequence: group 1, surviving spouse or surviving domestic partner; group 2, children of the deceased participant, employee or annuitant, in equal shares, with the share of any deceased child payable to the issue of the child or, if there is no surviving issue of a deceased child, to the other eligible children in this group or, if deceased, their issue; group 3, parent, in equal shares if both survive; group 4, brother and sister in equal shares and the issue of any deceased brother or sister. The shares payable to the issue of a person shall be determined per stirpes. No payment may be made to a person included in any group if there is a living person in any preceding group, and s. 854.04 (6) shall not apply to a determination under this subsection.

SECTION 772r. 40.02 (17) (intro.) of the statutes is amended to read:

40.02 **(17)** (intro.) "Creditable service" means the creditable current and prior service, expressed in years and fractions of a year to the nearest one−hundredth, for which a participating employee receives or is considered to receive earnings under sub. (22) (e), (ef), or (em) and for which contributions have been made as required by s. 40.05 (1) and (2) and creditable military service, service credited under s. 40.285 (2) (b) and service credited under s. 40.29, expressed in years and fractions of years to the nearest one−hundredth. How much service in any annual earnings period is the full−time equivalent of one year of creditable service shall be determined by rule by the department and the rules may provide for differing equivalents for different types of employment. Except as provided under s. 40.285 (2) (e) and (f), the amount of creditable service for periods prior to January 1, 1982, shall be the amount for which the participant was eligible under the applicable laws and rules in effect prior to January 1, 1982. No more than one year of creditable service shall be granted for any annual earnings period. Creditable service is determined in the following manner for the following persons:

SECTION 773. 40.02 (20) of the statutes is amended to read:

40.02 **(20)** "Dependent" means the spouse, domestic partner, minor child, including stepchildren of the current marriage or domestic partnership dependent on the employee for support and maintenance, or child of any

age, including stepchildren of the current marriage or domestic partnership, if handicapped to an extent requiring continued dependence. For group insurance purposes only, the department may promulgate rules with a different definition of "dependent" than the one otherwise provided in this subsection for each group insurance plan.

SECTION 774. 40.02 (21c) of the statutes is created to read:

40.02 **(21c)** "Domestic partner" means an individual in a domestic partnership.

SECTION 775. 40.02 (21d) of the statutes is created to read:

40.02 **(21d)** "Domestic partnership" means a relationship between 2 individuals that satisfies all of the following:

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

(b) Neither individual is married to, or in a domestic partnership with, another individual.

(c) The 2 individuals are not related by blood in any way that would prohibit marriage under s. 765.03.

(d) The 2 individuals consider themselves to be members of each other's immediate family.

(e) The 2 individuals agree to be responsible for each other's basic living expenses.

(f) The 2 individuals share a common residence. Two individuals may share a common residence even if any of the following applies:

1. Only one of the individuals has legal ownership of the residence.

2. One or both of the individuals have one or more additional residences not shared with the other individual.

3. One of the individuals leaves the common residence with the intent to return.

SECTION 775h. 40.02 (22) (ef) of the statutes is created to read:

40.02 **(22)** (ef) For Wisconsin retirement system purposes only, for a state employee, means compensation that would have been payable to the participant, at the participant's rate of pay immediately prior to the beginning of any mandatory temporary reduction of work hours or days during the period from July 1, 2009, to June 30, 2011, for service that would have been rendered by the participant during that period if the mandatory temporary reduction of work hours or days had not been in effect. Contributions and premiums on earnings considered to be received under this paragraph shall be paid as required under s. 40.05.

SECTION 775r. 40.02 (25) (b) 2c. of the statutes, as created by 2009 Wisconsin Act 15, is amended to read:

40.02 **(25)** (b) 2c. A state employee described in s. 49.825 (4) or 49.826 (4).

SECTION 776. 40.02 (25) (b) 3. of the statutes is amended to read:

40.02 **(25)** (b) 3. The surviving spouse or domestic partner of an employee, or of a retired employee, who is currently covered by health insurance at the time of death of the employee or retired employee. The spouse or domestic partner shall have the same right to health insurance coverage as the deceased employee or retired employee, but without state contribution, under rules promulgated by the secretary.

SECTION 777. 40.02 (25) (b) 8. of the statutes is amended to read:

40.02 **(25)** (b) 8. Any other state employee for whom coverage is authorized under a collective bargaining agreement pursuant to subch. I ~~or~~, V, or VI of ch. 111 or under s. 230.12 or 233.10.

SECTION 778. 40.02 (28) of the statutes, as affected by 2007 Wisconsin Act 20, section 756, is amended to read:

40.02 **(28)** "Employer" means the state, including each state agency, any county, city, village, town, school district, other governmental unit or instrumentality of 2 or more units of government now existing or hereafter created within the state, any federated public library system established under s. 43.19 whose territory lies within a single county with a population of 500,000 or more, a local exposition district created under subch. II of ch. 229, a transit authority created under s. 66.1038 or 66.1039, and a long−term care district created under s. 46.2895, except as provided under ss. 40.51 (7) and 40.61 (3) and subch. X. "Employer" does not include a local cultural arts district created under subch. V of ch. 229. Each employer shall be a separate legal jurisdiction for OASDHI purposes. **Vetoed In Part**

SECTION 779. 40.02 (28) of the statutes, as affected by 2007 Wisconsin Act 20, section 757, and 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

40.02 **(28)** "Employer" means the state, including each state agency, any county, city, village, town, school district, other governmental unit or instrumentality of 2 or more units of government now existing or hereafter created within the state, any federated public library system established under s. 43.19 whose territory lies within a single county with a population of 500,000 or more, a local exposition district created under subch. II of ch. 229, a transit authority created under s. 66.1038 or 66.1039, and a long−term care district created under s. 46.2895, except as provided under ss. 40.51 (7) and 40.61 (3). "Employer" does not include a local cultural arts district created under subch. V of ch. 229. Each employer shall be a separate legal jurisdiction for OASDHI purposes. **Vetoed In Part**

SECTION 779d. 40.02 (33) (a) 1. of the statutes is amended to read:

40.02 **(33)** (a) 1. The participant's total earnings received or considered to be received under sub. (22) (e), (ef), or (em) and for which contributions are made under s. 40.05 (1) and (2) during the 3 annual earnings periods

(excluding any period more than 3 years prior to the effective date for any participating employer) in which the earnings were the highest, subject to the annual compensation limits under 26 USC 401 (a) (17) for a participating employee who first becomes a participating employee on or after January 1, 1996; by

SECTION 784. 40.05 (1) (b) of the statutes is amended to read:

40.05 **(1)** (b) In lieu of employee payment, the employer may pay all or part of the contributions required by par. (a), but all the payments shall be available for benefit purposes to the same extent as required contributions deducted from earnings of the participating employees. Action to assume employee contributions as provided under this paragraph shall be taken at the time and in the form determined by the governing body of the participating employer. The state shall pay under this paragraph for employees who are covered by a collective bargaining agreement under subch. V or VI of ch. 111 and for employees whose fringe benefits are determined under s. 230.12 an amount equal to 4% of the earnings paid by the state unless otherwise provided in a collective bargaining agreement under subch. V or VI of ch. 111 or unless otherwise determined under s. 230.12. The University of Wisconsin Hospitals and Clinics Authority shall pay under this paragraph for employees who are covered by a collective bargaining agreement under subch. I of ch. 111 and for employees whose fringe benefits are determined under s. 233.10 an amount equal to 4% of the earnings paid by the authority unless otherwise provided in a collective bargaining agreement under subch. I of ch. 111 or unless otherwise determined under s. 233.10. The state shall pay under this paragraph for employees who are not covered by a collective bargaining agreement under subch. V or VI of ch. 111 and for employees whose fringe benefits are not determined under s. 230.12 an amount equal to 4% of the earnings paid by the state unless a different amount is recommended by the director of the office of state employment relations and approved by the joint committee on employment relations in the manner provided for approval of changes in the compensation plan under s. 230.12 (3). The University of Wisconsin Hospitals and Clinics Authority shall pay under this paragraph for its employees who are not covered by a collective bargaining agreement under subch. I of ch. 111 an amount equal to 4% of the earnings paid by the authority unless a different amount is established by the board of directors of the authority under s. 233.10.

SECTION 785. 40.05 (4) (ag) (intro.) of the statutes is amended to read:

40.05 **(4)** (ag) (intro.) Beginning on January 1, 2004, 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, the employer shall pay for its currently employed insured employees:

SECTION 786. 40.05 (4) (ar) of the statutes is amended to read:

40.05 **(4)** (ar) The employer shall pay under par. (a) for employees who are not covered by a collective bargaining agreement under subch. I ~~or~~, V, or VI of ch. 111 and for employees whose health insurance premium contribution rates are not determined under s. 230.12 or 233.10 an amount equal to the amount specified in par. (ag) unless a different amount is recommended by the director of the office of state employment relations and approved by the joint committee on employment relations in the manner provided for approval of changes in the compensation plan under s. 230.12 (3).

SECTION 787. 40.05 (4) (b) of the statutes is amended to read:

40.05 **(4)** (b) Except as provided under pars. (bc) and (bp), accumulated unused sick leave under 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 of any eligible employee shall, at the time of death, upon qualifying for an immediate annuity or for a lump sum payment under s. 40.25 (1) or upon termination of creditable service and qualifying as an eligible employee under s. 40.02 (25) (b) 6. or 10., be converted, at the employee's highest basic pay rate he or she received while employed by the state, to credits for payment of health insurance premiums on behalf of the employee or the employee's surviving insured dependents. Any supplemental compensation that is paid to a state employee who is classified under the state classified civil service as a teacher, teacher supervisor, or education director for the employee's completion of educational courses that have been approved by the employee's employer is considered as part of the employee's basic pay for purposes of this paragraph. The full premium for any eligible employee who is insured at the time of retirement, or for the surviving insured dependents of an eligible employee who is deceased, shall be deducted from the credits until the credits are exhausted and paid from the account under s. 40.04 (10), and then deducted from annuity payments, if the annuity is sufficient. The department shall provide for the direct payment of premiums by the insured to the insurer if the premium to be withheld exceeds the annuity payment. Upon conversion of an employee's unused sick leave to credits under this paragraph or par. (bf), the employee or, if the employee is deceased, the employee's surviving insured dependents may initiate deductions from those credits or may elect to delay initiation of deductions from those credits, but only if the employee or surviving insured dependents are covered by a comparable health insurance plan or policy during the period beginning on the date of the conversion and ending on the date on which the employee or surviving insured dependents later elect to initiate deductions from those credits. If an employee or an employee's surviving insured dependents elect to delay initiation of deductions from those credits, an employee or the employee's sur-

viving insured dependents may only later elect to initiate deductions from those credits during the annual enrollment period under par. (be). A health insurance plan or policy is considered comparable if it provides hospital and medical benefits that are substantially equivalent to the standard health insurance plan established under s. 40.52 (1).

SECTION 788. 40.05 (4) (bw) of the statutes is amended to read:

40.05 **(4)** (bw) On converting accumulated unused sick leave to credits for the payment of health insurance premiums under par. (b), the department shall add additional credits, calculated in the same manner as are credits under par. (b), that are based on a state employee's accumulated sabbatical leave or earned vacation leave from the state employee's last year of service prior to retirement, or both. The department shall apply the credits awarded under this paragraph for the payment of health insurance premiums only after the credits awarded under par. (b) are exhausted. This paragraph applies only to state employees who are eligible for accumulated unused sick leave conversion under par. (b) and who are entitled to the benefits under this paragraph pursuant to a collective bargaining agreement under subch. V or VI of ch. 111.

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.

SECTION 793. 40.08 (8) (a) 4. of the statutes is amended to read:

40.08 **(8)** (a) 4. The former spouse or domestic partner of a participant who is an alternate payee and whom the department cannot locate by reasonable efforts, with such efforts beginning by the end of the month in which the participant attains, or would have attained, the age of 65, shall be considered to have abandoned all benefits under the Wisconsin retirement system on the date on which the participant attains, or would have attained, the age of 70. The department shall close the alternate payee's account and shall transfer the moneys in the account to the employer accumulation reserve. The department shall restore the alternate payee's account and shall debit the employer accumulation reserve accordingly if the alternate payee subsequently applies for retirement benefits under this chapter before the participant attains or would have attained the age of 80.

SECTION 794. 40.08 (9) of the statutes is amended to read:

40.08 **(9)** PAYMENTS OF BENEFITS TO MINORS AND INDIVIDUALS FOUND INCOMPETENT. In any case in which a benefit amount becomes payable to a minor or to an individual adjudicated incompetent, the department may waive guardianship proceedings, and pay the benefit to the person providing for or caring for the minor, or to the spouse or domestic partner, parent, or other relative by blood or adoption providing for or caring for the individual adjudicated incompetent.

SECTION 794r. 40.22 (2) (m) of the statutes, as created by 2009 Wisconsin Act 15, is amended to read:

40.22 **(2)** (m) Notwithstanding sub. (3m), the employee was formerly employed by Milwaukee County, is a state employee described in s. 49.825 (4) or 49.826 (4), and elects to remain a covered employee under the retirement system established under chapter 201, laws of 1937, pursuant to s. 49.825 (4) (c) or 49.826 (4) (c). This paragraph shall not apply if the employee remains a state employee, but is no longer performing services for the Milwaukee County enrollment services unit under s. 49.825 or the child care provider services unit under s. 49.826.

SECTION 795. 40.22 (2m) (a) of the statutes is amended to read:

40.22 **(2m)** (a) At least one year for at least one−third of what is considered full−time employment by the department, as determined by rule, or, for an educational support personnel employee, at least one year for at least

one−third of what is considered full−time employment for a teacher.

SECTION 796. 40.23 (2m) (fm) of the statutes is amended to read:

40.23 **(2m)** (fm) Notwithstanding s. 40.02 (17) (intro.), for purposes of determining creditable service under par. (f) 2., ~~participants with at least 0.75 of a year~~ a participant's amount of creditable service in any annual earnings period shall be treated as ~~having one year~~ the amount of creditable service that a teacher would earn for that annual earnings period. To be eligible for the treatment provided by this paragraph, the participant must have earned only a partial year of creditable service in at least 5 of the 10 annual earnings periods immediately preceding the annual earnings period in which the participant terminated covered employment~~, and the participant must notify the department of the applicability of this paragraph to the participant's service. The participant is not eligible for the treatment provided by this paragraph if such notification is provided by the participant later than 60 days after the participant's annuity effective date~~. This paragraph does not apply to service credited under s. 40.02 (15) ~~or to creditable service as a teacher~~.

SECTION 797. 40.23 (4) (e) of the statutes is amended to read:

40.23 **(4)** (e) 1. Subject to subds. 2. to 4., if a participant dies before the distribution of benefits has commenced and the participant's beneficiary is the spouse or domestic partner, the department shall begin the distribution within 5 years after the date of the participant's death.

2. If the spouse or domestic partner files a subsequent beneficiary designation with the department, the payment of the distribution may be deferred until the January 1 of the year in which the participant would have attained the age of 70.5 years.

3. If the spouse or domestic partner does not apply for a distribution, the distribution shall begin as an automatic distribution as provided under subd. 1. or under par. (c), whichever distribution date is earlier.

4. If the spouse or domestic partner dies, but has designated a new beneficiary, the birth date of the spouse or domestic partner shall be used for the purposes of determining the required beginning date.

5. The department shall specify by rule all procedures relating to an automatic distribution to the spouse or domestic partner. These rules shall comply with the internal revenue code.

SECTION 798. 40.23 (4) (f) (intro.) of the statutes is amended to read:

40.23 **(4)** (f) (intro.) If a participant dies before the distribution of benefits has commenced and the participant's beneficiary is not the spouse or domestic partner, the beneficiary shall do one of the following:

SECTION 799. 40.24 (7) (a) (intro.) of the statutes is amended to read:

40.24 **(7)** (a) (intro.) Any participant who has been married to the same spouse, or in a domestic partnership with the same domestic partner, for at least one year immediately preceding the participant's annuity effective date shall elect the annuity option under sub. (1) (d), the annuity option under sub. (1) (e), if the reduced annuity under sub. (1) (e) is payable in an optional life form provided under sub. (1) (d), or an annuity option in a form provided by rule, if the annuity is payable for life with monthly payments of at least 75% of the amount of the annuity to be continued to the beneficiary, for life, upon the death of the participant, and the participant shall designate the spouse or domestic partner as the beneficiary, unless the participant's application for a retirement annuity in a different optional annuity form is signed by both the participant and the participant's spouse or domestic partner or unless the participant establishes to the satisfaction of the department that, by reason of absence or other inability, the spouse's or domestic partner's signature may not be obtained. This subsection does not apply to any of the following:

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 801m. 40.51 (2m) of the statutes is created to read:

40.51 **(2m)** (a) In addition to the restriction under par. (b), a domestic partner of an eligible employee may not become covered under a group health insurance plan under this subchapter unless the eligible employee submits an affidavit, designed by the group insurance board, attesting that the eligible employee and his or her domestic partner satisfy the requirements for a domestic partnership under s. 40.02 (21d). The eligible employee shall submit this affidavit to his or her employer at the time the eligible employee first enrolls in a group health insurance plan under this subchapter or at the time the eligible employee requests a change in dependent status while the eligible employee is enrolled in a group health insurance plan under this subchapter. Upon the dissolution of a domestic partnership, the eligible employee shall submit in a timely manner to his or her employer an affidavit, designed by the group insurance board, attesting to the dissolution of the domestic partnership.

(b) If an eligible employee is divorced or was a domestic partner in a dissolved domestic partnership, the eligible employee may not enroll a new spouse or domestic partner in a group health insurance plan under this subchapter until 6 months have elapsed since the date of the divorce or dissolved domestic partnership.

SECTION 801r. 40.51 (8) of the statutes, as affected by 2009 Wisconsin Act 14, is amended to read:

40.51 **(8)** Every health care coverage plan offered by the state under sub. (6) shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8) and (10), 632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.87 (3) to (6), 632.885, 632.895 (5m) and (8) to ~~(16)~~ (17), and 632.896.

SECTION 801t. 40.51 (8m) of the statutes, as affected by 2009 Wisconsin Act 14, is amended to read:

40.51 **(8m)** Every health care coverage plan offered by the group insurance board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.885, and 632.895 (11) to ~~(16)~~ (17).

SECTION 802. 40.52 (2) of the statutes is amended to read:

40.52 **(2)** Health insurance benefits under this subchapter shall be integrated, with exceptions determined appropriate by the group insurance board, with benefits under federal plans for hospital and health care for the aged and disabled. Exclusions and limitations with respect to benefits and different rates may be established for persons eligible under federal plans for hospital and health care for the aged and disabled in recognition of the utilization by persons within the age limits eligible under the federal program. The plan may include special provisions for spouses, domestic partners, and other dependents covered under a plan established under this subchapter where one spouse or domestic partner is eligible under federal plans for hospital and health care for the aged but the others are not eligible because of age or other reasons. As part of the integration, the department may, out of premiums collected under s. 40.05 (4), pay premiums for the federal health insurance.

SECTION 803. 40.53 of the statutes is renumbered 146.45, and 146.45 (2) and (3), as renumbered, are amended to read:

146.45 **(2)** The ~~group insurance board~~ department shall develop a purchasing pool for pharmacy benefits that uses a preferred list of covered prescription drugs. The pool shall consist of ~~the state and~~ any eligible party that satisfies the conditions established under sub. (3) for joining the pool. The ~~group insurance board~~ department shall seek to develop the preferred list of covered prescription drugs under an evidence−based analysis that first identifies the relative effectiveness of prescription drugs within therapeutic classes for particular diseases and conditions and next identifies the least costly prescription drugs, including prescription drugs with generic names that are alternatives to prescription drugs with brand names, among those found to be equally effective.

(3) The ~~group insurance board~~ department shall propose conditions that an eligible party must satisfy to join the purchasing pool established under sub. (2).

SECTION 804. 40.55 (1) of the statutes is amended to read:

40.55 **(1)** Except as provided in sub. (5), the state shall offer, through the group insurance board, to eligible employees under s. 40.02 (25) (bm) and to state annuitants long−term care insurance policies which have been filed with the office of the commissioner of insurance and which have been approved for offering under contracts established by the group insurance board if the insurer requests that the policy be offered and the state shall also allow an eligible employee or a state annuitant to purchase those policies for his or her spouse, domestic partner, or parent.

SECTION 805. 40.62 (2) of the statutes, as affected by 2009 Wisconsin Act 15, is amended to read:

40.62 **(2)** Sick leave accumulation shall be determined in accordance with rules of the department, any collective bargaining agreement under subch. I ~~or~~, V, or VI of ch. 111, and ss. 13.121 (4), 36.30, 49.825 (4) (d), 49.826 (4) (d), 230.35 (2), 233.10, 757.02 (5) and 978.12 (3).

SECTION 806. 40.65 (5) (b) 1. of the statutes is amended to read:

40.65 **(5)** (b) 1. Any OASDHI benefit payable to the participant or the participant's spouse, domestic partner, or a dependent because of the participant's work record.

SECTION 807. 40.65 (5) (c) of the statutes is amended to read:

40.65 **(5)** (c) The Wisconsin retirement board may not reduce a participant's benefit because of income or

benefits that are attributable to the earnings or work record of the participant's spouse, domestic partner, or other member of the participant's family, or because of income or benefits attributable to an insurance contract, including income continuation programs.

SECTION 808. 40.65 (7) (am) (intro.) of the statutes is amended to read:

40.65 **(7)** (am) (intro.) This paragraph applies to benefits based on applications filed on or after May 3, 1988. If a protective occupation participant dies as a result of an injury or a disease for which a benefit is paid or would be payable under sub. (4), and the participant is survived by a spouse, domestic partner, or an unmarried child under the age of 18, a monthly benefit shall be paid as follows:

SECTION 809. 40.65 (7) (am) 1. of the statutes is amended to read:

40.65 **(7)** (am) 1. To the surviving spouse or domestic partner until the surviving spouse remarries or the surviving domestic partner enters into a new domestic partnership or marries, if the spouse was married to the participant on the date that the participant was disabled under sub. (4) or the domestic partner was in a domestic partnership with the participant on the date that the participant was disabled under sub. (4), 50% of the participant's monthly salary at the time of death, but reduced by any amount payable under sub. (5) (b) 1. to 6.

SECTION 810. 40.65 (7) (am) 2. of the statutes is amended to read:

40.65 **(7)** (am) 2. To a guardian for each of that guardian's wards who is an unmarried surviving child under the age of 18, 10% of the participant's monthly salary at the time of death, payable until the child marries, dies or reaches the age of 18, whichever occurs first. The marital or domestic partnership status of the surviving spouse or domestic partner shall have no effect on the payments under this subdivision.

SECTION 811. 40.65 (7) (ar) 1. of the statutes is amended to read:

40.65 **(7)** (ar) 1. This paragraph applies to benefits based on applications filed on or after May 12, 1998. If a protective occupation participant, who is covered by the presumption under s. 891.455, dies as a result of an injury or a disease for which a benefit is paid or would be payable under sub. (4), and the participant is survived by a spouse, domestic partner, or an unmarried child under the age of 18, a monthly benefit shall be paid as follows:

a. To the surviving spouse or domestic partner until the surviving spouse or domestic partner remarries or enters into a new domestic partnership, if the surviving spouse was married to the participant on the date that the participant was disabled under sub. (4) or the domestic partner was in a domestic partnership with the participant on the date that the participant was disabled under sub. (4), 70% of the participant's monthly salary at the time of death, but reduced by any amount payable under sub. (5) (b) 1. to 6.

b. If there is no surviving spouse or domestic partner or the surviving spouse or domestic partner subsequently dies, to a guardian for each of that guardian's wards who is an unmarried surviving child under the age of 18, 10% of the participant's monthly salary at the time of death, payable until the child marries, dies or reaches the age of 18, whichever occurs first.

SECTION 812. 40.80 (2r) (a) 2. of the statutes is amended to read:

40.80 **(2r)** (a) 2. Assigns all or part of a participant's accumulated assets held in a deferred compensation plan under this subchapter to a spouse, former spouse, domestic partner, former domestic partner, child, or other dependent to satisfy a family support or marital property obligation.

SECTION 813. 40.80 (3) of the statutes is amended to read:

40.80 **(3)** Any action taken under this section shall apply to employees covered by a collective bargaining agreement under subch. V or VI of ch. 111.

SECTION 814. 40.81 (3) of the statutes is amended to read:

40.81 **(3)** Any action taken under this section shall apply to employees covered by a collective bargaining agreement under subch. IV ~~or~~, V, or VI of ch. 111.

SECTION 815. 40.95 (1) (a) 2. of the statutes is amended to read:

40.95 **(1)** (a) 2. The employee has his or her compensation established in a collective bargaining agreement under subch. V or VI of ch. 111.

SECTION 816m. 41.11 (6) (d) of the statutes is amended to read: **Vetoed In Part**

41.11 **(6)** (d) In each biennium, ~~at least~~ not less than $200,000 ~~for grants~~ to conduct or contract for marketing activities related to exhibits or activities on behalf of the Milwaukee Public Museum ~~for Native American exhibits and activities~~.

SECTION 817. 41.11 (6) (e) of the statutes is created to read:

41.11 **(6)** (e) In each fiscal year, at least $200,000 for grants to Native American Tourism of Wisconsin.

SECTION 817m. 41.16 of the statutes is created to read:

41.16 Grants to municipalities and organizations for regional tourist information centers. (1) DEFINITIONS. In this section:

(a) "Applicant" means any of the following and any combination of any of the following:

1. A nonprofit organization, as defined in s. 106.13 (4) (a) 1r., whose purposes include tourism to or within the state or a particular region in the state.

2. An organization, including an elected governing body, of a federally recognized American Indian tribe or band in this state.

3. A city, village, town, or county.

(b) "Region" means 2 or more counties in this state.

(2) GRANT ELIGIBILITY. From the appropriation under s. 20.380 (1) (km), the department may award a grant under this section to an applicant to reimburse the applicant for up to 50 percent of eligible costs incurred by the applicant to operate a regional tourist information center. The tourist information center must provide informational and promotional materials on cultural or recreational attractions in the region and must be located in a place at which a tourist to the state or region would be reasonably assumed to stop while traveling to or from a recreational or cultural destination. Eligible costs under this subsection include costs to staff the regional tourist information center and to acquire promotional materials and standard display equipment for the tourist information center.

(3) APPLICATION AND WRITTEN AGREEMENT. (a) An applicant shall apply for a grant under this section on a form prepared by the department.

(b) The department shall enter into a written agreement with each grant recipient. The agreement shall specify the terms of the grant, including all of the following:

Vetoed In Part

Vetoed In Part

1. The name, address, and contact person of the grant recipient.

2. A description of the regional tourist information center being operated with grant moneys.

3. A preliminary itemized statement of the estimated total costs of the project.

4. A statement that the grant recipient must submit to the department an itemized statement of the actual expenditures incurred as a condition for receiving reimbursement under the grant.

5. Any conditions for the release of the grant funds under this section.

(4) LIMITATIONS. (a) No funds may be released except in accordance with the written agreement under sub. (3) and only upon presentation of receipted vouchers for project expenditures by the applicant, together with such other documentary evidence substantiating payments and the purposes for which the payments were made as the departmental rules require.

(b) Funds released in any given project may not exceed 50 percent of the total project costs.

(c) The department shall promulgate rules to administer the grants under this section, including the preparation of an application form.

SECTION 818. 43.24 (1) (a) 1. of the statutes is amended to read:

43.24 **(1)** (a) 1. Determine the percentage change in the total amount appropriated under s. 20.255 (3) ~~(e)~~ (qm) between the previous fiscal year and the current fiscal year, except that for the 2009−10 fiscal year, determine the percentage change in the total amount appropriated under s. 20.255 (3) (e), 2007 stats., and (qm) in the previous fiscal year, and s. 20.255 (3) (qm) in the current fiscal year.

SECTION 819. 43.24 (1) (c) of the statutes is amended to read:

43.24 **(1)** (c) Beginning in the fiscal year in which the total amount of state aid appropriated for public library systems under s. 20.255 (3) ~~(e) and~~ (qm), as determined by the department, equals at least 11.25% of the total operating expenditures for public library services from local and county sources in the calendar year ending in that fiscal year, the amount paid to each system shall be determined by adding the result of each of the following calculations:

1. Multiply the system's percentage of the state's population by the product of the amount appropriated under s. 20.255 (3) ~~(e) and~~ (qm) and 0.85.

2. Multiply the system's percentage of the state's geographical area by the product of the amount appropriated under s. 20.255 (3) ~~(e) and~~ (qm) and 0.075.

3. Divide the sum of the payments to the municipalities and counties in the system under subch. I of ch. 79 for the current fiscal year, as reflected in the statement of estimated payments under s. 79.015, by the total of all payments under subch. I of ch. 79 for the current fiscal year, as reflected in the statement of estimated payments under s. 79.015, and multiply the result by the product of the amount appropriated under s. 20.255 (3) ~~(e) and~~ (qm) and 0.075.

SECTION 820. 43.24 (3) of the statutes is amended to read:

43.24 **(3)** Annually, the division shall review the reports and proposed service plans submitted by the public library systems under s. 43.17 (5) for conformity with this chapter and such rules and standards as are applicable. Upon approval, the division shall certify to the department of administration an estimated amount to which each system is entitled under this section. Annually on or before December 1 of the year immediately preceding the year for which aids are to be paid, the department of administration shall pay each system 75% of the certified estimated amount from the ~~appropriations~~ appropriation under s. 20.255 (3) ~~(e) and~~ (qm). The division shall, on or before the following April 30, certify to the department of administration the actual amount to which the system is entitled under this section. On or before July 1, the department of administration shall pay each system the difference between the amount paid on December 1 of the prior year and the certified actual amount of aid to which the system is entitled from the ~~appropriations~~ appropriation under s. 20.255 (3) ~~(e) and~~ (qm). The division may reduce state aid payments when any system or any participant thereof fails to meet the requirements of sub. (2). Beginning September 1, 1991,

the division may reduce state aid payments to any system if the system or any participant in the system fails to meet the requirements of s. 43.15 (4).

SECTION 821. 43.24 (3m) of the statutes is amended to read:

43.24 **(3m)** If the ~~appropriations~~ appropriation under s. 20.255 (3) ~~(e) and~~ (qm) in any one year ~~are~~ is insufficient to pay the full amount under sub. (1), state aid payments shall be prorated among the library systems entitled to such aid.

SECTION 822. 43.24 (6) of the statutes is amended to read:

43.24 **(6)** In submitting information under s. 16.42 for purposes of the biennial budget bill, the department shall include an amount for public library services for each fiscal year of the fiscal biennium equal to 13% of the total operating expenditures for public library services, in territories anticipated to be within all systems in the state, from local and county sources in the calendar year immediately preceding the calendar year for which aid under this section is to be paid. The amount shall include a recommendation for the appropriation under s. 20.255 (3) ~~(e)~~ (qm) and recommendations for the funding of other public library services, as determined by the department in conjunction with public libraries and public library systems.

SECTION 823. 44.02 (24) of the statutes is amended to read:

44.02 **(24)** Promulgate by rule procedures, standards and forms necessary to certify, and shall certify, expenditures for preservation or rehabilitation of historic property for the purposes of ~~s.~~ ss. 71.07 (9m) and (9r), 71.28 (6), and 71.47 (6). These 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 designated by the department by rule. The department shall designate the assistance available under this section, which may include assistance in receiving medical care, dental care, education, employment, single room occupancy housing, and transitional housing. The department may provide payments to facilitate the provision of services under this section. From the appropriation under s. 20.485 (2) (ac), the department shall provide $15,000 annually during fiscal years 2007−08 and 2008−09 to the Center for Veterans Issues, Ltd., of Milwaukee, to provide outreach services to homeless veterans with post−traumatic stress disorder.

SECTION 828. 45.43 (2) of the statutes is amended to read:

45.43 **(2)** The department may charge fees for single room occupancy housing, transitional housing, and for other assistance provided under this section that the department designates. The department shall promulgate rules establishing the fee schedule and the manner of implementation of that schedule.

SECTION 829. 46.028 of the statutes is created to read:

46.028 Electronic benefit transfer. The department may deliver benefits that are administered by the department to recipients of the benefits by an electronic benefit transfer system if all of the following conditions are satisfied:

(1) The department obtains any authorization from a federal agency that is required under federal law to deliver the benefits by an electronic benefit transfer system.

(2) The department promulgates an administrative rule to deliver the benefits by an electronic benefits transfer system.

(3) The department does not require a county or tribal governing body to use the electronic benefit transfer system if the costs to the county or tribal government of delivering the benefits by the electronic benefit transfer system would be greater than the costs to the county or tribal government of delivering the benefits by means other than an electronic benefit transfer system.

SECTION 830. 46.03 (2a) of the statutes is amended to read:

46.03 **(2a)** GIFTS. Be authorized to accept gifts, grants or donations of money or of property from private sources to be administered by the department for the execution of its functions. ~~All moneys so received shall be paid into the general fund and are appropriated therefrom as provided in s. 20.435 (9) (i).~~

SECTION 831. 46.03 (43) of the statutes is amended to read:

46.03 **(43)** COMPULSIVE GAMBLING AWARENESS CAMPAIGNS. From the appropriation account under s. 20.435 ~~(7)~~ (5) (kg), ~~provide~~ award grants to one or more individuals or organizations in the private sector to conduct compulsive gambling awareness campaigns.

SECTION 832. 46.057 (2) of the statutes is amended to read:

46.057 **(2)** From the appropriation account under s. 20.410 (3) (ba), the department of corrections shall transfer to the appropriation account under s. 20.435 (2) (kx) ~~$1,379,300~~ $1,365,500 in each fiscal year and, from the appropriation account under s. 20.410 (3) (hm), the department of corrections shall transfer to the appropriation account under s. 20.435 (2) (kx) ~~$2,639,800~~ $2,872,300 in fiscal year ~~2007−08~~ 2009−10 and ~~$2,707,300~~ $2,896,100 in fiscal year ~~2008−09~~ 2010−11, for services for juveniles placed at the Mendota juvenile treatment center. The department of health services may charge the department of corrections not more than the actual cost of providing those services.

SECTION 833. 46.10 (8) (i) of the statutes is amended to read:

46.10 **(8)** (i) Pay quarterly from the appropriation accounts under s. 20.435 (2) (gk) and ~~(7)~~ (5) (gg) the collection moneys due county departments under ss. 51.42 and 51.437. Payments shall be made as soon after the close of each quarter as is practicable.

SECTION 834. 46.10 (14) (a) of the statutes is amended to read:

46.10 **(14)** (a) Except as provided in pars. (b) and (c), liability of a person specified in sub. (2) or s. 46.03 (18) for inpatient care and maintenance of persons under 18 years of age at community mental health centers, a county mental health complex under s. 51.08, the centers for the developmentally disabled, the Mendota Mental Health Institute, and the Winnebago Mental Health Institute or care and maintenance of persons under 18 years of age in residential, nonmedical facilities such as group homes, foster homes, ~~treatment foster homes,~~ subsidized guardianship homes, residential care centers for children and youth, and juvenile correctional institutions is determined in accordance with the cost−based fee established under s. 46.03 (18). The department shall bill the liable person up to any amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other 3rd−party benefits, subject to rules that include formulas governing ability to pay promulgated by the department under s. 46.03 (18). Any liability of the patient not payable by any other person terminates when the patient reaches age 18, unless the liable person has prevented payment by any act or omission.

SECTION 835. 46.10 (14) (b) of the statutes is amended to read:

46.10 **(14)** (b) Except as provided in par. (c) and subject to par. (cm), liability of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the parent's minor child who has been placed by a court order under s. 48.355 or 48.357 in a residential, nonmedical facility such as a group home, foster home, ~~treatment foster home,~~ subsidized guardianship home, or residential care center for children and youth shall be determined by the court by using the percentage standard established by the department of children and families under s. 49.22 (9) and by applying the percentage standard in the manner established by the department under par. (g).

SECTION 836. 46.208 (1) of the statutes is amended to read:

46.208 **(1)** All records of the county or tribal governing body relating to the administration of relief ~~that is~~ funded by a relief block grant ~~under ch. 49~~, as defined in s. 49.001 (5p), shall be open to inspection at all reasonable hours by authorized representatives of the department.

SECTION 837. 46.208 (2m) of the statutes is amended to read:

46.208 **(2m)** The department may at any time audit all records of the relief agency relating to the administration of relief funded by a relief block grant ~~under ch. 49~~, as defined in s. 49.001 (5p), and may at any time conduct administrative reviews of a county department under s. 46.215, 46.22, or 46.23. The department shall furnish a copy of the county audit or administrative review report to the chairperson of the county board of supervisors and the county clerk in a county with a single−county department or to the county boards of supervisors and the county clerks in counties with a multicounty department, and to the county director of the county department under s. 46.215, 46.22, or 46.23.

SECTION 838. 46.21 (1) (d) of the statutes is amended to read:

46.21 **(1)** (d) "Human services" means the total range of services to people, including mental illness treatment, developmental disabilities services, physical disabilities services, ~~relief funded by a relief block grant under ch. 49,~~ income maintenance, youth probation, extended supervision and parole services, alcohol and drug abuse services, services to children, youth and families, family counseling, early intervention services for children from birth to the age of 3, and manpower services. "Human services" does not include child welfare services under s. 48.48 (17) administered by the department in a county having a population of 500,000 or more.

SECTION 839. 46.21 (2) (j) of the statutes is amended to read:

46.21 **(2)** (j) May exercise approval or disapproval power over contracts and purchases of the director that are for $50,000 or more, except that the county board of supervisors may not exercise approval or disapproval power over any personal service contract or over any contract or purchase of the director ~~which~~ that relates to community living arrangements, adult family homes, or foster homes ~~or treatment foster homes~~ and ~~which~~ that was entered into pursuant to a contract under s. 46.031 (2g) or 301.031 (2g), regardless of whether the contract mentions the provider, except as provided in par. (m). This paragraph does not preclude the county board of supervisors from creating a central purchasing department for all county purchases.

SECTION 839p. 46.215 (1) (intro.) of the statutes, as affected by 2009 Wisconsin Act 15, is amended to read:

46.215 **(1)** CREATION; POWERS AND DUTIES. (intro.) In a county with a population of 500,000 or more the administration of welfare services, other than child welfare services under s. 48.48 (17) administered by the department and except as provided in ~~s.~~ ss. 49.155 (3g), 49.825, and 49.826, is vested in a county department of social services under the jurisdiction of the county board of supervisors under s. 46.21 (2m) (b) 1. a. Any reference in any law to a county department of social services under this section applies to a county department under s. 46.21 (2m) in its administration under s. 46.21 (2m) of the powers and duties of the county department of social services. Except as provided in ~~s.~~ ss. 49.155 (3g), 49.825, and 49.826, the county department of social services shall have the following functions, duties, and powers, and such other welfare functions as may be delegated to it:

SECTION 840. 46.215 (1) (d) of the statutes is amended to read:

46.215 **(1)** (d) To make investigations that relate to services under subchs. ~~II,~~ IV~~,~~ and V of ch. 49 upon request by the department of health services, to make investigations that relate to juvenile delinquency−related services at the request of the department of corrections, and to make investigations that relate to programs under ch. 48 and subch. III of ch. 49 upon request by the department of children and families.

SECTION 841. 46.215 (1) (fm) of the statutes is repealed.

SECTION 844. 46.215 (1) (p) of the statutes is amended to read:

46.215 **(1)** (p) To ~~establish and~~ administer the child care program under s. 49.155, if the department of children and families contracts with the county department of social services to do so.

SECTION 845d. 46.215 (2) (c) 3. of the statutes is amended to read:

46.215 **(2)** (c) 3. A county department of social services shall develop, under the requirements of s. 301.08 (2), plans and contracts for juvenile delinquency−related care and services to be purchased. The department of corrections may review the contracts and approve them if they are consistent with s. 301.08 (2) and if state or federal funds are available for such purposes. The joint committee on finance may require the department of corrections to submit the contracts to the committee for review and approval. The department of corrections may not make any payments to a county for programs included in a contract under review by the committee. The department of corrections shall reimburse each county for the contracts from the appropriations under s. 20.410 (3) (cd) ~~and~~, (ko), and (o) as appropriate.

SECTION 846. 46.22 (1) (b) 1. d. of the statutes is amended to read:

46.22 **(1)** (b) 1. d. To submit a final budget in accordance with s. 46.031 (1) for services authorized in this section, except for the administration of and cost of aid granted under ss. ~~49.02,~~ 49.19 and 49.45 to 49.471.

SECTION 847. 46.22 (1) (b) 1. h. of the statutes is repealed.

SECTION 849. 46.22 (1) (b) 2. fm. of the statutes is amended to read:

46.22 **(1)** (b) 2. fm. To ~~establish and~~ administer the child care program under s. 49.155, if the department of children and families contracts with the county department of social services to do so.

SECTION 853d. 46.22 (1) (e) 3. c. of the statutes is amended to read:

46.22 **(1)** (e) 3. c. A county department of social services shall develop, under the requirements of s. 301.08 (2), plans and contracts for juvenile delinquency−related care and services to be purchased. The department of corrections may review the contracts and approve them if they are consistent with s. 301.08 (2) and to the extent that state or federal funds are available for such purposes. The joint committee on finance may require the department of corrections to submit the contracts to the committee for review and approval. The department of corrections may not make any payments to a county for programs included in the contract that is under review by the committee. The department of corrections shall reimburse each county for the contracts from the appropriations under s. 20.410 (3) (cd) ~~and~~, (ko), and (o) 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, the department shall allocate funds from the appropriation account under s. 20.435 ~~(7)~~ (5) (be) for distribution under this section to a county department under s. 51.42 for the care, in the community or in a facility found to be an institution for mental diseases, of the following persons:

SECTION 856. 46.268 (1) (intro.) of the statutes is amended to read:

46.268 **(1)** (intro.) Notwithstanding s. 49.45 (6m) (ag), from the appropriation account under s. 20.435 ~~(7)~~ (5) (be), the department shall distribute not more than $830,000 in each fiscal year in order to provide funding of community services for an eligible individual, if all of the following apply:

SECTION 858. 46.281 (1n) (e) of the statutes is amended to read:

46.281 **(1n)** (e) Contract with a person to provide the advocacy services described under s. 16.009 (2) (p) 1. to 5. to actual or potential recipients of the family care benefit who are under age 60 or to their families or guardians. The department may not contract under this paragraph with a county or with a person who has a contract with the department to provide services under s. 46.283 (3) and (4) as a resource center or to administer the family care benefit as a care management organization. The contract under this paragraph shall include as a goal that the provider of advocacy services provide one advocate for every 2,500 individuals under age 60 who receive the family care benefit~~. The department shall allocate $190,000 for the contract under this paragraph in fiscal year 2007−08 and $525,000 in each subsequent fiscal year~~ or who participates in the self−directed services option, which is operated under a waiver from the secretary of the federal department of health and human services under 42 USC 1396n (c).

SECTION 859. 46.281 (3) of the statutes is amended to read:

46.281 **(3)** DUTY OF THE SECRETARY. The secretary shall certify to each county, hospital, nursing home, community−based residential facility, adult family home, as defined in s. 50.01 (1) (a) or (b), and residential care apartment complex the date on which a resource center that serves the area of the county, hospital, nursing home, community−based residential facility, adult family home, or residential care apartment complex is first available to perform functional screenings and financial and cost−sharing screenings. To facilitate phase−in of services of resource centers, the secretary may certify that the resource center is available for specified groups of eligible individuals or for specified facilities in the county.

SECTION 860. 46.283 (4) (e) of the statutes is amended to read:

46.283 **(4)** (e) Provide information about the services of the resource center, including the services specified in sub. (3) (d), about assessments under s. 46.284 (4) (b) and care plans under s. 46.284 (4) (c), and about the family care benefit to all older persons and persons with a physical disability who are residents of nursing homes, community−based residential facilities, adult family homes, as defined in s. 50.01 (1) (a) or (b), and residential care apartment complexes in the area of the resource center.

SECTION 861. 46.283 (4) (g) of the statutes is amended to read:

46.283 **(4)** (g) Perform a functional screening and a financial and cost−sharing screening for any person seeking admission to a nursing home, community−based residential facility, residential care apartment complex, or adult family home, as defined in s. 50.01 (1) (a) or (b), if the secretary has certified that the resource center is available to the person and the facility and the person is determined by the resource center to have a condition that is expected to last at least 90 days that would require care, assistance, or supervision. A resource center may not require a financial and cost−sharing screening for a person seeking admission or about to be admitted on a private pay basis who waives the requirement for a financial and cost−sharing screening under this paragraph, unless the person is expected to become eligible for medical assistance within 6 months. A resource center need not perform a functional screening for a person seeking admission or about to be admitted for whom a functional screening was performed within the previous 6 months.

SECTION 862. 46.284 (3m) of the statutes is created to read:

46.284 **(3m)** PERMIT REQUIRED. A care management organization that is described under s. 600.01 (1) (b) 10. a., to which s. 600.01 (1) (b) 10. b. does not apply and that is certified under sub. (3) shall apply for a permit with the office of the commissioner of insurance under ch. 648.

SECTION 863. 46.284 (4) (m) of the statutes is created to read:

46.284 **(4)** (m) Compensate providers, as defined in s. 46.2898 (1) (e), in accordance with any agreement under subch. V of ch. 111 relating to a provider hired directly by an enrollee and make any payroll deductions authorized by those agreements.

SECTION 864. 46.286 (1) (a) (intro.) and 1. (intro.) of the statutes are consolidated, renumbered 46.286 (1) (a) (intro.) and amended to read:

46.286 **(1)** (a) *Functional eligibility.* (intro.) A person is functionally eligible if ~~any of the following applies~~ the person's level of care need, as determined by the department or its designee~~: 1. (intro.) The person's level of care need~~, is either of the following:

SECTION 865. 46.286 (1) (a) 1. a. of the statutes is renumbered 46.286 (1) (a) 1m.

SECTION 866. 46.286 (1) (a) 1. b. of the statutes is renumbered 46.286 (1) (a) 2m.

SECTION 867. 46.286 (1) (a) 2. (intro.) of the statutes is repealed.

SECTION 868. 46.286 (1) (a) 2. a. of the statutes is renumbered 46.286 (3) (b) 2. a.

SECTION 869. 46.286 (1) (a) 2. b. of the statutes is renumbered 46.286 (3) (b) 2. b.

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 872k. 46.286 (1) (b) (intro.) (except 46.286 (1) (b) (title)) of the statutes is renumbered 46.286 (1) (b) 2m. (intro.).

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 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 assistance fee−for−service system or any of the following programs ~~specified under sub. (1) (a) 2. a. to d.~~:

SECTION 879. 46.286 (3) (c) of the statutes is amended to read:

46.286 **(3)** (c) Within each county and for each client group, par. (a) shall first apply on the effective date of a contract under which a care management organization accepts a per person per month payment to provide services under the family care benefit to eligible persons in that client group in the county. Within ~~24~~ 36 months after this date, the department shall assure that sufficient capacity exists within one or more care management organizations to provide the family care benefit to all entitled persons in that client group in the county.

SECTION 880. 46.288 (2) (intro.) of the statutes is amended to read:

46.288 **(2)** (intro.) Criteria and procedures for determining functional eligibility under s. 46.286 (1) (a), financial eligibility under s. 46.286 (1) (b), and cost sharing under s. 46.286 (2) (a). The rules for determining functional eligibility under s. 46.286 (1) (a) ~~1. a.~~ 1m. shall be substantially similar to eligibility criteria for receipt of the long−term support community options program under s. 46.27. Rules under this subsection shall include definitions of the following terms applicable to s. 46.286:

SECTION 881. 46.288 (2) (a) of the statutes is repealed.

SECTION 882. 46.288 (2) (b) of the statutes is repealed.

SECTION 883. 46.288 (2) (c) of the statutes is repealed.

SECTION 883x. 46.2897 of the statutes is created to read:

46.2897 Self−directed services option; advocacy services. The department shall allow a participant in the self−directed services option that is operated under a waiver from the secretary of the federal department of health and human services under 42 USC 1396n (c) to access the advocacy services contracted for by the department under s. 46.281 (1n) (e).

SECTION 884. 46.2898 of the statutes is created to read:

46.2898 Quality home care. (1) DEFINITIONS. In this section:

(a) "Authority" means the Wisconsin Quality Home Care Authority.

(b) "Care management organization" has the meaning given in s. 46.2805 (1).

(cm) "Consumer" means an adult who receives home care services and who meets all of the following criteria:

1. Is a resident of any of the following:

a. A county that has acted under sub. (2) (a).

b. A county in which the Family Care Program under s. 46.286 is available.

c. A county in which the Program of All−Inclusive Care for the Elderly under 42 USC 1396u−4 is available.

d. A county in which the self−directed services option program under 42 USC 1396n (c) is available or in which a program operated under an amendment to the state medical assistance plan under 42 USC 1396n (j) is available.

2. Self−directs all or part of his or her home care services and is an employer listed on the provider's income tax forms.

3. Is eligible to receive a home care benefit under one of the following:

a. The Family Care Program under s. 46.286.

b. The Program of All−Inclusive Care for the Elderly, under 42 USC 1396u−4.

c. A program operated under a waiver from the secretary of the federal department of health and human services under 42 USC 1396n (c) or 42 USC 1396n (b) and (c) or the self−directed services option operated under 42 USC 1396n (c).

d. A program operated under an amendment to the state medical assistance plan under 42 USC 1396n (j).

(dm) "Home care" means supportive home care, personal care, and other nonprofessional services of a type that may be covered under a medical assistance waiver under 42 USC 1396n (c) and that are provided to individuals to assist them in meeting their daily living needs, ensuring adequate functioning in their homes, and permitting safe access to their communities.

(e) "Provider" means an individual who is hired by a consumer to provide home care to the consumer but does not include any of the following:

1. A person, while he or she is providing services in the capacity of an employee of any of the following entities:

a. A home health agency licensed under s. 50.49.

b. A personal care provider agency.

c. A company or agency providing supportive home care.

d. An independent living center, as defined in s. 46.96 (1) (ah).

e. A county agency or department under s. 46.215, 46.22, 46.23, 51.42, or 51.437.

2. A health care provider, as defined in s. 146.997 (1) (d), acting in his or her professional capacity.

(f) "Qualified provider" means a provider who meets the qualifications for payment through the Family Care Program under s. 46.286, the Program for All−Inclusive Care for the Elderly operated under 42 USC 1396u−4, an amendment to the state medical assistance plan under 42 USC 1396n (j), or a medical assistance waiver program operated under a waiver from the secretary of the U.S. department of health and human services under 42 USC 1396n (c) or 42 USC 1396n (b) and (c) and any qualification criteria established in the rules promulgated under sub. (7) and who the authority determines is eligible for placement on the registry maintained by the authority under s. 52.20 (1).

(2) COUNTY PARTICIPATION. (a) A county board of supervisors may require a county department under 46.215, 46.22, 46.23, 51.42, or 51.437 to follow procedures under this section and to pay providers in accordance with agreements under subch. V of ch. 111.

(b) If a county acts under par. (a), it shall notify the department and the authority of its action.

(c) A county that acts under par. (a) shall compensate providers in accordance with any agreement under subch. V of ch. 111 and make any payroll deductions authorized by such agreements.

(4) DUTIES OF HOME CARE PAYORS. Care management organizations, the state, and counties, as described under sub. (1) (cm) 1. a. to d., that pay for the provision of home care services to consumers shall provide to the authority the name, address, telephone number, date of hire, and date of termination of any provider hired by an individual receiving home care services.

(5) DUTIES OF CONSUMERS. A consumer shall do all of the following:

(a) Inform the authority of the name, address, telephone number, date of hire, and date of termination of any provider hired by the consumer to provide home care services.

(b) Compensate providers in accordance with any collective bargaining agreement that applies to home care providers under subch. V of ch. 111 and make any payroll deductions authorized by the agreement.

(6) PROVIDERS. (a) A qualified provider providing home care services under this section shall be subject to the collective bargaining agreement that applies to home care providers under subch. V of ch. 111.

(b) A qualified provider may choose to be placed on the registry maintained by the authority under s. 52.20 (1).

(7) DEPARTMENT RULE−MAKING. The department may promulgate rules defining terms, specifying which services constitute home care, establishing the qualification criteria that apply under sub. (1) (d), and establishing procedures for implementation of this section.

SECTION 885. 46.29 (1) (intro.) of the statutes is amended to read:

46.29 **(1)** (intro.) From the appropriation account under s. 20.435 ~~(6)~~ (7) (a), the department shall ~~allocate~~ distribute at least $16,100 in each fiscal year for operation of the council on physical disabilities. The council on physical disabilities shall do all of the following:

SECTION 888. 46.295 (1) of the statutes is amended to read:

46.295 **(1)** The department may, on the request of any hearing−impaired person, city, village, town, or county or private agency, provide funds from the appropriation accounts under s. 20.435 ~~(6)~~ (7) (d) and (hs) ~~and (7) (d)~~ to reimburse interpreters for hearing−impaired persons for the provision of interpreter services.

SECTION 889. 46.40 (2m) (a) of the statutes is amended to read:

46.40 **(2m)** (a) *Prevention and treatment of substance abuse.* For prevention and treatment of substance abuse under 42 USC 300x−21 to 300x−35, the department shall distribute not more than $13,975,500 in fiscal year 2009−10 and $9,735,700 in each fiscal year thereafter.

SECTION 892. 46.48 (1) of the statutes is amended to read:

46.48 **(1)** GENERAL. From the appropriation accounts under s. 20.435 (5) (bc) and (7) (bc), the department shall ~~distribute~~ award grants for community programs as provided in this section.

SECTION 893. 46.48 (9) of the statutes is repealed.

SECTION 894. 46.48 (9m) of the statutes is created to read:

46.48 **(9m)** QUALITY HOME CARE. The department shall award a grant to the Wisconsin Quality Home Care Authority for the purpose of providing services to recipients and providers of home care under s. 46.2898 and ch. 52 and may award grants to counties to facilitate transition to procedures established under s. 46.2898.

SECTION 895. 46.48 (11m) of the statutes is repealed.

SECTION 896. 46.48 (30) (a) of the statutes is amended to read:

46.48 **(30)** (a) From the appropriation account under s. 20.435 (7) (bc), the department shall distribute grants on a competitive basis to county departments of social services and to private nonprofit organizations, as defined in s. 103.21 (2), for the provision of alcohol and other drug abuse treatment services in counties with a population of 500,000 or more. Grants distributed under this subsection may be used only to provide treatment for alcohol and other drug abuse to individuals who are eligible for federal temporary assistance for needy families under 42 USC 601 et. seq. and who have a family income of not more than 200% of the poverty line, as defined in s. 49.001 (5).

SECTION 897. 46.485 (2g) (intro.) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

46.485 **(2g)** (intro.) From the appropriation account under s. 20.435 (4) (b), the department may in each fiscal year transfer funds to the appropriation account under s. 20.435 ~~(7) (kb)~~ (5) (kc) for distribution under this section and from the appropriation account under s. 20.435 (7) (mb) the department may not distribute more than $1,330,500 in each fiscal year to applying counties in this state that meet all of the following requirements, as determined by the department:

SECTION 898. 46.485 (3r) of the statutes is amended to read:

46.485 **(3r)** Funds from the appropriation account under s. 20.435 ~~(7) (kb)~~ (5) (kc) that the department does not distribute to a county before 24 months after June 30 of the fiscal year in which the department allocated the funds to the county under sub. (2g) lapse to the appropriation account under s. 20.435 (4) (b). A county may at any time expend funds that the department distributes to the county, consistent with the requirements under sub. (3m).

SECTION 899. 46.495 (1) (am) of the statutes is amended to read:

46.495 **(1)** (am) The department shall reimburse each county from the appropriations under s. 20.435 (7) (b) and (o) for social services as approved by the department under ss. 46.215 (1), (2) (c) 1., and (3) and 46.22 (1) (b) 1. d. and (e) 3. a. except that no reimbursement may be made for the administration of or aid granted under s. 49.02, 2009 stats.

SECTION 900. 46.56 (8) (L) of the statutes is amended to read:

46.56 **(8)** (L) In providing integrated services under this section, the service coordination agency and the designated service providers shall include in the integrated service plan all individuals who are active in the care of the child with severe disabilities, including members of the child's family, foster parents, ~~treatment foster parents~~ and other individuals who by close and continued association with the child have come to occupy significant roles in the care and treatment of the child with severe disabilities.

SECTION 901. 46.56 (15) (a) of the statutes is amended to read:

46.56 **(15)** (a) From the appropriation account under s. 20.435 ~~(7)~~ (5) (co), the department shall make available funds to implement programs under this section. The funds may be used to pay for the intake, assessment, case planning and service coordination provided under sub. (8) and for expanding the capacity of the county to provide community−based care and treatment for children with severe disabilities.

SECTION 902. 46.56 (15) (b) 4. of the statutes is amended to read:

46.56 **(15)** (b) 4. Submit a description of the existing services in the county for children with severe disabilities, an assessment of any gaps in services, and a plan for using the funds under this program or from other funding sources to develop or expand any needed community−based services such as in−home treatment, ~~treatment foster care,~~ day treatment, respite care, or crisis services.

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 to provide community−based alcohol and other drug abuse treatment programs that do all of the following:

SECTION 907. 46.96 (1) (ap) of the statutes is amended to read:

46.96 **(1)** (ap) "Independent living services" has the meaning given under ~~29 USC 706 (30)~~ 29 USC 705 (18).

SECTION 908. 46.96 (1) (at) of the statutes is amended to read:

46.96 **(1)** (at) "Individual with a disability" has the meaning given under ~~29 USC 706 (8) (B)~~ 29 USC 705 (20).

SECTION 909. 46.972 (2) of the statutes is amended to read:

46.972 **(2)** From the appropriation account under s. 20.435 ~~(5)~~ (1) (ce), the department shall ~~allocate~~ award up to $125,000 in each fiscal year as grants to applying public or nonprofit private entities for the costs of providing primary health services and any other services that may be funded by the program under 42 USC 256 to homeless individuals. Entities that receive funds ~~allocated~~ awarded by the department under this paragraph shall provide the primary health services as required under 42 USC 256 (f). The department may ~~allocate~~ award to an applying entity up to 100% of the amount of matching funds required under 42 USC 256 (e).

SECTION 910. 46.985 (1) (f) of the statutes is amended to read:

46.985 **(1)** (f) "Parent" means a parent, guardian, legal custodian, or a person acting in the place of a parent, but does not include a foster parent~~, treatment foster parent~~ or any other paid care provider.

SECTION 912. 46.99 of the statutes is created to read:

46.99 Medical assistance waiver for Birth to 3 participants. (1) In this section, "medical assistance" means the program under subch. IV of ch. 49.

(2) The department shall request from the secretary of the U.S. department of health and human services a waiver under 42 USC 1396n (c) that authorizes the provision of home or community−based services under medical assistance to children who are eligible for medical assistance and receive early intervention services under s. 51.44.

(3) If the waiver requested under sub. (2) is granted, counties shall provide the nonfederal share of costs for medical assistance services provided under the waiver. Counties may use moneys appropriated under s. 20.435 (7) (bt) and distributed to counties under s. 51.44 (3) (a) to provide the nonfederal share of medical assistance costs.

(4) From the appropriation account under s. 20.435 (4) (o), the department shall distribute to counties that provide services under this section the amount of federal moneys received by the state as the federal share of medical assistance for those services, minus the amount transferred to the appropriation account under s. 20.435 (7) (im) for the department's costs of administering this section. Counties shall use moneys distributed under this section to provide services under this section or s. 51.44.

SECTION 913. 48.01 (1) (gg) of the statutes is amended to read:

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

SECTION 914. 48.02 (6) of the statutes is amended to read:

48.02 **(6)** "Foster home" means any facility that is operated by a person required to be licensed by s. 48.62 (1) ~~(a)~~ and that provides care and maintenance for no more than 4 children or, if necessary to enable a sibling group to remain together, for no more than 6 children or, if the department promulgates rules permitting a different number of children, for the number of children permitted under those rules.

SECTION 915. 48.02 (17q) of the statutes is repealed.

SECTION 916. 48.195 (2) (d) 5. of the statutes is amended to read:

48.195 **(2)** (d) 5. The child's foster parent~~, treatment foster parent,~~ or other person having physical custody of the child.

SECTION 917. 48.207 (1) (c) of the statutes is amended to read:

48.207 **(1)** (c) A licensed foster home ~~or a licensed treatment foster home provided~~ if the placement does not violate the conditions of the license.

SECTION 918. 48.207 (1) (f) of the statutes is amended to read:

48.207 **(1)** (f) The home of a person not a relative, if the placement does not exceed 30 days, though the placement may be extended for an additional 30 days for cause by the court, and if the person has not had a ~~foster home or treatment foster home~~ license under s. 48.62 refused, revoked, or suspended within the last 2 years.

SECTION 919. 48.207 (3) of the statutes is amended to read:

48.207 **(3)** A child taken into custody under s. 48.981 may be held in a hospital, foster home, ~~treatment foster home,~~ relative's home, or other appropriate medical or child welfare facility ~~which~~ that is not used primarily for the detention of delinquent children.

Vetoed In Part

SECTION 919p. 48.21 (3) (f) of the statutes is created to read:

48.21 **(3)** (f) If present at the hearing, the parent shall be requested to provide the names and other identifying information of 3 relatives of the child or family friends 18 years of age or over whose homes the parent requests the court to consider as placements for the child. If the parent does not provide this information at the hearing, the county department or, in a county having a population of 500,000 or more, the department shall make a reasonable effort to provide each parent with the opportunity to provide this information.

SECTION 920. 48.21 (5) (d) 2. of the statutes is amended to read:

48.21 **(5)** (d) 2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court shall notify the child, any parent, guardian, and legal custodian of the child, and any foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the hearing.

SECTION 921. 48.21 (5) (d) 3. of the statutes is amended to read:

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

Vetoed In Part

SECTION 921h. 48.21 (5) (e) of the statutes is created to read:

48.21 **(5)** (e) 1. In this paragraph, "adult relative" means a grandparent, great−grandparent, aunt, uncle, or sibling of a child, whether by blood, marriage, or legal adoption, who has attained 18 years of age.

2. The court shall order the county department or, in a county having a population of 500,000 or more, the department to conduct a diligent search in order to locate and provide notice of the information specified in this subdivision to all adult relatives of the child and to all other adult individuals whose homes are requested by the child's parent under sub. (3) (f) to be considered as placement options for the child within 30 days after the date of the hearing unless the child is returned to his or her home within that period. The county department or department may not provide that notice to an adult relative or other individual if the county department or the department has reason to believe that it would be dangerous to the child or to the parent if the child were placed with that adult relative or other individual. The notice shall include all of the following:

Vetoed In Part

a. A statement that the child has been removed from the custody of the child's parent.

b. A statement that the child may need a temporary or permanent placement outside of his or her home and an explanation of how the adult relative or other individual may request to have the child placed with him or her.

c. An explanation of the programs and services that may be available to the adult relative or other individual if the child is placed with him or her including foster care payments, kinship care payments, assistance with health care needs, child care assistance, and nutrition assistance.

d. A description of the types of expenses that the adult relative or other individual may incur if the child is placed in his or her home and whether and when the adult relative or other individual may be reimbursed for those expenses.

e. An explanation of how to receive notice of future proceedings relating to the child if the adult relative or other individual provides contact information to the county department or the department.

SECTION 922. 48.27 (3) (a) 1. of the statutes is amended to read:

48.27 **(3)** (a) 1. If the petition that was filed relates to facts concerning a situation under s. 48.13 or a situation under s. 48.133 involving an expectant mother who is a child, the court shall also notify, under s. 48.273, the child, any parent, guardian, and legal custodian of the child, any foster parent~~, treatment foster parent~~ or other physical custodian described in s. 48.62 (2) of the child, the unborn child by the unborn child's guardian ad litem, if applicable, and any person specified in par. (b), (d), or (e), if applicable, of all hearings involving the child except hearings on motions for which notice need only be provided to the child and his or her counsel. When parents who are entitled to notice have the same place of residence, notice to one shall constitute notice to the other. The first notice to any interested party, foster parent~~, treatment foster parent~~ or other physical custodian described in s. 48.62 (2) shall be written and may have a copy of the petition attached to it. Thereafter, notice of hearings may be given by telephone at least 72 hours before the time of the hearing. The person giving telephone notice shall place in the case file a signed statement of the time notice was given and the person to whom he or she spoke.

SECTION 923. 48.27 (3) (a) 1m. of the statutes is amended to read:

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

SECTION 924. 48.27 (3) (a) 2. of the statutes is amended to read:

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

SECTION 925. 48.27 (6) of the statutes is amended to read:

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

SECTION 926. 48.299 (1) (ag) of the statutes is amended to read:

48.299 **(1)** (ag) In a proceeding other than a proceeding under s. 48.375 (7), if a public hearing is not held, only the parties and their counsel or guardian ad litem, the court−appointed special advocate for the child, the child's foster parent~~, treatment foster parent~~ or other physical custodian described in s. 48.62 (2), witnesses, and other persons requested by a party and approved by the court may be present, except that the court may exclude a foster parent~~, treatment foster parent~~ or other physical custodian described in s. 48.62 (2) from any portion of the hearing if that portion of the hearing deals with sensitive personal information of the child or the child's family or if the court determines that excluding the foster parent~~, treatment foster parent~~ or other physical custodian would be in the best interests of the child. Except in a proceeding under s. 48.375 (7), any other person the court finds to have a proper interest in the case or in the work of the court, including a member of the bar, may be admitted by the court.

SECTION 927. 48.299 (1) (ar) of the statutes is amended to read:

48.299 **(1)** (ar) All hearings under s. 48.375 (7) shall be held in chambers, unless a public fact−finding hearing is demanded by the child through her counsel. In a proceeding under s. 48.375 (7), the child's foster parent~~, treatment foster parent~~ or other physical custodian described in s. 48.62 (2) may be present if requested by a party and approved by the court.

SECTION 928. 48.32 (1) (c) 2. of the statutes is amended to read:

48.32 **(1)** (c) 2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court shall notify the child, any parent, guardian, and legal custodian of the child, and any foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the hearing.

SECTION 929. 48.32 (1) (c) 3. of the statutes is amended to read:

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

SECTION 930. 48.33 (4) (intro.) of the statutes is amended to read:

48.33 **(4)** OTHER OUT−OF−HOME PLACEMENTS. (intro.) A report recommending placement of an adult expectant mother outside of her home shall be in writing. A report recommending placement of a child in a foster home, ~~treatment foster home,~~ group home, or residential care center for children and youth, in the home of a relative other than a parent, or in the home of a guardian under s. 48.977 (2) shall be in writing and shall include all of the following:

SECTION 931. 48.33 (5) of the statutes is amended to read:

48.33 **(5)** IDENTITY OF FOSTER PARENT ~~OR TREATMENT FOSTER PARENT~~; CONFIDENTIALITY. If the report recommends placement in a foster home ~~or a treatment foster home~~, and the name of the foster parent ~~or treatment foster parent~~ is not available at the time the report is filed, the agency shall provide the court and the child's parent or

guardian with the name and address of the foster parent ~~or treatment foster parent~~ within 21 days after the dispositional order is entered, except that the court may order the information withheld from the child's parent or guardian if the court finds that disclosure would result in imminent danger to the child or to the foster parent ~~or treatment foster parent~~. After notifying the child's parent or guardian, the court shall hold a hearing prior to ordering the information withheld.

SECTION 932. 48.335 (3g) (intro.) of the statutes is amended to read:

48.335 **(3g)** (intro.) At hearings under this section, if the agency, as defined in s. 48.38 (1) (a), is recommending placement of the child in a foster home, ~~treatment foster home,~~ group home, or residential care center for children and youth or in the home of a relative other than a parent, the agency shall present as evidence specific information showing all of the following:

SECTION 933. 48.345 (3) (c) of the statutes is amended to read:

48.345 **(3)** (c) A foster home ~~or treatment foster home~~ licensed under s. 48.62, a group home licensed under s. 48.625, or in the home of a guardian under s. 48.977 (2).

SECTION 934. 48.355 (2) (b) 2. of the statutes is amended to read:

48.355 **(2)** (b) 2. If the child is placed outside the home, the name of the place or facility, including transitional placements, where the child ~~shall~~ will be cared for or treated, except that if the placement is a foster home ~~or treatment foster home~~ and if the name and address of the foster parent ~~or treatment foster parent~~ is not available at the time of the order, the name and address of the foster parent ~~or treatment foster parent~~ shall be furnished to the court and the parent within 21 days ~~of~~ after the order. If, after a hearing on the issue with due notice to the parent or guardian, the judge finds that disclosure of the identity of the foster parent ~~or treatment foster parent~~ would result in imminent danger to the child~~,~~ or the foster parent ~~or the treatment foster parent~~, the judge may order the name and address of the prospective foster parents ~~or treatment foster parents~~ to be withheld from the parent or guardian.

SECTION 935. 48.355 (2d) (c) 2. of the statutes is amended to read:

48.355 **(2d)** (c) 2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court shall notify the child, any parent, guardian, and legal custodian of the child, and any foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the hearing.

SECTION 936. 48.355 (2d) (c) 3. of the statutes is amended to read:

48.355 **(2d)** (c) 3. The court shall give a foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the foster parent~~, treatment foster parent,~~ or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent~~, treatment foster parent,~~ or other physical custodian who receives a notice of a hearing under subd. 2. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 937. 48.355 (4) of the statutes is amended to read:

48.355 **(4)** TERMINATION OF ORDERS. Except as provided under s. 48.368, an order under this section or s. 48.357 or 48.365 made before the child reaches 18 years of age that places or continues the placement of the child in his or her home shall terminate at the end of one year after its entry unless the judge specifies a shorter period of time or the judge terminates the order sooner. Except as provided under s. 48.368, an order under this section or s. 48.357 or 48.365 made before the child reaches 18 years of age that places or continues the placement of the child in a foster home, ~~treatment foster home,~~ group home, or residential care center for children and youth or in the home of a relative other than a parent shall terminate when the child reaches 18 years of age, at the end of one year after its entry, or, if the child is a full−time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before reaching 19 years of age, when the child reaches 19 years of age, whichever is later, unless the judge specifies a shorter period of time or the judge terminates the order sooner. An order under this section or s. 48.357 or 48.365 relating to an unborn child in need of protection or services that is made before the unborn child is born shall terminate at the end of one year after its entry unless the judge specifies a shorter period of time or the judge terminates the order sooner.

SECTION 938. 48.357 (1) (am) 1. of the statutes is amended to read:

48.357 **(1)** (am) 1. If the proposed change in placement involves any change in placement other than a change in placement specified in par. (c), the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel shall cause written notice of the proposed change in placement to be sent to the child, the parent, guardian, and legal custodian of the child, any foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) of the child, the child's court−appointed special advocate, and, if the child is the expectant mother of an unborn child under s. 48.133, the unborn child by the unborn child's guardian ad litem. If the expectant mother is an adult, written notice shall be sent to the adult expectant mother and the unborn child by the unborn child's guardian ad litem. The notice shall contain the

name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement, and a statement of how the new placement satisfies objectives of the treatment plan ordered by the court.

SECTION 939. 48.357 (2m) (b) of the statutes is amended to read:

48.357 **(2m)** (b) The court shall hold a hearing on the matter prior to ordering any change in placement requested or proposed under par. (a) if the request states that new information is available that affects the advisability of the current placement, unless the requested or proposed change in placement involves any change in placement other than a change in placement of a child placed in the home to a placement outside the home and written waivers of objection to the proposed change in placement are signed by all persons entitled to receive notice under sub. (1) (am) 1., other than a court−appointed special advocate, and the court approves. If a hearing is scheduled, the court shall notify the child, the parent, guardian, and legal custodian of the child, any foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) of the child, the child's court−appointed special advocate, all parties who are bound by the dispositional order, and, if the child is the expectant mother of an unborn child under s. 48.133, the unborn child by the unborn child's guardian ad litem, or shall notify the adult expectant mother, the unborn child by the unborn child's guardian ad litem, and all parties who are bound by the dispositional order, at least 3 days prior to the hearing. A copy of the request or proposal for the change in placement shall be attached to the notice. If all of the parties consent, the court may proceed immediately with the hearing.

SECTION 940. 48.357 (2r) of the statutes is amended to read:

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

SECTION 941. 48.357 (2v) (c) 2. of the statutes is amended to read:

48.357 **(2v)** (c) 2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court shall notify the child, any parent, guardian, and legal custodian of the child, and any foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the hearing.

SECTION 942. 48.357 (2v) (c) 3. of the statutes is amended to read:

48.357 **(2v)** (c) 3. The court shall give a foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the foster parent~~, treatment foster parent,~~ or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent~~, treatment foster parent,~~ or other physical custodian who receives a notice of a hearing under subd. 2. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 943. 48.363 (1) (b) of the statutes is amended to read:

48.363 **(1)** (b) If a hearing is held, the court shall notify the child, the child's parent, guardian, and legal custodian, all parties bound by the dispositional order, the child's foster parent~~, treatment foster parent~~ or other physical custodian described in s. 48.62 (2), the child's court−appointed special advocate, the district attorney or corporation counsel in the county in which the dispositional order was entered, and, if the child is the expectant mother of an unborn child under s. 48.133, the unborn child by the unborn child's guardian ad litem; or shall notify the adult expectant mother, the unborn child through the unborn child's guardian ad litem, all parties bound by the dispositional order and the district attorney or corporation counsel in the county in which the dispositional order was entered, at least 3 days prior to the hearing. A copy of the request or proposal shall be attached to the notice. If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the original order.

SECTION 944. 48.363 (1m) of the statutes is amended to read:

48.363 **(1m)** If a hearing is held under sub. (1) (a), any party may present evidence relevant to the issue of revision of the dispositional order. In addition, the court shall give a foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) of the child an opportunity to be heard at the hearing by permitting the foster parent~~, treatment foster parent,~~ or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of revision. A foster parent~~,~~

~~treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under sub. (1) (a) and an opportunity to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 945. 48.365 (2) of the statutes is amended to read:

48.365 **(2)** No order may be extended without a hearing. The court shall notify the child, the child's parent, guardian, and legal custodian, all the parties present at the original hearing, the child's foster parent~~, treatment foster parent~~ or other physical custodian described in s. 48.62 (2), the child's court−appointed special advocate, the district attorney or corporation counsel in the county in which the dispositional order was entered and, if the child is an expectant mother of an unborn child under s. 48.133, the unborn child by the unborn child's guardian ad litem, or shall notify the adult expectant mother, the unborn child through the unborn child's guardian ad litem, all the parties present at the original hearing, and the district attorney or corporation counsel in the county in which the dispositional order was entered, of the time and place of the hearing.

SECTION 946. 48.365 (2m) (ad) 2. of the statutes is amended to read:

48.365 **(2m)** (ad) 2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court shall notify the child, any parent, guardian, and legal custodian of the child, and any foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) of the child of the time, place, and purpose of the hearing.

SECTION 947. 48.365 (2m) (ag) of the statutes is amended to read:

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

SECTION 948. 48.371 (1) (intro.) of the statutes is amended to read:

48.371 **(1)** (intro.) If a child is placed in a foster home, ~~treatment foster home,~~ group home, or residential care center for children and youth or in the home of a relative other than a parent, including a placement under s. 48.205 or 48.21, the agency, as defined in s. 48.38 (1) (a), that placed the child or arranged for the placement of the child shall provide the following information to the foster parent, ~~treatment foster parent,~~ relative, or operator of the group home or residential care center for children and youth at the time of placement or, if the information has not been provided to the agency by that time, as soon as possible after the date on which the agency receives that information, but not more than 2 working days after that date:

SECTION 949. 48.371 (1) (a) of the statutes is amended to read:

48.371 **(1)** (a) Results of a test or a series of tests of the child to determine the presence of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products of HIV, or an antibody to HIV, as provided under s. 252.15 (5) (a) 19., including results included in a court report or permanency plan. At the time that the test results are provided, the agency shall notify the foster parent, ~~treatment foster parent,~~ relative, or operator of the group home or residential care center for children and youth of the confidentiality requirements under s. 252.15 (6).

SECTION 950. 48.371 (3) (intro.) of the statutes is amended to read:

48.371 **(3)** (intro.) At the time of placement of a child in a foster home, ~~treatment foster home,~~ group home, or residential care center for children and youth or in the home of a relative other than a parent or, if the information is not available at that time, as soon as possible after the date on which the court report or permanency plan has been submitted, but no later than 7 days after that date, the agency, as defined in s. 48.38 (1) (a), responsible for preparing the child's permanency plan shall provide to the foster parent, ~~treatment foster parent,~~ relative, or operator of the group home or residential care center for children and youth information contained in the court report submitted under s. 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2), or 48.837 (4) (c) or permanency plan submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), or 48.831 (4) (e) relating to findings or opinions of the court or agency that prepared the court report or permanency plan relating to any of the following:

SECTION 951. 48.371 (3) (d) of the statutes is amended to read:

48.371 **(3)** (d) Any involvement of the child, whether as victim or perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02, 948.025, or 948.085, prostitution in violation of s. 944.30, trafficking in violation of s. 940.302 (2) if s. 940.302 (2) (a). 1. b. applies, sexual exploitation of a child in violation of s. 948.05, trafficking of a child in violation of s. 948.051, or causing a child to view or listen to sexual activity in violation of s. 948.055, if the information is necessary for the care of the child or for the protection of any person living in the foster home, ~~treatment foster home,~~ group

home, or residential care center for children and youth or in the home of the relative.

SECTION 952. 48.371 (5) of the statutes is amended to read:

48.371 **(5)** Except as permitted under s. 252.15 (6), a foster parent, ~~treatment foster parent,~~ relative, or operator of a group home or residential care center for children and youth that receives any information under sub. (1) or (3), other than the information described in sub. (3) (e), shall keep the information confidential and may disclose that information only for the purposes of providing care for the child or participating in a court hearing or permanency plan review concerning the child.

SECTION 953. 48.375 (4) (a) 1. of the statutes is amended to read:

48.375 **(4)** (a) 1. The person or the person's agent has, either directly or through a referring physician or his or her agent, received and made part of the minor's medical record, under the requirements of s. 253.10, the voluntary and informed written consent of the minor and the voluntary and informed written consent of one of her parents; or of the minor's guardian or legal custodian, if one has been appointed; or of an adult family member of the minor; or of one of the minor's foster parents ~~or treatment foster parents~~, if the minor has been placed in a foster home ~~or treatment foster home~~ and the minor's parent has signed a waiver granting the department, a county department, or the foster parent ~~or the treatment foster parent~~ the authority to consent to medical services or treatment on behalf of the minor.

SECTION 954. 48.375 (4) (b) 1m. of the statutes is amended to read:

48.375 **(4)** (b) 1m. A physician who specializes in psychiatry or a licensed psychologist, as defined in s. 455.01 (4), states in writing that the physician or psychologist believes, to the best of his or her professional judgment based on the facts of the case before him or her, that the minor is likely to commit suicide rather than file a petition under s. 48.257 or approach her parent, or guardian or legal custodian, if one has been appointed, or an adult family member of the minor, or one of the minor's foster parents ~~or treatment foster parents~~, if the minor has been placed in a foster home ~~or treatment foster home~~ and the minor's parent has signed a waiver granting the department, a county department, or the foster parent ~~or the treatment foster parent~~ the authority to consent to medical services or treatment on behalf of the minor, for consent.

SECTION 955. 48.375 (4) (b) 3. of the statutes is amended to read:

48.375 **(4)** (b) 3. The minor provides the person who intends to perform or induce the abortion with a written statement, signed and dated by the minor, that a parent who has legal custody of the minor, or the minor's guardian or legal custodian, if one has been appointed, or an adult family member of the minor, or a foster parent ~~or treatment foster parent~~, if the minor has been placed in a foster home ~~or treatment foster home~~ and the minor's parent has signed a waiver granting the department, a county department, or the foster parent ~~or the treatment foster parent~~ the authority to consent to medical services or treatment on behalf of the minor, has inflicted abuse on the minor. The person who intends to perform or induce the abortion shall place the statement in the minor's medical record. The person who intends to perform or induce the abortion shall report the abuse as required under s. 48.981 (2).

SECTION 956. 48.375 (7) (f) of the statutes is amended to read:

48.375 **(7)** (f) *Certain persons barred from proceedings.* No parent, or guardian or legal custodian, if one has been appointed, or foster parent ~~or treatment foster parent~~, if the minor has been placed in a foster home ~~or treatment foster home~~ and the minor's parent has signed a waiver granting the department, a county department, or the foster parent ~~or the treatment foster parent~~ the authority to consent to medical services or treatment on behalf of the minor, or adult family member, of any minor who is seeking a court determination under this subsection may attend, intervene, or give evidence in any proceeding under this subsection.

SECTION 957. 48.38 (2) (intro.) of the statutes is amended to read:

48.38 **(2)** PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3), for each child living in a foster home, ~~treatment foster home,~~ group home, residential care center for children and youth, juvenile detention facility, or shelter care facility, the agency that placed the child or arranged the placement or the agency assigned primary responsibility for providing services to the child under s. 48.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following conditions exists, and, for each child living in the home of a relative other than a parent, that agency shall prepare a written permanency plan, if any of the conditions specified in pars. (a) to (e) exists:

SECTION 958. 48.38 (2) (g) of the statutes is amended to read:

48.38 **(2)** (g) The child's parent is placed in a foster home, ~~treatment foster home,~~ group home, residential care center for children and youth, juvenile detention facility, or shelter care facility and the child is residing with that parent.

SECTION 958p. 48.38 (4) (bm) of the statutes is amended to read: **Vetoed In Part**

48.38 **(4)** (bm) A statement as to the availability of a safe and appropriate placement with a fit and willing relative of the child and~~, if~~ of what efforts were made to comply with an order under s. 48.21 (5) (e) requiring notification of all adult relatives of the child and all other adult individuals whose homes have been requested by the child's parent to be considered as potential

Vetoed In Part

placements for the child and to notify all other adult individuals whose homes have been requested by the child to be considered as potential placements for the child. If a decision is made not to place the child with an available relative~~,~~ or individual identified by the child's parent or the child, the permanency plan shall include a statement as to why placement with the relative~~,~~ or other individual is not safe or appropriate.

SECTION 959. 48.38 (4) (d) (intro.) of the statutes is amended to read:

48.38 **(4)** (d) (intro.) If the child is living more than 60 miles from his or her home, documentation that placement within 60 miles of the child's home is either unavailable or inappropriate or documentation that placement more than 60 miles from the child's home is in the child's best interests. The placement of a child in a licensed foster home ~~or a licensed treatment foster home~~ more than 60 miles from the child's home is presumed to be in the best interests of the child if documentation is provided which shows all of the following:

SECTION 960. 48.38 (4) (f) (intro.) of the statutes is amended to read:

48.38 **(4)** (f) (intro.) A description of the services that will be provided to the child, the child's family, and the child's foster parent, ~~the child's treatment foster parent,~~ the operator of the facility where the child is living, or the relative with whom the child is living to carry out the dispositional order, including services planned to accomplish all of the following:

SECTION 961. 48.38 (5) (b) of the statutes is amended to read:

48.38 **(5)** (b) The court or the agency shall notify the parents of the child, the child, if he or she is 12 years of age or older, and the child's foster parent, ~~the child's treatment foster parent,~~ the operator of the facility in which the child is living, or the relative with whom the child 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 child's counsel, the child's guardian ad litem, and the child's court−appointed special advocate of the date of the review, of the issues to be determined as part of the review, and of the fact that they may submit written comments not less than 10 working days before the review. The notices under this paragraph shall be provided in writing not less than 30 days before the review and copies of the notices shall be filed in the child's case record.

SECTION 962. 48.38 (5) (e) of the statutes is amended to read:

48.38 **(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 child or the child's counsel or guardian ad litem, the person representing the interests of the public, the child's parent or guardian, the child's court−appointed special advocate and the child's foster parent~~, the child's treatment foster parent~~ or the operator of the facility where the child is living.

SECTION 963. 48.38 (5m) (b) of the statutes is amended to read:

48.38 **(5m)** (b) Not less than 30 days before the date of the hearing, the court shall notify the child; the child's parent, guardian, and legal custodian; the child's foster parent ~~or treatment foster parent~~, the operator of the facility in which the child is living, or the relative with whom the child is living; the child's counsel, the child's guardian ad litem, and the child's court−appointed special advocate; the agency that prepared the permanency plan; and the person representing the interests of the public of the date, time, and place of the hearing.

SECTION 964. 48.38 (5m) (c) of the statutes is amended to read:

48.38 **(5m)** (c) Any person who is provided notice of the hearing may have an opportunity to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A foster parent, ~~treatment foster parent,~~ operator of a facility in which a child is living, or relative with whom a child is living who receives notice of a hearing under par. (b) and an opportunity to be heard under this paragraph does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 965. 48.38 (5m) (e) of the statutes is amended to read:

48.38 **(5m)** (e) After the hearing, the court shall make written findings of fact and conclusions of law relating to the determinations under sub. (5) (c) and shall provide a copy of those findings of fact and conclusions of law to the child; the child's parent, guardian, and legal custodian; the child's foster parent ~~or treatment foster parent~~, the operator of the facility in which the child is living, or the relative with whom the child is living; the child's court−appointed special advocate; the agency that prepared the permanency plan; and the person representing the interests of the public. The court shall make the findings specified in sub. (5) (c) 7. on a case−by−case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the findings of fact and conclusions of law prepared under this paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c) 7. without documenting or referencing that specific information in the findings of fact and conclusions of law or amended findings of fact and conclusions of law that retroactively correct earlier findings of fact and con-

clusions of law that do not comply with this paragraph are not sufficient to comply with this paragraph.

SECTION 967. 48.42 (2) (d) of the statutes is amended to read:

48.42 **(2)** (d) Any other person to whom notice is required to be given by ch. 822, excluding foster parents ~~and treatment foster parents~~ who shall be provided notice as required under sub. (2g).

SECTION 968. 48.42 (2g) (a) of the statutes is amended to read:

48.42 **(2g)** (a) In addition to causing the summons and petition to be served as required under sub. (2), the petitioner shall also notify any foster parent~~, treatment foster parent~~ or other physical custodian described in s. 48.62 (2) of the child of all hearings on the petition. The first notice to any foster parent~~, treatment foster parent~~ or other physical custodian described in s. 48.62 (2) shall be written, shall have a copy of the petition attached to it, shall state the nature, location, date, and time of the initial hearing and shall be mailed to the last−known address of the foster parent~~, treatment foster parent~~ or other physical custodian described in s. 48.62 (2). Thereafter, notice of hearings may be given by telephone at least 72 hours before the time of the hearing. The person giving telephone notice shall place in the case file a signed statement of the time notice was given and the person to whom he or she spoke.

SECTION 969. 48.42 (2g) (am) of the statutes is amended to read:

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

SECTION 970. 48.42 (2g) (b) of the statutes is amended to read:

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

SECTION 970g. 48.422 (9) (b) of the statutes is amended to read:

48.422 **(9)** (b) If a birth parent does not comply with par. (a), the court shall order any health care provider, as defined under s. 146.81 (1) (a) to (p), known to have provided care to the birth parent or parents to provide the court with any health care records of the birth parent or parents that are relevant to the child's medical condition or genetic history. A court order for the release of alcohol or drug abuse treatment records subject to 21 USC 1175 or 42 USC 4582 shall comply with 42 CFR 2.

SECTION 971. 48.427 (1m) of the statutes is amended to read:

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

SECTION 972. 48.427 (3m) (a) 5. of the statutes is amended to read:

48.427 **(3m)** (a) 5. A relative with whom the child resides, if the relative has filed a petition to adopt the child or if the relative is a kinship care relative or is receiving payments under s. 48.62 (4) for providing care and maintenance for the child.

SECTION 973. 48.427 (3m) (am) of the statutes is amended to read:

48.427 **(3m)** (am) Transfer guardianship and custody of the child to a county department authorized to accept guardianship under s. 48.57 (1) (hm) for placement of the child for adoption by the child's foster parent ~~or treatment foster parent~~, if the county department has agreed to accept guardianship and custody of the child and the foster parent ~~or treatment foster parent~~ has agreed to adopt the child.

SECTION 974. 48.428 (2) (a) of the statutes is amended to read:

48.428 **(2)** (a) Except as provided in par. (b), when a court places a child in sustaining care after an order under s. 48.427 (4), the court shall transfer legal custody of the child to the county department, the department, in a county having a population of 500,000 or more, or a licensed child welfare agency, transfer guardianship of the child to an agency listed in s. 48.427 (3m) (a) 1. to 4. or (am), and place the child in the home of a licensed foster parent~~, licensed treatment foster parent,~~ or kinship

care relative with whom the child has resided for 6 months or longer. Pursuant to ~~such a~~ the placement, this licensed foster parent~~, licensed treatment foster parent,~~ or kinship care relative shall be a sustaining parent with the powers and duties specified in sub. (3).

SECTION 975. 48.428 (2) (b) of the statutes is amended to read:

48.428 **(2)** (b) When a court places a child in sustaining care after an order under s. 48.427 (4) with a person who has been appointed as the guardian of the child under s. 48.977 (2), the court may transfer legal custody of the child to the county department, the department, in a county having a population of 500,000 or more, or a licensed child welfare agency, transfer guardianship of the child to an agency listed in s. 48.427 (3m) (a) 1. to 4. or (am) and place the child in the home of a licensed foster parent~~, licensed treatment foster parent,~~ or kinship care relative with whom the child has resided for 6 months or longer. Pursuant to ~~such a~~ the placement, that licensed foster parent~~, licensed treatment foster parent,~~ or kinship care relative shall be a sustaining parent with the powers and duties specified in sub. (3). If the court transfers guardianship of the child to an agency listed in s. 48.427 (3m) (a) 1. to 4. or (am), the court shall terminate the guardianship under s. 48.977.

SECTION 976. 48.428 (4) of the statutes is amended to read:

48.428 **(4)** Before a licensed foster parent~~, licensed treatment foster parent~~ or kinship care relative may be appointed as a sustaining parent, the foster parent~~, treatment foster parent~~ or kinship care relative shall execute a contract with the agency responsible for providing services to the child, in which the foster parent~~, treatment foster parent~~ or kinship care relative agrees to provide care for the child until the child's 18th birthday unless the placement order is changed by the court because the court finds that the sustaining parents are no longer able or willing to provide the sustaining care or the court finds that the behavior of the sustaining parents toward the child would constitute grounds for the termination of parental rights if the sustaining parent was the birth parent of the child.

SECTION 977. 48.43 (5) (b) of the statutes is amended to read:

48.43 **(5)** (b) The court shall hold a hearing to review the permanency plan within 30 days after receiving a report under par. (a). At least 10 days before the date of the hearing, the court shall provide notice of the time, date, and purpose of the hearing to the agency that prepared the report, the child's guardian, the child, if he or she is 12 years of age or over, and the child's foster parent, ~~treatment foster parent,~~ other physical custodian described in s. 48.62 (2), or the operator of the facility in which the child is living.

SECTION 978. 48.43 (5m) of the statutes is amended to read:

48.43 **(5m)** Either the court or the agency that prepared the permanency plan shall furnish a copy of the original plan and each revised plan to the child, if he or she is 12 years of age or over, and to the child's foster parent~~, the child's treatment foster parent~~ or the operator of the facility in which the child is living.

SECTION 979. 48.47 (40) of the statutes is created to read:

48.47 **(40)** FOSTER CARE PUBLIC INFORMATION. Conduct a foster care public information campaign.

SECTION 979v. 48.48 (8p) of the statutes is created to read:

48.48 **(8p)** To reimburse tribes and county departments, from the appropriation under s. 20.437 (1) (kz), for unexpected or unusually high−cost out−of−home care placements of Indian children by tribal courts. In this subsection, "unusually high−cost out−of−home care placements" means the amount by which the cost to a tribe or to a county department of out−of−home care placements of Indian children by tribal courts exceeds $50,000 in a fiscal year.

SECTION 980. 48.48 (9) of the statutes is amended to read:

48.48 **(9)** To license foster homes ~~or treatment foster homes~~ as provided in s. 48.66 (1) (a) for its own use or for the use of licensed child welfare agencies or, if requested to do so, for the use of county departments.

SECTION 981. 48.48 (17) (a) 3. of the statutes is amended to read:

48.48 **(17)** (a) 3. Provide appropriate protection and services for children and the expectant mothers of unborn children in its care, including providing services for those children and their families and for those expectant mothers in their own homes, placing the children in licensed foster homes~~, treatment foster homes,~~ or group homes in this state or another state within a reasonable proximity to the agency with legal custody, placing the children in the homes of guardians under s. 48.977 (2), or contracting for services for those children by licensed child welfare agencies, except that the department may not purchase the educational component of private day treatment programs unless the department, the school board, as defined in s. 115.001 (7), and the state superintendent of public instruction all determine that an appropriate public education program is not available. Disputes between the department and the school district shall be resolved by the state superintendent of public instruction.

SECTION 982. 48.48 (17) (a) 8. of the statutes is amended to read:

48.48 **(17)** (a) 8. License foster homes ~~or treatment foster homes~~ in accordance with s. 48.75.

SECTION 983. 48.48 (17) (a) 10. of the statutes is repealed.

SECTION 984. 48.48 (17) (c) 4. of the statutes is amended to read:

48.48 **(17)** (c) 4. Is living in a foster home, treatment foster home, group home, or residential care center for children and youth~~, or subsidized guardianship home under s. 48.62 (5)~~.

SECTION 985. 48.48 (17) (c) 4. of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

48.48 **(17)** (c) 4. Is living in a foster home, ~~treatment foster home,~~ group home, residential care center for children and youth.

SECTION 986. 48.481 (1) (a) of the statutes is amended to read:

48.481 **(1)** (a) The department shall distribute $497,200 in each fiscal year to counties for the purpose of supplementing payments for the care of an individual who attains age 18 after 1986 and who resided in a ~~foster home or a treatment foster~~ home licensed under s. 48.62 for at least 2 years immediately prior to attaining age 18 and, for at least 2 years, received ~~exceptional foster care or treatment foster care~~ payments for exceptional circumstances in order to avoid institutionalization, as provided under rules promulgated by the department, so that the individual may live in a family home or other noninstitutional situation after attaining age 18. No county may use funds provided under this paragraph to replace funds previously used by the county for this purpose.

SECTION 987. 48.52 (1) (a) of the statutes is amended to read:

48.52 **(1)** (a) Receiving homes to be used for the temporary care of children~~;~~.

SECTION 988. 48.52 (1) (b) of the statutes is amended to read:

48.52 **(1)** (b) Foster homes ~~or treatment foster homes;~~.

SECTION 989. 48.52 (1) (c) of the statutes is amended to read:

48.52 **(1)** (c) Group homes~~; and~~.

SECTION 989f. 48.545 (2) (a) (intro.) of the statutes is amended to read:

48.545 **(2)** (a) (intro.) From the appropriations under s. 20.437 (1) (eg) and (nL), the department shall distribute ~~$2,215,200~~ $2,097,700 in each fiscal year to applying nonprofit corporations and public agencies operating in a county having a population of 500,000 or more ~~and $1,199,300~~, $1,171,800 in each fiscal year to applying county departments under s. 46.22, 46.23, 51.42, or 51.437 operating in counties other than a county having a population of 500,000 or more, and $55,000 in each fiscal year to Diverse and Resilient, Inc. to provide programs to accomplish all of the following:

SECTION 989s. 48.563 (2) of the statutes is amended to read:

48.563 **(2)** BASIC COUNTY ALLOCATION. For children and family services under s. 48.569 (1) (d), the department shall distribute not more than ~~$67,452,000 in each~~ $51,577,400 in fiscal year 2009−10 and not more than $63,264,700 in fiscal year 2010−11 and in each fiscal year thereafter.

SECTION 990. 48.569 (1) (d) of the statutes is amended to read:

48.569 **(1)** (d) From the appropriations under s. 20.437 (1) (b) and (o), the department shall distribute the funding for children and family services, including funding for foster care~~, treatment foster care,~~ or subsidized guardianship care of a child on whose behalf aid is received under s. 48.645 to county departments as provided under s. 48.563. County matching funds are required for the distribution under s. 48.563 (2). Each county's required match for the distribution under s. 48.563 (2) shall be specified in a schedule established annually by the department. Matching funds may be from county tax levies, federal and state revenue sharing funds, or private donations to the county that meet the requirements specified in sub. (1m). Private donations may not exceed 25 percent of the total county match. If the county match is less than the amount required to generate the full amount of state and federal funds distributed for this period, the decrease in the amount of state and federal funds equals the difference between the required and the actual amount of county matching funds.

SECTION 991. 48.57 (1) (c) of the statutes is amended to read:

48.57 **(1)** (c) To provide appropriate protection and services for children and the expectant mothers of unborn children in its care, including providing services for those children and their families and for those expectant mothers in their own homes, placing those children in licensed foster homes~~, treatment foster homes,~~ or group homes in this state or another state within a reasonable proximity to the agency with legal custody, placing those children in the homes of guardians under s. 48.977 (2), or contracting for services for those children by licensed child welfare agencies, except that the county department may not purchase the educational component of private day treatment programs unless the county department, the school board, as defined in s. 115.001 (7), and the state superintendent of public instruction all determine that an appropriate public education program is not available. Disputes between the county department and the school district shall be resolved by the state superintendent of public instruction.

SECTION 992. 48.57 (1) (hm) of the statutes is amended to read:

48.57 **(1)** (hm) If a county department in a county with a population of less than 500,000, to accept guardianship, when appointed by the court, of a child whom the county department has placed in a foster home ~~or treatment foster home~~ under a court order or voluntary agreement under s. 48.63 and to place that child under its guardianship for adoption by the foster parent ~~or treatment foster parent~~.

SECTION 993. 48.57 (1) (i) of the statutes is amended to read:

48.57 **(1)** (i) To license foster homes ~~or treatment foster homes~~ in accordance with s. 48.75.

SECTION 994. 48.57 (3) (a) 4. of the statutes is amended to read:

48.57 **(3)** (a) 4. Is living in a foster home, ~~treatment foster home,~~ group home, residential care center for children and youth, or subsidized guardianship home under s. 48.62 (5).

SECTION 996. 48.57 (3m) (am) (intro.) of the statutes is amended to read:

48.57 **(3m)** (am) (intro.) From the appropriation under s. 20.437 ~~(1) (kc)~~ (2) (md), the department shall reimburse counties having populations of less than 500,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 500,000 or more. A county department and, in a county having a population of 500,000 or more, the department shall make payments in the amount of $215 per month to a kinship care relative who is providing care and maintenance for a child if all of the following conditions are met:

SECTION 997. 48.57 (3m) (b) 2. of the statutes is amended to read:

48.57 **(3m)** (b) 2. When any kinship care relative of a child applies for or receives payments under this subsection, any right of the child or the child's parent to support or maintenance from any other person~~, including any right to unpaid amounts accrued at the time of application and any right to amounts~~ accruing during the time that payments are made under this subsection~~,~~ is assigned to the state. If a child who is the beneficiary of a payment under this subsection is also the beneficiary of support under a judgment or order that includes support for one or more children who are not the beneficiaries of payments under this subsection, any support payment made under the judgment or order is assigned to the state in the amount that is the proportionate share of the child who is the beneficiary of the payment made under this subsection, except as otherwise ordered by the court on the motion of a party.

SECTION 999. 48.57 (3n) (am) (intro.) of the statutes is amended to read:

48.57 **(3n)** (am) (intro.) From the appropriation under s. 20.437 ~~(1) (kc)~~ (2) (md), the department shall reimburse counties having populations of less than 500,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 500,000 or more. A county department and, in a county having a population of 500,000 or more, the department shall make monthly payments for each child in the amount specified in sub. (3m) (am) (intro.) to a long−term kinship care relative who is providing care and maintenance for that child if all of the following conditions are met:

SECTION 1000. 48.57 (3n) (b) 2. of the statutes is amended to read:

48.57 **(3n)** (b) 2. When any long−term kinship care relative of a child applies for or receives payments under this subsection, any right of the child or the child's parent to support or maintenance from any other person~~, including any right to unpaid amounts accrued at the time of application and any right to amounts~~ accruing during the time that payments are made under this subsection~~,~~ is assigned to the state. If a child is the beneficiary of support under a judgment or order that includes support for one or more children who are not the beneficiaries of payments under this subsection, any support payment made under the judgment or order is assigned to the state in the amount that is the proportionate share of the child who is the beneficiary of the payment made under this subsection, except as otherwise ordered by the court on the motion of a party.

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:

48.619 Definition. In this subchapter, "child" means a person under 18 years of age and also includes, for purposes of counting the number of children for whom a foster home~~, treatment foster home,~~ or group home may provide care and maintenance, a person 18 years of age or over, but under 19 years of age, who is a full−time student

at a secondary school or its vocational or technical equivalent, who is reasonably expected to complete the program before reaching 19 years of age, who was residing in the foster home~~, treatment foster home,~~ or group home immediately prior to his or her 18th birthday, and who continues to reside in that foster home~~, treatment foster home,~~ or group home.

SECTION 1009. 48.62 (title) of the statutes is amended to read:

48.62 (title) **Licensing of foster homes ~~and treatment foster homes~~; rates.**

SECTION 1010. 48.62 (1) (a) of the statutes is renumbered 48.62 (1).

SECTION 1011. 48.62 (1) (b) of the statutes is repealed.

SECTION 1012. 48.62 (2) of the statutes is amended to read:

48.62 **(2)** A relative~~,~~ or a guardian of a child who provides care and maintenance for the child is not required to obtain the license specified in this section. The department, county department, or licensed child welfare agency as provided in s. 48.75 may issue a license to operate a foster home ~~or a treatment foster home~~ to a relative who has no duty of support under s. 49.90 (1) (a) and who requests a license to operate a foster home ~~or treatment foster home~~ for a specific child who is either placed by court order or who is the subject of a voluntary placement agreement under s. 48.63. The department, a county department, or a licensed child welfare agency may, at the request of a guardian appointed under s. 48.977 or 48.978, ch. 54, or ch. 880, 2003 stats., license the guardian's home as a foster home ~~or treatment foster home~~ for the guardian's minor ward who is living in the home and who is placed in the home by court order. Relatives with no duty of support and guardians appointed under s. 48.977 or 48.978, ch. 54, or ch. 880, 2003 stats., who are licensed to operate foster homes ~~or treatment foster homes~~ are subject to the department's licensing rules.

SECTION 1013. 48.62 (3) of the statutes is amended to read:

48.62 **(3)** When the department, a county department, or a child welfare agency issues a license to operate a foster home ~~or a treatment foster home~~, the department, county department, or child welfare agency shall notify the clerk of the school district in which the foster home ~~or treatment foster home~~ is located that a foster home ~~or treatment foster home~~ has been licensed in the school district.

SECTION 1014d. 48.62 (4) of the statutes is amended to read:

48.62 **(4)** Monthly payments in foster care shall be provided according to the ~~age−related~~ rates specified in this subsection. Beginning on January 1, ~~2008~~ 2010, the ~~age−related~~ rates are ~~$333~~ $215 for care and maintenance provided by a relative of a child of any age and, for care and maintenance provided by a nonrelative, $349 for a child under 5 years of age; ~~$363~~ $381 for a child 5 to 11 years of age; ~~$414~~ $433 for a child 12 to 14 years of age; and ~~$432~~ $452 for a child 15 years of age or over. Beginning on January 1, ~~2009~~ 2011, the ~~age−related~~ rates are ~~$349~~ $220 for care and maintenance provided by a relative of a child of any age and, for care and maintenance provided by a nonrelative, $366 for a child under 5 years of age; ~~$381~~ $400 for a child 5 to 11 years of age; ~~$433~~ $455 for a child 12 to 14 years of age; and ~~$452~~ $475 for a child 15 years of age or over. In addition to these grants for basic maintenance, the department shall make supplemental payments for ~~special needs, exceptional circumstances, care in a treatment foster home, and initial clothing allowances~~ foster care to a foster home that is receiving an age−related rate under this subsection 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 according to the rules promulgated by the department under sub. (8) (c).

SECTION 1015. 48.62 (5) (a) (intro.) of the statutes is amended to read:

48.62 **(5)** (a) (intro.) Subject to par. (d), a county department or, in a county having a population of 500,000 or more, the department shall provide monthly subsidized guardianship payments in the amount specified in par. (e) to a guardian of a child under s. 48.977 (2) or under a substantially similar tribal law or law of another state who was licensed as the child's foster parent ~~or treatment foster parent~~ before the guardianship appointment and who has entered into a subsidized guardianship agreement with the county department or department if the guardian meets the conditions specified in par. (c) 1. and 2. and if the child meets any of the following conditions:

SECTION 1017. 48.62 (5) (d) of the statutes is amended to read:

48.62 **(5)** (d) The department shall request from the secretary of the federal department of health and human services a waiver of the requirements under 42 USC 670 to 679a that would authorize the state to receive federal foster care and adoption assistance reimbursement under 42 USC 670 to 679a for the costs of providing care for a child who is in the care of a guardian who was licensed as the child's foster parent or treatment foster parent before the guardianship appointment and who has entered into a subsidized guardianship agreement with the county department or department. If the waiver is approved for a county having a population of 500,000 or more, the department shall provide the monthly payments under par. (a) from the appropriations under s. 20.437 (1) ~~(cx), (gx), (kw), and (mx)~~ (dd) and (pd). If the waiver is approved for any other county, the department shall determine which counties are authorized to provide monthly payments under par. (a) or (b), and the county departments of those counties shall provide those payments from moneys received under s. 48.569 (1) (d).

SECTION 1018. 48.62 (5) (d) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

48.62 **(5)** (d) The department shall request from the secretary of the federal department of health and human services a waiver of the requirements under 42 USC 670 to 679a that would authorize the state to receive federal foster care and adoption assistance reimbursement under 42 USC 670 to 679a for the costs of providing care for a child who is in the care of a guardian who was licensed as the child's foster parent ~~or treatment foster parent~~ before the guardianship appointment and who has entered into a subsidized guardianship agreement with the county department or department. If the waiver is approved for a county having a population of 500,000 or more, the department shall provide the monthly payments under par. (a) from the appropriations under s. 20.437 (1) (dd) and (pd). If the waiver is approved for any other county, the department shall determine which counties are authorized to provide monthly payments under par. (a) or (b), and the county departments of those counties shall provide those payments from moneys received under s. 48.569 (1) (d).

SECTION 1020. 48.62 (6) of the statutes is amended to read:

48.62 **(6)** The department or a county department may recover an overpayment made under sub. (4) or (5) from a foster parent, ~~treatment foster parent,~~ guardian, or interim caretaker who continues to receive those payments ~~under sub. (4) or (5)~~ by reducing the amount of the person's monthly payment. The department may by rule specify other methods for recovering those overpayments ~~made under sub. (4) or (5)~~. A county department that recovers an overpayment under this subsection due to the efforts of its officers and employees may retain a portion of the amount recovered, as provided by the department by rule.

SECTION 1021. 48.62 (7) of the statutes is amended to read:

48.62 **(7)** In each federal fiscal year, the department shall ensure that there are no more than 2,200 children in foster care ~~and treatment foster care~~ placements for more than 24 months, consistent with the best interests of each child. Services provided in connection with this requirement shall comply with the requirements under P.L. 96−272.

SECTION 1022. 48.62 (8) of the statutes is created to read:

48.62 **(8)** The department shall promulgate rules relating to foster homes as follows:

(a) Rules providing levels of care that a foster home is licensed to provide. Those levels of care shall be based on the level of knowledge, skill, training, experience, and other qualifications that are required of the licensee, the level of responsibilities that are expected of the licensee, the needs of the children who are placed with the licensee, and any other requirements relating to the ability of the licensee to provide for those needs that the department may promulgate by rule.

(b) Rules establishing a standardized assessment tool to assess the needs of a child placed or to be 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 that is licensed to provide a given level of care under par. (a) may provide foster care for any child whose needs are assessed to be at or below the level of care that the foster home is licensed to provide.

(c) Rules providing monthly rates of reimbursement 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 shall include rates for supplemental payments for special needs, exceptional circumstances, and initial clothing allowances for children placed in a foster home that is receiving an age−related monthly rate under sub. (4). In promulgating the rules under this paragraph, the department shall provide a mechanism for equalizing the amount of reimbursement received by a foster parent prior to the promulgation of those rules and the amount of reimbursement received by a foster parent under those rules so as to reduce the amount of any reimbursement that may be lost as a result of the implementation of those rules.

(d) Rules providing a monthly retainer fee for a foster home that agrees to maintain openings for emergency placements.

SECTION 1022b. 48.62 (9) of the statutes is created to read:

48.62 **(9)** As soon as the department is ready to implement the rules promulgated under sub. (8), the secretary shall send a notice to the legislative reference bureau for publication in the Wisconsin Administrative Register that states the date on which the provisions of 2009 Wisconsin Act .... (this act), relating to foster care levels of care will become effective.

SECTION 1023. 48.625 (3) of the statutes is amended to read:

48.625 **(3)** This section does not apply to a foster home licensed under s. 48.62 (1) ~~(a) or to a treatment foster home licensed under s. 48.62 (1) (b)~~.

SECTION 1024. 48.627 (title) of the statutes is amended to read:

48.627 (title) **Foster~~, treatment foster~~ and family−operated group home parent insurance and liability.**

SECTION 1025. 48.627 (2) (a) of the statutes is amended to read:

48.627 **(2)** (a) Before the department, a county department, or a licensed child welfare agency may issue, renew, or continue a foster home~~, treatment foster home~~ or family−operated group home license, the licensing agency shall require the applicant to furnish proof satis-

factory to the licensing agency that he or she has homeowner's or renter's liability insurance that provides coverage for negligent acts or omissions by children placed in a foster home~~, treatment foster home~~ or family−operated group home that result in bodily injury or property damage to 3rd parties.

SECTION 1026. 48.627 (2c) of the statutes is amended to read:

48.627 **(2c)** The department shall determine the cost−effectiveness of purchasing private insurance that would provide coverage to foster~~, treatment foster,~~ and family−operated group home parents for acts or omissions by or affecting a child who is placed in a foster home~~, a treatment foster home,~~ or a family−operated group home. If this private insurance is cost−effective and available, the department shall purchase the insurance from the appropriations under s. 20.437 (1) (cf) and (pd). If the insurance is unavailable, payment of claims for acts or omissions by or affecting a child who is placed in a foster home~~, a treatment foster home,~~ or a family−operated group home shall be in accordance with subs. (2m) to (3).

SECTION 1027. 48.627 (2m) of the statutes is amended to read:

48.627 **(2m)** Within the limits of the appropriations under s. 20.437 (1) (cf) and (pd), the department shall pay claims to the extent not covered by any other insurance and subject to the limitations specified in sub. (3), for bodily injury or property damage sustained by a licensed foster~~, treatment foster,~~ or family−operated group home parent or a member of the foster~~, treatment foster,~~ or family−operated group home parent's family as a result of the act of a child in the foster~~, treatment foster,~~ or family−operated group home parent's care.

SECTION 1028. 48.627 (2s) (a) of the statutes is amended to read:

48.627 **(2s)** (a) Acts or omissions of the foster~~, treatment foster~~ or family−operated group home parent that result in bodily injury to the child who is placed in the foster home~~, treatment foster home~~ or family−operated group home or that form the basis for a civil action for damages by the foster child's parent against the foster~~, treatment foster~~ or family−operated group home parent.

SECTION 1029. 48.627 (2s) (b) of the statutes is amended to read:

48.627 **(2s)** (b) Bodily injury or property damage caused by an act or omission of a child who is placed in the foster~~, treatment foster~~ or family−operated group home parent's care for which the foster~~, treatment foster~~ or family−operated group home parent becomes legally liable.

SECTION 1030. 48.627 (3) (b) of the statutes is amended to read:

48.627 **(3)** (b) A claim under sub. (2m) shall be submitted to the department within 90 days after the bodily injury or property damage occurs. A claim under sub. (2s) shall be submitted within 90 days after a foster~~, treatment foster~~ or family−operated group home parent learns that a legal action has been commenced against that parent. No claim may be paid under this subsection unless it is submitted within the time limits specified in this paragraph.

SECTION 1031. 48.627 (3) (d) of the statutes is amended to read:

48.627 **(3)** (d) No claim may be approved in an amount exceeding the total amount available for paying claims under this subsection in the fiscal year during which the claim is submitted. No claim for property damage sustained by a foster~~, treatment foster~~ or family−operated group home parent or a member of a foster~~, treatment foster~~ or family−operated group home parent's family may be approved in an amount exceeding $250,000.

SECTION 1032. 48.627 (3) (e) of the statutes is amended to read:

48.627 **(3)** (e) The department may not approve a claim unless the foster~~, treatment foster~~ or family−operated group home parent submits with the claim evidence that is satisfactory to the department of the cause and value of the claim and evidence that insurance coverage is unavailable or inadequate to cover the claim. If insurance is available but inadequate, the department may approve a claim only for the amount of the value of the claim that it determines is in excess of the amount covered by insurance.

SECTION 1033. 48.627 (3) (f) of the statutes is amended to read:

48.627 **(3)** (f) If the total amount of the claims approved during any calendar quarter exceeds 25% of the total funds available during the fiscal year for purposes of this subsection plus any unencumbered funds remaining from the previous quarter, the department shall prorate the available funds among the claimants with approved claims. The department shall also prorate any unencumbered funds remaining in the appropriation under s. 20.437 (1) (cf) at the end of each fiscal year among the claimants whose claims were prorated during the fiscal year. Payment of a prorated amount from unencumbered funds remaining at the end of the fiscal year constitutes a complete payment of the claim for purposes of this program, but does not prohibit a foster parent or ~~treatment foster parent~~ family−operated group home parent from submitting a claim under s. 16.007 for the unpaid portion.

SECTION 1034. 48.627 (3) (h) of the statutes is amended to read:

48.627 **(3)** (h) If a claim by a foster~~, treatment foster~~ or family−operated group home parent or a member of the foster~~, treatment foster~~ or family−operated group home parent's family is approved, the department shall deduct from the amount approved $100 less any amount deducted by an insurance company from a payment for the same claim, except that a foster~~, treatment foster~~ or

family−operated group home parent and his or her family are subject to only one deductible for all claims filed in a fiscal year.

SECTION 1035. 48.627 (4) of the statutes is amended to read:

48.627 **(4)** Except as provided in s. 895.485, the department is not liable for any act or omission by or affecting a child who is placed in a foster home~~, treatment foster home,~~ or family−operated group home, but shall, as provided in this section, pay claims described under sub. (2m) and may pay claims described under sub. (2s) or may purchase insurance to cover such claims as provided for under sub. (2c), within the limits of the appropriations under s. 20.437 (1) (cf) and (pd).

SECTION 1036. 48.627 (5) of the statutes is amended to read:

48.627 **(5)** The attorney general may represent a foster~~, treatment foster~~ or family−operated group home parent in any civil action arising out of an act or omission of the foster~~, treatment foster~~ or family−operated group home parent while acting in his or her capacity as a foster~~, treatment foster~~ or family−operated group home parent.

SECTION 1037. 48.63 (1) of the statutes is amended to read:

48.63 **(1)** Acting under court order or voluntary agreement, the child's parent or guardian or the department, the department of corrections, a county department, or a child welfare agency licensed to place children in foster homes~~, treatment foster homes,~~ or group homes may place a child or negotiate or act as intermediary for the placement of a child in a foster home~~, treatment foster home,~~ or group home. Voluntary agreements under this subsection may not be used for placements in facilities other than foster~~, treatment foster,~~ homes or group homes and may not be extended. A foster home ~~or treatment foster home~~ placement under a voluntary agreement may not exceed 180 days from the date on which the child was removed from the home under the voluntary agreement. A group home placement under a voluntary agreement may not exceed 15 days from the date on which the child was removed from the home under the voluntary agreement, except as provided in sub. (5). These time periods do not apply to placements made under s. 48.345, 938.183, 938.34, or 938.345. Voluntary agreements may be made only under this subsection and sub. (5) (b) and shall be in writing and shall specifically state that the agreement may be terminated at any time by the parent or guardian or by the child if the child's consent to the agreement is required. The child's consent to the agreement is required whenever the child is 12 years of age or older. If a county department, the department, or the department of corrections places a child or negotiates or acts as intermediary for the placement of a child under this subsection, the voluntary agreement shall also specifically state that the county department, department, or department of corrections has placement and care responsibility for the child as required under 42 USC 672 (a) (2) and has primary responsibility for providing services to the child.

SECTION 1038. 48.63 (3) (b) 2. of the statutes is amended to read:

48.63 **(3)** (b) 2. The department, a county department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under s. 48.60 may place a child under subd. 1. in the home of a proposed adoptive parent or parents who reside in this state if that home is licensed as a foster home ~~or treatment foster home~~ under s. 48.62.

SECTION 1039. 48.63 (4) of the statutes is amended to read:

48.63 **(4)** A permanency plan under s. 48.38 is required for each child placed in a foster home ~~or treatment foster home~~ under sub. (1). If the child is living in a foster home ~~or treatment foster home~~ under a voluntary agreement, the agency that negotiated or acted as intermediary for the placement shall prepare the permanency plan within 60 days after the date on which the child was removed from his or her home under the voluntary agreement. A copy of each plan shall be provided to the child if he or she is 12 years of age or over and to the child's parent or guardian. If the agency that arranged the voluntary placement intends to seek a court order to place the child outside of his or her home at the expiration of the voluntary placement, the agency shall prepare a revised permanency plan and file that revised plan with the court prior to the date of the hearing on the proposed placement.

SECTION 1040. 48.64 (title) of the statutes is amended to read:

48.64 (title) **Placement of children in foster homes~~, treatment foster homes~~ and group homes.**

SECTION 1041. 48.64 (1) of the statutes is amended to read:

48.64 **(1)** DEFINITION. In this section, "agency" means the department, the department of corrections, a county department, or a licensed child welfare agency authorized to place children in foster homes~~, treatment foster homes,~~ or group homes.

SECTION 1042. 48.64 (1m) of the statutes is amended to read:

48.64 **(1m)** FOSTER HOME~~, TREATMENT FOSTER HOME~~ AND GROUP HOME AGREEMENTS. If an agency places a child in a foster home~~, treatment foster home~~ or group home under a court order or voluntary agreement under s. 48.63, the agency shall enter into a written agreement with the head of the home. The agreement shall provide that the agency shall have access at all times to the child and the home, and that the child will be released to the agency whenever, in the opinion of the agency placing the child or the department, the best interests of the child require ~~it~~ release to the agency. If a child has been in a foster home~~, treatment foster home~~ or group home for 6 months or more, the agency shall give the head of the

home written notice of intent to remove the child, stating the reasons for the removal. The child may not be removed before completion of the hearing under sub. (4) (a) or (c), if requested, or 30 days after the receipt of the notice, whichever is later, unless the safety of the child requires it or, in a case in which the reason for removal is to place the child for adoption under s. 48.833, unless all of the persons who have the right to request a hearing under sub. (4) (a) or (c) sign written waivers of objection to the proposed removal. If the safety of the child requires earlier removal, s. 48.19 shall apply. If an agency removes a child from an adoptive placement, the head of the home shall have no claim against the placing agency for the expense of care, clothing, or medical treatment.

SECTION 1043. 48.64 (1r) of the statutes is amended to read:

48.64 **(1r)** NOTIFICATION OF SCHOOL DISTRICT. When an agency places a school−age child in a foster home~~, a treatment foster home~~ or a group home, the agency shall notify the clerk of the school district in which the foster home~~, treatment foster home~~ or group home is located that a school−age child has been placed in a foster home~~, treatment foster home~~ or group home in the school district.

SECTION 1044. 48.64 (2) of the statutes is amended to read:

48.64 **(2)** SUPERVISION OF FOSTER HOME~~, TREATMENT FOSTER HOME~~ AND GROUP HOME PLACEMENTS. Every child in a foster home~~, treatment foster home~~ or group home shall be under the supervision of an agency.

SECTION 1045. 48.64 (4) (a) of the statutes is amended to read:

48.64 **(4)** (a) Any decision or order issued by an agency that affects the head of a foster~~, treatment foster~~ or group home or the children involved may be appealed to the department under fair hearing procedures established under department rules. The department shall, upon receipt of an appeal, give the head of the home reasonable notice and opportunity for a fair hearing. The department may make ~~such~~ any additional investigation ~~as~~ that the department considers necessary. The department shall give notice of the hearing to the head of the home and to the departmental subunit, county department, or child welfare agency that issued the decision or order. Each person receiving notice is entitled to be represented at the hearing. At all hearings conducted under this subsection, the head of the home, or a representative of the head of the home, shall have an adequate opportunity, notwithstanding s. 48.78 (2) (a), to examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing, to bring witnesses, to establish all pertinent facts and circumstances, and to question or refute any testimony or evidence, including opportunity to confront and cross−examine adverse witnesses. The department shall grant a continuance for a reasonable period of time when an issue is raised for the first time during a hearing. This requirement may be waived with the consent of the parties. The decision of the department shall be based exclusively on evidence introduced at the hearing. A transcript of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests filed in the proceeding, and the findings of the hearing examiner shall constitute the exclusive record for decision by the department. The department shall make the record available at any reasonable time and at an accessible place to the head of the home or his or her representative. Decisions by the department shall specify the reasons for the decision and identify the supporting evidence. No person participating in an agency action being appealed may participate in the final administrative decision on that action. The department shall render its decision as soon as possible after the hearing and shall send a certified copy of its decision to the head of the home and to the departmental subunit, county department, or child welfare agency that issued the decision or order. The decision shall be binding on all parties concerned.

SECTION 1046. 48.64 (4) (c) of the statutes is amended to read:

48.64 **(4)** (c) The circuit court for the county where the dispositional order placing a child in a foster home~~, treatment foster home,~~ or group home was entered or the voluntary agreement under s. 48.63 so placing a child was made has jurisdiction upon petition of any interested party over a child who is placed in a foster home~~, treatment foster home,~~ or group home. The circuit court may call a hearing, at which the head of the home and the supervising agency under sub. (2) shall be present, for the purpose of reviewing any decision or order of that agency involving the placement and care of the child. If the child has been placed in a foster home, the foster parent may present relevant evidence at the hearing. The petitioner has the burden of proving by clear and convincing evidence that the decision or order issued by the agency is not in the best interests of the child.

SECTION 1047. 48.645 (1) (a) of the statutes is amended to read:

48.645 **(1)** (a) The child is living in a foster home ~~or treatment foster home~~ licensed under s. 48.62 if a license is required under that section, in a foster home ~~or treatment foster home~~ located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation, in a group home licensed under s. 48.625, in a subsidized guardianship home under s. 48.62 (5), or in a residential care center for children and youth licensed under s. 48.60, and has been placed in the foster home, ~~treatment foster home,~~ group home, subsidized guardianship home, or center by a county department under s. 46.215, 46.22, or 46.23, by the department, or by a feder-

ally recognized American Indian tribal governing body in this state under an agreement with a county department under s. 46.215, 46.22, or 46.23.

SECTION 1048. 48.645 (2) (a) 1. of the statutes is amended to read:

48.645 **(2)** (a) 1. A nonrelative who cares for the dependent child in a foster home ~~or treatment foster home~~ having a license under s. 48.62, in a foster home ~~or treatment foster home~~ located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation, or in a group home licensed under s. 48.625~~,~~; a subsidized guardian or interim caretaker under s. 48.62 (5) who cares for the dependent child~~,~~; or a minor custodial parent who cares for the dependent child~~,~~; regardless of the cause or prospective period of dependency. The state shall reimburse counties pursuant to the procedure under s. 48.569 (2) and the percentage rate of participation set forth in s. 48.569 (1) (d) for aid granted under this section except that if the child does not have legal settlement in the granting county, state reimbursement shall be at 100%. The county department under s. 46.215, 46.22, or 46.23 or the department under s. 48.48 (17) shall determine the legal settlement of the child. A child under one year of age shall be eligible for aid under this subsection irrespective of any other residence requirement for eligibility within this section.

SECTION 1049. 48.645 (2) (a) 3. of the statutes is amended to read:

48.645 **(2)** (a) 3. A county or, in a county having a population of 500,000 or more, the department, when the child is placed in a licensed foster home, ~~treatment foster home,~~ group home, or residential care center for children and youth or in a subsidized guardianship home by a licensed child welfare agency or by a federally recognized American Indian tribal governing body in this state or by its designee, if the child is in the legal custody of the county department under s. 46.215, 46.22, or 46.23 or the department under s. 48.48 (17) or if the child was removed from the home of a relative as a result of a judicial determination that continuance in the home of the relative would be contrary to the child's welfare for any reason and the placement is made under an agreement with the county department or the department.

SECTION 1050. 48.645 (2) (a) 4. of the statutes is amended to read:

48.645 **(2)** (a) 4. A licensed foster home, ~~treatment foster home,~~ group home, or residential care center for children and youth or a subsidized guardianship home when the child is in the custody or guardianship of the state, when the child is a ward of an American Indian tribal court in this state and the placement is made under an agreement between the department and the tribal governing body, or when the child was part of the state's direct service case load and was removed from the home of a relative as a result of a judicial determination that continuance in the home of a relative would be contrary to the child's welfare for any reason and the child is placed by the department.

SECTION 1051. 48.645 (2) (b) of the statutes is amended to read:

48.645 **(2)** (b) Notwithstanding par. (a), aid under this section may not be granted for placement of a child in a foster home ~~or treatment foster home~~ licensed by a federally recognized American Indian tribal governing body, for placement of a child in a foster home, ~~treatment foster home,~~ group home, subsidized guardianship home, or residential care center for children and youth by a tribal governing body or its designee, or 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.

SECTION 1051n. 48.648 of the statutes is created to read: **Vetoed In Part**

48.648 Foster children's bill of rights. (1) The department and all county departments and licensed child welfare agencies shall respect the rights of all foster children. These rights shall include the right to all of the following:

(a) Live in a safe, healthy, and comfortable home where the foster child is treated with respect.

(b) Be free from physical, sexual, emotional, or other abuse or corporal punishment.

(c) Receive adequate and healthy food and adequate clothing.

(d) Receive medical, dental, vision, and mental health services.

(e) Be free from the administration of medication or chemical substances, unless authorized by a physician.

(f) Contact family members, unless prohibited by court order.

(g) Visit and contact siblings, unless prohibited by court order.

(h) Contact the department, a county department, or a licensed child welfare agency regarding violations of rights, to speak to representatives of those agencies confidentially, and to be free from threats or punishments for making complaints.

(i) Make and receive confidential telephone calls and send and receive confidential mail and electronic mail, if electronic mail is available at the foster child's placement.

(j) Attend religious services and activities of the foster child's choice.

(k) Manage personal income, consistent with the foster child's age and developmental level, unless prohibited by the foster child's case plan.

(L) Not be locked in any room.

(m) Attend school and participate in extracurricular, cultural, and personal enrichment activities, consistent with the foster child's age and developmental level.

Vetoed In Part

(n) Work as permitted under state and federal law and to develop job skills at an age−appropriate level.

(o) Have social contacts with people outside of the child welfare system, such as teachers, church members, mentors, and friends.

(p) Attend court hearings and speak to the judge.

(q) Have storage space for private use.

(r) Review the foster child's permanency plan if he or she is over 12 years of age and to receive information about that permanency plan and any changes to that permanency plan.

(s) Be free from unreasonable searches of personal belongings.

(t) Have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnicity, ancestry, national origin, religion, sex, sexual orientation, mental or physical disability, or human immunodeficiency virus status.

(u) Have access, if 16 years of age or over, to information regarding the educational options available, including the prerequisites for vocational and postsecondary education options and information regarding financial aid for postsecondary education.

(2) When a child is placed in a foster home, the department, county department, or licensed child welfare agency placing the child shall provide the child with a written copy of the foster children's bill of rights in the child's primary language, if possible, and shall inform the child of the rights provided by the foster children's bill of rights orally using language or means that are appropriate to the child's age and developmental level and that ensure that the child understands the meaning of the bill of rights.

SECTION 1051o. 48.649 of the statutes is created to read:

48.649 Foster parent's bill of rights. (1) The department and all county departments and licensed child welfare agencies shall respect the rights of all foster parents. These rights shall include the right to all of the following:

(a) Be treated with dignity, respect, and consideration as a professional member of the child welfare team.

(b) Be given training prior to receiving children in the home and appropriate ongoing training to meet the foster parent's needs and improve the foster parent's skills.

(c) Be informed of how to contact the appropriate agency in order to receive information on and assistance in accessing supportive services for a foster child in the foster parent's care.

(d) Receive timely financial reimbursement commensurate with the care needs of a foster child in the foster parent's care as specified in the foster child's permanency plan.

Vetoed In Part

(e) Be provided a clear, written understanding of the permanency plan and case plan of a child placed in the foster parent's care to the extent that those plans concern the placement of the foster child in the foster parent's home.

(f) Be provided a fair, timely, and impartial investigation of complaints concerning the foster parent's licensure, to be provided with the opportunity to have a person of the foster parent's choosing present during the investigation, and to be provided due process during the investigation.

(g) Receive information that is necessary and relevant to the care of a foster child placed in the foster parent's care at any time during which the foster child is placed with the foster parent.

(h) Be notified of scheduled meetings and provided with information relating to the case management of a foster child placed in the foster parent's care in order to actively participate in the case planning and decision−making process regarding the foster child.

(i) Be informed of decisions regarding a foster child placed in the foster parent's care made by the court or the agency responsible for the care and placement of the foster child.

(j) Provide input concerning the case plan of a foster child placed in the foster parent's care and to have that input given full consideration in the same manner as information presented by any other professional member of the child welfare team and to communicate with other professionals who work with the foster child within the context of the child welfare team, including therapists, physicians, and teachers.

(k) Be given, in a timely and consistent manner, any information a case worker has regarding a foster child placed in the foster parent's care and the child's family that is pertinent to the care and needs of the foster child and to the making of a case plan for the foster child.

(L) Be given clear instruction on the disclosure of information concerning a foster child placed in the foster parent's care and the foster child's family.

(m) Be given reasonable written notice of any changes to the permanency plan of a foster child placed in the foster parent's care, plans to remove a foster child from the foster parent's home, and the reasons for removing the foster child, except under circumstances when the foster child is in imminent risk of harm.

(n) Be notified in a timely and complete manner of all court hearings and of the rights of the foster parent at the hearing.

(o) Be considered as a placement option when a foster child who was formerly placed with the foster parent reenters foster care, if that placement is consistent with the best interest of the child and of any other children in the home.

Vetoed In Part

(p) Have timely access to any administrative or judicial appeal processes and to be free from acts of harassment and retaliation by any other party when exercising the right to appeal.

(2) The department, county department, or licensed child welfare agency shall provide a foster parent with a written copy of the foster parent's bill of rights in his or her primary language, if possible, when the department, county department, or licensed child welfare agency issues or renews a foster care license.

SECTION 1052. 48.65 (3) (a) of the statutes is amended to read:

48.65 **(3)** (a) Before the department may issue a license under sub. (1) to a day care center that provides care and supervision for 4 to 8 children, the day care center must pay to the department a biennial fee of $60.50. Before the department may issue a license under sub. (1) to a day care center that provides care and supervision for 9 or more children, the day care center must pay to the department a biennial fee of $30.25, plus a biennial fee of ~~$10.33~~ $16.94 per child, based on the number of children that the day care center is licensed to serve. A day care center that wishes to continue a license issued under sub. (1) shall pay the applicable fee under this paragraph by the continuation date of the license. A new day care center shall pay the applicable fee under this paragraph no later than 30 days before the opening of the day care center.

SECTION 1053d. 48.651 (1) (intro.) of the statutes is amended to read:

48.651 **(1)** (intro.) ~~Each county department shall certify~~ No person, other than a day care center licensed under s. 48.65 or established or contracted for under s. 120.13 (14), may receive reimbursement for providing child care services for an individual who is determined eligible for a child care subsidy under s. 49.155 unless the person is certified, according to the standards adopted by the department under s. 49.155 (1d), ~~each day care provider reimbursed for child care services provided to families determined eligible under s. 49.155, unless the provider is a day care center licensed under s. 48.65 or is established or contracted for under s. 120.13 (14). Each county may charge a fee to cover the costs of certification~~ by the department in a county having a population of 500,000 or more, a county department, or an agency with which the department contracts under sub. (2). To be certified under this section, a person must meet the minimum requirements for certification established by the department under s. 49.155 (1d), meet the requirements specified in s. 48.685, and pay the fee specified in ~~this section. The county~~ sub. (2). The department in a county having a population of 500,000 or more, a county department, or an agency contracted with under sub. (2) shall certify the following categories of day care providers:

SECTION 1054d. 48.651 (1) (a) of the statutes is amended to read:

48.651 **(1)** (a) Level I certified family day care providers, as established by the department under s. 49.155 (1d). No ~~county may certify a~~ provider may be certified under this paragraph if the provider is a relative of all of the children for whom he or she provides care.

SECTION 1055d. 48.651 (2) of the statutes is created to read:

48.651 **(2)** The department in a county having a population of 500,000 or more or a county department shall certify day care providers under sub. (1) or the department may contract with a Wisconsin Works agency, as defined in s. 49.001 (9), child care resource and referral agency, or other agency to certify day care providers under sub. (1) in a particular geographic area or for a particular Indian tribal unit. The department in a county having a population of 500,000 or more or a county department that certifies day care providers under sub. (1) may charge a fee to cover the costs of certifying those providers. An agency contracted with under this subsection may charge a fee specified by the department to supplement the amount provided by the department under the contract for certifying day care providers.

SECTION 1055m. 48.651 (2c) of the statutes is created to read:

48.651 **(2c)** From the allocation under s. 49.175 (1) (p), the department shall do all of the following:

(a) Reimburse a county having a population of 500,000 or more for all approved, allowable certification costs, as provided in s. 49.826 (2) (c).

(b) For contracts with agencies entered into under sub. (2), allocate available funds, as determined by the department, in proportion to the number of certified providers, applications for certification, previously experienced certification costs, estimated certification costs, or such other measures as the department determines.

SECTION 1056d. 48.651 (2m) of the statutes is amended to read:

48.651 **(2m)** ~~Each~~ The department in a county having a population of 500,000 or more, a county department, or an agency contracted with under sub. (2) shall provide the department of health services with information about each person who is denied certification for a reason specified in s. 48.685 (4m) (a) 1. to 5.

SECTION 1056t. 48.657 (2m) of the statutes is created to read:

48.657 **(2m)** The department shall make available on the department's Internet site, as part of the department's licensed day care center search database, a specific description of any violation described in sub. (1) and a description of any steps taken by the day care center to correct the violation.

SECTION 1057. 48.659 of the statutes is created to read:

48.659 Child care quality rating system. The department shall provide a child care quality rating system that rates the quality of the child care provided by a

child care provider licensed under s. 48.65 that receives reimbursement under s. 49.155 for the child care provided or that volunteers for rating under this section. The department shall make the rating information provided under that system available to the parents, guardians, and legal custodians of children who are recipients, or prospective recipients, of care and supervision from a child care provider that is rated under this section, including making that information available on the department's Internet site.

SECTION 1058. Subchapter XVI (title) of chapter 48 [precedes 48.66] of the statutes is amended to read:

CHAPTER 48

SUBCHAPTER XVI

LICENSING PROCEDURES AND REQUIREMENTS FOR CHILD WELFARE AGENCIES, FOSTER HOMES, ~~TREATMENT FOSTER HOMES,~~ GROUP HOMES, DAY CARE CENTERS, AND COUNTY DEPARTMENTS

SECTION 1059. 48.66 (1) (a) of the statutes is amended to read:

48.66 **(1)** (a) Except as provided in s. 48.715 (6) and (7), the department shall license and supervise child welfare agencies, as required by s. 48.60, group homes, as required by s. 48.625, shelter care facilities, as required by s. 938.22, and day care centers, as required by s. 48.65. The department may license foster homes ~~or treatment foster homes~~, as provided by s. 48.62, and may license and supervise county departments in accordance with the procedures specified in this section and in ss. 48.67 to 48.74. In the discharge of this duty the department may inspect the records and visit the premises of all child welfare agencies, group homes, shelter care facilities, and day care centers and visit the premises of all foster homes ~~and treatment foster homes~~ in which children are placed.

SECTION 1060. 48.66 (1) (c) of the statutes is amended to read:

48.66 **(1)** (c) A license issued under par. (a) or (b), other than a license to operate a foster home~~, treatment foster home,~~ or secured residential care center for children and youth, is valid until revoked or suspended. A license issued under this subsection to operate a foster home~~, treatment foster home,~~ or secured residential care center for children and youth may be for any term not to exceed 2 years from the date of issuance. No license issued under par. (a) or (b) is transferable.

SECTION 1061. 48.67 (intro.) of the statutes is amended to read:

48.67 Rules governing child welfare agencies, day care centers, foster homes, ~~treatment foster homes,~~ group homes, shelter care facilities, and county departments. (intro.) The department shall promulgate rules establishing minimum requirements for the issuance of licenses to, and establishing standards for the operation of, child welfare agencies, day care centers, foster homes, ~~treatment foster homes,~~ group homes, shelter care facilities, and county departments. Those rules shall be designed to protect and promote the health, safety, and welfare of the children in the care of all licensees. The department shall consult with the department of commerce, the department of public instruction, and the child abuse and neglect prevention board before promulgating those rules. For foster homes, those rules shall include the rules promulgated under s. 48.62 (8). Those rules shall include rules that require all of the following:

SECTION 1062. 48.67 (4) of the statutes is created to read:

48.67 **(4)** That all foster parents successfully complete training in the care and support needs of children who are placed in foster care that has been approved by the department. The department shall promulgate rules prescribing the training that is required under this subsection and shall monitor compliance with this subsection according to those rules.

SECTION 1062b. 48.67 (4) of the statutes, as created by this act, is amended to read:

48.67 **(4)** That all foster parents ~~and treatment foster parents~~ successfully complete training in the care and support needs of children who are placed in foster care ~~or treatment foster care~~ that has been approved by the department. The department shall promulgate rules prescribing the training that is required under this subsection and shall monitor compliance with this subsection according to those rules.

SECTION 1063. 48.675 (1) of the statutes is amended to read:

48.675 **(1)** DEVELOPMENT OF PROGRAM. The department shall develop a foster care education program to provide specialized training for persons operating family foster homes ~~or treatment foster homes~~. Participation in the program shall be voluntary and shall be limited to persons operating foster homes ~~or treatment foster homes~~ licensed under s. 48.62 and caring for children with special treatment needs.

SECTION 1064. 48.675 (2) of the statutes is amended to read:

48.675 **(2)** APPROVAL OF PROGRAMS. The department shall promulgate rules for approval of programs to meet the requirements of this section. ~~Such~~ Those programs may include~~, but need not be limited to:~~ in−service training; workshops and seminars developed by the department or by county departments; seminars and courses offered through public or private education agencies; and workshops, seminars, and courses pertaining to behavioral and developmental disabilities and to the development of mutual support services for foster parents ~~and treatment foster parents~~. The department may approve programs under this subsection only after consideration of relevant factors including level of education, useful or necessary skills, location, and other criteria as determined by the department.

SECTION 1065. 48.675 (3) (intro.) of the statutes is amended to read:

48.675 **(3)** SUPPORT SERVICES. (intro.) The department shall provide funds from the appropriation under s. 20.437 (1) (a) to enable foster parents ~~and treatment foster parents~~ to attend education programs approved under sub. (2) and shall promulgate rules concerning disbursement of the funds. Moneys disbursed under this subsection may be used for the following purposes:

SECTION 1066. 48.675 (3) (a) of the statutes is amended to read:

48.675 **(3)** (a) Care of residents of the foster home ~~or treatment foster home~~ during the time of participation in an education program.

SECTION 1067. 48.68 (1) of the statutes is amended to read:

48.68 **(1)** After receipt of an application for a license, the department shall investigate to determine if the applicant meets the minimum requirements for a license adopted by the department under s. 48.67 and meets the requirements specified in s. 48.685, if applicable. In determining whether to issue or continue a license, the department may consider any action by the applicant, or by an employee of the applicant, that constitutes a substantial failure by the applicant or employee to protect and promote the health, safety, and welfare of a child. Upon satisfactory completion of this investigation and payment of the fee required under s. 48.615 (1) (a) or (b), 48.625 (2) (a), 48.65 (3) (a), or 938.22 (7) (b), the department shall issue a license under s. 48.66 (1) (a) or, if applicable, a probationary license under s. 48.69 or, if applicable, shall continue a license under s. 48.66 (5). At the time of initial licensure and license renewal, the department shall provide a foster home licensee with written information relating to the ~~age−related~~ monthly foster care rates and supplemental payments specified in s. 48.62 (4), including payment amounts, eligibility requirements for supplemental payments, and the procedures for applying for supplemental payments.

SECTION 1068. 48.685 (1) (b) of the statutes is amended to read:

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

SECTION 1069. 48.685 (2) (c) 1. of the statutes is amended to read:

48.685 **(2)** (c) 1. If the person who is the subject of the search under par. (am) is seeking an initial license to operate a foster home ~~or treatment foster home~~ or is seeking relicensure after a break in licensure, the department, county department, or child welfare agency shall request under 42 USC 16962 (b) a fingerprint−based check of the national crime information databases, as defined in 28 USC 534 (f) (3) (A). The department, county department, or child welfare agency may release any information obtained under this subdivision only as permitted under 42 USC 16962 (e).

SECTION 1070. 48.685 (2) (c) 2. of the statutes is amended to read:

48.685 **(2)** (c) 2. If the person who is the subject of the search under par. (am) is seeking a license to operate a foster home ~~or treatment foster home~~ or is an adult nonclient resident of the foster home ~~or treatment foster home~~ and if the person is not, or at any time within the 5 years preceding the date of the search has not been, a resident of this state, the department, county department, or child welfare agency shall check any child abuse or neglect registry maintained by any state or other U.S. jurisdiction in which the person is a resident or was a resident within those 5 years for information that is equivalent to the information specified in par. (am) 4. The department, county department, or child welfare agency may not use any information obtained under this subdivision for any purpose other than a search of the person's background under par. (am).

SECTION 1071d. 48.685 (4m) (a) (intro.) of the statutes is amended to read:

48.685 **(4m)** (a) (intro.) Notwithstanding s. 111.335, and except as provided in par. (ad) and sub. (5), the department may not license, or continue or renew the license of, a person to operate an entity, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may not certify a day care provider under s. 48.651, a county department or a child welfare agency may not license, or renew the license of, a foster home or treatment foster home under s. 48.62, and a school board may not contract with a person under s. 120.13 (14), if the department, county department, contracted agency, child welfare agency, or school board knows or should have known any of the following:

SECTION 1072d. 48.685 (4m) (a) (intro.) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

48.685 **(4m)** (a) (intro.) Notwithstanding s. 111.335, and except as provided in par. (ad) and sub. (5), the department may not license, or continue or renew the license of, a person to operate an entity, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may not certify a day care provider under s. 48.651, a county department or a child welfare agency may not license, or renew the license of, a foster home ~~or treatment foster home~~ under s. 48.62, and a school board

may not contract with a person under s. 120.13 (14), if the department, county department, contracted agency, child welfare agency, or school board knows or should have known any of the following:

SECTION 1073d. 48.685 (4m) (ad) of the statutes is amended to read:

48.685 **(4m)** (ad) The department, a county department, or a child welfare agency may license a foster home or treatment foster home under s. 48.62, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may certify a day care provider under s. 48.651, and a school board may contract with a person under s. 120.13 (14), conditioned on the receipt of the information specified in sub. (2) (am) indicating that the person is not ineligible to be licensed, certified, or contracted with for a reason specified in par. (a) 1. to 5.

SECTION 1074d. 48.685 (4m) (ad) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

48.685 **(4m)** (ad) The department, a county department, or a child welfare agency may license a foster home ~~or treatment foster home~~ under s. 48.62, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may certify a day care provider under s. 48.651, and a school board may contract with a person under s. 120.13 (14), conditioned on the receipt of the information specified in sub. (2) (am) indicating that the person is not ineligible to be licensed, certified, or contracted with for a reason specified in par. (a) 1. to 5.

SECTION 1075d. 48.685 (5) (a) of the statutes is amended to read:

48.685 **(5)** (a) Subject to par. (bm), the department may license to operate an entity, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may certify under s. 48.651, a county department or a child welfare agency may license under s. 48.62, and a school board may contract with under s. 120.13 (14) a person who otherwise may not be licensed, certified, or contracted with for a reason specified in sub. (4m) (a) 1. to 5., and an entity may employ, contract with, or permit to reside at the entity a person who otherwise may not be employed, contracted with, or permitted to reside at the entity for a reason specified in sub. (4m) (b) 1. to 5., if the person demonstrates to the department, the county department, the contracted agency, the child welfare agency, or the school board or, in the case of an entity that is located within the boundaries of a reservation, to the person or body designated by the tribe under sub. (5d) (a) 3., by clear and convincing evidence and in accordance with procedures established by the department by rule or by the tribe that he or she has been rehabilitated.

SECTION 1076. 48.685 (5) (bm) (intro.) of the statutes is amended to read:

48.685 **(5)** (bm) (intro.) For purposes of licensing a foster home ~~or treatment foster home~~ for the placement of a child on whose behalf foster care maintenance payments under s. 48.62 (4) will be provided, no person who has been convicted of any of the following offenses may be permitted to demonstrate that he or she has been rehabilitated:

SECTION 1077d. 48.685 (5m) of the statutes is amended to read:

48.685 **(5m)** Notwithstanding s. 111.335, the department may refuse to license a person to operate an entity, a county department or a child welfare agency may refuse to license a foster home or treatment foster home under s. 48.62, and an entity may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the entity if the person has been convicted of an offense that is not a serious crime, but that is, in the estimation of the department, county department, child welfare agency, or entity, substantially related to the care of a client. Notwithstanding s. 111.335, the department may refuse to license a person to operate a day care center, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may refuse to certify a day care provider under s. 48.651, a school board may refuse to contract with a person under s. 120.13 (14), and a day care center that is licensed under s. 48.65 or established or contracted for under s. 120.13 (14) ~~and~~ or a day care provider that is certified under s. 48.651 may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the day care center or day care provider if the person has been convicted of or adjudicated delinquent on or after his or her 12th birthday for an offense that is not a serious crime, but that is, in the estimation of the department, county department, contracted agency, school board, day care center, or day care provider, substantially related to the care of a client.

SECTION 1078d. 48.685 (5m) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

48.685 **(5m)** Notwithstanding s. 111.335, the department may refuse to license a person to operate an entity, a county department or a child welfare agency may refuse to license a foster home ~~or treatment foster home~~ under s. 48.62, and an entity may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the entity if the person has been convicted of an offense that is not a serious crime, but that is, in the estimation of the department, county department, child welfare agency, or entity, substantially related to the care of a client. Notwithstanding s. 111.335, the department may refuse to license a person to operate a day care center, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) may refuse to certify a day care provider under s. 48.651, a school board may refuse to con-

tract with a person under s. 120.13 (14), and a day care center that is licensed under s. 48.65 or established or contracted for under s. 120.13 (14) or a day care provider that is certified under s. 48.651 may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the day care center or day care provider if the person has been convicted of or adjudicated delinquent on or after his or her 12th birthday for an offense that is not a serious crime, but that is, in the estimation of the department, county department, contracted agency, school board, day care center, or day care provider, substantially related to the care of a client.

SECTION 1079d. 48.685 (6) (a) of the statutes is amended to read:

48.685 **(6)** (a) The department shall require any person who applies for issuance, continuation, or renewal of a license to operate an entity, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) shall require any day care provider who applies for initial certification under s. 48.651 or for renewal of that certification, a county department or a child welfare agency shall require any person who applies for issuance or renewal of a license to operate a foster home or treatment foster home under s. 48.62, and a school board shall require any person who proposes to contract with the school board under s. 120.13 (14) or to renew a contract under that subsection, to complete a background information form that is provided by the department.

SECTION 1080d. 48.685 (6) (a) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

48.685 **(6)** (a) The department shall require any person who applies for issuance, continuation, or renewal of a license to operate an entity, the department in a county having a population of 500,000 or more, a county department, or an agency contracted with under s. 48.651 (2) shall require any day care provider who applies for initial certification under s. 48.651 or for renewal of that certification, a county department or a child welfare agency shall require any person who applies for issuance or renewal of a license to operate a foster home ~~or treatment foster home~~ under s. 48.62, and a school board shall require any person who proposes to contract with the school board under s. 120.13 (14) or to renew a contract under that subsection, to complete a background information form that is provided by the department.

SECTION 1081. 48.70 (2) of the statutes is amended to read:

48.70 **(2)** SPECIAL PROVISIONS FOR CHILD WELFARE AGENCY LICENSES. A license to a child welfare agency shall also specify the kind of child welfare work the agency is authorized to undertake, whether the agency may accept guardianship of children, whether the agency may place children in foster homes ~~or treatment foster homes~~, and if so, the area the agency is equipped to serve.

SECTION 1082. 48.73 of the statutes is amended to read:

48.73 Inspection of licensees. The department may visit and inspect each child welfare agency, foster home, ~~treatment foster home,~~ group home, and day care center licensed by ~~it~~ the department, and for ~~such~~ that purpose shall be given unrestricted access to the premises described in the license.

SECTION 1083. 48.75 (title) of the statutes is amended to read:

48.75 (title) **Foster homes ~~and treatment foster homes~~ licensed by public licensing agencies and by child welfare agencies.**

SECTION 1084. 48.75 (1d) of the statutes is amended to read:

48.75 **(1d)** Child welfare agencies, if licensed to do so by the department, and public licensing agencies may license foster homes ~~and treatment foster homes~~ under the rules promulgated by the department under s. 48.67 governing the licensing of foster homes ~~and treatment foster homes~~. A foster home ~~or treatment foster home~~ license shall be issued for a term not to exceed 2 years from the date of issuance, is not transferable, and may be revoked by the child welfare agency or by the public licensing agency because the licensee has substantially and intentionally violated any provision of this chapter or of the rules of the department promulgated ~~pursuant to~~ under s. 48.67 or because the licensee fails to meet the minimum requirements for a license. The licensee shall be given written notice of any revocation and the grounds ~~therefor~~ for the revocation.

SECTION 1085. 48.75 (1r) of the statutes is amended to read:

48.75 **(1r)** At the time of initial licensure and license renewal, the child welfare agency or public licensing agency issuing a license under sub. (1d) or (1g) shall provide the licensee with written information relating to the ~~age-related~~ monthly foster care rates and supplemental payments specified in s. 48.62 (4), including payment amounts, eligibility requirements for supplemental payments, and the procedures for applying for supplemental payments.

SECTION 1086. 48.75 (2) of the statutes is amended to read:

48.75 **(2)** Any foster home ~~or treatment foster home~~ applicant or licensee of a public licensing agency or a child welfare agency may, if aggrieved by the failure to issue or renew its license or by revocation of its license, appeal as provided in s. 48.72.

SECTION 1086f. 48.78 (2) (i) of the statutes is created to read: **Vetoed In Part**

48.78 **(2)** (i) Paragraph (a) does not prohibit an agency from disclosing information to a relative of a child placed outside of his or her home only to the extent necessary to facilitate the establishment of a relationship between the child and the relative or a placement of the

Vetoed In Part

child with the relative. In this paragraph, "relative" includes a relative whose relationship is derived through a parent of the child whose parental rights are terminated.

SECTION 1087. 48.833 (1) of the statutes is amended to read:

48.833 **(1)** PLACEMENT BY DEPARTMENT OR COUNTY DEPARTMENT. The department or a county department under s. 48.57 (1) (e) or (hm) may place a child for adoption in a licensed foster home ~~or a licensed treatment foster home~~ without a court order under s. 48.63 (3) (b) or if the department or county department is the guardian of the child or makes the placement at the request of another agency that is the guardian of the child and if the proposed adoptive parents have completed the preadoption preparation required under s. 48.84 (1) or the department or county department determines that the proposed adoptive parents are not required to complete that preparation. When a child is placed under this subsection in a licensed foster home ~~or a licensed treatment foster home~~ for adoption, the department or county department making the placement shall enter into a written agreement with the proposed adoptive parent, which shall state the date on which the child is placed in the licensed foster home ~~or licensed treatment foster home~~ for adoption by the proposed adoptive parent.

SECTION 1088. 48.833 (2) of the statutes is amended to read:

48.833 **(2)** PLACEMENT BY CHILD WELFARE AGENCY. A child welfare agency licensed under s. 48.60 may place a child for adoption in a licensed foster home ~~or a licensed treatment foster home~~ without a court order under s. 48.63 (3) (b) or if the child welfare agency is the guardian of the child or makes the placement at the request of another agency that is the guardian of the child and if the proposed adoptive parents have completed the preadoption preparation required under s. 48.84 (1) or the child welfare agency determines that the proposed adoptive parents are not required to complete that preparation. When a child is placed under this subsection in a licensed foster home ~~or a licensed treatment foster home~~ for adoption, the child welfare agency making the placement shall enter into a written agreement with the proposed adoptive parent, which shall state the date on which the child is placed in the licensed foster home ~~or licensed treatment foster home~~ for adoption by the proposed adoptive parent.

SECTION 1089. 48.837 (1) of the statutes is amended to read:

48.837 **(1)** IN−STATE ADOPTIVE PLACEMENT. When the proposed adoptive parent or parents of a child reside in this state and are not relatives of the child, a parent having custody of a child and the proposed adoptive parent or parents of the child may petition the court for placement of the child for adoption in the home of the proposed adoptive parent or parents if the home is licensed as a foster home ~~or treatment foster home~~ under s. 48.62.

SECTION 1090. 48.837 (1r) (b) of the statutes is amended to read:

48.837 **(1r)** (b) The department, a county department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under s. 48.60 may place a child under par. (a) in the home of a proposed adoptive parent or parents who reside in this state if that home is licensed as a foster home ~~or treatment foster home~~ under s. 48.62.

SECTION 1091. 48.88 (2) (am) 1. of the statutes is amended to read:

48.88 **(2)** (am) 1. If the petitioner was required to obtain an initial license to operate a foster home ~~or treatment foster home~~ before placement of the child for adoption or relicensure after a break in licensure, the agency making the investigation shall obtain a criminal history search from the records maintained by the department of justice and request under 42 USC 16962 (b) a fingerprint−based check of the national crime information databases, as defined in 28 USC 534 (f) (3) (A), with respect to the petitioner. The agency may release any information obtained under this subdivision only as permitted under 42 USC 16962 (e). In the case of a child on whose behalf adoption assistance payments will be provided under s. 48.975, if the petitioner has been convicted of any of the offenses specified in s. 48.685 (5) (bm) 1. to 4., the agency may not report that the petitioner's home is suitable for the child.

SECTION 1092. 48.88 (2) (am) 2. of the statutes is amended to read:

48.88 **(2)** (am) 2. If the petitioner was required to obtain a license to operate a foster home ~~or treatment foster home~~ before placement of the child for adoption, the agency making the investigation shall obtain information maintained by the department regarding any substantiated reports of child abuse or neglect against the petitioner and any other adult residing in the petitioner's home. If the petitioner or other adult residing in the petitioner's home is not, or at any time within the 5 years preceding the date of the search has not been, a resident of this state, the agency shall check any child abuse or neglect registry maintained by any state or other U.S. jurisdiction in which the petitioner or other adult is a resident or was a resident within those 5 years for information that is equivalent to the information maintained by the department regarding substantiated reports of child abuse or neglect. The agency may not use any information obtained under this subdivision for any purpose other than a background search under this subdivision.

SECTION 1093. 48.975 (3) (a) 1. of the statutes is amended to read:

48.975 **(3)** (a) 1. Except as provided in subd. 3., for support of a child who was in foster care~~, treatment foster care,~~ or subsidized guardianship care immediately prior to placement for adoption, the initial amount of adoption assistance for maintenance shall be equivalent to the amount of that child's foster care~~, treatment foster care,~~

or subsidized guardianship care payment at the time that the agreement under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed adoptive parents and specified in that agreement.

SECTION 1094. 48.975 (3) (a) 2. of the statutes is amended to read:

48.975 **(3)** (a) 2. Except as provided in subd. 3., for support of a child not in foster care~~, treatment foster care,~~ or subsidized guardianship care immediately prior to placement for adoption, the initial amount of adoption assistance for maintenance shall be equivalent to the uniform foster care rate applicable to the child that is in effect at the time that the agreement under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed adoptive parents and specified in that agreement.

SECTION 1095. 48.98 (1) of the statutes is amended to read:

48.98 **(1)** No person may bring a child into this state or send a child out of this state for the purpose of placing the child in foster care ~~or treatment foster care~~ or for the purpose of adoption without a certificate from the department that the home is suitable for the child.

SECTION 1096. 48.98 (2) (a) of the statutes is amended to read:

48.98 **(2)** (a) Any person, except a county department or licensed child welfare agency, who brings a child into this state for the purpose of placing the child in a foster home ~~or treatment foster home~~ shall, before the child's arrival in this state, file with the department a $1,000 noncancelable bond in favor of this state, furnished by a surety company licensed to do business in this state. The condition of the bond shall be that the child will not become dependent on public funds for his or her primary support before the child reaches age 18 or is adopted.

SECTION 1097. 48.981 (3) (a) 3. of the statutes is amended to read:

48.981 **(3)** (a) 3. ~~A~~ Except as provided in sub. (3m), a county department, the department, or a licensed child welfare agency under contract with the department shall within 12 hours, exclusive of Saturdays, Sundays, or legal holidays, refer to the sheriff or police department all cases of suspected or threatened abuse, as defined in s. 48.02 (1) (b) to (f), reported to it. For cases of suspected or threatened abuse, as defined in s. 48.02 (1) (a), (am), (g), or (gm), or neglect, each county department, the department, and a licensed child welfare agency under contract with the department shall adopt a written policy specifying the kinds of reports it will routinely report to local law enforcement authorities.

SECTION 1098. 48.981 (3) (c) 1. a. of the statutes is amended to read:

48.981 **(3)** (c) 1. a. Immediately after receiving a report under par. (a), the agency shall evaluate the report to determine whether there is reason to suspect that a caregiver has abused or neglected the child, has threatened the child with abuse or neglect, or has facilitated or failed to take action to prevent the suspected or threatened abuse or neglect of the child. ~~If~~ Except as provided in sub. (3m), if the agency determines that a caregiver is suspected of abuse or neglect or of threatened abuse or neglect of the child, determines that a caregiver is suspected of facilitating or failing to take action to prevent the suspected or threatened abuse or neglect of the child, or cannot determine who abused or neglected the child, within 24 hours after receiving the report the agency shall, in accordance with the authority granted to the department under s. 48.48 (17) (a) 1. or the county department under s. 48.57 (1) (a), initiate a diligent investigation to determine if the child is in need of protection or services. If the agency determines that a person who is not a caregiver is suspected of abuse or of threatened abuse, the agency may, in accordance with that authority, initiate a diligent investigation to determine if the child is in need or protection or services. Within 24 hours after receiving a report under par. (a) of suspected unborn child abuse, the agency, in accordance with that authority, shall initiate a diligent investigation to determine if the unborn child is in need of protection or services. An investigation under this subd. 1. a. shall be conducted in accordance with standards established by the department for conducting child abuse and neglect investigations or unborn child abuse investigations.

SECTION 1099. 48.981 (3) (d) 1. of the statutes is amended to read:

48.981 **(3)** (d) 1. In this paragraph, "agent" includes~~, but is not limited to,~~ a foster parent~~, treatment foster parent~~ or other person given custody of a child or a human services professional employed by a county department under s. 51.42 or 51.437 or by a child welfare agency who is working with a child or an expectant mother of an unborn child under contract with or under the supervision of the department in a county having a population of 500,000 or more or a county department under s. 46.22.

SECTION 1100. 48.981 (3m) of the statutes is created to read:

48.981 **(3m)** ALTERNATIVE RESPONSE PILOT PROGRAM. (a) In this subsection, "substantial abuse or neglect" means abuse or neglect or threatened abuse or neglect that under the guidelines developed by the department under par. (b) constitutes severe abuse or neglect or a threat of severe abuse or neglect and a significant threat to the safety of a child and his or her family.

(b) The department shall establish a pilot program under which an agency in a county having a population of 500,000 or more or a county department that is selected to participate in the pilot program may employ alternative responses to a report of abuse or neglect or of threatened abuse or neglect. The department shall select an agency in a county having a population of 500,000 or more and not more than 4 county departments to participate in the pilot program in accordance with the department's request−for−proposal procedures and according

to criteria developed by the department. Those criteria shall include an assessment of the plan of an agency or county department for involving the community in providing services for a family that is participating in the pilot program and a determination of whether an agency or a county department has an agreement with local law enforcement agencies and the representative of the public under s. 48.09 to ensure interagency cooperation in implementing the pilot program. To implement the pilot program, the department shall provide all of the following:

1. Guidelines for determining the appropriate alternative response to a report of abuse or neglect or of threatened abuse or neglect, including guidelines for determining what types of abuse or neglect or threatened abuse or neglect constitute substantial abuse or neglect. The department need not promulgate those guidelines as rules under ch. 227.

2. Training and technical assistance for an agency or county department that is selected to participate in the pilot program.

(c) Immediately after receiving a report under sub. (3) (a), an agency or county department that is participating in the pilot program shall evaluate the report to determine the most appropriate alternative response under subds. 1. to 3. to the report. Based on that evaluation, the agency or county department shall respond to the report as follows:

1. If the agency or county department determines that there is reason to suspect that substantial abuse or neglect has occurred or is likely to occur or that an investigation under sub. (3) is otherwise necessary to ensure the safety of the child and his or her family, the agency or county department shall investigate the report as provided in sub. (3). If in conducting that investigation the agency or county department determines that it is not necessary for the safety of the child and his or her family to complete the investigation, the agency or county department may terminate the investigation and conduct an assessment under subd. 2. If the agency or county department terminates an investigation, the agency or county department shall document the reasons for terminating the investigation and notify any law enforcement agency that is cooperating in the investigation.

2. a. If the agency or county department determines that there is reason to suspect that abuse or neglect, other than substantial abuse or neglect, has occurred or is likely to occur, but that under the guidelines developed by the department under par. (b) there is no immediate threat to the safety of the child and his or her family and court intervention is not necessary, the agency or county department shall 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 to address those issues assessed and, based on the assessment, shall offer to provide appropriate services to the child's family on a voluntary basis or refer the child's family to a service provider in the community for the provision of those services.

b. If the agency or county department employs the assessment response under subd. 2. a., the agency or county department is not required to refer the report to the sheriff or police department under sub. (3) (a) 3. or determine by a preponderance of the evidence under sub. (3) (c) 4. that abuse or neglect has occurred or is likely to occur or that a specific person has abused or neglected the child. If in conducting the assessment the agency or county department determines that there is reason to suspect that substantial abuse or neglect has occurred or is likely to occur or that an investigation under sub. (3) is otherwise necessary to ensure the safety of the child and his or her family, the agency or county department shall immediately commence an investigation under sub. (3).

3. If the agency or county department determines that there is no reason to suspect that abuse or neglect has occurred or is likely to occur, the agency or county department shall refer the child's family to a service provider in the community for the provision of appropriate services on a voluntary basis. If the agency or county department employs the community services response under this subdivision, the agency or county department is not required to conduct an assessment under subd. 2., refer the report to the sheriff or police department under sub. (3) (a) 3., or determine by a preponderance of the evidence under sub. (3) (c) 4. that abuse or neglect has occurred or is likely to occur or that a specific person has abused or neglected the child.

(d) The department shall conduct an evaluation of the pilot program and, by July 1, 2012, shall submit a report of that evaluation to the governor and to the appropriate standing committees of the legislature under s. 13.172 (3). The evaluation shall assess the issues encountered in implementing the pilot program and the overall operations of the pilot program, include specific measurements of the effectiveness of the pilot program, and make recommendations to improve that effectiveness. Those specific measurements shall include all of the following:

1. The turnover rate of the agency or county department caseworkers providing services under the pilot program.

2. The number of families referred for each type of response specified in par. (c) 1. to 3.

3. The number of families that accepted, and the number of families that declined to accept, services offered under par. (c) 2. and 3.

4. The effectiveness of the evaluation under par. (c) (intro.) in determining the appropriate response under par. (c) 1. to 3.

5. The impact of the pilot program on the number of out−of−home placements of children by the agencies or county departments participating in the pilot program.

6. The availability of services to address the issues of child and family safety, risk of subsequent abuse or neglect, and family strengths and needs in the communities served under the pilot project.

7g. The rate at which children referred for each type of response specified in par. (c) 1. to 3. are subsequently the subjects of reports of suspected or threatened abuse or neglect.

7m. The satisfaction of families referred for each type of response specified in par. (c) 1. to 3. with the process used to respond to those referrals.

7r. The cost effectiveness of responding to reports of suspected or threatened abuse or neglect in the manner provided under the pilot program.

SECTION 1101. 48.981 (7) (a) 4. of the statutes is amended to read:

48.981 **(7)** (a) 4. A child's foster parent~~, treatment foster parent~~ or other person having physical custody of the child or a person having physical custody of the expectant mother of an unborn child, except that the person or agency maintaining the record or report may not disclose any information that would identify the reporter.

Vetoed In Part

SECTION 1101c. 48.981 (7) (a) 4m. of the statutes is created to read:

48.981 **(7)** (a) 4m. A relative of a child placed outside of his or her home only to the extent necessary to facilitate the establishment of a relationship between the child and the relative or a placement of the child with the relative. In this subdivision, "relative" includes a relative whose relationship is derived through a parent of the child whose parental rights are terminated.

SECTION 1102. 48.983 (1) (b) 1. c. of the statutes is amended to read:

48.983 **(1)** (b) 1. c. A family that includes a person who has contacted a county department or an Indian tribe that has been awarded a grant under this section or, in a county having a population of 500,000 or more that has been awarded a grant under this section, the department or a licensed child welfare agency under contract with the department requesting assistance to prevent poor birth outcomes or abuse or neglect of a child in the person's family and with respect to which an individual responding to the request has determined that all of the conditions in subd. 2. exist.

SECTION 1103. 48.983 (1) (b) 2. a. of the statutes is amended to read:

48.983 **(1)** (b) 2. a. There is a substantial risk of poor birth outcomes or future abuse or neglect of a child in the family if assistance is not provided.

SECTION 1106d. 48.983 (2) of the statutes is amended to read:

48.983 **(2)** FUNDS PROVIDED. If a county or Indian tribe applies and is selected by the department under sub. (5) to participate in the program under this section, the department shall award, from the appropriation under s. 20.437 ~~(2)~~ (1) (ab), a grant annually to be used only for the purposes specified in sub. (4) (a) and (am). The minimum amount of a grant is $10,000. The department shall determine the amount of a grant awarded to a county, other than a county with a population of 500,000 or more, or Indian tribe in excess of the minimum amount based on the need of the county or Indian tribe for a grant, as determined by a formula that the department shall promulgate by rule. That formula shall determine that need based on the number of births that are funded by ~~medical assistance~~ Medical Assistance under subch. IV of ch. 49 in that county or the reservation of that Indian tribe ~~in proportion to the number of births that are funded by medical assistance under subch. IV of ch. 49 in all of the counties and the reservations of all of the Indian tribes to which grants are awarded under this section~~ and on the rate of poor birth outcomes, including infant mortality, premature births, low birth weights, and racial or ethnic disproportionality in the rates of those outcomes, in that county or the reservation of that Indian tribe. The department shall determine the amount of a grant awarded to a county with a population of 500,000 or more in excess of the minimum amount based on the need of the county for a grant, as determined by a formula that the department shall promulgate by rule. That formula shall determine that need based on 60% of the number of births that are funded by ~~medical assistance~~ Medical Assistance under subch. IV of ch. 49 in that county ~~in proportion to the number of births that are funded by medical assistance under subch. IV of ch. 49 in all of the counties and the reservations of all of the Indian tribes to which grants are awarded under this section~~ and on the rate of poor birth outcomes, including infant mortality, premature births, low birth weights, and racial or ethnic disproportionality in the rates of those outcomes, in that county.

SECTION 1110d. 48.983 (4) (a) 4m. of the statutes is amended to read:

48.983 **(4)** (a) 4m. Other than in a county with a population of 500,000 or more, to reimburse a case management provider under s. 49.45 (25) (b) for the amount of the allowable charges under the ~~medical assistance~~ Medical Assistance program that is not provided by the federal government for case management services provided to a ~~medical assistance~~ Medical Assistance beneficiary described in s. 49.45 (25) (am) 9. who is a child and who is a member of a family that receives home visitation program services under par. (b) 1.

SECTION 1111d. 48.983 (4) (b) 1. of the statutes is amended to read:

48.983 **(4)** (b) 1. A county, other than a county with a population of 500,000 or more, or an Indian tribe that is selected to participate in the program under this section shall ~~select persons who are first-time parents and~~ offer all pregnant women in the county or the reservation of the tribe who are eligible for ~~medical assistance~~ Medical Assistance under subch. IV of ch. 49 ~~and shall offer each of those persons~~ an opportunity to undergo an assessment

through use of a risk assessment instrument to determine whether the ~~parent~~ person assessed presents risk factors for poor birth outcomes or for perpetrating child abuse or neglect. Persons who ~~are selected and who~~ agree to be assessed shall be assessed during the prenatal period~~, if possible, or as close to the time of the child's birth as possible~~. The risk assessment instrument shall be developed by the department and shall be based on risk assessment instruments developed by the department for similar programs that are in operation. The department need not promulgate as rules under ch. 227 the risk assessment instrument developed under this subdivision. A person who is assessed to be at risk of poor birth outcomes or of abusing or neglecting his or her child shall be offered home visitation program services that shall be commenced during the prenatal period. Home visitation program services may be provided to a family with a child identified as being at risk of child abuse or neglect until the identified child reaches 3 years of age. If a family has been receiving home visitation program services continuously for not less than 12 months, those services may continue to be provided to the family until the identified child reaches 3 years of age, regardless of whether the child continues to be eligible for Medical Assistance under subch. IV of ch. 49. If risk factors for child abuse or neglect with respect to the identified child continue to be present when the child reaches 3 years of age, home visitation program services may be provided until the identified child reaches 5 years of age. Home visitation program services may not be provided to a person unless the person gives his or her written informed consent to receiving those services or, if the person is a child, unless the child's parent, guardian or legal custodian gives his or her written informed consent for the child to receive those services.

SECTION 1112. 48.983 (4) (b) 2. of the statutes is repealed.

SECTION 1113. 48.983 (4) (b) 3. of the statutes is amended to read:

48.983 **(4)** (b) 3. A county or Indian tribe that is providing home visitation program services under subd. 1. ~~or 2.~~ shall provide to a person receiving those services the information relating to shaken baby syndrome and impacted babies required under s. 253.15 (6).

SECTION 1114. 48.983 (5) of the statutes is amended to read:

48.983 **(5)** SELECTION OF COUNTIES AND INDIAN TRIBES. The department shall provide competitive application procedures for selecting counties and Indian tribes for participation in the program under this section. The department shall establish a method for ranking applicants for selection based on the quality of their applications. In ranking the applications submitted by counties, the department shall give favorable consideration to a county that has indicated under sub. (6) (d) 2. that it is willing to use a portion of any moneys distributed to the county under s. 48.565 (2) (a) to provide case management services to a ~~medical assistance~~ Medical Assistance beneficiary under s. 49.45 (25) (am) 9. who is a case or who is a member of a family that is a case and that has explained under sub. (6) (d) 2. how the county plans to use that portion of those moneys to promote the provision of those services for the case by using a wraparound process so as to provide those services in a flexible, comprehensive and individualized manner in order to reduce the necessity for court−ordered services. The department shall also provide application requirements and procedures for the renewal of a grant awarded under this section. The application procedures and the renewal application requirements and procedures shall be clear and understandable to the applicants. The department need not promulgate as rules under ch. 227 the application procedures, the renewal application requirements or procedures, or the method for ranking applicants established under this subsection.

SECTION 1116. 48.983 (6) (a) 1. of the statutes is amended to read:

48.983 **(6)** (a) 1. Information on how the applicant's home visitation program is comprehensive and incorporates practice standards that have been developed for home visitation programs by entities concerned with the prevention of poor birth outcomes and child abuse and neglect and that are acceptable to the department.

SECTION 1117. 48.983 (6) (a) 2. of the statutes is amended to read:

48.983 **(6)** (a) 2. Documentation that the application was developed through collaboration among public and private organizations that provide services to children and families, especially children who are at risk of child abuse or neglect and families that are at risk of poor birth outcomes, or that are otherwise interested in child welfare and a description of how that collaboration effort will support a comprehensive home visitation program.

SECTION 1118. 48.983 (6) (a) 3. of the statutes is amended to read:

48.983 **(6)** (a) 3. An identification of existing poor birth outcome and child abuse and neglect prevention services that are available to residents of the county or reservation of the Indian tribe and a description of how those services and any additional needed services will support a comprehensive home visitation program.

SECTION 1119. 48.983 (6) (a) 4. of the statutes is amended to read:

48.983 **(6)** (a) 4. An explanation of how the home visitation program will build on existing poor birth outcome and child abuse and neglect prevention programs, including programs that provide support to families, and how the home visitation program will coordinate with those programs.

SECTION 1120. 48.983 (6) (a) 5. of the statutes is created to read:

48.983 **(6)** (a) 5. An explanation of how the applicant, in collaboration with local prenatal care coordination providers, will implement strategies aimed at achieving healthy birth outcomes, as determined by performance measures prescribed by the department of health services, in the county or reservation of the Indian tribe.

SECTION 1121. 48.983 (6) (b) 1. of the statutes is amended to read:

48.983 **(6)** (b) 1. 'Flexible fund for home visitation programs.' The applicant demonstrates in the application that the applicant has established, or has plans to establish, if selected, a fund from which payments totaling not ~~more than $1,000~~ less than $250 per calendar year may be made for appropriate expenses of each family that is participating in the home visitation program under sub. (4) (b) 1. or that is receiving home visitation services under s. 49.45 (44). The payments shall be authorized by an individual designated by the applicant. If an applicant makes a payment to or on behalf of a family under this subdivision, one−half of the payment shall be from grant moneys received under this section and one−half of the payment shall be from moneys provided by the applicant from sources other than grant moneys received under this section.

SECTION 1122. 48.983 (6) (b) 2. of the statutes is amended to read:

48.983 **(6)** (b) 2. 'Flexible fund for cases.' The applicant demonstrates in the grant application that the applicant has established, or has plans to establish, if selected, a fund from which payments totaling not ~~more than $500~~ less than $250 for each case may be made for appropriate expenses related to the case. The payments shall be authorized by an individual designated by the applicant. If an applicant makes a payment to or on behalf of a person under this subdivision, one−half of the payment shall be from grant moneys received under this section and one−half of the payment shall be from moneys provided by the applicant from sources other than grant moneys received under this section. The applicant shall demonstrate in the grant application that it has established, or has plans to establish, if selected, procedures to encourage, when appropriate, a person to whom or on whose behalf payments are made under this subdivision to make a contribution to the fund described in this subdivision up to the amount of payments made to or on behalf of the person when the person's financial situation permits such a contribution.

SECTION 1124. 48.983 (6) (d) 2. of the statutes is amended to read:

48.983 **(6)** (d) 2. The applicant indicates in the grant application whether the applicant is willing to use a portion of any moneys distributed to the applicant under s. 48.565 (2) (a) to provide case management services to a ~~medical assistance~~ Medical Assistance beneficiary under s. 49.45 (25) (am) 9. who is a case or who is a member of a family that is a case. If the applicant is so willing, the applicant shall explain how the applicant plans to use that portion of those moneys to promote the provision of those services for the case by using a wraparound process so as to provide those services in a flexible, comprehensive and individualized manner in order to reduce the necessity for court−ordered services.

SECTION 1125. 48.983 (6) (f) of the statutes is created to read:

48.983 **(6)** (f) *Reinvestment of Medical Assistance reimbursement.* The applicant agrees to reinvest in the program under this section a portion of the reimbursement received by the applicant under the Medical Assistance program under subch. IV of ch. 49. The department and the applicant shall negotiate the amount of that reinvestment based on the applicant's administrative costs for billing the Medical Assistance program for reimbursement for services provided under this section and the ratio of Medical Assistance reimbursement received for those services to the amount billed to the Medical Assistance program for those services.

SECTION 1126. 48.983 (6g) (a) of the statutes is amended to read:

48.983 **(6g)** (a) Except as permitted or required under s. 48.981 (2), no person may use or disclose any information concerning any individual who is selected for an assessment under sub. (4) (b), including an individual who declines to undergo the assessment, or concerning any individual who is offered services under a home visitation program funded under this section, including an individual who declines to receive those services, unless the use or disclosure is connected with the administration of the home visitation program or the administration of the ~~medical assistance~~ Medical Assistance program under ss. 49.43 to 49.497 or unless the individual has given his or her written informed consent to the use or disclosure.

SECTION 1127. 48.983 (7) (a) 1. of the statutes is amended to read:

48.983 **(7)** (a) 1. The number of poor birth outcomes and substantiated reports of child abuse and neglect.

SECTION 1128. 48.986 (4) of the statutes is amended to read:

48.986 **(4)** A county may use the funds distributed under this section to fund additional foster parents~~, treatment foster parents,~~ and subsidized guardians or interim caretakers to care for abused and neglected children and to fund additional staff positions to provide services related to child abuse and neglect and to unborn child abuse.

SECTION 1129. 49.001 (5p) of the statutes is amended to read:

49.001 **(5p)** "Relief block grant" means a block grant awarded to a county or tribal governing body under s. 49.025, 2009 stats., s. 49.027 ~~or~~, 2009 stats., or s. 49.029.

SECTION 1130. 49.001 (7) of the statutes is repealed.

SECTION 1131. 49.002 of the statutes is repealed.

SECTION 1132c. 49.01 (3m) of the statutes is repealed and recreated to read:

49.01 **(3m)** "Relief agency" means a tribal governing body or an agency under contract with a tribal governing body to administer relief if the tribal governing body operates a relief program funded by a relief block grant.

SECTION 1132h. 49.01 (8j) of the statutes is repealed.

SECTION 1133c. 49.015 (1) (a) of the statutes is amended to read:

49.015 **(1)** (a) Except as provided in sub. (3) (a), the individual resides ~~in a county, or~~ on tax−free land~~, in~~ on which the ~~county or~~ tribal governing body operates a program funded by a relief block grant.

SECTION 1133e. 49.015 (1) (c) of the statutes is amended to read:

49.015 **(1)** (c) The individual qualifies under written criteria of dependency under s. 49.02 (1) (b) established by the relief agency ~~in that county or~~ on that tax−free land.

SECTION 1133g. 49.015 (3) (a) of the statutes is amended to read:

49.015 **(3)** (a) A relief agency may waive the requirement under sub. (1) (a) for an individual receiving health care services from a trauma center that meets the criteria established by the American College of Surgeons for classification as a Level I trauma center. ~~If the county waives the requirement under sub. (1) (a) for an individual, the county may seek reimbursement from the individual's county of residence if that county operates a program funded by a relief block grant.~~

SECTION 1134b. 49.02 (1) (intro.) of the statutes is amended to read:

49.02 **(1)** ELIGIBILITY FOR RELIEF BLOCK GRANTS. (intro.) A ~~county or~~ tribal governing body is eligible to receive a relief block grant if all of the following conditions are met:

SECTION 1134d. 49.02 (1) (a) of the statutes is amended to read:

49.02 **(1)** (a) The ~~county board or~~ tribal governing body adopts a resolution applying for a relief block grant.

SECTION 1134f. 49.02 (1) (b) of the statutes is amended to read:

49.02 **(1)** (b) The ~~county or~~ tribal governing body establishes written criteria to be used to determine dependency and reviews these written criteria at least annually.

SECTION 1134h. 49.02 (1) (c) (intro.) of the statutes is amended to read:

49.02 **(1)** (c) (intro.) The ~~county or~~ tribal governing body submits to the department a plan for the provision of services to be funded by the relief block grant. The plan shall include all of the following:

SECTION 1134j. 49.02 (1) (c) 1. of the statutes is amended to read:

49.02 **(1)** (c) 1. How the ~~county or~~ tribal governing body will determine eligibility and how these eligibility determinations may be appealed. The procedures for determining eligibility and for notice, fair hearing, and review shall be consistent with rules promulgated by the department under sub. (7m).

SECTION 1134L. 49.02 (1) (c) 2. of the statutes is amended to read:

49.02 **(1)** (c) 2. How the ~~county or~~ tribal governing body will determine which health care services are needed by a dependent person.

SECTION 1134n. 49.02 (1) (c) 4. of the statutes is repealed.

SECTION 1134p. 49.02 (1e) of the statutes is amended to read:

49.02 **(1e)** RELIEF AGENCIES. If a ~~county or~~ tribal governing ~~agency~~ body is eligible to receive a relief block grant, the ~~county or~~ tribal governing body shall establish or designate a relief agency to administer relief under this section.

SECTION 1134r. 49.02 (2) (b) of the statutes is amended to read:

49.02 **(2)** (b) The contract between the relief agency and the private health care provider provides that all records of the health care provider relating to the administration and provision of the health care services shall be open to inspection at all reasonable hours by authorized representatives of the ~~county~~ tribal governing body and the department.

SECTION 1134t. 49.02 (2) (f) of the statutes is amended to read:

49.02 **(2)** (f) The contract prohibits the health care provider from holding an individual recipient of health care services funded under this section liable for the difference between the costs of the health care services and the amount paid to the health care provider by the ~~county~~ tribal governing body for the services.

SECTION 1135. 49.025 of the statutes is repealed.

SECTION 1136. 49.027 of the statutes is repealed.

SECTION 1138. 49.031 of the statutes is repealed.

SECTION 1138d. 49.133 (1) of the statutes is amended to read:

49.133 **(1)** The person has been convicted of a felony or misdemeanor that the department or county department under s. 46.215, 46.22, or 46.23 determines substantially relates to the care of children or to the operation of a business.

SECTION 1138f. 49.133 (4) of the statutes is created to read:

49.133 **(4)** The department or county department under s. 46.215, 46.22, or 46.23 reasonably suspects that the person has intentionally and egregiously violated any provision under the program under which the payments are made or any rule related to the program. **Vetoed In Part**

SECTION 1139. 49.136 (1) (m) of the statutes is amended to read:

49.136 **(1)** (m) "Parent" means a parent, guardian, foster parent, ~~treatment foster parent,~~ legal custodian, or a person acting in the place of a parent.

SECTION 1140g. 49.139 of the statutes is created to read:

49.139 Emergency shelter funding. From the appropriation account under s. 20.437 (2) (f), the department shall provide $50,000 annually, beginning on October 1, 2009, to the Emergency Shelter of the Fox Valley to provide services to homeless individuals and families.

SECTION 1141. 49.141 (1) (s) of the statutes is amended to read:

49.141 **(1)** (s) "Wisconsin ~~works~~ Works group" means an individual who is a custodial parent, all dependent children with respect to whom the individual is a custodial parent, and all dependent children with respect to whom the individual's dependent child is a custodial parent. "Wisconsin ~~works~~ Works group" includes any nonmarital coparent or any spouse of the individual who resides in the same household as the individual and any dependent children with respect to whom the spouse or nonmarital coparent is a custodial parent. ~~"Wisconsin works group" does not include any person who is receiving benefits under s. 49.027 (3) (b).~~

SECTION 1144. 49.143 (2) (b) of the statutes is amended to read:

49.143 **(2)** (b) Establish a children's services network. The children's services network shall provide information about community resources available to the dependent children in a Wisconsin works group, including charitable food and clothing centers; subsidized and low−income housing; transportation subsidies; the state supplemental food program for women, infants and children under s. ~~49.17~~ 253.06; and child care programs. In a county having a population of 500,000 or more, a children's services network shall, in addition, provide a forum for those persons who are interested in the delivery of child welfare services and other services to children and families in the geographical area under sub. (6) served by that children's services network to communicate with and make recommendations to the providers of those services in that geographical area with respect to the delivery of those services in that area.

SECTION 1147. 49.143 (2) (em) of the statutes is amended to read:

49.143 **(2)** (em) Determine eligibility for and administer child care assistance under s. 49.155 ~~and refer eligible families to county departments under s. 46.215, 46.22 or 46.23 for child care services~~, if the department contracts with the Wisconsin Works agency to do so.

SECTION 1155. 49.145 (2) (s) of the statutes is amended to read:

49.145 **(2)** (s) The individual assigns to the state any right of the individual or of any dependent child of the individual to support or maintenance from any other person~~, including any right to amounts~~ accruing during the time that any assistance, as defined in 45 CFR 260.31, under Wisconsin Works ~~benefit~~ is paid to the individual. If a minor who is a beneficiary of any assistance under Wisconsin Works ~~benefit~~ is also the beneficiary of support under a judgment or order that includes support for one or more children not receiving ~~a benefit under Wisconsin Works~~ that assistance, any support payment made under the judgment or order is assigned to the state during the period that the minor is a beneficiary of ~~the Wisconsin Works benefit~~ that assistance in the amount that is the proportionate share of the minor receiving the ~~benefit under Wisconsin Works~~ assistance, except as otherwise ordered by the court on the motion of a party. Amounts assigned to the state under this paragraph remain assigned to the state until the amount due to the federal government has been recovered. No amount of support that begins to accrue after the individual ceases to receive ~~benefits~~ assistance under Wisconsin Works may be considered assigned to this state. Except as provided in s. 49.1455, any money that is received by the department in a month under an assignment to the state under this paragraph for an individual applying for or participating in Wisconsin Works and that is not the federal share of support shall be paid to the individual applying for or participating in Wisconsin Works. The department shall pay the federal share of support assigned under this paragraph as required under federal law or waiver.

SECTION 1155c. 49.145 (2) (s) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

49.145 **(2)** (s) The individual assigns to the state any right of the individual or of any dependent child of the individual to support or maintenance from any other person accruing during the time that any assistance, as defined in 45 CFR 260.31, under Wisconsin Works is paid to the individual. If a minor who is a beneficiary of any assistance under Wisconsin Works is also the beneficiary of support under a judgment or order that includes support for one or more children not receiving that assistance, any support payment made under the judgment or order is assigned to the state during the period that the minor is a beneficiary of that assistance in the amount that is the proportionate share of the minor receiving the assistance, except as otherwise ordered by the court on the motion of a party. Amounts assigned to the state under this paragraph remain assigned to the state until the amount due to the federal government has been recovered. No amount of support that begins to accrue after the individual ceases to receive assistance under Wisconsin Works may be considered assigned to this state. Except as provided in s. 49.1455, ~~any~~ 75 percent of all money that is received by the department in a month under an assignment to the state under this paragraph for an individual applying for or participating in Wisconsin Works ~~and that is not the federal share of support~~ shall be paid to the individual applying for or participating in Wisconsin Works. The department shall pay the federal share of support assigned under this paragraph as required under federal law or waiver.

SECTION 1156. 49.1452 of the statutes is created to read:

49.1452 Payment of support arrears. If an individual who formerly participated in, but is no longer participating in, Wisconsin Works assigned to the state under s. 49.145 (2) (s) his or her right or the right of any dependent child of the individual to support or maintenance from any other person, the department shall pay to the individual all money in support or maintenance arrears that is collected by the department after the individual's participation ceased and that accrued while the individual was participating in Wisconsin Works.

SECTION 1157. 49.147 (3) (c) of the statutes is repealed.

SECTION 1158. 49.147 (4) (as) of the statutes is amended to read:

49.147 **(4)** (as) *Required hours.* Except as provided in pars. (at) and (av) and sub. (5m), a Wisconsin ~~works~~ Works agency shall require a participant placed in a community service job program to work in a community service job for the number of hours determined by the Wisconsin ~~works~~ Works agency to be appropriate for the participant at the time of application or review, ~~but not to exceed 30 hours per week~~. ~~Except as provided in pars. (at) and (av), a Wisconsin works agency may require a participant placed in the community service job program to participate in education or training activities for not more than 10 hours per week~~ except that 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 1160. 49.147 (4) (av) of the statutes is amended to read:

49.147 **(4)** (av) *Education for 18−year−old and 19−year−old students.* A Wisconsin ~~works~~ Works agency shall permit a participant under this subsection who has not attained the age of 20 and who has not obtained a high school diploma or a declaration of equivalency of high school graduation to attend high school or, at the option of the participant, to enroll in a course of study meeting the standards established under s. 115.29 (4) for the granting of a declaration of equivalency of high school graduation to satisfy, in whole or in part, the ~~required hours of~~ participation requirement under par. (as).

SECTION 1161. 49.147 (4) (b) of the statutes is repealed.

SECTION 1161c. 49.147 (4m) of the statutes is created to read:

49.147 **(4m)** SUBSIDIZED PRIVATE SECTOR EMPLOYMENT. (a) Subject to pars. (b) and (cm), the department shall establish and administer a subsidized private sector employment program, under which participants shall be paid the benefits under s. 49.148 (1) (d) for work in projects that the department determines would serve a useful public purpose or projects the cost of which is partially or wholly offset by revenue generated from such projects. An individual may participate in a project under this subsection for a maximum of 6 months, with an opportunity for an extension.

(b) Subject to par. (cm), the department shall begin operating the program under this subsection only if all of the following occur:

1. The secretary structures the subsidized private sector employment program in such a manner that the total cost for a participant in the program under this subsection does not exceed what the total cost would be for the participant in the community service job program administered under sub. (4).

2. The secretary determines that the cash flow to a participant in the subsidized private sector employment program under this subsection, including the advance payment of any tax credit, is not less than what the cash flow would be to the participant in the community service job program administered under sub. (4).

3. The secretary determines that administering the subsidized private sector employment program in the manner provided under this subsection is permitted under federal law or under a waiver, or an amendment to a waiver, approved by the federal department of health and human services for the operation of Wisconsin Works.

(c) 1. If the secretary of children and families determines that a waiver, or an amendment to a waiver, is necessary to administer the subsidized private sector employment program in the manner provided under this subsection, the secretary of children and families shall no later than September 30, 2009, request the waiver or the amendment to the waiver from the secretary of the federal department of health and human services to permit the secretary of children and families to administer the subsidized private sector employment program in the manner provided under this subsection.

2. If the secretary determines that administering the subsidized private sector employment program in the manner provided under this subsection would necessitate changes in the federal Temporary Assistance for Needy Families block grant program legislation under 42 USC 601 et seq., the secretary shall pursue the necessary changes to the federal legislation.

(cm) 1. Except as provided in subd. 2., the department may not begin operating the program under this subsection before January 1, 2011.

2. If the department determines that a waiver, an amendment to a waiver, or changes in the federal Temporary Assistance for Needy Families block grant program legislation are necessary for administering the subsidized private sector employment program in the manner provided under this section, the department may not begin operating the program under this subsection before the later of the following:

a. The waiver or waiver amendment is approved and in effect or the federal legislation changes are adopted and in effect, or both, whichever is applicable.

b. January 1, 2011.

(d) 1. The department shall promulgate rules for the establishment and administration of the program under this subsection.

2. The department may promulgate emergency rules under s. 227.24 for the establishment and administration of this subsection for the period before the effective date of any permanent rules promulgated under subd. 1., but not to exceed the period authorized under s. 227.24 (1) (c) and (2). Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), the department is not required to provide evidence that promulgating a rule under this subdivision as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subdivision.

SECTION 1162. 49.147 (5) (b) 1. (intro.) of the statutes is renumbered 49.147 (5) (b) (intro.).

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~~ 1m. to 4. 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 1170. 49.147 (5m) (a) (intro.) of the statutes is amended to read:

49.147 **(5m)** (a) (intro.) To the extent permitted under 42 USC 607, and except as provided in par. (bL), a participant under sub. (4) ~~(b)~~ or (5) may participate in a technical college education program as part of a community service job placement or transitional placement if all of the following requirements are met:

SECTION 1172c. 49.148 (1) (intro.) of the statutes is amended to read:

49.148 **(1)** BENEFIT AND WAGE LEVELS FOR PARTICIPANTS IN EMPLOYMENT POSITIONS. (intro.) A participant in a Wisconsin ~~works~~ Works employment position shall receive the following wages or benefits:

SECTION 1173. 49.148 (1) (c) of the statutes is amended to read:

49.148 **(1)** (c) *Transitional placements.* For a participant in a transitional placement under s. 49.147 (5) or in a transitional placement and in technical college education under s. 49.147 (5m), a grant of $628, paid monthly by the Wisconsin ~~works~~ Works agency. For every hour that the participant fails to participate in any required activity without good cause, including any activity under s. 49.147 (5) (b) ~~1. a. to e.~~ 1m. to 4., the grant amount shall be reduced by $5.15. Good cause shall be determined by the financial and employment planner in accordance with rules promulgated by the department. Good cause shall include required court appearances for a victim of domestic abuse.

SECTION 1173c. 49.148 (1) (d) of the statutes is created to read:

49.148 **(1)** (d) *Subsidized private sector employment.* 1. In this paragraph, "benefits" means compensation in the form of the state or federal minimum wage, whichever is higher.

2. For a participant in subsidized private sector employment under s. 49.147 (4m), a monthly grant of not more than $25, as well as benefits for each hour actually worked in subsidized private sector employment, up to 20 hours per week . **Vetoed In Part Vetoed In Part**

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. and amended to read:

49.148 **(1m)** (a) 1. 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 participate in, a Wisconsin Works employment position or is employed in unsubsidized employment, as defined in s. 49.147 (1) (c).

(bm) A Wisconsin Works agency may not require a participant under this subsection to participate in any employment positions.

(c) 1. Receipt of a grant under this subsection by a participant under par. (a) 1. does not constitute participation in a Wisconsin Works employment position ~~for purposes of the time limit under s. 49.145 (2) (n)~~ if the child is born to the participant not more than 10 months after the date that the participant was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin Works employment position.

SECTION 1179. 49.148 (1m) (a) 2. of the statutes is created to read:

49.148 **(1m)** (a) 2. An unmarried woman who would be eligible under s. 49.145 except that she is not a custodial parent of a dependent child and who is in the 3rd trimester of a pregnancy that is medically verified and that is shown by medical documentation to be at risk and to render the woman unable to participate in the workforce.

SECTION 1180. 49.148 (1m) (b) of the statutes is amended to read:

49.148 **(1m)** (b) Receipt of a grant under this subsection constitutes participation in a Wisconsin ~~works~~ Works employment position for purposes of the time ~~limits under ss.~~ limit under s. 49.145 (2) (n) ~~and 49.147 (3) (c), (4) (b) or (5) (b) 2.~~ if the child is born to the participant more than 10 months after the date that the participant was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin ~~works~~ Works employment position unless the child was conceived as a result of a sexual assault in violation of s. 940.225 (1), (2) or (3) in which the mother did not indicate a freely given agreement to have sexual intercourse or of incest in violation of s. 944.06 or 948.06 and that incest or sexual assault has been reported to a physician and to law enforcement authorities.

SECTION 1181. 49.148 (1m) (b) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is renumbered 49.148 (1m) (c) 2. and amended to read:

49.148 **(1m)** (c) 2. Receipt of a grant under this subsection by a participant under par. (a) 1. constitutes participation in a Wisconsin Works employment position ~~for purposes of the time limit under s. 49.145 (2) (n)~~ if the child is born to the participant more than 10 months after the date that the participant was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin Works employment position unless the child was conceived as a result of a sexual assault in violation of s. 940.225 (1), (2), or (3) in which the mother did not indicate a freely given agreement to have sexual intercourse or in violation of s. 948.02 or 948.025 or as a result of incest in violation of s. 944.06 or 948.06 and that incest or sexual assault has been reported to a physician and to law enforcement authorities.

SECTION 1182c. 49.148 (1m) (c) (intro.) of the statutes is created to read:

49.148 **(1m)** (c) (intro.) For purposes of the time limit under s. 49.145 (2) (n), all of the following apply:

SECTION 1182e. 49.148 (1m) (c) 3. of the statutes is created to read:

49.148 **(1m)** (c) 3. Receipt of a grant under this subsection by a participant under par. (a) 2. does not constitute participation in a Wisconsin Works employment position.

SECTION 1183. 49.148 (4) (b) of the statutes is amended to read:

49.148 **(4)** (b) The Wisconsin ~~works~~ Works agency may require an individual who tests positive for use of a controlled substance under par. (a) to participate in a drug abuse evaluation, assessment, and treatment program as part of the participation requirement under s. 49.147 (4) ~~(as)~~ (a) and (am) or (5) ~~(bs)~~ (b) and (bm).

SECTION 1185. 49.151 (1) (intro.) of the statutes is amended to read:

49.151 **(1)** REFUSAL TO PARTICIPATE. (intro.) A participant who refuses to participate ~~3 times~~, as determined under guidelines promulgated under s. 49.1515, in any Wisconsin ~~works~~ Works employment position component is ineligible to participate in ~~that component~~ the Wisconsin Works program for 3 months. A participant is also ineligible to participate in ~~that~~ the Wisconsin ~~works employment position component~~ Works program if an individual in the participant's Wisconsin ~~works~~ Works group is subject to the work requirement under s. 49.15 (2) and refuses ~~3 times~~ to participate as required. ~~A participant whom the Wisconsin works agency has determined is ineligible under this section for a particular Wisconsin works employment position component may be eligible to participate in any other Wisconsin works employment position component in which the participant has not refused to participate 3 times.~~ A participant or an individual who is subject to the work requirement under s. 49.15 (2) demonstrates a refusal to participate if any of the following applies:

SECTION 1186. 49.151 (1) (b) of the statutes is amended to read:

49.151 **(1)** (b) The participant, or an individual who is in the participant's Wisconsin ~~works~~ Works group and who is subject to the work requirement under s. 49.15 (2), fails, without good cause, as determined by the Wisconsin ~~works~~ Works agency, to appear for an interview with a prospective employer or, if the participant is in a Wisconsin ~~works~~ Works transitional placement, the participant fails to appear for an assigned activity, including an activity under s. 49.147 (5) (b) ~~1. a. to e.~~ 1m. to 4., without good cause, as determined by the Wisconsin ~~works~~ Works agency.

SECTION 1187. 49.1515 of the statutes is created to read:

49.1515 Determining nonparticipation without good cause. (1) GUIDELINES BY RULE. The department shall by rule specify guidelines for determining when a participant, or individual in the participant's Wisconsin Works group, who engages in a behavior specified in s. 49.151 (1) (a), (b), (c), (d), or (e) is demonstrating a refusal to participate.

(2) ACTIONS BEFORE DETERMINATION. Before determining under s. 49.151 that a participant is ineligible to participate in the Wisconsin Works program, the Wisconsin Works agency shall do all of the following:

(a) Determine whether the failure of the participant or individual to participate is because the participant or individual refuses to participate or is unable to participate.

(b) Ensure that the services offered to the participant or individual are appropriate for him or her.

(c) Determine whether good cause exists for the failure to participate.

(3) CONCILIATION PERIOD FOR COMPLIANCE. (a) If a Wisconsin Works agency, in accordance with rules promulgated under sub. (1) and after taking the steps required under sub. (2), determines that a participant or individual has refused to participate without good cause, the Wisconsin Works agency shall allow the participant or individual a conciliation period during which he or she must participate in all assigned activities unless good cause exists that prevents compliance during the conciliation period.

(b) The department shall by rule establish the length of time for a conciliation period.

(4) EMERGENCY RULES PROHIBITED. Notwithstanding s. 227.24, the department may not promulgate any rules under this section as emergency rules using the procedure under s. 227.24.

SECTION 1188. 49.153 (1) (a) of the statutes is renumbered 49.153 (1) (bm) and amended to read:

49.153 **(1)** (bm) ~~Provide~~ After providing the explanation under par. (am), provide to the participant written notice of the proposed action and of the reasons for the proposed action.

SECTION 1189. 49.153 (1) (b) of the statutes is renumbered 49.153 (1) (am) and amended to read:

49.153 **(1)** (am) ~~After providing written notice, explain~~ Explain to the participant orally in person or by phone, or make reasonable attempts to explain to the participant orally in person or by phone, the proposed action and the reasons for the proposed action.

SECTION 1190. 49.153 (1) (c) of the statutes is amended to read:

49.153 **(1)** (c) After providing the ~~notice under par. (a) and the~~ explanation or the attempts to provide an explanation under par. ~~(b),~~ (am) and the notice under par. (bm), if the participant has not already been afforded a conciliation period under s. 49.1515 (3) allow the participant a reasonable time to rectify the deficiency, failure, or other behavior to avoid the proposed action.

SECTION 1190p. 49.155 (title) of the statutes is amended to read:

49.155 (title) **Wisconsin ~~works~~ Shares; child care subsidy.**

SECTION 1191. 49.155 (1) (ah) of the statutes is created to read:

49.155 **(1)** (ah) "County department or agency" means a county department under s. 46.215, 46.22, or 46.23, the unit, as defined in s. 49.825 (1) (e), or a Wisconsin Works agency, child care resource and referral agency, or other agency.

SECTION 1192. 49.155 (1) (c) of the statutes is amended to read:

49.155 **(1)** (c) Notwithstanding s. 49.141 (1) (j), "parent" means a custodial parent, guardian, foster parent, ~~treatment foster parent,~~ legal custodian, or a person acting in the place of a parent.

SECTION 1193. 49.155 (1g) (intro.) and (a) (intro.) of the statutes are consolidated, renumbered 49.155 (1g) (intro.) and amended to read:

49.155 **(1g)** ~~DISTRIBUTION OF FUNDS~~ CHILD CARE ALLOCATIONS. (intro.) Within the limits of the availability of the federal child care and development block grant funds received under 42 USC 9858, the department shall ~~do all of the following: (a) (intro.) Subject to sub. (1j), spend no more than the minimum amount required under 42 USC 9858 on programs to improve the quality and availability of child care. From the appropriations under s. 20.437 (2) (cm), (kx), (mc), and (md), the department shall allocate and distribute~~ allocate funding in each fiscal year for all of the following:

SECTION 1194. 49.155 (1g) (a) 1. of the statutes is renumbered 49.155 (1g) (ac).

SECTION 1195b. 49.155 (1g) (a) 2. of the statutes is renumbered 49.155 (1g) (bc) and amended to read:

49.155 **(1g)** (bc) Grants under s. 49.134 (2) for child day care resource and referral services, in the amount of at least ~~$1,225,000~~ $1,298,600 per fiscal year.

SECTION 1196. 49.155 (1g) (a) 3. of the statutes is renumbered 49.155 (1g) (c) and amended to read:

49.155 **(1g)** (c) ~~A transfer to the appropriation account under s. 20.437 (1) (kx) for child~~ Child care

licensing activities, in the amount of at least ~~$4,800,600~~ $5,763,900 per fiscal year.

SECTION 1197. 49.155 (1g) (a) 4. of the statutes is renumbered 49.155 (1g) (d).

SECTION 1198. 49.155 (1g) (a) 5. of the statutes is renumbered 49.155 (1g) (e).

SECTION 1199. 49.155 (1g) (a) 6. of the statutes is renumbered 49.155 (1g) (f).

SECTION 1200. 49.155 (1g) (b) of the statutes is repealed.

SECTION 1200c. 49.155 (1h) of the statutes is created to read:

49.155 **(1h)** PROHIBITION ON TRANSFER OF FUNDS. For purposes of the maximum spending amount under sub. (1g) (ac), the department shall not transfer any federal Temporary Assistance for Needy Families block grant funds received by the department to federal Child Care and Development block grant funds received by the department.

SECTION 1201. 49.155 (1m) (intro.) of the statutes is amended to read:

49.155 **(1m)** ELIGIBILITY. (intro.) ~~A Wisconsin works agency shall determine eligibility for a~~ Except as provided in s. 49.155 (3g), the department shall contract with a county department or agency to determine the eligibility of individuals residing in a particular geographic region or who are members of a particular Indian tribal unit for child care ~~subsidy~~ subsidies under this section. Under this section, an individual may receive a subsidy for child care for a child who has not attained the age of 13 or, if the child is disabled, who has not attained the age of 19, if the individual meets all of the following conditions:

SECTION 1202. 49.155 (1m) (a) (intro.) of the statutes is amended to read:

49.155 **(1m)** (a) (intro.) The individual is a parent of a child who meets the requirement under s. 49.145 (2) (c) and who is under the age of 13 or, if the child is disabled, is under the age of 19; or is a ~~person~~ relative who, under s. 48.57 (3m) or (3n) or 48.62, is providing care and maintenance for a child who meets the requirement under s. 49.145 (2) (c) and who is under the age of 13 or, if the child is disabled, is under the age of 19; and child care services for that child are needed in order for the individual to do any of the following:

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~~ department or county department or agency determining eligibility shall include court−ordered child or family support payments received by the individual, if those support payments exceed $1,250 per month, 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~~ department or county department or agency determining eligibility shall include the sum of the following:

SECTION 1209. 49.155 (1m) (c) 1g. of the statutes is amended to read:

49.155 **(1m)** (c) 1g. If the individual is a foster parent of the child or a subsidized guardian or interim caretaker of the child under s. 48.62 (5), the child's biological or adoptive family has a gross income that is at or below 200% of the poverty line. In calculating the gross income of the child's biological or adoptive family, the ~~Wisconsin works agency~~ department or county department or agency determining eligibility shall include court−ordered child or family support payments received by the individual, if those support payments exceed $1,250 per month, and income described under s. 49.145 (3) (b) 1. and 3.

SECTION 1210. 49.155 (1m) (c) 1h. of the statutes is amended to read:

49.155 **(1m)** (c) 1h. If the individual is a relative of the child, is providing care for the child under a court order, and is receiving payments under s. 48.57 (3m) or (3n) on behalf of the child, the child's biological or adoptive family has a gross income that is at or below 200% of the poverty line. In calculating the gross income of the child's biological or adoptive family, the ~~Wisconsin works agency~~ department or county department or agency determining eligibility shall include court−ordered child or family support payments received by the individual, if those support payments exceed $1,250 per

month, and income described under s. 49.145 (3) (b) 1. and 3.

SECTION 1212. 49.155 (3) of the statutes is repealed and recreated to read:

49.155 **(3)** CHILD CARE LOCAL ADMINISTRATION. Except as provided in sub. (3g), the county department or agency with which the department contracts under sub. (1m) to determine eligibility in a particular geographic region or for a particular Indian tribal unit shall administer child care assistance in that geographic region or for that tribal unit. For the administration of child care assistance under this section, the department may require the county department or agency to do all of the following:

(a) Determine an individual's liability for copayments under sub. (5).

(b) Determine and authorize the amount of child care for which an individual may receive a subsidy.

(c) Annually perform a survey of market child care rates, as directed by the department, and determine maximum reimbursement rates, if the department so directs.

(d) Assist individuals who are eligible for child care subsidies under this section to identify available child care providers and select appropriate child care arrangements.

(e) At intervals, or as otherwise required by the department, review and redetermine the financial and nonfinancial eligibility of individuals receiving child care subsidies under this section.

SECTION 1212m. 49.155 (3g) of the statutes is created to read:

49.155 **(3g)** CHILD CARE ADMINISTRATION IN CERTAIN COUNTIES. In a county having a population of 500,000 or more all of the following apply:

(a) The department may contract with the Milwaukee County enrollment services unit, as provided in s. 49.825 (2) (b), to do any of the following:

1. Determine the eligibility of individuals for a child care subsidy under this section.

2. Determine an individual's liability for copayments under sub. (5).

3. Determine and authorize the amount of child care for which an individual may receive a subsidy.

4. At intervals, or as otherwise required by the department, review and redetermine the financial and nonfinancial eligibility of individuals receiving child care subsidies under this section.

(b) The department may establish a child care provider services unit, as provided in s. 49.826, to perform the provider services functions specified in s. 49.826 (2) (a).

SECTION 1213. 49.155 (3m) (b) of the statutes is repealed and recreated to read:

49.155 **(3m)** (b) 1. Subject to subds. 2. and 3., the department shall, to the extent practicable, allocate funds to a contract entered into under sub. (1m) for the administration of the program under sub. (3) in the same proportion as the geographic region's or Indian tribal unit's proportionate share of all statewide subsidy authorizations and eligibility redeterminations under sub. (3) (e) in the 12−month period before the start of the contract period.

2. The department shall allocate to each contract at least $20,000 per year for the administrative responsibilities for each geographic region or Indian tribal unit.

3. If the department renews a contract for a subsequent year, the department shall allocate to the contract not less than 95 percent of the amount allocated to the contract in the previous year, unless the geographic region or Indian tribal unit is not comparable or total funding available for all contracts is lower than the total amount available in the previous year.

4. Within any contract period, the department may redistribute unexpended contract balances for a county department or agency to another county department or agency that reports expenditures in excess of their original contract total for the period.

SECTION 1213f. 49.155 (3m) (e) of the statutes is created to read:

49.155 **(3m)** (e) 1. In this paragraph, "qualifying child" means a child who satisfies both of the following:

a. He or she is not a child of an employee of the child care provider.

b. He or she does not reside with an employee of the child care provider.

2. No funds distributed under par. (a) may be used for child care services that are provided for a child by a child care provider who employs either the parent of the child or a person who resides with the child, unless the child care provider is licensed under s. 48.65 and at all times at least 60 percent of the children for whom the child care provider is providing care are qualifying children.

3. Notwithstanding subd. 2., if a child care provider described in subd. 2. satisfies the requirements for payment under subd. 2. but the percentage of qualifying children for whom the provider is providing care falls below 60 percent, the provider shall have 6 weeks to raise the percentage of qualifying children for whom the provider is providing care to at least 60 percent before payments to the provider are discontinued for child care services provided for a child who is not a qualifying child.

SECTION 1214. 49.155 (6) (e) of the statutes is created to read:

49.155 **(6)** (e) The department may not increase the maximum reimbursement rates for child care providers in 2009, in 2010, or before June 30 in 2011.

SECTION 1214a. 49.155 (6g) of the statutes is created to read:

49.155 **(6g)** AUTHORIZED CHILD CARE HOURS. (a) 1. In this paragraph, "department" means the department or the county department or agency determining and authorizing the amount of child care for which an individual may receive a subsidy under this section.

2. Except as provided in subd. 3., the department shall authorize no more than 12 hours of child care per day per child.

3. The department may authorize more than 12 hours, not exceeding 16 hours, of child care per day for a child whose parent provides written documentation of work or transportation requirements that exceed 12 hours in a day.

4. If the authorized hours of child care per day for a child will be reduced from more than 12 to 12 or less because the child's parent does not provide the written documentation required under subd. 3., the department shall provide to the child's parent who is receiving the subsidy under this section and to the child's child care provider 4 weeks' notice of the reduction in authorized hours before actually reducing the child's authorized hours.

(am) If reimbursement to a child care provider is based on authorized hours of child care, the department shall do all of the following with respect to establishing and adjusting the number of authorized hours per child:

1. The department shall track a child's hourly usage of child care authorizations over a 6−week period.

2. If the child's hourly usage tracked under subd. 1. is less than 60 percent of the authorized hours of child care in each of the 3 consecutive 2−week periods , the department shall reduce the authorized hours of child care for the child to 90 percent of the maximum number of hours of child care that the child attended during that 6−week period.

Vetoed In Part

3. The department shall provide written notice of the proposed adjustment under subd. 2. to the child's parent who is receiving the subsidy under this section, the child's child care provider, and the applicable county department or agency.

4. The department shall provide a grace period of 6 weeks after the number of authorized hours are reduced under subd. 2., during which time the child care subsidy amount paid to the child care provider for the child shall remain the same as before the reduction in authorized hours was made.

Vetoed In Part

(b) The department shall exclude from a child's hourly usage calculation under par. (am) 2., all of the following:

1. One week per year of vacation time for the child's child care provider.

2. One week per year of sick time for the child's child care provider.

3. Two weeks per year of vacation time for the child's parent who is receiving the subsidy under this section with the child.

(c) The department shall promulgate rules that specify how the requirements under this subsection will be implemented.

Section 1214b. 49.155 (6m) of the statutes is created to read:

49.155 **(6m)** Child care provider recordkeeping. With respect to attendance records, a child care provider shall do all of the following:

(a) Maintain a written record of the daily hours of attendance of each child for whom the provider is providing care under this section, including the actual arrival and departure times for each child.

(b) Retain the written daily attendance records under par. (a) for each child for at least 3 years after the child's last day of attendance, regardless of whether the child care provider is still receiving or eligible to receive payments under this section.

Section 1214d. 49.155 (7) (a) 1. of the statutes is renumbered 49.155 (7), and 49.155 (7) (a), as renumbered, is amended to read:

49.155 **(7)** (a) The person has been convicted of a felony or misdemeanor that the department or county department determines substantially relates to the care of children or to the operation of a business.

Section 1214f. 49.155 (7) (d) of the statutes is created to read:

49.155 **(7)** (d) The department or county department reasonably suspects that the person has intentionally and egregiously violated any provision under the program under this section or any rule promulgated under this section.

Vetoed In Part

Section 1214k. 49.155 (7m) of the statutes is created to read:

49.155 **(7m)** Penalties. The department shall by rule establish policies and procedures permitting the department to do all of the following if a child care provider submits false, misleading, or irregular information to the department or if a child care provider fails to comply with the terms of the program under this section and fails to provide to the satisfaction of the department an explanation for the noncompliance:

(a) Recoup payments made to the child care provider.

(b) Withhold payments to be made to the child care provider.

(c) Impose a forfeiture on the child care provider.

Section 1216. 49.159 (4) of the statutes is amended to read:

49.159 **(4)** Pregnant women. A pregnant woman whose pregnancy is medically verified, who would be eligible under s. 49.145 except that she is not a custodial parent of a dependent child, and who does not satisfy the requirements under s. 49.148 (1m) (a) 2. is eligible for employment training and job search assistance services provided by the Wisconsin ~~works~~ Works agency.

Section 1216k. 49.162 of the statutes is created to read:

49.162 Transitional jobs demonstration project. (1) In this section, "Wisconsin Works" has the meaning given in s. 49.141 (1) (p).

(2) Subject to sub. (3) (b), the department shall conduct a demonstration project, beginning on January 1, 2010, that offers transitional jobs to low−income adults. To be eligible to participate in the demonstration project, an individual must satisfy all of the following criteria:

(a) Be at least 21 but not more than 64 years of age.

(b) Be ineligible for Wisconsin Works.

(c) Have an annual household income that is below 150 percent of the poverty line.

(d) Be unemployed for at least 4 weeks.

(e) Be ineligible to receive unemployment insurance benefits.

(3) (a) The department shall provide up to 2,500 transitional jobs under the demonstration project. The jobs shall be allocated among Milwaukee County, Dane County, Racine County, Kenosha County, Rock County, Brown County, and other regions of the state, as determined by the department, in the same proportion as the total number of Wisconsin Works participants are allocated among those counties and other regions as of June 30, 2009.

(b) The department shall seek federal funds to pay for the cost of operating the demonstration project, and may conduct the project only to the extent that the department obtains federal funds.

(c) The department shall promulgate rules for the operation of the demonstration project under this section.

SECTION 1217. 49.17 of the statutes is renumbered 253.06, and 253.06 (2) and (5) (e), as renumbered, are amended to read:

253.06 **(2)** USE OF FUNDS. From the appropriation under s. ~~20.437 (2)~~ 20.435 (1) (em), the department shall supplement the provision of supplemental foods, nutrition education, and other services, including nutritional counseling, to low−income women, infants, and children who meet the eligibility criteria under the federal special supplemental food program for women, infants, and children authorized under 42 USC 1786. To the extent that funds are available under this section and to the extent that funds are available under 42 USC 1786, the department shall provide the supplemental food, nutrition education, and other services authorized under this section and shall administer that provision in every county. The department may enter into contracts for this purpose.

(5) (e) The suspension or termination of authorization of a vendor or eligibility of a participant shall be effective beginning on the 15th day after receipt of the notice of suspension or termination. All forfeitures, recoupments, and enforcement assessments shall be paid to the department within 15 days after receipt of notice of assessment or, if the forfeiture, recoupment, or enforcement assessment is contested under sub. (6), within 10 days after receipt of the final decision after exhaustion of administrative review, unless the final decision is adverse to the department or unless the final decision is appealed and the decision is stayed by court order under sub. (7). The department shall remit all forfeitures paid to the secretary of administration for deposit in the school fund. The department shall deposit all enforcement assessments in the appropriation under s. ~~20.437 (2)~~ 20.435 (1) (gr).

SECTION 1218. 49.171 of the statutes is renumbered 46.75, and 46.75 (2) (a), as renumbered, is amended to read:

46.75 **(2)** (a) From the appropriation under s. ~~20.437 (2)~~ 20.435 (1) (dn), the department shall award grants to agencies to operate food distribution programs that qualify for participation in the emergency food assistance program under ~~P.L. 98−8, as amended~~ 7 USC ch. 102.

SECTION 1219. 49.1715 of the statutes is renumbered 46.77 and amended to read:

46.77 Food distribution administration. From the appropriation under s. ~~20.437 (2)~~ 20.435 (1) (dn), the department shall allocate funds to eligible recipient agencies, as defined in ~~the emergency food assistance act, P.L. 98−8, section 201A, as amended~~ 7 USC 7501 (3), for the storage, transportation, and distribution of commodities provided under ~~the hunger prevention act of 1988, P.L. 100−435, as amended~~ 7 USC ch. 102.

SECTION 1220. 49.172 of the statutes is renumbered 49.76.

SECTION 1226. 49.175 (1) (intro.) of the statutes is amended to read:

49.175 **(1)** ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within the limits of the appropriations under s. 20.437 (2) (a), (cm), (cr), (dz), (k), (kx), (L), (mc), (md), (me), (mf), and (s), the department shall allocate the following amounts for the following purposes:

SECTION 1227. 49.175 (1) (intro.) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

49.175 **(1)** ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within the limits of the appropriations under s. 20.437 (2) (a), (cm), ~~(cr),~~ (dz), (k), (kx), (L), (mc), (md), (me), (mf), and (s), the department shall allocate the following amounts for the following purposes:

SECTION 1228. 49.175 (1) (a) of the statutes is amended to read:

49.175 **(1)** (a) *Wisconsin Works benefits.* For Wisconsin Works benefits, ~~$44,068,500~~ $49,139,400 in fiscal year ~~2007−08~~ 2009−10 and ~~$43,392,200~~ $51,229,600 in fiscal year ~~2008−09~~ 2010−11.

SECTION 1228g. 49.175 (1) (b) of the statutes is amended to read:

49.175 **(1)** (b) *Wisconsin Works administration.* For administration of Wisconsin Works performed under contracts under s. 49.143, ~~$10,701,100~~ $8,247,000 in fiscal year ~~2007−08~~ 2009−10 and ~~$10,701,100~~ $8,247,000 in fiscal year ~~2008−09~~ 2010−11.

SECTION 1228i. 49.175 (1) (f) of the statutes is amended to read:

49.175 **(1)** (f) *Wisconsin Works ancillary services.* For program services under Wisconsin Works provided under contracts under s. 49.143, ~~$38,471,500~~ $38,471,500 in fiscal year ~~2007−08~~ 2009−10 and ~~$38,471,500~~ $35,471,500 in fiscal year ~~2008−09~~ 2010−11.

SECTION 1229. 49.175 (1) (g) of the statutes is amended to read:

49.175 **(1)** (g) *State administration of public assistance programs and costs of overpayment collections.* For state administration of public assistance programs~~,~~ ~~$16,670,100~~ and costs associated with the collection of public assistance overpayments, $16,985,900 in fiscal year ~~2007−08~~ 2009−10 and ~~$16,868,500~~ $17,091,700 in fiscal year ~~2008−09~~ 2010−11.

SECTION 1230. 49.175 (1) (h) of the statutes is created to read:

49.175 **(1)** (h) *Public assistance program fraud and error reduction.* For activities to reduce fraud under s. 49.197 (1m) and activities to reduce payment errors under s. 49.197 (3), $605,500 in each fiscal year.

SECTION 1232. 49.175 (1) (i) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

49.175 **(1)** (i) *Emergency assistance.* For emergency assistance under s. 49.138, ~~$6,000,000~~ $6,500,000 in fiscal year ~~2007−08~~ 2009−10 and ~~$7,000,000~~ $6,000,000 in fiscal year ~~2008−09~~ 2010−11.

SECTION 1233. 49.175 (1) (j) of the statutes is created to read:

49.175 **(1)** (j) *Aid to families with dependent children overpayments liability.* For payment of liability to the federal government related to overpayments made under the program under s. 49.19, $2,500,500 in fiscal year 2008−09.

SECTION 1234. 49.175 (1) (j) of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed.

SECTION 1235. 49.175 (1) (k) of the statutes is created to read:

49.175 **(1)** (k) *Aid to Families with Dependent Children overpayments liability.* For payment of liability to the federal government related to overpayments made under the program under s. 49.19, $13,183,900 in fiscal year 2009−10 and $0 in fiscal year 2010−11.

SECTION 1236. 49.175 (1) (k) of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed.

SECTION 1238. 49.175 (1) (p) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

49.175 **(1)** (p) *Direct child care services.* For direct child care services under s. 49.155, ~~$359,201,800~~ $384,987,600 in fiscal year ~~2007−08~~ 2009−10 and ~~$375,736,400~~ $402,496,800 in fiscal year ~~2008−09~~ 2010−11.

SECTION 1239. 49.175 (1) (q) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

49.175 **(1)** (q) *Child care state administration and child care licensing activities.* For administration of child care ~~services under s. 49.155 (1g) (b), $1,765,600 in fiscal year 2007−08 and $2,437,800 in~~ programs under s. 49.155 and the allocation under s. 49.155 (1g) (c) for child care licensing activities, $8,534,700 in fiscal year 2009−10 and $8,889,700 in fiscal year ~~2008−09~~ 2010−11.

SECTION 1240. 49.175 (1) (qm) of the statutes is amended to read:

49.175 **(1)** (qm) *Quality care for quality kids.* For the child care quality improvement activities specified in s. 49.155 (1g) ~~(a), $5,311,000 in each fiscal year,~~ $5,384,600 in fiscal year 2009−10 and $5,384,600 in fiscal year 2010−11.

SECTION 1241. 49.175 (1) (qs) of the statutes is repealed.

SECTION 1242b. 49.175 (1) (s) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

49.175 **(1)** (s) *Kinship care ~~and~~, long−term kinship care, and foster care assistance.* For the kinship care and long−term kinship care programs under s. 48.57 (3m), (3n), and (3p) and for foster care for relatives under s. 48.62, $24,435,000 in fiscal year 2009−10 and $24,435,000 in fiscal year 2010−11.

SECTION 1243. 49.175 (1) (ze) (title) of the statutes is repealed.

SECTION 1244. 49.175 (1) (ze) 1. of the statutes is amended to read:

49.175 **(1)** (ze) 1. 'Kinship care and long−term kinship care assistance.' For the kinship care and long−term kinship care programs under s. 48.57 (3m), (3n), and (3p), $23,579,800 in ~~each~~ fiscal year 2007−08 and $23,885,800 in fiscal year 2008−09.

SECTION 1245. 49.175 (1) (ze) 1. of the statutes, as affected by 2009 Wisconsin Act .... (this act), is renumbered 49.175 (1) (s) and amended to read:

49.175 **(1)** (s) *Kinship care and long−term kinship care assistance.* For the kinship care and long−term kinship care programs under s. 48.57 (3m), (3n), and (3p), ~~$23,579,800~~ $24,435,000 in fiscal year ~~2007−08~~ 2009−10 and ~~$23,885,800~~ $24,435,000 in fiscal year ~~2008−09~~ 2010−11.

SECTION 1246. 49.175 (1) (ze) 2. of the statutes is renumbered 49.175 (1) (r) and amended to read:

49.175 **(1)** (r) *Children of recipients of supplemental security income.* For payments made under s. 49.775 for the support of the dependent children of recipients of supplemental security income, ~~$30,094,700 in fiscal year 2007−08 and $30,094,700~~ $29,899,800 in fiscal year ~~2008−09~~ 2009−10 and $29,933,200 in each fiscal year thereafter.

SECTION 1247. 49.175 (1) (ze) 10m. of the statutes is renumbered 49.175 (1) (t) and amended to read:

49.175 **(1)** (t) *Safety and out−of−home placement services.* For services provided in counties having a population of 500,000 or more to ensure the safety of children who the department determines may remain at home if appropriate services are provided, and for ongoing services provided in those counties to families with children placed in out−of−home care, ~~$5,631,300~~ $6,350,300 in each fiscal year.

SECTION 1248. 49.175 (1) (ze) 11. of the statutes is renumbered 49.175 (1) (u).

SECTION 1249. 49.175 (1) (ze) 12. of the statutes is repealed.

SECTION 1250. 49.175 (1) (zh) of the statutes is amended to read:

49.175 **(1)** (zh) *Earned income tax credit supplement.* For the transfer of moneys from the appropriation account under s. 20.437 (2) (md) to the appropriation account under s. 20.835 (2) (kf) for the earned income tax credit, ~~$21,125,400~~ $6,664,200 in fiscal year ~~2007−08~~ 2009−10 and $6,664,200 in fiscal year ~~2008−09~~ 2010−2011.

SECTION 1251. 49.19 (1) (a) 2. b. of the statutes is amended to read:

49.19 **(1)** (a) 2. b. Is living in a foster home ~~or treatment foster home~~ licensed under s. 48.62 if a license is required under that section, in a foster home ~~or treatment foster home~~ located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation, in a group home licensed under s. 48.625, or in a residential care center for children and youth licensed under s. 48.60, and has been placed in the foster home, ~~treatment foster home,~~ group home, or center by a county department under s. 46.215, 46.22, or 46.23, by the department, by the department of corrections, or by a federally recognized American Indian tribal governing body in this state under an agreement with a county department.

SECTION 1252. 49.19 (4e) (a) of the statutes is amended to read:

49.19 **(4e)** (a) If a person applying for aid is under 18 years of age, has never married, and is pregnant or has a dependent child in his or her care, the person is not eligible for aid unless he or she lives in a place maintained by his or her parent, legal guardian, or other adult relative as the parent's, guardian's or other adult relative's own home or lives in a foster home, ~~treatment foster home,~~ maternity home, or other supportive living arrangement supervised by an adult.

SECTION 1253. 49.19 (10) (a) of the statutes is amended to read:

49.19 **(10)** (a) Aid under this section may also be granted to a nonrelative who cares for a child dependent upon the public for proper support in a foster home ~~or treatment foster home~~ having a license under s. 48.62, in a foster home ~~or treatment foster home~~ located within the boundaries of a federally recognized American Indian reservation in this state and licensed by the tribal governing body of the reservation, or in a group home licensed under s. 48.625, regardless of the cause or prospective period of dependency. The state shall reimburse counties pursuant to the procedure under s. 48.569 (2) and the percentage rate of participation set forth in s. 48.569 (1) (d) for aid granted under this subsection except that if the child does not have legal settlement in the granting county, state reimbursement shall be at 100%. The county department under s. 46.215 or 46.22 shall determine the legal settlement of the child. A child under one year of age shall be eligible for aid under this subsection irrespective of any other residence requirement for eligibility within this section.

SECTION 1254. 49.19 (10) (c) of the statutes is amended to read:

49.19 **(10)** (c) Reimbursement under par. (a) may also be paid to the county when the child is placed in a licensed foster home, ~~treatment foster home,~~ group home, or residential care center for children and youth by a licensed child welfare agency or by a federally recognized American Indian tribal governing body in this state or by its designee, if the child is in the legal custody of the county department under s. 46.215, 46.22, or 46.23 or if the child was removed from the home of a relative specified in sub. (1) (a) as a result of a judicial determination that continuance in the home of the relative would be contrary to the child's welfare for any reason and the placement is made ~~pursuant to~~ under an agreement with the county department.

SECTION 1255. 49.19 (10) (d) of the statutes is amended to read:

49.19 **(10)** (d) Aid may also be paid under this section to a licensed foster home, ~~treatment foster home,~~ group home, or residential care center for children and youth by the state when the child is in the custody or guardianship of the state, when the child is a ward of an American Indian tribal court in this state and the placement is made under an agreement between the department and the tribal governing body, or when the child was part of the state's direct service case load and was removed from the home of a relative specified in sub. (1) (a) as a result of a judicial determination that continuance in the home of a relative would be contrary to the child's welfare for any reason and the child is placed by the department or the department of corrections.

SECTION 1256. 49.19 (10) (e) of the statutes is amended to read:

49.19 **(10)** (e) Notwithstanding pars. (a), (c), and (d), aid under this section may not be granted for placement of a child in a foster home ~~or treatment foster home~~ licensed by a federally recognized American Indian tribal governing body, for placement of a child in a foster home~~, treatment foster home,~~ or residential care 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 1256g. 49.195 (3r) of the statutes is amended to read:

49.195 **(3r)** ~~From the appropriation under s. 20.437 (2) (L) the~~ The department may contract with or employ a collection agency or other person to enforce a repayment obligation of a person who is found liable under sub. (3) who is delinquent in making repayments.

SECTION 1256m. 49.195 (4) of the statutes is renumbered 49.195 (4) (a) and amended to read:

49.195 **(4)** (a) ~~Any~~ Except as provided in par. (b), any county or governing body of a federally recognized American Indian tribe may retain 15% of benefits distributed under s. 49.19 that are recovered due to the efforts of an employee or officer of the county or tribe.

(b) This subsection does not apply to ~~recovery~~ any of the following:

1. The recovery of benefits that were provided as a result of state, county, or tribal governing body error.

SECTION 1256p. 49.195 (4) (b) 2. of the statutes is created to read:

49.195 **(4)** (b) 2. The recovery of benefits due to the efforts of an employee or officer of a county having a population of 500,000 or more under the supervision of the department.

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~~.

SECTION 1259. 49.197 (2) (a) of the statutes is renumbered 49.197 (2) (a) (intro.) and amended to read:

49.197 **(2)** (a) (intro.) In this subsection~~, "tribal~~:

2. "Tribal governing body" means an elected governing body of a federally recognized American Indian tribe.

SECTION 1260. 49.197 (2) (a) 1. of the statutes is created to read:

49.197 **(2)** (a) 1. "County department" means a county department under s. 46.215, 46.22, or 46.23.

SECTION 1261. 49.197 (2) (b) of the statutes is amended to read:

49.197 **(2)** (b) ~~A~~ If a county department, Wisconsin Works agency, or tribal governing body administers the Wisconsin Works program, the county department, Wisconsin Works agency, or tribal governing body may establish a program to investigate suspected fraudulent activity on the part of participants in the Wisconsin Works program under this subchapter, including persons receiving a child care subsidy under s. 49.155, and to recover incorrect payments made or incorrect benefits provided as a result of fraudulent activity.

SECTION 1262. 49.197 (2) (c) (intro.) of the statutes is renumbered 49.197 (2) (c) and amended to read:

49.197 **(2)** (c) ~~If a~~ A county department, Wisconsin Works agency, or tribal governing body that establishes a program under par. (b)~~, the county or tribal governing body shall pay to the department all of the following:~~ shall advise both the department and the department of health services of the date on which the program was established and, on an ongoing basis, of any amounts recovered as a result of the program. A county department, Wisconsin Works agency, or tribal governing body may retain any amounts recovered under a program under this subsection and must use the moneys retained to pay cash benefits to Wisconsin Works participants.

SECTION 1262m. 49.197 (2) (c) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

49.197 **(2)** (c) A county department, Wisconsin Works agency, or tribal governing body that establishes a program under par. (b) shall advise both the department and the department of health services of the date on which the program was established and, on an ongoing basis, of any amounts recovered as a result of the program. ~~A~~ Except as provided in par. (cm), a county department, Wisconsin Works agency, or tribal governing body may retain any amounts recovered under a program under this subsection and must use the moneys retained to pay cash benefits to Wisconsin Works participants.

SECTION 1263. 49.197 (2) (c) 1. of the statutes is repealed.

SECTION 1264. 49.197 (2) (c) 2. of the statutes is repealed.

SECTION 1265. 49.197 (2) (c) 3. of the statutes is repealed.

SECTION 1265m. 49.197 (2) (cm) of the statutes is created to read:

49.197 **(2)** (cm) Any amounts recovered with respect to the child care subsidy program under s. 49.155 by a county department in a county having a population of 500,000 or more as a result of a program under par. (b) or due to the efforts of an employee of such a county who is supervised by the department or the department of health services under s. 49.825 shall be credited to the appropriation account under s. 20.437 (2) (me).

SECTION 1266. 49.197 (2) (d) of the statutes is repealed.

SECTION 1268b. 49.24 (1) (intro.) of the statutes is created to read:

49.24 **(1)** (intro.) The department shall provide child support incentive payments to counties from one of the following appropriations:

SECTION 1268c. 49.24 (1) of the statutes, as affected by 2007 Wisconsin Act 20, section 1474d, is renumbered 49.24 (1) (b) and amended to read:

49.24 **(1)** (b) ~~From~~ If federal legislation provides for the matching of federal funds for federal child support incentive payments at a rate of 66 percent or more, from the appropriation under s. 20.437 (2) (k)~~, the department shall provide child support incentive payments to counties~~ while the federal legislation is in effect. Total payments under this ~~subsection~~ paragraph may not exceed $5,690,000 per year.

SECTION 1268e. 49.24 (1) (a) of the statutes is created to read:

49.24 **(1)** (a) Unless par. (b) applies, from the appropriation under s. 20.437 (2) (bc).

SECTION 1268f. 49.24 (2) (b) 1. of the statutes is repealed.

SECTION 1268g. 49.24 (2) (b) 2. of the statutes is amended to read:

49.24 **(2)** (b) 2. Of the amount of federal child support incentive payments awarded to the state for each federal fiscal year ~~after federal fiscal year 2002~~, the amount awarded if that amount is less than $12,340,000, or $12,340,000 plus 30% of the amount awarded that exceeds $12,340,000.

SECTION 1268h. 49.24 (2) (b) 3. of the statutes is amended to read:

49.24 **(2)** (b) 3. All federal matching funds associated with the amounts distributed under ~~subds. 1. and~~ subd. 2.

SECTION 1268i. 49.24 (2) (c) of the statutes is amended to read:

49.24 **(2)** (c) The department ~~may retain 50% of the amount of federal child support incentive payments awarded to the state for federal fiscal year 2002 that exceeds $12,340,000, and~~ may retain 70% of the amount of federal child support incentive payments awarded to the state for each federal fiscal year ~~after federal fiscal year 2002~~ that exceeds $12,340,000, to be used to pay the costs of the department's activities under ss. 49.22 and 49.227 and costs related to receiving and disbursing support and support−related payments.

SECTION 1268j. 49.24 (2) (dm) of the statutes, as created by 2007 Wisconsin Act 20, is amended to read:

49.24 **(2)** (dm) If the amount of federal child support incentive payments awarded to the state for a federal fiscal year is less than $12,340,000 and the department is providing child support incentive payments to counties for that federal fiscal year under sub. (1) (b), the total of payments distributed to counties under par. (b) and sub. (1) for that federal fiscal year may not exceed $12,340,000.

SECTION 1268k. 49.24 (4) of the statutes, as created by 2007 Wisconsin Act 20, is repealed.

SECTION 1268p. 49.25 of the statutes is created to read:

49.25 Incentive payments for identifying children with health insurance. From the appropriation under s. 20.437 (2) (e), the department may provide incentive payments to county child support agencies under s. 59.53 (5) for identifying children who are receiving medical assistance benefits and who have health insurance coverage or access to health insurance coverage. The department of children and families may disclose to the department of health services information that it possesses or obtains that would assist in identifying children with medical assistance coverage who have health insurance coverage or access to health insurance coverage.

SECTION 1271. 49.32 (9) (a) of the statutes is amended to read:

49.32 **(9)** (a) Each county department under s. 46.215, 46.22, or 46.23 administering aid to families with dependent children shall maintain a monthly report at its office showing the names of all persons receiving aid to families with dependent children together with the amount paid during the preceding month. Each Wisconsin Works agency administering Wisconsin Works under ss. 49.141 to 49.161 shall maintain a monthly report at its office showing the names of all persons receiving benefits under s. 49.148 together with the amount paid during the preceding month. Nothing in this paragraph shall be construed to authorize or require the disclosure in the report of any information (names, amounts of aid or otherwise) pertaining to adoptions, or aid furnished for the care of children in foster homes ~~or treatment foster homes~~ under s. 48.645 or 49.19 (10).

SECTION 1273. 49.34 (1) of the statutes is amended to read:

49.34 **(1)** All services under this subchapter and ch. 48 purchased by the department or by a county department under s. 46.215, 46.22, or 46.23 shall be authorized and contracted for under the standards established under

this section. The department may require the county departments to submit the contracts to the department for review and approval. For purchases of $10,000 or less the requirement for a written contract may be waived by the department. No contract is required for care provided by foster homes ~~or treatment foster homes~~ that are required to be licensed under s. 48.62. When the department directly contracts for services, it shall follow the procedures in this section in addition to meeting purchasing requirements established in s. 16.75.

SECTION 1274. 49.343 (title) of the statutes is amended to read:

49.343 (title) **Rates for residential care centers ~~and~~, group homes, and child welfare agencies.**

SECTION 1275. 49.343 (1) of the statutes is renumbered 49.343 (1g) and amended to read:

49.343 **(1g)** ESTABLISHMENT OF RATES. Subject to sub. (1m), each residential care center for children and youth~~, as defined in s. 48.02 (15d),~~ and each group home~~, as defined in s. 48.02 (7), that is incorporated under ch. 180, 181, 185, or 193~~ shall establish a per client rate for its services and each child welfare agency shall establish a per client administrative rate for the administrative portion of its treatment foster care services. A residential care center for children and youth and a group home shall charge all purchasers the same rate for the same services and a child welfare agency shall charge all purchasers the same administrative rate for the same treatment foster care services.

SECTION 1276. 49.343 (1d) of the statutes is created to read:

49.343 **(1d)** DEFINITIONS. In this section:

(a) "Administrative rate" means 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.

(b) "Child welfare agency" means a child welfare agency that is authorized under s. 48.61 (7) to license treatment foster homes.

(c) "Group home" has the meaning given in s. 48.02 (7).

(d) "Residential care center for children and youth" has the meaning given in s. 48.02 (15d).

SECTION 1276g. 49.343 (1d) (a) of the statutes, as created by 2009 Wisconsin Act .... (this act), is amended to read:

49.343 **(1d)** (a) "Administrative rate" means 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.

SECTION 1276j. 49.343 (1d) (b) of the statutes, as created by 2009 Wisconsin Act .... (this act), is amended to read:

49.343 **(1d)** (b) "Child welfare agency" means a child welfare agency that is authorized under s. 48.61 (7) to license ~~treatment~~ foster homes.

SECTION 1276m. 49.343 (1g) of the statutes, as affected by 2009 Wisconsin Act .... (this act), section 1275, is amended to read:

49.343 **(1g)** ESTABLISHMENT OF RATES. Subject to sub. (1m), each residential care center for children and youth and each group home shall establish a per client rate for its services and each child welfare agency shall establish a per client administrative rate for the administrative portion of its ~~treatment~~ foster care services. A residential care center for children and youth and a group home shall charge all purchasers the same rate for the same services and a child welfare agency shall charge all purchasers the same administrative rate for the same ~~treatment~~ foster care services. The department shall determine the levels of care created under the rules promulgated under s. 48.62 (8) to which this section applies.

SECTION 1277. 49.343 (1g) of the statutes, as affected by 2009 Wisconsin Act .... (this act), sections 1275 and 1276m, is repealed and recreated to read:

49.343 **(1g)** ESTABLISHMENT OF RATES. For services provided beginning on January 1, 2011, the department shall establish the per client rate that a residential care center for children and youth 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 foster care services, as provided in this section. In establishing rates for a placement specified in s. 938.357 (4) (c) 1. or 2., the department shall consult with the department of corrections. A residential care center for children and youth and a group home shall charge all purchasers the same rate for the same services and a child welfare agency shall charge all purchasers the same administrative rate for the same foster care services. The department shall determine the levels of care created under the rules promulgated under s. 48.62 (8) to which this section applies.

SECTION 1278. 49.343 (1m) of the statutes is amended to read:

49.343 **(1m)** NEGOTIATION OF RATES. Notwithstanding sub. ~~(1)~~ (1g), the department, a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, a group of those county departments, or the department and one or more of those county departments, and a residential care center for children and youth or group home~~, as described in sub. (1),~~ may negotiate a per client rate for the services of that residential care center for children and youth or group home, and the department, a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, a group of those county departments, or the department and one or more of those county departments, and a child welfare agency may negotiate a per client administrative rate for the administrative portion of the treatment foster care services of that child welfare

agency, if the department, that county department, the county departments in that group of county departments, or the department and one or more of those county departments, agree to place 75% or more of the residents of that residential care center for children and youth or group home or of the treatment foster homes operated by that child welfare agency during the period for which that rate is effective. A residential care center for children and youth or group home that negotiates a per client rate under this subsection shall charge ~~that rate to~~ all purchasers of its services the same rate for the same services and a child welfare agency that negotiates a per client administrative rate under this subsection shall charge all purchasers of its treatment foster care services the same administrative rate for the same treatment foster care services.

SECTION 1278g. 49.343 (1m) of the statutes, as affected by 2009 Wisconsin Act .... (this act), section 1278, is amended to read:

49.343 **(1m)** NEGOTIATION OF RATES. Notwithstanding sub. (1g), the department, a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, a group of those county departments, or the department and one or more of those county departments, and a residential care center for children and youth or group home may negotiate a per client rate for the services of that residential care center for children and youth or group home, and the department, a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, a group of those county departments, or the department and one or more of those county departments, and a child welfare agency may negotiate a per client administrative rate for the administrative portion of the ~~treatment~~ foster care services of that child welfare agency, if the department, that county department, the county departments in that group of county departments, or the department and one or more of those county departments, agree to place 75% or more of the residents of that residential care center for children and youth or group home or of the ~~treatment~~ foster homes operated by that child welfare agency during the period for which that rate is effective. A residential care center for children and youth or group home that negotiates a per client rate under this subsection shall charge all purchasers of its services the same rate for the same services and a child welfare agency that negotiates a per client administrative rate under this subsection shall charge all purchasers of its ~~treatment~~ foster care services the same administrative rate for the same ~~treatment~~ foster care services.

SECTION 1279. 49.343 (1m) of the statutes, as affected by 2009 Wisconsin Act .... (this act), sections 1278 and 1278g, is repealed.

SECTION 1280. 49.343 (2) (title) of the statutes is created to read:

49.343 **(2)** (title) DETERMINATION OF RATES.

SECTION 1281. 49.343 (2) of the statutes is renumbered 49.343 (2) (a) and amended to read:

49.343 **(2)** (a) ~~A~~ By October 1, 2010, and annually after that, a residential care center for children and youth or a group home~~, as described in sub. (1) or (1m),~~ shall submit to the department the ~~rate it charges and any change in that rate before a charge is made to any purchaser~~ per client rate that it proposes to charge for services provided in the next year and a child welfare agency shall submit to the department the proposed per client administrative rate that it proposes to charge for foster care services provided in the next year. The department shall provide forms and instructions for the submission of ~~rates and changes in~~ proposed rates under this ~~subsection~~ paragraph and a residential care center for children and youth ~~or a~~, group home, or child welfare agency that is required to submit a ~~rate or a change in a~~ proposed rate under this ~~subsection~~ paragraph shall submit that ~~rate or change in a~~ proposed rate using those forms and instructions.

SECTION 1282. 49.343 (2) (a) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

49.343 **(2)** (a) By October 1 annually, a residential care center for children and youth or a group home shall submit to the department the per client rate that it proposes to charge for services provided in the next year and a child welfare agency shall submit to the department the proposed per client administrative rate that it proposes to charge for foster care services provided in the next year. The department shall provide forms and instructions for the submission of proposed rates under this paragraph and a residential care center for children and youth, group home, or child welfare agency that is required to submit a proposed rate under this paragraph shall submit that proposed rate using those forms and instructions.

SECTION 1283. 49.343 (2) (b) of the statutes is created to read:

49.343 **(2)** (b) The department shall review a proposed rate submitted under par. (a) and audit the residential care center for children and youth, group home, or child welfare agency submitting the proposed rate to determine whether the proposed rate is appropriate to the level of services to be provided, the qualifications of the residential care center for children and youth, group home, or child welfare agency to provide those services, and the reasonable and necessary costs of providing those services. In reviewing a proposed rate, the department shall consider all of the following factors:

1. Changes in the consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor, for the 12 months ending on June 30 of the year in which the proposed rate is submitted.

2. Changes in the allowable costs of the residential care center for children and youth, group home, or child welfare agency based on current actual cost data or documented projections of costs.

3. Changes in program utilization that affect the per client rate or per client administrative rate.

4. Changes in the department's expectations relating to service delivery.

5. Changes in service delivery proposed by the residential care center for children and youth, group home, or child welfare agency and agreed to by the department.

6. The loss of any source of revenue that had been used to pay expenses, resulting in a lower per client rate or per client administrative rate for services.

7. Changes in any state or federal laws, rules, or regulations that result in any change in the cost of providing services, including any changes in the minimum wage, as defined in s. 49.141 (1) (g).

8. Competitive factors.

9. The availability of funding to pay for the services to be provided under the proposed rate.

10. Any other factor relevant to the setting of a rate that the department may determine by rule promulgated under sub. (4).

SECTION 1284. 49.343 (2) (c) of the statutes is created to read:

49.343 **(2)** (c) If the department determines under par. (b) that a proposed rate submitted under par. (a) is appropriate, the department shall approve the proposed rate. If the department does not approve a proposed rate, the department shall negotiate with the residential care center for children and youth, group home, or child welfare agency to determine an agreed to rate. If after negotiations a rate is not agreed to, the department and residential care center for children and youth, group home, or child welfare agency shall engage in mediation under the rate resolution procedure promulgated by rule under sub. (4) to arrive at an agreed to rate. If after mediation a rate is not agreed to, the residential care center for children and youth, group home, or child welfare agency may not provide the service for which the rate was proposed.

SECTION 1285. 49.343 (3) of the statutes is amended to read:

49.343 **(3)** AUDIT. The department may require an audit of any residential care center for children and youth ~~or~~, group home, ~~as described in sub. (1) or (1m),~~ or child welfare agency for the purpose of collecting federal funds.

SECTION 1286. 49.343 (4) of the statutes is created to read:

49.343 **(4)** RULES. The department shall promulgate rules to implement this section. Those rules shall include rules providing for all of the following:

(a) Standards for determining whether a proposed rate is appropriate to the level of services to be provided, the qualifications of a residential care center for children and youth, group home, or child welfare agency to provide those services, and the reasonable and necessary costs of providing those services.

(b) Factors for the department to consider in reviewing a proposed rate.

(c) Procedures for reviewing proposed rates, including rate resolution procedures for mediating an agreed to rate when negotiations fail to produce an agreed to rate.

SECTION 1287. 49.345 (14) (a) of the statutes is amended to read:

49.345 **(14)** (a) Except as provided in pars. (b) and (c), liability of a person specified in sub. (2) or s. 49.32 (1) for care and maintenance of persons under 18 years of age in residential, nonmedical facilities such as group homes, foster homes, ~~treatment foster homes,~~ subsidized guardianship homes, and residential care centers for children and youth is determined in accordance with the cost−based fee established under s. 49.32 (1). The department shall bill the liable person up to any amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other 3rd−party benefits, subject to rules that include formulas governing ability to pay established by the department under s. 49.32 (1). Any liability of the person not payable by any other person terminates when the person reaches age 18, unless the liable person has prevented payment by any act or omission.

SECTION 1288. 49.345 (14) (b) of the statutes is amended to read:

49.345 **(14)** (b) Except as provided in par. (c), and subject to par. (cm), liability of a parent specified in sub. (2) or s. 49.32 (1) for the care and maintenance of the parent's minor child who has been placed by a court order under s. 48.355 or 48.357 in a residential, nonmedical facility such as a group home, foster home, ~~treatment foster home,~~ subsidized guardianship home, or residential care center for children and youth shall be determined by the court by using the percentage standard established by the department under s. 49.22 (9) and by applying the percentage standard in the manner established by the department under par. (g).

SECTION 1289. 49.45 (3) (e) 7. of the statutes is amended to read:

49.45 **(3)** (e) 7. The daily reimbursement or payment rate to a hospital for services provided to medical assistance recipients awaiting admission to a skilled nursing home, intermediate care facility, community−based residential facility, group home, foster home, ~~treatment foster home~~ or other custodial living arrangement may not exceed the maximum reimbursement or payment rate based on the average adjusted state skilled nursing facility rate, created under sub. (6m). This limited reimbursement or payment rate to a hospital commences on the date the department, through its own data or information provided by hospitals, determines that continued hospitalization is no longer medically necessary or appropriate during a period ~~where~~ when the recipient awaits placement in an alternate custodial living arrangement. The department may contract with a peer review organiza-

tion, established under 42 USC 1320c to 1320c−10, to determine that continued hospitalization of a recipient is no longer necessary and that admission to an alternate custodial living arrangement is more appropriate for the continued care of the recipient. In addition, the department may contract with a peer review organization to determine the medical necessity or appropriateness of physician services or other services provided during the period when a hospital patient awaits placement in an alternate custodial living arrangement.

SECTION 1289m. 49.45 (3) (e) 10r. of the statutes is created to read:

49.45 **(3)** (e) 10r. All facilities listed in a certificate of approval issued to a free−standing pediatric teaching hospital under s. 50.35 are a hospital for purposes of reimbursement under this section. Notwithstanding this subdivision, the department shall use physician clinic reimbursement rates to reimburse the facilities under this section for types of services for which, before July 1, 2009, the department reimbursed the facilities using physician clinic reimbursement rates, as determined by the department.

SECTION 1290. 49.45 (6b) of the statutes is amended to read:

49.45 **(6b)** CENTERS FOR THE DEVELOPMENTALLY DISABLED. From the appropriation under s. 20.435 (2) (gk), the department may reimburse the cost of services provided by the centers for the developmentally disabled. ~~Reimbursement to the centers for the developmentally disabled shall be reduced following each placement made under s. 46.275 that involves a relocation from a center for the developmentally disabled, by $225 per day, beginning in fiscal year 2002−03, and by $325 per day, beginning in fiscal year 2004~~ Beginning in fiscal year 2009−10, following each placement made under s. 46.275 that involves a relocation from a center for the developmentally disabled, the department shall reduce the reimbursement to the center by an amount, as determined by the department for each placement, that is equal to the nonfederal share of the costs for the placement under s. 46.275.

SECTION 1291. 49.45 (6m) (br) 1. of the statutes is amended to read:

49.45 **(6m)** (br) 1. Notwithstanding s. 20.410 (3) (cd), 20.435 ~~(4) (bt)~~ or (7) (b) or 20.437 (2) (dz), the department shall reduce allocations of funds to counties in the amount of the disallowance from the appropriation account under s. 20.435 ~~(4) (bt) or~~ (7) (b), or the department shall direct the department of children and families to reduce allocations of funds to counties or Wisconsin Works agencies in the amount of the disallowance from the appropriation account under s. 20.437 (2) (dz) or direct the department of corrections to reduce allocations of funds to counties in the amount of the disallowance from the appropriation account under s. 20.410 (3) (cd), in accordance with s. 16.544 to the extent applicable.

SECTION 1292. 49.45 (6m) (e) of the statutes is repealed.

SECTION 1292n. 49.45 (6u) (am) (intro.) of the statutes is amended to read:

49.45 **(6u)** (am) (intro.) Notwithstanding sub. (6m), from the appropriations under s. 20.435 (4) (o), and (w), for reduction of operating deficits, as defined under the methodology used by the department in December 2000, incurred by a facility that is established under s. 49.70 (1) or that is owned and operated by a city, village, or town, and as payment to care management organizations, the department ~~may not~~ shall distribute to these facilities and to care management organizations ~~more than $37,100,000~~ a total of $39,100,000 in each fiscal year~~, as determined by the department~~ . The total amount that a county certifies under this subsection may not exceed 100% of otherwise−unreimbursed care. In distributing funds under this subsection, the department shall perform all of the following:

Vetoed In Part

Vetoed In Part

SECTION 1293. 49.45 (6u) (b) of the statutes is amended to read:

49.45 **(6u)** (b) Notwithstanding the limitation on the amount of disbursements under par. (am) (intro.), from the appropriation under s. 20.435 (4) (wm), the department shall, using the criteria specified in par. (am) 1. to 7., disburse any federal medical assistance funds that are received by the state as ~~matching funds to~~ federal financial participation for operating deficits incurred by a facility that is operated by a county, city, village, or town and that are in excess of the amount of ~~match~~ federal financial participation anticipated and budgeted as revenue in the biennial budget act for the fiscal year in which the funds are received.

SECTION 1294d. 49.45 (6y) (am) of the statutes, as affected by 2009 Wisconsin Act 2, is repealed.

SECTION 1294m. 49.45 (6y) (b) of the statutes is amended to read:

49.45 **(6y)** (b) The department need not promulgate as rules under ch. 227 the procedures, methods of distribution, and criteria required for distribution under ~~pars. (a) and (am)~~ par. (a).

SECTION 1296. 49.45 (8r) of the statutes is amended to read:

49.45 **(8r)** PAYMENT FOR CERTAIN OBSTETRIC AND GYNECOLOGICAL CARE. The rate of payment for obstetric and gynecological care provided in primary care shortage areas, as defined in s. ~~560.183~~ 36.60 (1) (cm), or provided to recipients of medical assistance who reside in primary care shortage areas, that is equal to 125% of the rates paid under this section to primary care physicians in primary care shortage areas, shall be paid to all certified primary care providers who provide obstetric or gynecological care to those recipients.

SECTION 1297. 49.45 (18) (am) of the statutes is renumbered 49.45 (18) (am) 1. and amended to read:

49.45 **(18)** (am) 1. ~~No~~ Except as provided in subd. 2., no person is liable under this subsection for services provided through prepayment contracts. ~~This paragraph does not apply to a person who is eligible for the benefits under s. 49.46 (2) (a) and (b) under s. 49.471.~~

SECTION 1298. 49.45 (18) (am) 2. of the statutes is created to read:

49.45 **(18)** (am) 2. A person who is eligible for the benefits under s. 49.46 (2) (a) and (b) under s. 49.471 is liable under this subsection for services provided through a prepayment contract in the amounts and according to the procedures specified by the department.

SECTION 1299. 49.45 (18) (b) 2. of the statutes is amended to read:

49.45 **(18)** (b) 2. Any service provided to a person who is less than 18 years old. This subdivision does not apply if the person's family income exceeds 100 percent of the poverty line and he or she is eligible for the benefits under s. 49.46 (2) (a) and (b) under s. 49.471.

SECTION 1301. 49.45 (23) (b) of the statutes is amended to read:

49.45 **(23)** (b) If the waiver is granted and in effect, the department may promulgate rules defining the health care benefit plan, including more specific eligibility requirements and cost−sharing requirements. Cost sharing may include an annual enrollment fee, which may not exceed $75 per year. Notwithstanding s. 227.24 (3), the plan details under this subsection may be promulgated as an emergency rule under s. 227.24 without a finding of emergency. If the waiver is granted and in effect, the demonstration project under this subsection shall begin on January 1, 2009, or on the effective date of the waiver, whichever is later.

Vetoed In Part

SECTION 1301c. 49.45 (24d) of the statutes is created to read:

49.45 **(24d)** PRIMARY CARE PROVIDER; MANAGED CARE ORGANIZATIONS. (a) In this subsection, "managed care organization" includes a health maintenance organization, a limited service health organization, and a preferred provider plan.

(b) In a contract with a managed care organization to provide medical assistance, the department shall require the managed care organization to assign to each enrollee who receives medical assistance a primary care provider.

(c) The managed care organization under contract under par. (b) shall pay to the primary care provider a monthly fee per each patient who is a recipient of medical assistance for care coordination.

SECTION 1301e. 49.45 (24g) of the statutes is created to read:

49.45 **(24g)** PHYSICIAN PRACTICE PAYMENT PILOT. (a) The department shall develop a proposal to increase medical assistance reimbursement to providers to which at least one of the following applies:

1. The provider is recognized by the National Committee on Quality Assurance as a Patient−Centered Medical Home.

2. The secretary determines that the provider performs well with respect to all of the following aspects of care:

a. Adoption of written standards for patient access and patient communication.

b. Use of data to show that standards for patient access and patient communication are satisfied.

c. Use of paper or electronic charting tools to organize clinical information.

d. Use of data to identify diagnoses and conditions among the provider's patients that have a lasting detrimental effect on health.

e. Adoption and implementation of guidelines that are based on evidence for treatment and management of at least 3 chronic conditions.

f. Active support of patient self−management.

g. Systematic tracking of patient test results and systematic identification of abnormal patient test results.

h. Systematic tracking of referrals using a paper or electronic system.

i. Measuring the quality of the performance of the physician practice and of individual physicians within the practice, including with respect to provision of clinical services, patient outcomes, and patient safety.

j. Reporting to members of the physician practice and to other persons on the quality of the performance of the physician practice and of individual physicians.

(c) The department's proposal under par. (a) shall specify increases in reimbursement rates for providers that satisfy the conditions under par. (a) 1. or 2., and shall provide for payment of a monthly per−patient care coordination fee to those providers. The department shall set the increases in reimbursement rates and the monthly per−patient care coordination fee so that together they provide sufficient incentive for providers to satisfy a condition under par. (a) 1. or 2. The proposal shall specify effective dates for the increases in reimbursement rates and the monthly per−patient care coordination fee that are no sooner than July 1, 2011.

Vetoed In Part

(d) By the date that is 60 days after the effective date of this paragraph .... [LRB inserts date], the department shall submit the proposal under par. (a) to the joint committee on finance. If the cochairpersons of the committee do not notify the department within 14 working days after the date of the department's submittal that the committee has scheduled a meeting for the purpose of reviewing the proposal, the department shall, subject to approval by the U.S. department of health and human services of any required waiver of federal law relating to medical assistance and any required amendment to the state plan for medical assistance under

42 USC 1396a, implement the proposal beginning January 1, 2010. If, within 14 working days after the date of the department's submittal, the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the proposal, the department may implement the proposal only upon approval of the committee. If the committee reviews the proposal and approves it, the department shall, subject to approval by the U.S. department of health and human services of any required waiver of federal law relating to medical assistance and any required amendment to the state plan for medical assistance under 42 USC 1396a, implement the proposal beginning January 1, 2010.

(e) By the first day of the 39th month beginning after the effective date of this paragraph .... [LRB inserts date], the department shall, if it was required under par. (d) to increase reimbursement to providers that satisfy a condition under par. (a) 1. or 2., submit a report to the joint committee on finance on whether the increased reimbursement results in net cost reductions for the Medical Assistance program under this subchapter and a recommendation as to whether to continue the increased reimbursement. If the cochairpersons of the committee do not notify the department within 14 working days after the date of the department's submittal that the committee has scheduled a meeting for the purpose of reviewing the report and recommendation, the department may implement its recommendation. If, within 14 working days after the date of the department's submittal, the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the report and recommendation, the department may discontinue the increased reimbursement only upon the approval of the committee.

SECTION 1302. 49.45 (24r) of the statutes is renumbered 49.45 (24r) (a) and amended to read:

49.45 **(24r)** (a) The department shall ~~request a~~ implement any waiver ~~from~~ granted by the secretary of the federal department of health and human services to permit the department to conduct a demonstration project to provide family planning, as defined in s. 253.07 (1) (a), under medical assistance to any woman between the ages of 15 and 44 whose family income does not exceed 200% of the poverty line for a family the size of the woman's family. ~~The department shall implement any waiver granted.~~

SECTION 1303. 49.45 (24r) (b) of the statutes is created to read:

49.45 **(24r)** (b) The department may request an amended waiver from the secretary to permit the department to conduct a demonstration project to provide family planning to any man between the ages of 15 and 44 whose family income does not exceed 200 percent of the poverty line for a family the size of the man's family. If the amended waiver is granted, the department may implement the waiver.

SECTION 1304. 49.45 (25) (be) of the statutes is amended to read:

49.45 **(25)** (be) A private nonprofit agency that is a certified case management provider may elect to provide case management services to medical assistance beneficiaries who have HIV infection, as defined in s. 252.01 (2). The amount of the allowable charges for those services under the medical assistance program that is not provided by the federal government shall be paid from the appropriation account under s. 20.435 ~~(5)~~ (1) (am).

SECTION 1305. 49.45 (25) (bg) of the statutes is amended to read:

49.45 **(25)** (bg) An independent living center, as defined in s. 46.96 (1) (ah), that is a certified case management provider and satisfies the criteria in s. 46.96 (3m) (a) 1. to 3. and (am) may elect to provide case management services to one or more of the categories of medical assistance beneficiaries specified under par. (am). The amount of allowable charges for the services under the medical assistance program that is not provided by the federal government shall be paid from nonfederal, public funds received by the independent living center from a county, city, village or town or from funds distributed as a grant under s. 46.96.

SECTION 1305r. 49.45 (30f) of the statutes is created to read:

49.45 **(30f)** PSYCHOTHERAPY AND ALCOHOL AND OTHER DRUG ABUSE SERVICES. The department shall include licensed mental health professionals, as defined in s. 632.89 (1) (dm), and licensed psychologists, as defined in s. 455.01 (4), as providers of psychotherapy and of alcohol and other drug abuse services. Except for services provided under sub. (30e), the department may not require that licensed mental health professionals or licensed psychologists be supervised; may not require that clinical psychotherapy or alcohol and other drug abuse services be provided under a certified program; and, notwithstanding subs. (9) and (9m), may not require that a physician or other health care provider first prescribe psychotherapy or alcohol and other drug abuse services to be provided by a licensed mental health professional or licensed psychologist before the professional or psychologist may provide the services to the recipient. This subsection does not affect the department's powers under ch. 50 or 51 to establish requirements for facilities that are licensed, certified, or operated by the department.

SECTION 1306. 49.45 (30g) of the statutes is created to read:

49.45 **(30g)** COMMUNITY RECOVERY SERVICES. (a) *When services are reimbursable.* Community recovery services under s. 49.46 (2) (b) 6. Lo. provided to an individual are reimbursable under the Medical Assistance program only if all of the following conditions are met:

1. An approved amendment to the state medical assistance plan submitted under 42 USC 1396n (i) permits reimbursement for the services under s. 49.46 (2) (b) 6. Lo. in the manner provided under this subsection.

2. The county in which the individual resides elects to provide the community recovery services under s. 49.46 (2) (b) 6. Lo. through the Medical Assistance program.

3. The individual, the community recovery services, and the community recovery services provider meet any condition set forth in the approved amendment to the medical assistance plan submitted under 42 USC 1396n (i).

(b) *Limit on the amount of reimbursement.* If community recovery services are reimbursable under par. (a), the department shall reimburse each participating county for the portion of the federal share of allowable charges for the community recovery services provided by the county that exceeds that county's proportionate share of $600,000 in fiscal year 2010−2011 and for 95 percent of the federal share of allowable charges for the community recovery services provided by the county in each fiscal year thereafter. The portion of the federal share of allowable charges not reimbursed to counties shall be transferred to the appropriation account under s. 20.435 (5) (kx).

SECTION 1307. 49.45 (30m) (am) of the statutes is renumbered 49.45 (30m) (am) 1.

SECTION 1308. 49.45 (30m) (am) 2. of the statutes is created to read:

49.45 **(30m)** (am) 2. For individuals receiving the family care benefit under s. 46.286, the care management organization that manages the family care benefit for the recipient shall pay the portion of the payment that is not covered by the federal government for services that are described under par. (a) 1. and are covered services under the family care benefit; the department shall pay the remainder of the portion of the payment that is not covered by the federal government.

SECTION 1309. 49.45 (30r) of the statutes is created to read:

49.45 **(30r)** SERVICES IN A MENTAL HEALTH INSTITUTE. A county shall provide the portion of payment that is not provided by the federal government for services under s. 49.46 (2) (b) 6. e. in a mental health institute under s. 51.05.

SECTION 1310. 49.45 (41) (b) of the statutes is amended to read:

49.45 **(41)** (b) If a county elects to become certified as a provider of mental health crisis intervention services, the county may provide mental health crisis intervention services under this subsection in the county to medical assistance recipients through the medical assistance program. A county that elects to provide the services shall pay the amount of the allowable charges for the services under the medical assistance program that is not provided by the federal government. ~~The~~ From the appropriation account under s. 20.435 (5) (bL), the department shall reimburse the county under this subsection only for the amount of the allowable charges for those services under the medical assistance program that is provided by the federal government.

SECTION 1311. 49.45 (42) of the statutes is renumbered 49.45 (42) (d).

SECTION 1312. 49.45 (42) (c) of the statutes is created to read:

49.45 **(42)** (c) The department may charge a fee to certify a provider of personal care services described under par. (d) 3. e. Fees collected under this paragraph shall be credited to the appropriation account under s. 20.435 (6) (jm).

SECTION 1313. 49.45 (42) (d) 3. of the statutes is created to read:

49.45 **(42)** (d) 3. The provider of the personal care services is one of the following:

a. An independent living center meeting the criteria to receive a grant under s. 46.96.

b. A county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437.

c. A federally recognized American Indian tribe or band certified to provide services to medical assistance beneficiaries.

d. A home health agency licensed under s. 50.49.

e. Any other entity certified under sub. (2) (a) 11. to provide personal care services under s. 49.46 (2) (b) 6. j.

SECTION 1313h. 49.45 (43m) of the statutes is created to read: **Vetoed In Part**

49.45 **(43m)** CASE MANAGEMENT FOR CHILDREN WITH MEDICALLY COMPLEX CONDITIONS. The department shall provide case management services to an individual who is under 19 years of age and who is a recipient of medical assistance and who has a medically complex condition.

SECTION 1313k. 49.45 (44) of the statutes is amended to read:

49.45 **(44)** PRENATAL, POSTPARTUM AND YOUNG CHILD CARE COORDINATION. Providers in Milwaukee County that are certified to provide care coordination services under s. 49.46 (2) (b) 12. may be certified to provide to medical assistance recipients prenatal and postpartum care coordination services and care coordination services for children who have not attained the age of 7. Providers in the city of Racine that are certified to provide care coordination services under s. 49.46 (2) (b) 12. and are participating in a program under s. 253.16 may be certified to provide to medical assistance recipients prenatal and postpartum care coordination services and care coordination services for children who have not attained the age of 2. A provider of those care coordination services shall provide to a person receiving those services the information relating to shaken baby syndrome and impacted babies required under s. 253.15 (6). The department shall provide reimbursement for those care

coordination services only if at least one of the following conditions is met:

(a) The recipient is a resident of Milwaukee County or the city of Racine and has received services under s. 49.46 (2) (b) 12. and is pregnant or has given birth within 8 weeks after the individual ceased to receive services under s. 49.46 (2) (b) 12.

(b) The recipient is a resident of Milwaukee County or the city of Racine, is pregnant and has received a risk assessment approved by the department.

(c) The recipient is a resident of Milwaukee County or the city of Racine, has given birth within the 8 weeks immediately preceding the request for services under s. 49.46 (2) (b) 12m. and has received a risk assessment approved by the department.

Vetoed In Part

SECTION 1313p. 49.45 (44g) of the statutes is created to read:

49.45 **(44g)** PRENATAL CARE COORDINATION; MANAGED CARE ORGANIZATIONS. (a) In this subsection, "managed care organization" includes a health maintenance organization, a limited service health organization, and a preferred provider plan.

(b) In a contract with a managed care organization to provide medical assistance, the department shall require the managed care organization to provide or contract with a prenatal care coordination program to serve recipients of medical assistance.

(c) The managed care organization under contract under par. (b) shall ensure that each enrollee who is pregnant and who is a recipient of medical assistance is enrolled in the prenatal care coordination program under par. (b).

SECTION 1314. 49.45 (47) (c) of the statutes is amended to read:

49.45 **(47)** (c) The biennial fee for the certification required under par. (b) of an adult day care center is ~~$100~~ $127. Fees collected under this paragraph shall be credited to the appropriation account under s. 20.435 (6) (jm).

SECTION 1315. 49.45 (47) (e) of the statutes is created to read:

49.45 **(47)** (e) If the department takes enforcement action against an adult day care center for violating a certification requirement established under s. 49.45 (2) (a) 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.

Vetoed In Part

SECTION 1315n. 49.45 (50m) of the statutes is created to read:

49.45 **(50m)** CHRONIC DISEASE MANAGEMENT; MANAGED CARE ORGANIZATIONS. (a) In this subsection, "managed care organization" includes a health maintenance organization, a limited service health organization, and a preferred provider plan.

Vetoed In Part

(b) In a contract with a managed care organization to provide medical assistance, the department shall require the managed care organization to provide a chronic disease management and case coordination program for every recipient of medical assistance diagnosed with diabetes, asthma, congestive heart failure, coronary artery disease, or a primary or secondary behavioral health diagnosis, including substance abuse and depression.

SECTION 1316. 49.45 (52) of the statutes, as affected by 2009 Wisconsin Act 2, 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. 49.46 (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), (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. 49.46 (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 department may disburse the federal share to the county. A county that receives moneys under this paragraph shall expend the moneys for early intervention services under s. 51.44 or for services under the disabled children's long−term support program, as defined in s. 46.011 (1g).

(b) *Services provided by special educators.* If a county provides services to assess and promote skill acquisition to children who are participating in the early intervention program under s. 51.44 and the services are provided by a special educator who is a certified provider of medical assistance, the department shall reimburse the county the federal share of medical assistance for the

county's allowable charges for providing the services. The county shall pay the the remaining expenses for the services. The department shall promulgate rules establishing certification requirements for special educators who provide service under this paragraph, and requirements for county reporting of expenditures for services under this paragraph. A county that receives moneys under this paragraph shall expend the moneys for early intervention services under s. 51.44 or for services under the disabled children's long−term support program, as defined in s. 46.011 (1g).

Vetoed In Part

SECTION 1317n. 49.45 (60) of the statutes is created to read:

49.45 **(60)** DENTAL SERVICES IN SOUTHEASTERN WISCONSIN. Beginning on January 1, 2010, the department shall provide dental benefits under this subchapter in Kenosha, Milwaukee, Racine, and Waukesha counties on a fee−for−service basis.

SECTION 1318. 49.46 (1) (a) 5. of the statutes is amended to read:

49.46 **(1)** (a) 5. Any child in an adoption assistance, foster care, ~~treatment foster care,~~ or subsidized guardianship placement under ch. 48 or 938, as determined by the department.

SECTION 1320. 49.46 (1) (d) 1. of the statutes is amended to read:

49.46 **(1)** (d) 1. Children who are placed in licensed foster homes ~~or licensed treatment foster homes~~ by the department and who would be eligible for payment of aid to families with dependent children in foster homes ~~or treatment foster homes~~ except that their placement is not made by a county department under s. 46.215, 46.22, or 46.23 will be considered as recipients of aid to families with dependent children.

SECTION 1321. 49.46 (2) (b) 3. of the statutes is amended to read:

49.46 **(2)** (b) 3. Transportation by emergency medical vehicle to obtain emergency medical care, transportation by specialized medical vehicle to obtain medical care including the unloaded travel of the specialized medical vehicle necessary to provide that transportation, or~~, if authorized in advance by the county department under s. 46.215 or 46.22,~~ transportation by common carrier or private motor vehicle to obtain medical care.

SECTION 1321r. 49.46 (2) (b) 6. (intro.) of the statutes is amended to read:

49.46 **(2)** (b) 6. (intro.) The following services ~~if~~ that, other than under subd. 6. f., fm., k., and Lr., are prescribed by a physician:

SECTION 1322. 49.46 (2) (b) 6. e. of the statutes is amended to read:

49.46 **(2)** (b) 6. e. ~~Inpatient~~ Subject to the limitation under s. 49.45 (30r), inpatient hospital, skilled nursing facility and intermediate care facility services for patients of any institution for mental diseases who are under 21 years of age, are under 22 years of age and who were receiving these services immediately prior to reaching age 21, or are 65 years of age or older.

SECTION 1323. 49.46 (2) (b) 6. Lo. of the statutes is created to read:

49.46 **(2)** (b) 6. Lo. Subject to the limitations under s. 49.45 (30g), community recovery services.

SECTION 1323c. 49.46 (2) (b) 6. Lr. of the statutes is created to read:

49.46 **(2)** (b) 6. Lr. Psychotherapy and alcohol and other drug abuse services, as specified under s. 49.45 (30f).

SECTION 1324. 49.46 (2) (b) 8. of the statutes is amended to read:

49.46 **(2)** (b) 8. Home or community−based services, if provided under s. 46.27 (11), 46.275, 46.277, 46.278, ~~or~~ 46.2785, 46.99, or under the family care benefit if a waiver is in effect under s. 46.281 (1d), or under the disabled children's long−term support program, as defined in s. 46.011 (1g).

SECTION 1325. 49.46 (2) (b) 17. of the statutes is created to read:

49.46 **(2)** (b) 17. Services under s. 49.45 (54) (b) for children participating in the early intervention program under s. 51.44, that are provided by a special educator.

SECTION 1327. 49.47 (4) (b) (intro.) of the statutes is amended to read:

49.47 **(4)** (b) (intro.) Eligibility exists if the applicant's property, subject to the exclusion of any amounts under the Long−Term Care Partnership Program established under s. 49.45 (31), any amounts in an independence account, as defined in s. 49.472 (1) (c), or any retirement assets that accrued from employment while the applicant was eligible for the community options program under s. 46.27 (11), or any other Medical Assistance program, including deferred compensation or the value of retirement accounts in the Wisconsin Retirement System or under the federal Social Security Act, does not exceed the following:

SECTION 1328. 49.471 (2) of the statutes is amended to read:

49.471 **(2)** WAIVER AND STATE PLAN AMENDMENTS. The department shall request a waiver from, and submit amendments to the state Medical Assistance plan to, the secretary of the federal department of health and human services to implement BadgerCare Plus. If the state plan amendments are approved and a waiver that is substantially consistent with the provisions of this section, excluding sub. (2m), is granted and in effect, the department shall implement BadgerCare Plus beginning on January 1, 2008, the effective date of the state plan amendments, or the effective date of the waiver, whichever is latest. If the state plan amendments are approved but the terms of approval do not allow for federal funding of the cost of benefits for all or any part of one or more of the eligibility categories under sub. (4) (b), the department may at its discretion pay for the cost of benefits for

all or any part of any group for which federal funding was denied exclusively with moneys from the appropriation under s. 20.435 (4) (b). If the state plan amendments are not approved or if a waiver that is substantially consistent with the provisions of this section, excluding sub. (2m), is not granted, BadgerCare Plus may not be implemented. If the state plan amendments are approved but approval is not continued or if a waiver that is substantially consistent with the provisions of this section, excluding sub. (2m), is granted but not continued in effect, BadgerCare Plus shall be discontinued.

SECTION 1329. 49.471 (3) (a) 1. of the statutes is amended to read:

49.471 **(3)** (a) 1. Notwithstanding ss. 49.46 (1), 49.465, 49.47 (4), and 49.665 (4), if the amendments to the state plan under sub. (2) are approved and a waiver under sub. (2) that is substantially consistent with ~~all of~~ the provisions of this section, excluding sub. (2m), is granted and in effect, an individual described in sub. (4) (a) or (b) or (5) is not eligible under s. 49.46, 49.465, 49.47, or 49.665 for Medical Assistance or BadgerCare health program benefits. The eligibility of an individual described in sub. (4) (a) or (b) or (5) for Medical Assistance benefits shall be determined under this section.

SECTION 1330. 49.471 (3) (b) 1. (intro.) of the statutes is amended to read:

49.471 **(3)** (b) 1. (intro.) If an individual over 18 years of age who is eligible for and receiving Medical Assistance benefits under s. 49.46, 49.47, or 49.665 in the month before BadgerCare Plus is implemented loses that eligibility solely due to the implementation of BadgerCare Plus and, because of his or her income, is not eligible for BadgerCare Plus, the individual shall continue receiving for ~~18~~ 12 consecutive months the medical assistance he or she was receiving before the implementation of BadgerCare Plus if all of the following are satisfied:

SECTION 1331. 49.471 (3) (b) 1. c. of the statutes is amended to read:

49.471 **(3)** (b) 1. c. The individual ~~continues to meet~~ meets all nonfinancial eligibility requirements ~~for the coverage that he or she had in the month before the implementation of BadgerCare Plus~~ under this section.

SECTION 1332. 49.471 (3) (b) 2. of the statutes is amended to read:

49.471 **(3)** (b) 2. Notwithstanding subd. 1., if at any time during an individual's ~~18−month~~ 12−month eligibility extension under subd. 1. any criterion under subd. 1. a. to d. is not satisfied, the individual's eligibility for the extended coverage is terminated and any time remaining in the eligibility period is lost.

SECTION 1333. 49.471 (4) (a) 4. a. of the statutes is amended to read:

49.471 **(4)** (a) 4. a. The individual is a parent or caretaker relative of a child who is living in the home with the parent or caretaker relative or who is temporarily absent from the home for not more than 6 months or, if the child has been removed from the home for more than 6 months, the parent or caretaker relative is working toward unifying the family by complying with a permanency plan under s. 48.38 or 938.38.

SECTION 1334. 49.471 (4) (a) 5. of the statutes is amended to read:

49.471 **(4)** (a) 5. An individual who, regardless of family income, was born on or after January 1, 1990, and who, on his or her 18th birthday, was in a foster care ~~or treatment foster care~~ placement under the responsibility of a state, as determined by the department. The coverage for an individual under this subdivision ends on the last day of the month in which the individual becomes 21 years of age, unless he or she otherwise loses eligibility sooner.

SECTION 1335. 49.471 (4) (a) 7. of the statutes is created to read:

49.471 **(4)** (a) 7. Individuals who qualify for a medical assistance eligibility extension under s. 49.46 (1) (c), (cg), or (co) when their income increases above the poverty line.

SECTION 1336. 49.471 (4) (b) 1m. of the statutes is amended to read:

49.471 **(4)** (b) 1m. A pregnant woman ~~or unborn child~~ who obtains eligibility under sub. (7) (b) 1.

SECTION 1337. 49.471 (4) (b) 4. a. of the statutes is amended to read:

49.471 **(4)** (b) 4. a. The individual is a parent or caretaker relative of a child who is living in the home with the parent or caretaker relative or who is temporarily absent from the home for not more than 6 months or, if the child has been removed from the home for more than 6 months, the parent or caretaker relative is working toward unifying the family by complying with a permanency plan under s. 48.38 or 938.38.

SECTION 1337n. 49.471 (4) (d) of the statutes is created to read:

49.471 **(4)** (d) An individual is eligible to purchase coverage of the benefits described in sub. (11) for himself or herself and for his or her spouse and dependent children, at the full per member per month cost of coverage, if all of the following apply:

1. The individual lost his or her employer−sponsored health care coverage as a result of his or her employer's or former employer's bankruptcy.

2. After losing his or her employer−sponsored health care coverage, the individual received health care coverage through a voluntary employment benefit association that was established before August 2006.

3. The individual is not otherwise eligible for coverage under this section.

4. The individual is under 65 years of age.

SECTION 1338. 49.471 (5) (b) 1. of the statutes is amended to read:

49.471 **(5)** (b) 1. Except as provided in sub. (6) (a) 1., a pregnant woman is eligible for the benefits specified in par. (c) during the period beginning on the day on which a qualified provider determines, on the basis of preliminary information, that the woman's family income does not exceed 300 percent of the poverty line and ending on the applicable day specified in subd. 3.

SECTION 1339. 49.471 (5) (b) 2. of the statutes is amended to read:

49.471 **(5)** (b) 2. Except as provided in sub. (6) (a) 2., a child who is not an unborn child is eligible for the benefits described in s. 49.46 (2) (a) and (b) during the period beginning on the day on which a qualified entity determines, on the basis of preliminary information, that the child's family income does not exceed 150 percent of the poverty line and ending on the applicable day specified in subd. 3.

SECTION 1340. 49.471 (5) (c) of the statutes is renumbered 49.471 (5) (c) 2. and amended to read:

49.471 **(5)** (c) 2. On behalf of a woman under par. (b) 1. whose family income exceeds 200 percent of the poverty line, the department shall audit and pay allowable charges to a provider certified under s. 49.45 (2) (a) 11. only for ambulatory prenatal care services under the benefits under sub. (11).

SECTION 1341. 49.471 (5) (c) 1. of the statutes is created to read:

49.471 **(5)** (c) 1. On behalf of a woman under par. (b) 1. whose family income does not exceed 200 percent of the poverty line, the department shall audit and pay allowable charges to a provider certified under s. 49.45 (2) (a) 11. only for ambulatory prenatal care services under the benefits described in s. 49.46 (2) (a) and (b).

SECTION 1342. 49.471 (6) (a) of the statutes is renumbered 49.471 (6) (a) 2. and amended to read:

49.471 **(6)** (a) 2. Any ~~pregnant woman, including a pregnant woman under sub (5) (b) 1.,~~ child who is not an unborn child, including a child under sub. (5) (b) 2., parent, or caretaker relative whose family income is less than 150 percent of the poverty line is eligible for medical assistance under this section for any of the 3 months prior to the month of application if the individual met the eligibility criteria under this section and had a family income of less than 150 percent of the poverty line in that month.

SECTION 1343. 49.471 (6) (a) 1. of the statutes is created to read:

49.471 **(6)** (a) 1. Any pregnant woman, including a pregnant woman under sub. (5) (b) 1., is eligible for medical assistance under this section for any of the 3 months prior to the month of application if she met the eligibility criteria under this section in that month.

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:

49.471 **(7)** (b) 3. For a pregnant woman ~~or an unborn child~~ to obtain eligibility under subd. 1., the amount that must be obligated or expended in any 6−month period is equal to the sum of the differences in each of those 6 months between the pregnant woman's ~~or unborn child's~~ monthly family income and the monthly family income that is 300 percent of the poverty line. For a child to obtain eligibility under subd. 2., the amount that must be obligated or expended in any 6−month period is equal to the sum of the differences in each of those 6 months between the child's monthly family income and the monthly family income that is 150 percent of the poverty line.

SECTION 1348. 49.471 (7) (c) 1. of the statutes is amended to read:

49.471 **(7)** (c) 1. Deduct from ~~family~~ the individual's income, up to the amount of the individual's income, any ~~payments made by~~ amount the individual is obligated to

pay for court−ordered child or family support or maintenance.

SECTION 1349. 49.471 (8) (d) 1. f. of the statutes is created to read:

49.471 **(8)** (d) 1. f. An individual described in sub. (4) (a) 7.

SECTION 1350. 49.471 (8) (d) 2. c. of the statutes is amended to read:

49.471 **(8)** (d) 2. c. One or more members of the individual's family were eligible for other health insurance coverage or Medical Assistance under s. 49.46 or 49.47 at the time the employee failed to enroll in the health insurance coverage under par. (b) 1. and no member of the family was eligible for coverage under this section at that time or, if one or more members of the individual's family were eligible for coverage under this section at that time, family income did not exceed 150 percent of the poverty line or the individual qualified for a medical assistance eligibility extension as provided in sub. (4) (a) 7.

SECTION 1351. 49.471 (10) (a) of the statutes is amended to read:

49.471 **(10)** (a) *Copayments.* Except as provided in s. 49.45 (18) (am) 2. and (b) 2., all cost−sharing provisions under s. 49.45 (18) apply to a recipient with coverage of the benefits described in s. 49.46 (2) (a) and (b) to the same extent as they apply to a person eligible for medical assistance under s. 49.46, 49.468, or 49.47.

SECTION 1352. 49.471 (10) (b) 4. g. of the statutes is created to read:

49.471 **(10)** (b) 4. g. An individual described in sub. (4) (a) 7.

SECTION 1353. 49.471 (10) (b) 5. of the statutes is amended to read:

49.471 **(10)** (b) 5. If a recipient who is required to pay a premium under this paragraph or under sub. (2m) or (4) (c) either does not pay a premium when due or requests that his or her coverage under this section be terminated, the recipient's coverage terminates and the recipient is not eligible for BadgerCare Plus for 6 consecutive calendar months following the date on which the recipient's coverage terminated, except for any month during that 6−month period when the recipient's family income does not exceed 150 percent of the poverty line.

Vetoed In Part

SECTION 1353n. 49.471 (11c) of the statutes is created to read:

49.471 **(11c)** PODIATRISTS' SERVICES FOR CHILDLESS ADULTS. The department shall cover services under this section that are provided by podiatrists, as defined in s. 448.60 (3), within the scope of a podiatrist's professional license, to individuals who are eligible for the childless adults demonstration project under s. 49.45 (23) if the services are covered when provided by a physician to those individuals.

SECTION 1354. 49.471 (12) (b) of the statutes is amended to read:

49.471 **(12)** (b) If the amendments to the state plan submitted under sub. (2) are approved and a waiver that is substantially consistent with ~~all of~~ the provisions of this section is granted and in effect, the department shall publish a notice in the Wisconsin Administrative Register that states the date on which BadgerCare Plus is implemented.

SECTION 1356. 49.665 (6) of the statutes is repealed.

SECTION 1357. 49.686 (2) of the statutes is amended to read:

49.686 **(2)** REIMBURSEMENT. From the ~~appropriations~~ appropriation accounts under s. 20.435 ~~(5)~~ (1) (am), (i), and (ma), the department may reimburse or supplement the reimbursement of the cost of AZT, the drug pentamidine, and any drug approved for reimbursement under sub. (4) (c) for an individual who is eligible under sub. (3).

SECTION 1358. 49.686 (3) (d) of the statutes is amended to read:

49.686 **(3)** (d) Has applied for coverage under and has been denied eligibility for medical assistance within 12 months prior to application for reimbursement under sub. (2). This paragraph does not apply to an individual who is eligible for benefits under the demonstration project for childless adults under s. 49.45 (23) or to an individual who is eligible for benefits under BadgerCare Plus under s. 49.471 (11).

SECTION 1359. 49.686 (3) (f) of the statutes is amended to read:

49.686 **(3)** (f) Is an individual whose annual gross household income is at or below 200% of the poverty line and, if funding is available under s. 20.435 (1) (i) or (m) ~~or (5) (i)~~, is an individual whose annual gross household income is above 200% and at or below 300% of the poverty line.

SECTION 1360. 49.686 (6) (title) of the statutes is amended to read:

49.686 **(6)** (title) HEALTH INSURANCE RISK−SHARING PLAN ~~PILOT PROGRAM~~ COVERAGE.

SECTION 1361. 49.686 (6) (a) (intro.) of the statutes is amended to read:

49.686 **(6)** (a) (intro.) Subject to par. (b), the department shall conduct a ~~3−year pilot~~ program~~, to begin on January 1, 2008,~~ under which the department may pay premiums for coverage under the Health Insurance Risk−Sharing Plan under subch. II of ch. 149, and pay copayments under that plan for prescription drugs for which reimbursement may be provided under sub. (2), for individuals who satisfy all of the following:

SECTION 1362. 49.686 (6) (b) of the statutes is amended to read:

49.686 **(6)** (b) The ~~pilot~~ program shall be open to a minimum of 100 participants at any given time, with more participants if the department determines that it is cost−effective.

SECTION 1363. 49.686 (6) (c) of the statutes is amended to read:

49.686 **(6)** (c) The department may promulgate rules for the administration of the ~~pilot~~ program. Notwithstanding s. 227.24 (3), rules under this paragraph may be promulgated as emergency rules under s. 227.24 without a finding of emergency.

SECTION 1364. 49.688 (1) (e) of the statutes is amended to read:

49.688 **(1)** (e) "Program payment rate" means the rate of payment made for the identical drug specified under s. 49.46 (2) (b) 6. h.~~, plus 5%,~~ plus a dispensing fee that is equal to the dispensing fee permitted to be charged for prescription drugs for which coverage is provided under s. 49.46 (2) (b) 6. h.

SECTION 1365. 49.688 (3) (d) of the statutes is amended to read:

49.688 **(3)** (d) ~~Notwithstanding s. 49.002, if~~ If a person who is eligible under this section has other available coverage for payment of a prescription drug, this section applies only to costs for prescription drugs for the person that are not covered under the person's other available coverage.

SECTION 1366. 49.688 (8) of the statutes is repealed.

SECTION 1367. 49.688 (12) of the statutes is amended to read:

49.688 **(12)** Except as provided in subs. ~~(8)~~ (8m) to (11) and except for the department's rule−making requirements and authority, the department may enter into a contract with an entity to perform the duties and exercise the powers of the department under this section.

SECTION 1369. 49.775 (2) (bm) of the statutes is amended to read:

49.775 **(2)** (bm) The custodial parent assigns to the state any right of the custodial parent or of the dependent child to support from any other person accruing during the time that any payment under this subsection is made to the custodial parent. No amount of support that begins to accrue after the individual ceases to receive payments under this section may be considered assigned to the state. Any money that is received by the department of children and families under an assignment to the state under this paragraph and that is not the federal share of support shall be paid to the custodial parent. The department of children and families shall pay the federal share of support assigned under this paragraph as required under federal law or waiver.

SECTION 1369c. 49.775 (2) (bm) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

49.775 **(2)** (bm) The custodial parent assigns to the state any right of the custodial parent or of the dependent child to support from any other person accruing during the time that any payment under this subsection is made to the custodial parent. No amount of support that begins to accrue after the individual ceases to receive payments under this section may be considered assigned to the state. ~~Any~~ Seventy−five percent of all money that is received by the department of children and families under an assignment to the state under this paragraph ~~and that is not the federal share of support~~ shall be paid to the custodial parent. The department of children and families shall pay the federal share of support assigned under this paragraph as required under federal law or waiver.

SECTION 1370. 49.775 (2m) of the statutes is created to read:

49.775 **(2m)** DISREGARD OF SUPPORT. In determining a custodial parent's eligibility under this section, the department shall, for purposes of determining the custodial parent's income, disregard any court−ordered support that is received by or owed to the custodial parent.

SECTION 1371. 49.776 of the statutes is created to read:

49.776 Payment of support arrears. If a custodial parent who formerly received payments under s. 49.775 but who is no longer receiving payments under s. 49.775 assigned to the state under s. 49.775 (2) (bm) his or her right or the right of the dependent child to support from any other person, the department shall pay to the custodial parent all money in support arrears that is collected by the department after the custodial parent's receipt of payments under s. 49.775 ceased and that accrued while the custodial parent was receiving those payments.

SECTION 1371p. 49.78 (8) (a) of the statutes is amended to read:

49.78 **(8)** (a) From the appropriation accounts under s. 20.435 (4) (bn) and (nn) and subject to par. (b), the department shall reimburse each county and tribal governing body that contracts with the department under sub. (2) for reasonable costs of administering the income maintenance programs, including conducting fraud prevention activities. The amount of each reimbursement paid under this paragraph shall be calculated using a formula based on workload within the limits of available state and federal funds under s. 20.435 (4) (bn) and (nn) by contract under sub. (2). The amount of reimbursement calculated under this paragraph and par. (b) is in addition to any reimbursement provided to a county or tribal governing body for fraud and error reduction under s. 49.197 or 49.845.

SECTION 1371r. 49.78 (8) (c) of the statutes is created to read:

49.78 **(8)** (c) From the appropriation under s. 20.435 (4) (np), the department shall provide supplemental funding to tribal governing bodies and counties for administration of the food stamp program. During the 2009−11 fiscal biennium, the department shall allocate $4,550,000 of the total funding under this paragraph among tribal governing bodies and counties other than counties having populations of 500,000 or more for food stamp program administration and shall allocate the remainder of the federal funding for the department's **Vetoed In Part**

Vetoed In Part

administration of the food stamp program in Milwaukee County.

SECTION 1371s. 49.78 (8) (c) of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed.

SECTION 1376. 49.797 (2) (a) of the statutes is amended to read:

49.797 **(2)** (a) ~~Except~~ Notwithstanding s. 46.028 and except as provided in par. (b) and sub. (8), the department shall administer a statewide program to deliver food stamp benefits to recipients of food stamp benefits by an electronic benefit transfer system. All suppliers, as defined in s. 49.795 (1) (d), may participate in the delivery of food stamp benefits under the electronic benefit transfer system. The department shall explore methods by which nontraditional retailers, such as farmers' markets, may participate in the delivery of food stamp benefits under the electronic benefit transfer system.

SECTION 1376g. 49.826 of the statutes is created to read:

49.826 Administration of child care provider services in certain counties. (1) DEFINITIONS. In this section:

(a) "County" means a county having a population of 500,000 or more.

(b) "Department" means the department of children and families.

(c) "Secretary" means the secretary of children and families.

(d) "Unit" means the child care provider services unit.

(2) ESTABLISHMENT OF UNIT. (a) The department may establish a child care provider services unit under s. 15.02 (3) (c) 3. to perform any of the following administrative functions under the program under s. 49.155 in a county:

1. Certify day care providers under s. 48.651.

2. Provide child care program integrity services under s. 49.197 (2).

3. Annually perform a survey of market child care rates, as directed by the department, and determine maximum reimbursement rates, if the department so directs.

4. Assist individuals who are eligible for child care subsidies under s. 49.155 to identify available child care providers and select appropriate child care arrangements.

(b) The department may enter into a contract with a county that provides for the performance by the county of any of the administrative functions under this subsection in the county.

(c) The department shall reimburse a county for all approved, allowable costs that are incurred by the county under a contract with the department under par. (b).

(3) DIVISION OF EMPLOYMENT−RELATED FUNCTIONS. (a) Supervisory personnel in the unit shall be state employees. Nonsupervisory staff performing services under this section for the unit in a county may be a combination of state employees and employees of the county. For the performance of services under this section for the unit, a county shall maintain no fewer represented authorized full−time employee positions than the number of represented full−time employee positions that were authorized on February 1, 2009, for performance of the same types of services.

(b) 1. The department shall have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, discipline, and adjust grievances with respect to, and state supervisory employees may supervise, county employees performing services under this section for the unit.

2. For the purposes under subd. 1., the department shall use the same process and procedures under ch. 230 that are used for the classified service of the state civil service system, including specifically the use of probationary periods under s. 230.28.

3. County employees performing services under this section for the unit in a county shall be subject to the residency requirements that apply to other county employees under the county's civil service rules.

4. The department may enter into a memorandum of understanding, as described under s. 111.70 (3p), with the certified representative of the county employees performing services under this section in the county for the unit. If there is a dispute as to hours or conditions of employment that remains between the department and the certified representative after a good faith effort to resolve it, the department may unilaterally resolve the dispute.

(c) A county shall perform all administrative tasks related to payroll and benefits for the county employees performing services under this section in the county for the unit.

(4) TREATMENT OF FORMER COUNTY EMPLOYEES APPOINTED TO STATE EMPLOYEE POSITIONS IN THE UNIT. All of the following shall apply to an employee who is appointed to a state employee position in the unit after the effective date of this subsection .... [LRB inserts date], and who, immediately prior to his or her appointment, was a county employee:

(a) The employee shall serve any applicable probationary period under s. 230.28, but shall have his or her seniority with the state computed by treating the employee's total service with the county as state service.

(b) Annual leave for the employee shall accrue at the rate provided in s. 230.35 using the employee's state service computed under par. (a).

(c) 1. The employee may remain a participating employee in the retirement system established under chapter 201, laws of 1937. To remain under the retirement system established under chapter 201, laws of 1937, the employee must exercise this option in writing, on a form provided by the department, at the time the employee is appointed to a state employee position. The employee shall exercise this option, in writing, no later than 10 days after the employee is appointed to a state

employee position. An employee's decision to remain a participating employee in the retirement system established under chapter 201, laws of 1937, is irrevocable during the period that the employee is holding a state employee position in the unit.

2. The secretary shall pay, on behalf of the employee, all required employer contributions under the retirement system established under chapter 201, laws of 1937.

(d) The employee shall have his or her sick leave accrued with the state computed by treating the employee's unused balance of sick leave accrued with the county as sick leave accrued in state service, but not to exceed the amount of sick leave the employee would have accrued in state service for the same period, if the employee is able to provide adequate documentation in accounting for sick leave used during the accrual period with the county. Sick leave that transfers under this paragraph is not subject to a right of conversion, under s. 40.05 (4) or otherwise, upon death or termination of creditable service for payment of health insurance benefits on behalf of the employee or the employee's dependents.

SECTION 1377. 49.83 of the statutes is amended to read:

49.83 Limitation on giving information. Except as provided under ~~s.~~ ss. 49.25 and 49.32 (9), (10), and (10m), no person may use or disclose information concerning applicants and recipients of relief funded by a relief block grant, aid to families with dependent children, Wisconsin Works under ss. 49.141 to 49.161, social services, child and spousal support and establishment of paternity and medical support liability services under s. 49.22, or supplemental payments under s. 49.77 for any purpose not connected with the administration of the programs, except that the department of children and families may disclose such information to the department of revenue for the sole purpose of administering state taxes. Any person violating this section may be fined not less than $25 nor more than $500 or imprisoned in the county jail not less than 10 days nor more than one year or both.

SECTION 1382. 50.01 (1) (intro.) of the statutes is amended to read:

50.01 **(1)** (intro.) "Adult family home" means one of the following and does not include a place that is specified in sub. (1g) (a) to (d), (f), or (g):

SECTION 1383. 50.01 (1) (a) 1. of the statutes is amended to read:

50.01 **(1)** (a) 1. Care and maintenance above the level of room and board but not including nursing care are provided in the private residence by the care provider whose primary domicile is this residence for 3 or 4 adults, or more adults if all of the adults are siblings, each of whom has a developmental disability, as defined in s. 51.01 (5), or, if the residence is licensed as a foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4, or more adults or children if all of the adults or all of the children are siblings~~, or, if the residence is licensed as a treatment foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4~~.

SECTION 1384. 50.01 (1) (a) 2. of the statutes is amended to read:

50.01 **(1)** (a) 2. The private residence was licensed under s. 48.62 as a ~~foster home or treatment foster~~ home for the care of the adults specified in subd. 1. at least 12 months before any of the adults attained 18 years of age.

SECTION 1385. 50.01 (1) (b) of the statutes is amended to read:

50.01 **(1)** (b) A place where 3 or 4 adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to 7 hours per week of nursing care per resident. ~~"Adult family home" does not include a place that is specified in sub. (1g) (a) to (d), (f) or (g).~~

SECTION 1386. 50.01 (1) (c) of the statutes is created to read:

50.01 **(1)** (c) A place in which the operator provides care, treatment, support, or service above the level of room and board to up to 2 adults.

SECTION 1387. 50.02 (1) of the statutes is amended to read:

50.02 **(1)** DEPARTMENTAL AUTHORITY. The department may provide uniform, statewide licensing, inspection, and regulation of community−based residential facilities and nursing homes as provided in this subchapter. The department shall certify, inspect, and otherwise regulate adult family homes, as specified under ~~s.~~ ss. 50.031 and 50.032 and shall license adult family homes, as specified under s. 50.033. Nothing in this subchapter may be construed to limit the authority of the department of commerce or of municipalities to set standards of building safety and hygiene, but any local orders of municipalities shall be consistent with uniform, statewide regulation of community−based residential facilities. The department may not prohibit any nursing home from distributing over−the−counter drugs from bulk supply. The department may consult with nursing homes as needed and may provide specialized consultations when requested by any nursing home, separate from its inspection process, to scrutinize any particular questions the nursing home raises. The department shall, by rule, define "specialized consultation".

SECTION 1389. 50.03 (5g) (cm) of the statutes is created to read:

50.03 **(5g)** (cm) If the department imposes a sanction on or takes other enforcement action against a community−based residential facility for a violation of this subchapter or rules promulgated under it, and the department subsequently conducts an on−site inspection of the community−based residential facility to review the community−based residential facility's action to correct the

violation, the department may impose a $200 inspection fee on the community−based residential facility.

SECTION 1390. 50.031 of the statutes is created to read:

50.031 Certification of 1−bed and 2−bed adult family homes. (1) DEFINITION. In this section, "adult family home" has the meaning given in s. 50.01 (1) (c).

(2) CERTIFICATION. (a) After the date on which the family care benefit under s. 46.286 is first made available in a county, no person may operate an adult family home in that county that provides residential care to a recipient of supplemental security income under 42 USC 1381 to 1383c, a recipient of the family care benefit under s. 46.286, or a recipient of services under s. 46.27 (11), 46.275, 46.277, 46.278, or 46.2785, or under any other program operated under a waiver authorized by the secretary at the U.S. department of health and human services under 42 USC 1396n (b) or (c), unless the adult family home is certified by the department under par. (b) or (c).

(b) The department shall certify an adult family home upon determining that the adult family home satisfies standards established under sub. (3).

(c) The department shall certify an adult family home that was certified to receive payment for residential care under s. 46.27 (11), 46.275, 46.277, 46.278, or 46.2785 by a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 if the operator of the adult family home attests to all of the following:

1. That the adult family home was certified by the county department and is at the same location as when certified by the county department.

2. That the adult family home satisfies standards established under sub. (3).

(d) Certification under par. (b) or (c) shall be valid until revoked by the department.

(3) STANDARDS. The department shall establish standards for certification under this section.

(4) INVESTIGATION. The department may investigate complaints that an adult family home certified under this section violated a standard for certification under sub. (3).

(5) REVOCATION. The department may revoke the certification of an adult family home that is certified under this section if the adult family home violates a standard established under sub. (3).

(6) FEE. The department may charge a fee for certification under sub. (2) (a) and a fee for a certification under sub. (2) (b).

SECTION 1391. 50.032 (2) of the statutes is amended to read:

50.032 **(2)** REGULATION. ~~Standards~~ Except as provided in sub. (2d), standards for operation of certified adult family homes and procedures for application for certification, monitoring, inspection, decertification and appeal of decertification under this section shall be under rules promulgated by the department under s. 50.02 (2) (am) 1. An adult family home certification is valid until decertified under this section. Certification is not transferable.

SECTION 1392. 50.032 (2d) of the statutes is created to read:

50.032 **(2d)** ACCOMPANIMENT OR VISITATION. If an adult family home has a policy on who may accompany or visit a patient, the adult family home shall extend the same right of accompaniment or visitation to a patient's domestic partner under ch.770 as is accorded the spouse of a patient under the policy.

SECTION 1393. 50.033 (2) of the statutes is amended to read:

50.033 **(2)** REGULATION. ~~Standards~~ Except as provided in sub. (2d), standards for operation of licensed adult family homes and procedures for application for licensure, monitoring, inspection, revocation and appeal of revocation under this section shall be under rules promulgated by the department under s. 50.02 (2) (am) 2. An adult family home licensure is valid until revoked under this section. Licensure is not transferable. The biennial licensure fee for a licensed adult family home is ~~$135~~ $171, except that the department may, by rule, increase the amount of the fee. The fee is payable to the county department under s. 46.215, 46.22, 46.23, 51.42 or 51.437, if the county department licenses the adult family home under sub. (1m) (b), and is payable to the department, on a schedule determined by the department if the department licenses the adult family home under sub. (1m) (b).

SECTION 1394. 50.033 (2d) of the statutes is created to read:

50.033 **(2d)** ACCOMPANIMENT OR VISITATION. If an adult family home has a policy on who may accompany or visit a patient, the adult family home shall extend the same right of accompaniment or visitation to a patient's domestic partner under ch. 770 as is accorded the spouse of a patient under the policy.

SECTION 1395. 50.033 (3) of the statutes is amended to read:

50.033 **(3)** INVESTIGATION OF ALLEGED VIOLATIONS. If the department or a licensing county department under sub. (1m) (b) is advised or has reason to believe that any person is violating this section or the rules promulgated under s. 50.02 (2) (am) 2., the department or the licensing county department shall make an investigation to determine the facts. For the purposes of this investigation, the department or the licensing county department may inspect the premises where the violation is alleged to occur. If the department or the licensing county department finds that the requirements of this section and of rules under s. 50.02 (2) (am) 2. are met, the department or the licensing county department may, if the premises are not licensed, license the premises under this section. If the department or the licensing county department finds that a person is violating this section or the rules

under s. 50.02 (2) (am) 2., the department or the licensing county department may institute an action under sub. (5). If the department takes enforcement action against an adult family home for violating this section or rules promulgated under s. 50.02 (2) (am) 2., and the department subsequently conducts an on−site inspection of the adult family home to review the adult family home's action to correct the violation, the department may impose a $200 inspection fee on the adult family home.

SECTION 1396. 50.034 (3) (e) of the statutes is created to read:

50.034 **(3)** (e) If a residential care apartment complex has a policy on who may accompany or visit a patient, the residential care apartment complex shall extend the same right of accompaniment or visitation to a patient's domestic partner under ch. 770 as is accorded the spouse of a patient under the policy.

SECTION 1397. 50.034 (5t) of the statutes is created to read:

50.034 **(5t)** NOTICE OF LONG−TERM CARE OMBUDSMAN PROGRAM. A residential care complex shall post in a conspicuous location in the residential care apartment complex a notice, provided by the board on aging and long−term care, of the name, address, and telephone number of the Long−Term Care Ombudsman Program under s. 16.009 (2) (b).

SECTION 1398. 50.034 (10) of the statutes is created to read:

50.034 **(10)** INSPECTION FEE. If the department takes enforcement action against a residential care apartment complex for a violation of this section or rules promulgated under sub. (2), and the department subsequently conducts an on−site inspection of the residential care apartment complex to review the residential care apartment complex's action to correct the violation, the department may impose a $200 inspection fee on the residential care apartment complex.

SECTION 1399. 50.035 (2d) of the statutes is created to read:

50.035 **(2d)** ACCOMPANIMENT OR VISITATION. If a community−based residential facility has a policy on who may accompany or visit a patient, the community−based residential facility shall extend the same right of accompaniment or visitation to a patient's domestic partner under ch. 770 as is accorded the spouse of a patient under the policy.

SECTION 1400. 50.037 (2) (a) of the statutes is renumbered 50.037 (2) (a) 1. and amended to read:

50.037 **(2)** (a) 1. ~~The~~ Except as provided in subd. 2., the biennial fee for a community−based residential facility is ~~$306~~ $389, plus a biennial fee of ~~$39.60~~ $50.25 per resident, based on the number of residents that the facility is licensed to serve.

SECTION 1401. 50.037 (2) (a) 2. of the statutes is created to read:

50.037 **(2)** (a) 2. The department may, by rule, increase the amount of the fee under subd. 1.

SECTION 1402. 50.04 (2d) of the statutes is created to read:

50.04 **(2d)** ACCOMPANIMENT OR VISITATION. If a nursing home has a policy on who may accompany or visit a patient, the nursing home shall extend the same right of accompaniment or visitation to a patient's domestic partner under ch. 770 as is accorded the spouse of a patient under the policy.

SECTION 1403. 50.04 (4) (dm) of the statutes is created to read:

50.04 **(4)** (dm) *Inspection fee.* If the department takes enforcement action against a nursing home, including an intermediate care facility for the mentally retarded, as defined in 42 USC 1396d (d), for a violation of this subchapter or rules promulgated under it or for a violation of a requirement under 42 USC 1396r, and the department subsequently conducts an on−site inspection of the nursing home to review the nursing home's action to correct the violation, the department may, unless the nursing home is operated by the state, impose a $200 inspection fee on the nursing home.

SECTION 1411. 50.06 (2) (am) 2. b. of the statutes is amended to read:

50.06 **(2)** (am) 2. b. The individual who is consenting to the proposed admission is the spouse or domestic partner under ch. 770 of the incapacitated person.

SECTION 1412. 50.06 (3) (a) of the statutes is amended to read:

50.06 **(3)** (a) The spouse or domestic partner under ch. 770 of the incapacitated individual.

SECTION 1416. 50.09 (1) (f) 1. of the statutes is amended to read:

50.09 **(1)** (f) 1. Privacy for visits by spouse or domestic partner. If both spouses or both domestic partners under ch.770 are residents of the same facility, ~~they~~ the spouses or domestic partners shall be permitted to share a room unless medically contraindicated as documented by the resident's physician or advanced practice nurse prescriber in the resident's medical record.

SECTION 1417. 50.14 (2) (am) of the statutes is amended to read:

50.14 **(2)** (am) For nursing homes, an amount not to exceed ~~$75~~ $150 in state fiscal year 2009−10, and, beginning in state fiscal year 2010−11, an amount not to exceed $170.

SECTION 1417r. 50.35 of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

50.35 Application and approval. Application for approval to maintain a hospital shall be made to the department on forms provided by the department. On receipt of an application, the department shall, except as provided in s. 50.498, issue a certificate of approval if the applicant and hospital facilities meet the requirements

established by the department. The department shall issue a single certificate of approval for the University of Wisconsin Hospitals and Clinics Authority that applies to all of the Authority's inpatient and outpatient hospital facilities that meet the requirements established by the department and for which the Authority requests approval. For a free−standing pediatric teaching hospital, the department shall issue a single certificate of approval that applies to all of the hospital's inpatient and outpatient hospital facilities that meet the requirements established by the department and for which the hospital requests approval. Except as provided in s. 50.498, this approval shall be in effect until, for just cause and in the manner herein prescribed, it is suspended or revoked. The certificate of approval may be issued only for the premises and persons or governmental unit named in the application and is not transferable or assignable. The department shall withhold, suspend or revoke approval for a failure to comply with s. 165.40 (6) (a) 1. or 2., but, except as provided in s. 50.498, otherwise may not withhold, suspend or revoke approval unless for a substantial failure to comply with ss. 50.32 to 50.39 or the rules and standards adopted by the department after giving a reasonable notice, a fair hearing and a reasonable opportunity to comply. Failure by a hospital to comply with s. 50.36 (3m) shall be considered to be a substantial failure to comply under this section.

SECTION 1418. 50.36 (3j) of the statutes is created to read:

50.36 **(3j)** If a hospital has a policy on who may accompany or visit a patient, the hospital shall extend the same right of accompaniment or visitation to a patient's domestic partner under ch. 770 as is accorded the spouse of a patient under the policy.

SECTION 1419. 50.36 (4) of the statutes is amended to read:

50.36 **(4)** The department shall make or cause to be made such inspections and investigation, as are reasonably deemed necessary to obtain compliance with the rules and standards. It shall afford an opportunity for representatives of the hospitals to consult with members of the staff of the department concerning compliance and noncompliance with rules and standards. If the department takes enforcement action against a hospital for a violation of ss. 50.32 to 50.39, or rules promulgated or standards adopted under ss. 50.32 to 50.39, and the department subsequently conducts an on−site inspection of the hospital to review the hospital's action to correct the violation, the department may, unless the hospital is operated by the state, impose a $200 inspection fee on the hospital.

SECTION 1419c. 50.36 (6) of the statutes is created to read:

50.36 **(6)** If the department receives a credible complaint that a pharmacy located in a hospital has violated its duty to dispense contraceptive drugs and devices under s. 450.095 (2), the department shall refer the complaint to the department of regulation and licensing.

SECTION 1420. 50.49 (4) of the statutes is amended to read:

50.49 **(4)** LICENSING, INSPECTION AND REGULATION. Except as provided in sub. (6m), the department may register, license, inspect and regulate home health agencies as provided in this section. The department shall ensure, in its inspections of home health agencies, that a sampling of records from private pay patients are reviewed. The department shall select the patients who shall receive home visits as a part of the inspection. Results of the inspections shall be made available to the public at each of the regional offices of the department. If the department takes enforcement action against a home health agency for a violation of this section or rules promulgated under this section, and the department subsequently conducts an on−site inspection of the home health agency to review the home health agency's action to correct the violation, the department may impose a $200 inspection fee on the home health agency.

SECTION 1421. 50.93 (5) of the statutes is created to read:

50.93 **(5)** INSPECTION FEE. If the department takes enforcement action against a hospice for a violation of this subchapter or rules promulgated under this subchapter, and the department subsequently conducts an on−site inspection of the hospice to review the hospice's action to correct the violation, the department may impose a $200 inspection fee on the hospice.

SECTION 1422. 50.94 (3) (a) of the statutes is amended to read:

50.94 **(3)** (a) The spouse or domestic partner under ch. 770 of the person who is incapacitated.

SECTION 1423. 50.942 of the statutes is created to read:

50.942 Accompaniment or visitation. If a hospice has a policy on who may accompany or visit a patient, the hospice shall extend the same right of accompaniment or visitation to a patient's domestic partner under ch. 770 as is accorded the spouse of a patient under the policy.

SECTION 1424. 50.95 (1) of the statutes is amended to read:

50.95 **(1)** ~~Standards~~ Except as provided in s. 50.942, standards for the care, treatment, health, safety, rights, welfare and comfort of individuals with terminal illness, their families and other individuals who receive palliative care or supportive care from a hospice and the maintenance, general hygiene and operation of a hospice, which will permit the use of advancing knowledge to promote safe and adequate care and treatment for these individuals. These standards shall permit provision of services directly, as required under 42 CFR 418.56, or by contract under which overall coordination of hospice services is maintained by hospice staff members and the hospice retains the responsibility for planning and coor-

dination of hospice services and care on behalf of a hospice client and his or her family, if any.

SECTION 1424g. 51.01 (11m) of the statutes is created to read:

51.01 **(11m)** "Licensed mental health professional" has the meaning given in s. 632.89 (1) (dm).

Vetoed In Part

SECTION 1424m. 51.06 (9) of the statutes is created to read:

51.06 **(9)** REPORT ON RELOCATIONS FROM SOUTHERN CENTER. Annually by October 1, the department shall submit to the members of the joint committee on finance a report on the status of individuals relocated from the southern center for the developmentally disabled to a community setting after the effective date of this subsection .... [LRB inserts date], that includes all of the following:

(a) An assessment of the impact that relocation has had on the health of individuals relocated in the previous 3 state fiscal years. Factors that the department may use to assess an individual's health status include an individual's weight, changes in medications, preventable hospitalizations and emergency room visits, incidence of chronic disease, and changes in performance of activities of daily living.

(b) A list of each setting in which each individual has lived in the previous 3 state fiscal years.

(c) Information on the involvement that guardians or family members of the individuals have had with the individuals in the previous state fiscal year.

(d) The cause of death for each individual who died in the previous state fiscal year.

SECTION 1424p. 51.06 (10) of the statutes is created to read:

51.06 **(10)** RELOCATIONS FROM SOUTHERN CENTER. (a) The department shall create a form on which a resident of the southern center for the developmentally disabled, or the resident's guardian, may indicate a preference for where the resident would like to live. The department shall make the form available to all residents of the southern center for the developmentally disabled and to their guardians. The department shall maintain the completed form with the resident's treatment records.

(b) The department shall ensure that, if a resident is to be relocated from the southern center for the developmentally disabled, members of the center staff who provide direct care for the resident are consulted in developing a residential placement plan for the resident.

(c) If a resident of the southern center for the developmentally disabled is relocated from the center after the effective date of this paragraph .... [LRB inserts date], the department shall provide the resident's guardian or, if the resident is a minor and does not have a guardian, the resident's parent information regarding the process for appealing the decision to relocate the resident and the process for filing a grievance regarding the decision.

SECTION 1424y. 51.15 (2) (intro.) of the statutes is amended to read:

51.15 **(2)** FACILITIES FOR DETENTION. (intro.) The law enforcement officer or other person authorized to take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938 shall transport the individual, or cause him or her to be transported, for detention, if the county department of community programs in the county in which the individual was taken into custody approves the need for detention, and for evaluation, diagnosis, and treatment if permitted under sub. (8) to any of the following facilities:

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 1427L. 51.30 (1) (ag) of the statutes is amended to read:

51.30 **(1)** (ag) "Health care provider" has the meaning given in s. 146.81 (1) (a) to (p).

SECTION 1427r. 51.30 (1) (b) of the statutes is amended to read:

51.30 **(1)** (b) "Treatment records" include the registration and all other records that are created in the course of providing services to individuals for mental illness, developmental disabilities, alcoholism, or drug dependence and that are maintained by the department~~,~~; by county departments under s. 51.42 or 51.437 and their staffs~~, and~~; by treatment facilities; or by psychologists licensed under s. 455.04 (1) or licensed mental health professionals who are not affiliated with a county department or treatment facility. Treatment records do not include notes or records maintained for personal use by an individual providing treatment services for the department, a county department under s. 51.42 or 51.437, or a

treatment facility, if the notes or records are not available to others.

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 sibling is directly involved in providing care to or monitoring the treatment of the subject individual and if the involvement is verified by the subject individual's physician, psychologist or by a person other than the spouse, domestic partner, parent, adult child or sibling who is responsible for providing treatment to the subject individual, in order to assist in the provision of care or monitoring of treatment. Except in an emergency as determined by the person verifying the involvement of the spouse, domestic partner, parent, adult child or sibling, the request for treatment records under this subdivision shall be in writing, by the requester. Unless the subject individual has been adjudicated incompetent in this state, the person verifying the involvement of the spouse, domestic partner, parent, adult child or sibling shall notify the subject individual about the release of his or her treatment records under this subdivision. Treatment records released under this subdivision are limited to the following:

SECTION 1430. 51.30 (4) (cm) (intro.) of the statutes is amended to read:

51.30 **(4)** (cm) *Required access to certain information.* (intro.) Notwithstanding par. (a), treatment records of an individual shall, upon request, be released without informed written consent, except as restricted under par. (c), to the parent, child, sibling, ~~or~~ spouse, or domestic partner under ch. 770 of an individual who is or was a patient at an inpatient facility; to a law enforcement officer who is seeking to determine whether an individual is on unauthorized absence from the facility; and to mental health professionals who are providing treatment to the individual at the time that the information is released to others. Information released under this paragraph is limited to notice as to whether or not an individual is a patient at the inpatient facility and, if the individual is no longer a patient at the inpatient facility, the facility or other place, if known, at which the individual is located. This paragraph does not apply under any of the following circumstances:

SECTION 1431. 51.30 (4) (cm) 1. of the statutes is amended to read:

51.30 **(4)** (cm) 1. To the individual's parent, child, sibling, ~~or~~ spouse, or domestic partner under ch. 770 who is requesting information, if the individual has specifically requested that the information be withheld from the parent, child, sibling, ~~or~~ spouse, or domestic partner.

SECTION 1431d. 51.30 (8) of the statutes is amended to read:

51.30 **(8)** GRIEVANCES. Failure to comply with any provisions of this section may be processed as a grievance under s. 51.61 (5), except that a grievance resolution procedure option made available to the patient, as required under s. 457.04 (8), applies to failures to comply by a licensed mental health professional who is not affiliated with a county department or treatment facility. However, use of the grievance procedure is not required before bringing any civil action or filing a criminal complaint under this section.

SECTION 1431g. 51.35 (1) (a) of the statutes is amended to read:

51.35 **(1)** (a) Subject to pars. (b) ~~and~~, (d), and (dm), the department or the county department under s. 51.42 or 51.437 may transfer any patient or resident who is committed to it, or who is admitted to a treatment facility under its supervision or operating under an agreement with it, between treatment facilities or from a treatment facility into the community if the transfer is consistent with reasonable medical and clinical judgment, consistent with s. 51.22 (5), and, if the transfer results in a greater restriction of personal freedom for the patient or resident, in accordance with par. (e). Terms and conditions that will benefit the patient or resident may be imposed as part of a transfer to a less restrictive treatment alternative. A patient or resident who is committed to the department or a county department under s. 51.42 or 51.437 may be required to take medications and receive treatment, subject to the right of the patient or resident to refuse medication and treatment under s. 51.61 (1) (g) and (h), through a community support program as a term or condition of a transfer. The patient or resident shall be informed at the time of transfer of the consequences of violating the terms and conditions of the transfer, including possible transfer back to a treatment facility that imposes a greater restriction on personal freedom of the patient or resident.

SECTION 1431i. 51.35 (1) (d) 1. of the statutes is amended to read:

51.35 **(1)** (d) 1. Subject to subd. 2. and par. (dm), the department may, without approval of the appropriate county department under s. 51.42 or 51.437, transfer any patient from a state treatment facility or other inpatient facility to an approved treatment facility which is less restrictive of the patient's personal freedom.

SECTION 1431k. 51.35 (1) (dm) of the statutes is created to read:

51.35 **(1)** (dm) The department may not exercise its authority under par. (a) or (d) 1. to transfer a resident of the southern center for the developmentally disabled to a less restrictive setting unless the resident's guardian or, if the resident is a minor and does not have a guardian, the

resident's parent provides explicit written approval and consent for the transfer.

SECTION 1432. 51.42 (3) (as) 1. of the statutes is renumbered 51.42 (3) (as) 1r. and amended to read:

51.42 **(3)** (as) 1r. A county department ~~of community programs~~ shall authorize all care of any patient in a state, local, or private facility under a contractual agreement between the county department ~~of community programs~~ and the facility, unless the county department ~~of community programs~~ governs the facility. The need for inpatient care shall be determined by the program director or designee in consultation with and upon the recommendation of a licensed physician trained in psychiatry and employed by the county department ~~of community programs~~ or its contract agency. In cases of emergency, a facility under contract with any county department ~~of community programs~~ shall charge the county department ~~of community programs~~ having jurisdiction in the county where the patient is found. The county department ~~of community programs~~ shall reimburse the facility for the actual cost of all authorized care and services less applicable collections under s. 46.036, unless the department of health services determines that a charge is administratively infeasible, or unless the department of health services, after individual review, determines that the charge is not attributable to the cost of basic care and services. Except as provided in subd. 1m., a county department ~~of community programs~~ may not reimburse any state institution or receive credit for collections for care received in a state institution by nonresidents of this state, interstate compact clients, transfers under s. 51.35 (3), transfers from Wisconsin state prisons under s. 51.37 (5) (a), commitments under s. 975.01, 1977 stats., or s. 975.02, 1977 stats., or s. 971.14, 971.17 or 975.06 or admissions under s. 975.17, 1977 stats., or children placed in the guardianship of the department of children and families under s. 48.427 or 48.43 or under the supervision of the department of corrections under s. 938.183 or 938.355. The exclusionary provisions of s. 46.03 (18) do not apply to direct and indirect costs that are attributable to care and treatment of the client.

SECTION 1433. 51.42 (3) (as) 1g. of the statutes is created to read:

51.42 **(3)** (as) 1g. In this paragraph, "county department" means county department of community programs.

SECTION 1434. 51.42 (3) (as) 1m. of the statutes is amended to read:

51.42 **(3)** (as) 1m. A county department ~~of community programs~~ shall reimburse a mental health institute at the institute's daily rate for custody of any person who is ordered by a court located in that county to be examined at the mental health institute under s. 971.14 (2) for all days that the person remains in custody at the mental health institute, beginning 48 hours, not including Saturdays, Sundays, and legal holidays, after the sheriff and county department receive notice under s. 971.14 (2) (d) that the examination has been completed.

SECTION 1435. 51.42 (3) (as) 2. of the statutes is amended to read:

51.42 **(3)** (as) 2. If a mental health institute has provided a county department ~~of community programs~~ with service, the department of health services shall regularly ~~bill~~ collect for the cost of care from the county department ~~of community programs, except as provided under subd. 2m~~. If collections for care from the county department and from other sources exceed current billings, the difference shall be remitted to the county department ~~of community programs~~ through the appropriation under s. 20.435 (2) (gk). For care provided on and after February 1, 1979, the department of health services shall adjust collections from medical assistance to compensate for differences between specific rate scales for care charged to the county department ~~of community programs~~ and the average daily medical assistance reimbursement rate. ~~Payment shall be due from the county department of community programs within 60 days of the billing date subject to provisions of the contract. If any payment has not been received within 60 days, the~~ The department of health services shall deduct ~~all or part of~~ the amount due from a county department under this subdivision from any payment due from the department of health services to the county department ~~of community programs~~.

SECTION 1436. 51.42 (3) (as) 2m. of the statutes is repealed.

SECTION 1437. 51.42 (3) (as) 3. of the statutes is amended to read:

51.42 **(3)** (as) 3. Care, services and supplies provided after December 31, 1973, to any person who, on December 31, 1973, was in or under the supervision of a mental health institute, or was receiving mental health services in a facility authorized by s. 51.08 or 51.09, but was not admitted to a mental health institute by the department of health services, shall be charged to the county department ~~of community programs~~ which was responsible for such care and services at the place where the patient resided when admitted to the institution. The department of health services may bill county departments ~~of community programs~~ for care provided at the mental health institutes at rates which the department of health services sets on a flexible basis, except that this flexible rate structure shall cover the cost of operations of the mental health institutes.

SECTION 1438. 51.421 (3) (e) of the statutes is amended to read:

51.421 **(3)** (e) Distribute, from the appropriation account under s. 20.435 ~~(7)~~ (5) (bL), moneys in each fiscal year for community support program services.

SECTION 1439. 51.423 (3) of the statutes is amended to read:

51.423 **(3)** From the appropriation account under s. 20.435 ~~(7)~~ (5) (bL), the department shall award one−time

grants to applying counties that currently do not operate certified community support programs, to enable uncertified community support programs to meet requirements for certification as providers of medical assistance services.

SECTION 1440. 51.423 (11) of the statutes is amended to read:

51.423 **(11)** Each county department under s. 51.42 or 51.437, or both, shall apply all funds it receives under subs. (1) to (7) to provide the services required under ss. 51.42, 51.437 and 51.45 (2) (g) to meet the needs for service quality and accessibility of the persons in its jurisdiction, except that the county department may pay for inpatient treatment only with funds designated by the department for inpatient treatment. The county department may expand programs and services with county funds not used to match state funds under this section subject to the approval of the county board of supervisors in a county with a single−county department or the county boards of supervisors in counties with multicounty departments and with other local or private funds subject to the approval of the department and the county board of supervisors in a county with a single−county department under s. 51.42 or 51.437 or the county boards of supervisors in counties with a multicounty department under s. 51.42 or 51.437. The county board of supervisors in a county with a single−county department under s. 51.42 or 51.437 or the county boards of supervisors in counties with a multicounty department under s. 51.42 or 51.437 may delegate the authority to expand programs and services to the county department under s. 51.42 or 51.437. The county department under s. 51.42 or 51.437 shall report to the department all county funds allocated to the county department under s. 51.42 or 51.437 and the use of such funds. Moneys collected under s. 46.10 shall be applied to cover the costs of primary services, exceptional and specialized services or to reimburse supplemental appropriations funded by counties. County departments under ss. 51.42 and 51.437 shall include collections made on and after October 1, 1978, by the department that are subject to s. 46.10 (8m) (a) 3. and 4. and are distributed to county departments under ss. 51.42 and 51.437 from the appropriation account under s. 20.435 ~~(7)~~ (5) (gg), as revenues on their grant−in−aid expenditure reports to the department.

SECTION 1441. 51.437 (4rm) (d) of the statutes is created to read:

51.437 **(4rm)** (d) Notwithstanding pars. (a) to (c), for individuals receiving the family care benefit under s. 46.286, the care management organization that manages the family care benefit for the recipient shall pay the portion of the payment that is for services that are covered under the family care benefit; the department shall pay the remainder of the payment.

SECTION 1443f. 51.61 (1) (y) of the statutes is created to read:

51.61 **(1)** (y) Have the right, if provided services by a licensed mental health professional who is not affiliated with a county department or treatment facility, to be notified by the professional in writing of the grievance resolution procedure option that the professional makes available to the patient, as required under s. 457.04 (8).

SECTION 1443h. 51.61 (2) of the statutes is amended to read:

51.61 **(2)** A patient's rights guaranteed under sub. (1) (p) to (t) may be denied for cause after review by the director of the facility, and may be denied when medically or therapeutically contraindicated as documented by the patient's physician ~~or~~, licensed psychologist, or licensed mental health professional in the patient's treatment record. The individual shall be informed in writing of the grounds for withdrawal of the right and shall have the opportunity for a review of the withdrawal of the right in an informal hearing before the director of the facility or his or her designee. There shall be documentation of the grounds for withdrawal of rights in the patient's treatment record. After an informal hearing is held, a patient or his or her representative may petition for review of the denial of any right under this subsection through the use of the grievance procedure provided in sub. (5) or, ~~alternatively~~ for review of the denial of a right by a licensed mental health professional who is not affiliated with a county department or treatment facility, through the use of one of the grievance resolution procedure options required under s. 457.04 (8). Alternatively, or in addition to the use of ~~such~~ the appropriate grievance procedure, a patient or his or her representative may bring an action under sub. (7).

SECTION 1443k. 51.61 (5) (e) of the statutes is created to read:

51.61 **(5)** (e) A licensed mental health professional who is not affiliated with a county department or treatment facility shall notify in writing each patient to whom the professional provides services of the procedure to follow to resolve a grievance. The notice shall provide an option that the professional makes available to the patient, as required under s. 457.04 (8). Paragraphs (a) and (b) do not apply to this paragraph.

SECTION 1443m. 51.61 (9) of the statutes is amended to read:

51.61 **(9)** ~~The~~ Except for grievance resolution procedure options specified under s. 457.04 (8) (a), (b), and (c), the department shall promulgate rules to implement this section.

SECTION 1444. Chapter 52 of the statutes is created to read:

CHAPTER 52
QUALITY HOME CARE

52.01 Definitions. In this chapter:

(1) "Authority" means the Wisconsin Quality Home Care Authority.

(2) "Board" means the board of directors of the authority.

(3) "Care management organization" has the meaning given in s. 46.2805 (1).

(3m) "Consumer" has the meaning given in s. 46.2898 (1) (cm).

(4) "Department" means the department of health services.

(5) "Family Care Program" means the benefit program described in s. 46.286.

(6) "Home care provider" means an individual who is a qualified provider under s. 46.2898 (1) (f).

(7) "Medical assistance waiver program" means a program operated under a waiver from the secretary of the U.S. department of health and human services under 42 USC 1396n (c) or 42 USC 1396n (b) and (c).

(8) "Program of All−Inclusive Care for the Elderly" means the program operated under 42 USC 1396u−4.

52.05 Creation and organization of authority. (1) CREATION AND MEMBERSHIP OF BOARD. There is created a public body corporate and politic to be known as the "Wisconsin Quality Home Care Authority." The members of the board shall consist of the following members:

(a) The secretary of the department of health services or his or her designee.

(b) The secretary of the department of workforce development or his or her designee.

(c) The following, to be appointed by the governor to serve 3 year terms:

1. One representative from the state assembly.

2. One representative from the state senate.

3. One representative of care management organizations.

4. One representative of county departments, under 46.215, 46.22, 46.23, 51.42, or 51.437, selected from counties where the Family Care Program is not available.

5. One representative of the board for people with developmental disabilities.

6. One representative of the council on physical disabilities.

7. One representative of the council on mental health.

8. One representative of the board on aging and long−term care.

9. Eleven individuals, each of whom is a current or former recipient of home care services through the Family Care Program or a medical assistance waiver program or an advocate for or representative of consumers of home care services.

(3) CHAIRPERSON. Annually, the governor shall appoint one member of the board to serve as the chairperson.

(4) EXECUTIVE COMMITTEE. (a) The board shall elect an executive committee. The executive committee shall consist of the chair of the board, the secretary of the department of health services or his or her designee, the secretary of the department of workforce development or his or her designee, and 3 persons selected from board members appointed under sub. (1) (c) 9.

(b) The executive committee may do the following:

1. Hire an executive director who is not a member of the board and serves at the pleasure of the board.

2. Hire employees to carry out the duties of the authority.

3. Engage in contracts for services to carry out the duties of the authority.

(5) TERM. The terms of members of the board appointed under sub. (1) (c) shall expire on July 1.

(6) QUORUM. A majority of the members of the board constitutes a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies. Action may be taken by the board upon a vote of a majority of the members present. Meetings of the members of the board may be held anywhere within the state.

(7) VACANCIES. Each member of the board shall hold office until a successor is appointed and qualified unless the member vacates or is removed from his or her office. A member who serves as a result of holding another office or position vacates his or her office as a member when he or she vacates the other office or position. A member who ceases to qualify for office vacates his or her office. A vacancy on the board shall be filled in the same manner as the original appointment to the board for the remainder of the unexpired term, if any.

(8) COMPENSATION. The members of the board are not entitled to compensation for the performance of their duties. The authority may reimburse members of the board for actual and necessary expenses incurred in the discharge of their official duties as provided by the board.

(9) EMPLOYMENT OF BOARD MEMBER. It is not a conflict of interest for a board member to engage in private or public employment or in a profession or business, except to the extent prohibited by law, while serving as a member of the board.

52.10 Powers of authority. The authority shall have all the powers necessary or convenient to carry out the purposes and provisions of this chapter and s. 46.2898. In addition to all other powers granted the authority under this chapter, the authority may:

(1) Adopt policies and procedures to govern its proceedings and to carry out its duties as specified in this chapter.

(2) Employ, appoint, engage, compensate, transfer, or discharge necessary personnel.

(3) Make or enter into contracts, including contracts for the provision of legal or accounting services.

(4) Award grants for the purposes set forth in this chapter.

(5) Buy, lease, or sell real or personal property.

(6) Sue and be sued.

(7) Accept gifts, grants, or assistance funds and use them for the purposes of this chapter.

(8) Collect fees for its services.

52.20 Duties of authority. The authority shall:

(1) Establish and maintain a registry of eligible home care providers who choose to be on the registry for purposes of employment by consumers and provide referral services for consumers in need of home care services.

(2) Determine the eligibility of individuals for placement on the registry. For purposes of determining eligibility, the authority shall apply the criteria described in s. 46.2898 (1) (f), including any qualifying criteria established by the department under s. 46.2898 (7). The authority shall also develop an appeal process for denial of placement on or removal of a provider from the registry consistent with the terms of the medical assistance waiver programs, the Family Care Program, an amendment to the state medical assistance plan under 42 USC 1396n (j), or the Program of All−Inclusive Care for the Elderly, as determined by the department.

(3) Comply with any conditions necessary for consumers receiving home care services to receive federal medical assistance funding through a medical assistance waiver program, the Family Care Program, an amendment to the state medical assistance plan under 42 USC 1396n (j), or the Program of All−Inclusive Care for the Elderly.

(4) Develop and operate recruitment and retention programs to expand the pool of home care providers qualified and available to provide home care services to consumers.

(5) Maintain a list of home care providers included in a collective bargaining unit under s. 111.825 (2g) and provide the list of home care providers to the department at the department's request.

(6) Notify home care providers providing home care services of any procedures for remaining a qualified provider under s. 46.2898 (1) (f) set forth by the department or the authority.

(7) Provide orientation activities and skills training for home care providers.

(8) Provide training and support for consumers hiring a home care provider regarding the duties and responsibilities of employers and skills needed to be effective employers.

(9) Inform consumers of the experience and qualifications of home care providers on the registry and home care providers identified by consumers of home care services for employment.

(10) Develop and operate a system of backup and respite referrals to home care providers and a 24−hour per day call service for consumers of home care services.

(11) Report annually to the governor on the number of home care providers on the registry and the number of home care providers providing services under the authority.

(12) Conduct activities to improve the supply and quality of home care providers.

52.30 Liability limited. (1) The state, any political subdivision of the state, or any officer, employee, or agent of the state or a political subdivision who is acting within the scope of employment or agency is not liable for any debt, obligation, act, or omission of the authority.

(2) All expenses incurred by the authority in exercising its duties and powers under this chapter shall be payable only from funds of the authority.

52.40 Health data. Any health data or identifying information collected by the authority is collected for the purpose of government regulatory and management functions.

SECTION 1444m. 55.16 (2) (a) of the statutes is amended to read:

55.16 **(2)** (a) *Filing; services.* ~~An~~ Subject to par. (d), an individual under protective placement or receiving protective services, the individual's guardian, the individual's legal counsel or guardian ad litem, if any, the department, the county department that placed the individual or provided the protective services under an order of the court, an agency with which the county department contracts under s. 55.02 (2), or any interested person may file a petition at any time for modification of an order for protective services or protective placement. The petition shall be served on the individual, the individual's guardian, the individual's legal counsel and guardian ad litem, if any, and the county department.

SECTION 1444n. 55.16 (2) (d) of the statutes is created to read:

55.16 **(2)** (d) *Residents of southern center.* The department may not file a petition under par. (a) for modification of an order for protective placement to transfer a resident of the southern center for the developmentally disabled to a less restrictive setting unless the resident's guardian provides explicit written approval and consent for the transfer under s. 51.35 (1) (dm).

SECTION 1444v. 59.52 (30) of the statutes is created to read: **Vetoed In Part**

59.52 **(30)** LIMITATION ON PERFORMANCE OF CONSTRUCTION WORK. A county may not perform construction work, including road work, for a project that is directly or indirectly owned, funded, or reimbursed, in whole or in part, by a private person.

SECTION 1445. 59.58 (6) (a) 1. of the statutes is amended to read:

59.58 **(6)** (a) 1. "Authority" means the regional transit authority created under this subsection.

SECTION 1446m. 59.58 (6) (cg) of the statutes is repealed and recreated to read:

59.58 **(6)** (cg) No later than the first day of the 3rd month beginning after the effective date of this paragraph .... [LRB inserts date], the authority shall transfer to the southeastern regional transit authority under sub. (7) all revenues received under s. 59.58 (6) (cg) 1., 2007 stats., retained by the authority.

SECTION 1449. 59.58 (6) (f) of the statutes is created to read:

59.58 **(6)** (f) The authority shall terminate on the first day of the 3rd month beginning after the effective date of this paragraph .... [LRB inserts date].

SECTION 1449m. 59.58 (7) of the statutes is created to read:

59.58 **(7)** SOUTHEASTERN REGIONAL TRANSIT AUTHORITY. (a) In this subsection:

1. "Authority" means the southeastern regional transit authority created under this subsection.

2. "Bonds" means any bonds, interim certificates, notes, debentures, or other obligations of the authority issued under this subsection.

3. "KRM commuter rail line" means a commuter rail transit system connecting the cities of Kenosha, Racine, and Milwaukee.

(b) There is created the southeastern regional transit authority, a public body corporate and politic and a separate governmental entity, consisting of the counties of Kenosha, Racine, and Milwaukee. This authority may transact business and exercise any powers granted to it under this subsection. The jurisdictional area of this authority is the geographic area formed by the combined territorial boundaries of the counties of Kenosha, Racine, and Milwaukee.

(c) 1. The powers of the authority shall be vested in its board of directors, consisting of the following members:

a. Two members from Milwaukee County, appointed by the Milwaukee County board chairperson.

b. Two members from the city of Milwaukee, appointed by the mayor of the city of Milwaukee.

c. One member from Racine County, appointed by the Racine County board chairperson.

d. One member from the city of Racine, appointed by the mayor of the city of Racine.

e. One member from Kenosha County, appointed by the Kenosha County board chairperson.

f. One member from the city of Kenosha, appointed by the mayor of the city of Kenosha.

g. One member from the authority's jurisdictional area, appointed by the governor.

2. A majority of the board of directors' full authorized membership constitutes a quorum for the purpose of conducting the authority's business and exercising its powers. Action may be taken by the board of directors upon a vote of a majority of the directors present and voting, unless the bylaws of the authority require a larger number.

(d) The authority shall have all powers necessary and convenient to create, construct, and manage a KRM commuter rail line and to contract for and provide transit service in Kenosha County and Racine County as specified in par. (k) . A KRM commuter rail line shall include a stop at the point where the KRM commuter rail line intersects National Avenue in the city of Milwaukee and a stop at the intersection of Lincoln Avenue and Bay Street in the city of Milwaukee.

Vetoed In Part

Vetoed In Part

(dm) A KRM commuter rail line may not include a stop in any municipality in the counties of Racine and Kenosha, other than in the city of Racine or the city of Kenosha, unless the municipality in which the stop is to be located provides for a sustainable mechanism to generate additional moneys for transit systems receiving funding under s. 85.20 that operate in Kenosha County or Racine County, as applicable.

Vetoed In Part

(e) The authority may impose the fees under subch. XIII of ch. 77. From these fees, the authority shall transfer $1 for each transaction to each of the cities of Racine and Kenosha, to support their respective transit systems, if each city, respectively, demonstrates that it has established a new funding source sufficient to generate revenues equal to or greater than the amounts to be transferred to each city under this subdivision. From the remaining fees, the authority may do all of the following:

Vetoed In Part

Vetoed In Part

1. Retain not more than $2 for each transaction for administration of the authority.

2. Retain the difference between the amount of the fees imposed under subch. XIII of ch. 77 and the amount of those fees transferred under this paragraph or retained under subd. 1. for expenditures related to the KRM commuter rail line, including planning, construction, maintenance, operations, and engineering expenditures.

Vetoed In Part

(f) 1. The authority may issue bonds, the principal and interest on which are payable exclusively from all or a portion of any revenues received by the authority. The authority may secure its bonds by a pledge of any income or revenues from any operations, rent, aids, grants, subsidies, contributions, or other source of moneys whatsoever.

2. The authority may issue bonds in an aggregate principal amount not to exceed $50,000,000, excluding bonds issued to refund outstanding bonds issued under this subdivision, for the purpose of providing funds for the anticipated local funding share required for initiating KRM commuter rail line service.

3. Neither the authority's board of directors nor any person executing the bonds is personally liable on the bonds by reason of the issuance of the bonds.

4. The bonds of the authority are not a debt of the counties that comprise the authority. Neither these counties nor the state are liable for the payment of the bonds. The bonds of the authority shall be payable only out of funds or properties of the authority. The bonds of the authority shall state the restrictions contained in this subdivision on the face of the bonds.

5. Bonds of the authority shall be authorized by resolution of the authority's board of directors. The bonds may be issued under such a resolution or under a trust indenture or other security instrument. The bonds may

be issued in one or more series and may be in the form of coupon bonds or registered bonds under s. 67.09. The bonds shall bear the dates, mature at the times, bear interest at the rates, be in the denominations, have the rank or priority, be executed in the manner, be payable in the medium of payment and at the places, and be subject to the terms of redemption, with or without premium, as the resolution, trust indenture, or other security instrument provides. Bonds of the authority are issued for an essential public and governmental purpose and are public instrumentalities and, together with interest and income, are exempt from taxes. The authority may sell the bonds at public or private sales at the price or prices determined by the authority. If a member of the authority's board of directors whose signature appears on any bonds or coupons ceases to be a member of the authority's board of directors before the delivery of such obligations, the member's signature shall, nevertheless, be valid for all purposes as if the member had remained a member until delivery of the bonds.

6. The authority may issue refunding bonds for the purpose of paying any of its bonds at or prior to maturity or upon acceleration or redemption. The authority may issue refunding bonds at such time prior to the maturity or redemption of the refunded bonds as the authority deems to be in the public interest. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium on the bonds, any interest accrued or to accrue to the date of payment of the bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other capital or current expenses from the proceeds of such refunding bonds as may be required by the resolution, trust indenture, or other security instruments. To the extent applicable, refunding bonds are subject to subd. 5.

(g) All moneys transferred under s. 59.58 (6) (cg) shall be used by the authority to assist in the planning of the KRM commuter rail line project.

(h) The authority's powers shall be limited to those specified in this subsection.

(i) The authority is the only entity in the counties of Milwaukee, Racine, and Kenosha that may submit an application to the federal transit administration in the U.S. department of transportation under the federal new starts grant program for funding for the KRM commuter rail line.

Vetoed In Part

(j) The Milwaukee Transit Authority under s. 66.1038, and the operator of any transit system in Kenosha County or Racine County receiving funding under s. 85.20, shall provide copies of all of their annual and long−term transit plans to the southeastern regional transit authority as these plans become available.

Vetoed In Part

(k) Upon a vote of approval by its governing body, any municipality in Kenosha County or Racine County in which a transit system eligible to receive funding under s. 85.20 is operated may contract with the authority for the authority to provide transit services within the municipality.

Vetoed In Part

SECTION 1449s. 59.69 (4c) of the statutes is amended to read:

59.69 **(4c)** CONSTRUCTION SITE ORDINANCE LIMITS. Except as provided in s. ~~101.1205 (5m)~~ 281.33 (3m) (f), an ordinance that is enacted under sub. (4) may only include provisions that are related to construction site erosion control if those provisions are limited to sites where the construction activities do not include the construction of a building.

SECTION 1450. 59.69 (15) (intro.) of the statutes is amended to read:

59.69 **(15)** COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes of this section, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any municipality, shall be subject to the following criteria:

SECTION 1451. 59.69 (15) (intro.) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

59.69 **(15)** COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes of this section, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in s. 48.02 (17q),~~ or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any municipality, shall be subject to the following criteria:

SECTION 1452. 59.69 (15) (bm) of the statutes is amended to read:

59.69 **(15)** (bm) A foster home ~~or a treatment foster home~~ that is the primary domicile of a foster parent ~~or treatment foster parent~~ and that is licensed under s. 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted use in all residential areas and is not subject to pars. (a) and (b) except that foster homes ~~and treatment foster homes~~ operated by corporations, child welfare agencies, religious associations, as defined in s. 157.061 (15), associations, or public agencies shall be subject to pars. (a) and (b).

SECTION 1453. 60.63 (intro.) of the statutes is amended to read:

60.63 Community and other living arrangements. (intro.) For purposes of s. 60.61, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in s. 48.02

(17q), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any town shall be subject to the following criteria:

SECTION 1454. 60.63 (intro.) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

60.63 Community and other living arrangements. (intro.) For purposes of s. 60.61, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in s. 48.02 (17q),~~ or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any town shall be subject to the following criteria:

SECTION 1455. 60.63 (3) of the statutes is amended to read:

60.63 **(3)** A foster home ~~or a treatment foster home~~ that is the primary domicile of a foster parent ~~or treatment foster parent~~ and that is licensed under s. 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted use in all residential areas and is not subject to subs. (1) and (2) except that foster homes ~~and treatment foster homes~~ operated by corporations, child welfare agencies, churches, associations, or public agencies shall be subject to subs. (1) and (2).

SECTION 1456. 60.85 (6) (am) of the statutes is created to read:

60.85 **(6)** (am) With regard to each district for which the department of revenue authorizes the allocation of a tax increment under par. (a), the department shall charge the town that created the district an annual administrative fee of $150 that the town shall pay to the department no later than May 15.

SECTION 1457. 62.23 (7) (i) (intro.) of the statutes is amended to read:

62.23 **(7)** (i) *Community and other living arrangements.* (intro.) For purposes of this section, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 55(1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any city shall be subject to the following criteria:

SECTION 1458. 62.23 (7) (i) (intro.) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

62.23 **(7)** (i) *Community and other living arrangements.* (intro.) For purposes of this section, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in s. 48.02 (17q),~~ or an adult family home, as defined in s. 50.01 (1) (a) or (b), in any city shall be subject to the following criteria:

SECTION 1459. 62.23 (7) (i) 2m. of the statutes is amended to read:

62.23 **(7)** (i) 2m. A foster home ~~or treatment foster home~~ that is the primary domicile of a foster parent ~~or treatment foster parent~~ and that is licensed under s. 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted use in all residential areas and is not subject to subds. 1. and 2. except that foster homes ~~and treatment foster homes~~ operated by corporations, child welfare agencies, churches, associations, or public agencies shall be subject to subds. 1. and 2.

SECTION 1459m. 62.50 (18) (a) of the statutes is renumbered 62.50 (18) and amended to read:

62.50 **(18)** No chief officer of either department or member of the fire department may be deprived of any salary or wages for the period of time suspended preceding an investigation or trial, unless the charge is sustained. ~~Except as provided in par. (b), no~~ No member of the police force may be ~~discharged or~~ suspended under sub. (11) or (13) without pay or benefits until the matter that is the subject of the ~~discharge or~~ suspension is disposed of by the board or the time for appeal under sub. (13) passes without an appeal being made.

SECTION 1459n. 62.50 (18) (b) of the statutes is repealed.

SECTION 1460. 62.62 of the statutes is created to read:

62.62 Appropriation bonds for payment of employee retirement system liability in 1st class cities. (1) DEFINITIONS. In this section:

(a) "Appropriation bond" means a bond issued by a city to evidence its obligation to repay a certain amount of borrowed money that is payable from all of the following:

1. Moneys annually appropriated by law for debt service due with respect to such appropriation bond in that year.

2. Proceeds of the sale of such appropriation bonds.

3. Payments received for that purpose under agreements and ancillary arrangements described in s. 62.621.

4. Investment earnings on amounts in subds. 1. to 3.

(b) "Bond" means any bond, note, or other obligation of a city issued under this section.

(c) "City" means a 1st class city.

(d) "Common Council" means the common council of a city.

(e) "Refunding bond" means an appropriation bond issued to fund or refund all or any part of one or more outstanding pension−related bonds.

(1m) LEGISLATIVE FINDING AND DETERMINATION. Recognizing that a city, by prepaying part or all of the city's unfunded prior service liability with respect to an employee retirement system of the city, may reduce its costs and better ensure the timely and full payment of

retirement benefits to participants and their beneficiaries under the employee retirement system, the legislature finds and determines that it is in the public interest for the city to issue appropriation bonds to obtain proceeds to pay its unfunded prior service liability.

(2) AUTHORIZATION OF APPROPRIATION BONDS. (a) A common council shall have all powers necessary and convenient to carry out its duties, and to exercise its authority, under this section.

(b) Subject to pars. (c) and (d), a common council may issue appropriation bonds under this section to pay all or any part of the city's unfunded prior service liability with respect to an employee retirement system of the city, or to fund or refund outstanding appropriation bonds issued under this section. A city may use proceeds of appropriation bonds to pay issuance or administrative expenses, to make deposits to reserve funds, to pay accrued or funded interest, to pay the costs of credit enhancement, to make payments under other agreements entered into under s. 62.621, or to make deposits to stabilization funds established under s. 62.621.

(c) Other than refunding bonds issued under sub. (6), all bonds must be issued simultaneously.

(d) 1. Before a city may issue appropriation bonds under par. (b), its common council shall enact an ordinance that establishes a 5−year strategic and financial plan related to the payment of all or any part of the city's unfunded prior service liability with respect to an employee retirement system of the city. The strategic and financial plan shall provide that future annual pension liabilities are funded on a current basis. The strategic and financial plan shall contain quantifiable benchmarks to measure compliance with the plan. The common council shall make a determination that the ordinance meets the requirements of this subdivision and, absent manifest error, the common council's determination shall be conclusive. The common council shall submit to the governor and to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a copy of the strategic and financial plan.

2. Annually, the city shall submit to the governor, the department of revenue, and the department of administration, and to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report that includes all of the following:

a. The city's progress in meeting the benchmarks in the strategic and financial plan.

b. Any proposed modifications to the plan.

c. The status of any stabilization fund that is established under s. 62.622 (3).

d. The most current actuarial report related to the city's employee retirement system.

e. The amount, if any, by which the city's contributions to the employee retirement system for the prior year is less than the normal cost contribution for that year as specified in the initial actuarial report for the city's employee retirement system for that year.

f. The amount that the actuary determines is the city's required contribution to the employee retirement system for that year.

(2m) PENALTY FOR INADEQUATE CONTRIBUTION. If the city's contributions to the employee retirement system for the prior year is less than the lower of the required contribution for that year, as described in sub. (2) (d) 2. f., or the normal cost for that year, the department of revenue shall reduce and withhold the amount of the shared revenue payments to the city under subch. I of ch. 79, in the following year, by an amount equal to the difference between the required cost contribution for that prior year and the city's actual contribution in that prior year. The department of revenue shall deposit the amount of the reduced and withheld shared revenue payment into the city's employee retirement system.

(3) TERMS. (a) A city may borrow moneys and issue appropriation bonds in evidence of the borrowing pursuant to one or more written authorizing resolutions under sub. (4). Unless otherwise provided in an authorizing resolution, the city may issue appropriation bonds at any time, in any specific amounts, at any rates of interest, for any term, payable at any intervals, at any place, in any manner, and having any other terms or conditions that the common council considers necessary or desirable. Appropriation bonds may bear interest at variable or fixed rates, bear no interest, or bear interest payable only at maturity or upon redemption prior to maturity.

(b) The common council may authorize appropriation bonds having any provisions for prepayment the common council considers necessary or desirable, including the payment of any premium.

(c) Interest shall cease to accrue on an appropriation bond on the date that the appropriation bond becomes due for payment if payment is made or duly provided for.

(d) All moneys borrowed by a city that is evidenced by appropriation bonds issued under this section shall be lawful money of the United States, and all appropriation bonds shall be payable in such money.

(e) All appropriation bonds owned or held by a fund of the city are outstanding in all respects, and the common council or other governing body controlling the fund shall have the same rights with respect to an appropriation bond as a private party, but if any sinking fund acquires appropriation bonds that gave rise to such fund, the appropriation bonds are considered paid for all purposes and no longer outstanding and shall be canceled as provided in sub. (7) (d).

(f) A city shall not be generally liable on appropriation bonds, and appropriation bonds shall not be a debt of the city for any purpose whatsoever. Appropriation bonds, including the principal thereof and interest thereon, shall be payable only from amounts that the

common council may, from year to year, appropriate for the payment thereof.

(4) PROCEDURES. (a) No appropriation bonds may be issued by a city unless the issuance is pursuant to a written authorizing resolution adopted by a majority of a quorum of the common council. The resolution may be in the form of a resolution or trust indenture, and shall set forth the aggregate principal amount of appropriation bonds authorized thereby, the manner of their sale, and the form and terms thereof. The resolution or trust indenture may establish such funds and accounts, including a reserve fund, as the common council determines.

(b) Appropriation bonds may be sold at either public or private sale and may be sold at any price or percentage of par value. All appropriation bonds sold at public sale shall be noticed as provided in the authorizing resolution. Any bid received at public sale may be rejected.

(5) FORM. (a) As determined by the common council, appropriation bonds may be issued in book−entry form or in certificated form. Notwithstanding s. 403.104 (1), every evidence of appropriation bond is a negotiable instrument.

(b) Every appropriation bond shall be executed in the name of and for the city by the president of the common council and city clerk, and shall be sealed with the seal of the city, if any. Facsimile signatures of either officer may be imprinted in lieu of manual signatures, but the signature of at least one such officer shall be manual. An appropriation bond bearing the manual or facsimile signature of a person in office at the same time the signature was signed or imprinted shall be fully valid notwithstanding that before or after the delivery of such appropriation bond the person ceased to hold such office.

(c) Every appropriation bond shall be dated not later than the date it is issued, shall contain a reference by date to the appropriate authorizing resolution, shall state the limitation established in sub. (3) (f), and shall be in accordance with the appropriate authorizing resolution in all respects.

(d) An appropriation bond shall be substantially in such form and contain such statements or terms as determined by the common council, and may not conflict with law or with the appropriate authorizing resolution.

(6) REFUNDING BONDS. (a) 1. A common council may authorize the issuance of refunding appropriation bonds. Refunding appropriation bonds may be issued, subject to any contract rights vested in owners of the appropriation bonds being refunded, to refund all or any part of one or more issues of appropriation bonds notwithstanding that the appropriation bonds may have been issued at different times or issues of general obligation promissory notes under s. 67.12 (12) were issued to pay unfunded prior service liability with respect to an employee retirement system. The principal amount of the refunding appropriation bonds may not exceed the sum of: the principal amount of the appropriation bonds or general obligation promissory notes being refunded; applicable redemption premiums; unpaid interest on the refunded appropriation bonds or general obligation promissory notes to the date of delivery or exchange of the refunding appropriation bonds; in the event the proceeds are to be deposited in trust as provided in par. (c), interest to accrue on the appropriation bonds or general obligation promissory notes to be refunded from the date of delivery to the date of maturity or to the redemption date selected by the common council, whichever is earlier; and the expenses incurred in the issuance of the refunding appropriation bonds and the payment of the refunded appropriation bonds or general obligation promissory notes.

2. A common council may authorize the issuance of general obligation promissory notes under s. 67.12 (12) (a) to refund appropriation bonds, notwithstanding s. 67.01 (9) (intro.).

(b) If a common council determines to exchange refunding appropriation bonds, they may be exchanged privately for, and in payment and discharge of, any of the outstanding appropriation bonds being refunded. Refunding appropriation bonds may be exchanged for such principal amount of the appropriation bonds being exchanged therefor as may be determined by the common council to be necessary or desirable. The owners of the appropriation bonds being refunded who elect to exchange need not pay accrued interest on the refunding appropriation bonds if and to the extent that interest is accrued and unpaid on the appropriation bonds being refunded and to be surrendered. If any of the appropriation bonds to be refunded are to be called for redemption, the common council shall determine which redemption dates are to be used, if more than one date is applicable and shall, prior to the issuance of the refunding appropriation bonds, provide for notice of redemption to be given in the manner and at the times required by the resolution authorizing the appropriation bonds to be refunded.

(c) 1. The principal proceeds from the sale of any refunding appropriation bonds shall be applied either to the immediate payment and retirement of the appropriation bonds or general obligation promissory notes being refunded or, if the bonds or general obligation promissory notes have not matured and are not presently redeemable, to the creation of a trust for, and shall be pledged to the payment of, the appropriation bonds or general obligation promissory notes being refunded.

2. If a trust is created, a separate deposit shall be made for each issue of appropriation bonds or general obligation promissory notes being refunded. Each deposit shall be with a bank or trust company authorized by the laws of the United States or of a state in which it is located to conduct banking or trust company business. If the total amount of any deposit, including moneys other than sale proceeds but legally available for such purpose, is less than the principal amount of the appropriation bonds or

general obligation promissory notes being refunded and for the payment of which the deposit has been created and pledged, together with applicable redemption premiums and interest accrued and to accrue to maturity or to the date of redemption, then the application of the sale proceeds shall be legally sufficient only if the moneys deposited are invested in securities issued by the United States or one of its agencies, or securities fully guaranteed by the United States, and only if the principal amount of the securities at maturity and the income therefrom to maturity will be sufficient and available, without the need for any further investment or reinvestment, to pay at maturity or upon redemption the principal amount of the appropriation bonds or general obligation promissory notes being refunded together with applicable redemption premiums and interest accrued and to accrue to maturity or to the date of redemption. The income from the principal proceeds of the securities shall be applied solely to the payment of the principal of and interest and redemption premiums on the appropriation bonds or general obligation promissory notes being refunded, but provision may be made for the pledging and disposition of any surplus.

3. Nothing in this paragraph may be construed as a limitation on the duration of any deposit in trust for the retirement of appropriation bonds or general obligation promissory notes being refunded that have not matured and that are not presently redeemable. Nothing in this paragraph may be constructed to prohibit reinvestment of the income of a trust if the reinvestments will mature at such times that sufficient moneys will be available to pay interest, applicable premiums, and principal on the appropriation bonds or general obligation promissory notes being refunded.

(7) FISCAL REGULATIONS. (a) All appropriation bonds shall be registered by the city clerk or city treasurer of the city issuing the appropriation bonds, or such other officers or agents, including fiscal agents, as the common council may determine. After registration, no transfer of an appropriation bond is valid unless made by the registered owner's duly authorized attorney, on the records of the city and similarly noted on the appropriation bond. The city may treat the registered owner as the owner of the appropriation bond for all purposes. Payments of principal and interest shall be by electronic funds transfer, check, share draft, or other draft to the registered owner at the owner's address as it appears on the register, unless the common council has otherwise provided. Information in the register is not available for inspection and copying under s. 19.35 (1). The common council may make any other provision respecting registration as it considers necessary or desirable.

(b) The common council may appoint one or more trustees or fiscal agents for each issue of appropriation bonds. The city treasurer may be designated as the trustee and the sole fiscal agent or as cofiscal agent for any issue of appropriation bonds. Every other fiscal agent shall be an incorporated bank or trust company authorized by the laws of the United States or of the state in which it is located to conduct banking or trust company business. There may be deposited with a trustee, in a special account, moneys to be used only for the purposes expressly provided in the resolution authorizing the issuance of appropriation bonds or an agreement between the city and the trustee. The common council may make other provisions respecting trustees and fiscal agents as the common council considers necessary or desirable and may enter into contracts with any trustee or fiscal agent containing such terms, including compensation, and conditions in regard to the trustee or fiscal agent as the common council considers necessary or desirable.

(c) If any appropriation bond is destroyed, lost, or stolen, the city shall execute and deliver a new appropriation bond, upon filing with the common council evidence satisfactory to the common council that the appropriation bond has been destroyed, lost, or stolen, upon providing proof of ownership thereof, and upon furnishing the common council with indemnity satisfactory to it and complying with such other rules of the city and paying any expenses that the city may incur. The common council shall cancel the appropriation bond surrendered to the city.

(d) Unless otherwise directed by the common council, every appropriation bond paid or otherwise retired shall be marked "canceled" and delivered to the city treasurer, or to such other fiscal agent as applicable with respect to the appropriation bond, who shall destroy them and deliver a certificate to that effect to the city clerk.

(8) APPROPRIATION BONDS AS LEGAL INVESTMENTS. Any of the following may legally invest any sinking funds, moneys, or other funds belonging to them or under their control in any appropriation bonds issued under this section:

(a) The state, the investment board, public officers, municipal corporations, political subdivisions, and public bodies.

(b) Banks and bankers, savings and loan associations, credit unions, trust companies, savings banks and institutions, investment companies, insurance companies, insurance associations, and other persons carrying on a banking or insurance business.

(c) Personal representatives, guardians, trustees, and other fiduciaries.

(9) MORAL OBLIGATION PLEDGE. If the common council considers it necessary or desirable to do so, it may express in a resolution authorizing appropriation bonds its expectation and aspiration to make timely appropriations sufficient to pay the principal and interest due with respect to such appropriation bonds, to make deposits into a reserve fund created under sub. (4) (a) with respect to such appropriation bonds, to make payments under any agreement or ancillary arrangement entered into

under s. 62.621 with respect to such appropriation bonds, to make deposits into any stabilization fund established or continued under s. 62.622 with respect to such appropriation bonds, or to pay related issuance or administrative expenses.

(10) APPLICABILITY. This section does not apply if a city does not issue appropriation bonds as authorized under sub. (2).

SECTION 1461. 62.621 of the statutes is created to read:

62.621 Agreements and ancillary arrangements for certain notes and appropriation bonds. At the time of issuance or in anticipation of the issuance of appropriation bonds under s. 62.62, or general obligation promissory notes under s. 67.12 (12), to pay unfunded prior service liability with respect to an employee retirement system, or at any time thereafter so long as the appropriation bonds or general obligation promissory notes are outstanding, a 1st class city may enter into agreements or ancillary arrangements relating to the appropriation bonds or general obligation promissory notes, including trust indentures, liquidity facilities, remarketing or dealer agreements, letters of credit, insurance policies, guaranty agreements, reimbursement agreements, indexing agreements, and interest exchange agreements. Any payments made or amounts received with respect to any such agreement or ancillary arrangement shall be made from or deposited as provided in the agreement or ancillary arrangement.

SECTION 1462. 62.622 of the statutes is created to read:

62.622 Employee retirement system liability financing in 1st class cities; additional powers. (1) DEFINITIONS. In this section:

(a) "City" means a 1st class city.

(b) "Common council" means the common council of a city.

(c) "Pension funding plan" means a strategic and financial plan related to the payment of all or part of a city's unfunded prior service liability with respect to an employee retirement system.

(d) "Trust" means a common law trust organized under the laws of this state, by the city, as settlor, pursuant to a formal, written, declaration of trust.

(2) SPECIAL FINANCING ENTITIES, FUNDS, AND ACCOUNTS. (a) To facilitate a pension funding plan and in furtherance thereof, a common council may create one or more of the following:

1. A trust.
2. A nonstock corporation under ch. 181.
3. A limited liability company under ch. 183.
4. A special fund or account of the city.

(b) An entity described under par. (a) has all of the powers provided to it under applicable law and the documents pursuant to which it is created and established. The powers shall be construed broadly in favor of effectuating the purposes for which the entity is created. A city may appropriate funds to such entities and to such funds and accounts, under terms and conditions established by the common council, consistent with the purposes for which they are created and established.

(3) STABILIZATION FUNDS. (a) To facilitate a pension funding plan a common council may establish a stabilization fund. Any such fund may be created as a trust, a special fund or account of the city established by a separate resolution or ordinance, or a fund or account created under an authorizing resolution or trust indenture in connection with the authorization and issuance of appropriation bonds under s. 62.62 or general obligation promissory notes under s. 67.12 (12). A city may appropriate funds for deposit to a stabilization fund established under this subsection.

(b) Moneys in a stabilization fund established under this subsection may be used, subject to annual appropriation by the common council, solely to pay principal or interest on appropriation bonds issued under s. 62.62 and general obligation promissory notes under s. 67.12 (12) issued in connection with a pension funding plan, for the redemption or repurchase of such appropriation bonds or general obligation promissory notes, to make payments under any agreement or ancillary arrangement entered into under s. 62.621 with respect to such appropriation bonds or general obligation promissory notes, or to pay annual pension costs other than normal costs. Moneys on deposit in a stabilization fund may not be subject to any claims, demands, or actions by, or transfers or assignments to, any creditor of the city, any beneficiary of the city's employee retirement system, or any other person, on terms other than as may be established in the resolution or ordinance creating the stabilization fund. Moneys on deposit in a stabilization fund established under this subsection may be invested and reinvested in the manner directed by the common council or pursuant to delegation by the common council as provided under s. 66.0603 (5).

SECTION 1463. 62.67 of the statutes is amended to read:

62.67 Uninsured motorist coverage; 1st class cities. A 1st class city shall provide uninsured motorist motor vehicle liability insurance coverage for motor vehicles owned by the city and operated by city employees in the course of employment. The coverage required by this section shall have at least the limits prescribed for uninsured motorist coverage under s. 632.32 (4) (a) 1.

SECTION 1463r. 63.03 (2) (r) of the statutes, as created by 2009 Wisconsin Act 15, is amended to read:

63.03 **(2)** (r) All staff performing services for the Milwaukee County enrollment services unit under s. 49.825 or for the child care provider services unit under s. 49.826.

SECTION 1463w. 66.0137 (4) of the statutes, as affected by 2009 Wisconsin Act 14, is amended to read:

66.0137 **(4)** SELF−INSURED HEALTH PLANS. If a city, including a 1st class city, or a village provides health care benefits under its home rule power, or if a town provides health care benefits, to its officers and employees on a self−insured basis, the self−insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4), (5), and (6), 632.885, 632.895 (9) to ~~(16)~~ (17), 632.896, and 767.513 (4).

SECTION 1464. 66.0137 (5) of the statutes is renumbered 66.0137 (5) (b) and amended to read:

66.0137 **(5)** (b) The state or a local governmental unit may provide for the payment of premiums for hospital, surgical and other health and accident insurance and life insurance for employees and officers ~~and~~, their spouses and dependent children, and their domestic partner under ch. 770 and dependent children. A local governmental unit may also provide for the payment of premiums for hospital and surgical care for its retired employees. In addition, a local governmental unit may, by ordinance or resolution, elect to offer to all of its employees a health care coverage plan through a program offered by the group insurance board under ch. 40. A local governmental unit that elects to participate under s. 40.51 (7) is subject to the applicable sections of ch. 40 instead of this subsection.

SECTION 1465. 66.0137 (5) (a) of the statutes is created to read:

66.0137 **(5)** (a) In this subsection, "local governmental unit" includes the school district operating under ch. 119.

SECTION 1466. 66.0301 (1) (a) of the statutes is amended to read:

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 applicable law. This subsection does not affect zoning ordinances adopted under ~~ss.~~ s. 59.692~~,~~ or 87.30 or ~~91.71 to 91.78~~ ch. 91.

SECTION 1468. 66.0602 (1) (b) of the statutes is amended to read:

66.0602 **(1)** (b) "Penalized excess" means the levy, in an amount that is at least $500 over the limit under sub. (2) for the political subdivision, not including any amount that is excepted from the limit under subs. (3), (4), and (5).

SECTION 1469. 66.0602 (1) (d) of the statutes is amended to read:

66.0602 **(1)** (d) "Valuation factor" means a percentage equal to the greater of either ~~2~~ 3 percent or the percentage change in the political subdivision's January 1 equalized value due to new construction less improvements removed between the previous year and the current year. ~~Except as provided, no political subdivision may increase its levy in any year by a percentage that exceeds the political subdivision's valuation factor. In determining its levy in any year, a city, village, or town shall subtract any tax increment that is calculated under s. 60.85 (1) (L) or 66.1105 (2) (i).~~

SECTION 1470. 66.0602 (2) of the statutes is amended to read:

66.0602 **(2)** LEVY LIMIT. Except as provided~~, no political subdivision may increase its levy in 2007 by a percentage that exceeds the political subdivision's valuation factor or 3.86~~ in subs. (3), (4), and (5), no political subdivision may increase its levy in any year by a percentage that exceeds the political subdivision's valuation factor. The base amount in any year, to which the limit under this section applies, shall be the maximum allowable levy for the immediately preceding year. In determining its levy in any year, a city, village, or town shall subtract any tax increment that is calculated under s. 59.57 (3) (a), 60.85 (1) (L), or 66.1105 (2) (i). The base amount in any year, to which the limit under this section applies, may not include any amount to which sub. (3) (e) 8. applies.

SECTION 1470s. 66.0602 (3) (cm) of the statutes is created to read:

66.0602 **(3)** (cm) If a political subdivision's allowable levy under this section in 2007 was greater than its actual levy in 2007, the levy increase limit otherwise

applicable under this section to the political subdivision in 2009 is increased by the difference between these 2 amounts, as determined by the department of revenue. In calculating a political subdivision's actual levy for 2007, the department may not include amounts that are excluded from the limit under pars. (d) 2. and 3., (e), and (h).

SECTION 1471. 66.0602 (3) (d) 5. of the statutes is created to read:

66.0602 **(3)** (d) 5. The limit otherwise applicable under this section does not apply to amounts levied by a 1st class city for the payment of debt service on appropriation bonds issued under s. 62.62, including debt service on appropriation bonds issued to fund or refund outstanding appropriation bonds of the city, to pay related issuance costs or redemption premiums, or to make payments with respect to agreements or ancillary arrangements authorized under s. 62.621.

SECTION 1471m. 66.0602 (3) (e) 8. of the statutes is created to read:

66.0602 **(3)** (e) 8. The amount that a political subdivision levies in that year to pay the unreimbursed expenses related to an emergency declared under s. 166.03 (1) (b) 1., including any amounts levied in that year to replenish cash reserves that were used to pay any unreimbursed expenses related to that emergency. A levy under this subdivision that relates to a particular emergency initially shall be imposed in the year in which the emergency is declared or in the following year.

SECTION 1471s. 66.0602 (3) (i) of the statutes is created to read:

66.0602 **(3)** (i) 1. If a political subdivision enters into an intergovernmental cooperation agreement under s. 66.0301 to jointly provide a service on a consolidated basis with another political subdivision, and if one of the political subdivisions increases its levy from the previous year by an amount the parties to the agreement agree is needed to provide a more equitable distribution of payments for services received, the levy increase limit otherwise applicable under this section to that political subdivision in the current year is increased by that agreed amount.

2. If a political subdivision increases its levy as described in subd. 1. the other political subdivision, which is a party to the intergovernmental cooperation agreement and has agreed to the adjustment under subd. 1., shall decrease its levy in the current year by the same amount that the first political subdivision is allowed to increase its levy under subd. 1.

SECTION 1472. 66.0602 (4) (a) of the statutes is amended to read:

66.0602 **(4)** (a) A political subdivision may exceed the levy increase limit under sub. (2) if its governing body adopts a resolution to that effect and if the resolution is approved in a referendum. The resolution shall specify the proposed amount of increase in the levy beyond the amount that is allowed under sub. (2), and shall specify whether the proposed amount of increase is for the next fiscal year only or if it will apply on an ongoing basis. With regard to a referendum relating to the 2005 levy, or any levy in an odd−numbered year thereafter, the political subdivision may call a special referendum for the purpose of submitting the resolution to the electors of the political subdivision for approval or rejection. With regard to a referendum relating to the 2006 levy, or any levy in an even−numbered year thereafter, the referendum shall be held at the next succeeding spring primary or election or September primary or general election.

SECTION 1473. 66.0602 (6) (c) of the statutes is amended to read:

66.0602 **(6)** (c) Ensure that the amount of the penalized excess is not included in determining the limit described under sub. (2) for the political subdivision for the following year.

SECTION 1474. 66.0602 (7) of the statutes is created to read:

66.0602 **(7)** SUNSET. This section does not apply to a political subdivision's levy that is imposed after December 2010.

SECTION 1475. 66.0603 (1m) (f) of the statutes is created to read:

66.0603 **(1m)** (f) Subject to s. 67.11 (2) with respect to funds on deposit in a debt service fund for general obligation promissory notes issued under s. 67.12 (12), a 1st class city, or a person to whom the city has delegated investment authority under sub. (5), may invest and reinvest in the same manner as is authorized for investments and reinvestments under s. 881.01, any of the following:

1. Moneys held in any stabilization fund established under s. 62.622 (3).

2. Moneys held in a fund or account, including any reserve fund, created in connection with the issuance of appropriation bonds under s. 62.62 or general obligation promissory notes under s. 67.12 (12) issued to provide funds for the payment of all or a part of the city's unfunded prior service liability.

3. Moneys appropriated or held by the city to pay debt service on appropriation bonds or general obligation promissory notes under s. 67.12 (12).

4. Moneys constituting proceeds of appropriation bonds or general obligation promissory notes described in subd. 2. that are available for investment until they are spent.

5. Moneys held in an employee retirement system of the city.

SECTION 1476. 66.0603 (5) (intro.) and (a) of the statutes are amended to read:

66.0603 **(5)** DELEGATION OF INVESTMENT AUTHORITY IN CONNECTION WITH PENSION FINANCING IN POPULOUS CITIES AND COUNTIES. (intro.) The governing ~~board~~ body of a county having a population of 500,000 or more, or a 1st class city, may delegate investment authority over any of

the moneys described in sub. (1m) (e) or (f) to any of the following persons, which shall be responsible for the general administration and proper operation of the county's or city's employee retirement system, subject to the ~~board's~~ governing body's finding that such person has expertise in the field of investments:

(a) A public board that is organized for such purpose under county or city ordinances.

SECTION 1477. 66.0721 (1) (a) of the statutes is amended to read:

66.0721 **(1)** (a) "Agricultural use" has the meaning given in s. 91.01 ~~(1)~~ (2) and includes any additional agricultural uses of land, as determined by the town sanitary district or town.

SECTION 1478. 66.0721 (1) (b) of the statutes is amended to read:

66.0721 **(1)** (b) "Eligible farmland" means ~~a parcel of 35 or more acres of contiguous~~ land ~~which is devoted exclusively to agricultural use which during the year preceding the year in which the land is subject to a special assessment under this section produced gross farm profits, as defined in s. 71.58 (4), of not less than $6,000 or which, during the 3 years preceding the year in which the land is subject to a special assessment under this section, produced gross farm profits, as defined in s. 71.58 (4), of not less than $18,000~~ that is eligible for farmland preservation tax credits under ss. 71.58 to 71.61 or 71.613.

SECTION 1478r. 66.0903 (1) (a) of the statutes is amended to read:

66.0903 **(1)** (a) "Area" means the county in which a proposed project of public works that is subject to this section is located or, if the department determines that there is insufficient wage data in that county, "area" means those counties that are contiguous to that county or, if the department determines that there is insufficient wage data in those counties, "area" means those counties that are contiguous to those counties or, if the department determines that there is insufficient wage data in those counties, "area" means the entire state or, if the department is requested to review a determination under sub. (3) (br), "area" means the city, village or town in which a proposed project of public works that is subject to this section is located.

SECTION 1478t. 66.0903 (1) (am) of the statutes is created to read:

66.0903 **(1)** (am) "Bona fide economic benefit" has the meaning given in s. 103.49 (1) (am).

SECTION 1478v. 66.0903 (1) (d) of the statutes is amended to read:

66.0903 **(1)** (d) "Local governmental unit" means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of such a political subdivision or special purpose district, a combination or subunit of any of the foregoing or an instrumentality of the state and any of the foregoing. "Local governmental unit" includes a local public body and corporate created by constitution, statute, ordinance, rule, or order, including specifically a regional transit authority created under s. 66.1039, the Milwaukee Transit Authority created under s. 66.1038, and the southeastern regional transit authority created under s. 59.58 (7).

Vetoed In Part

Vetoed In Part

SECTION 1478x. 66.0903 (1) (dr) of the statutes is created to read:

66.0903 **(1)** (dr) "Minor service and maintenance work" means a project of public works that is limited to minor crack filling, chip or slurry sealing, or other minor pavement patching, not including overlays, that has a projected life span of no longer than 5 years; the depositing of gravel on an existing gravel road applied solely to maintain the road; road shoulder maintenance; cleaning of drainage or sewer ditches or structures; or any other limited, minor work on public facilities or equipment that is routinely performed to prevent breakdown or deterioration.

SECTION 1479. 66.0903 (1) (e) of the statutes is repealed.

SECTION 1479p. 66.0903 (1) (g) 1. of the statutes is amended to read:

Vetoed In Part

66.0903 **(1)** (g) 1. Except as provided in subd. 2., "prevailing wage rate" for any trade or occupation engaged in the erection, construction, remodeling, repairing ~~or,~~ demolition, or improvement of any project of public works in any area means the hourly basic rate of pay, plus the hourly contribution for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefit, paid directly or indirectly, for a majority of the hours worked in the trade or occupation on projects in the area.

SECTION 1479r. 66.0903 (1) (g) 2. of the statutes is amended to read:

66.0903 **(1)** (g) 2. If there is no rate at which a majority of the hours worked in the trade or occupation on projects in the area is paid, "prevailing wage rate" for any trade or occupation engaged in the erection, construction, remodeling, repairing ~~or,~~ demolition, or improvement of any project of public works in any area means the average hourly basic rate of pay, weighted by the number of hours worked, plus the average hourly contribution, weighted by the number of hours worked, for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefit, paid directly or indirectly for all hours worked at the hourly basic rate of pay of the highest−paid 51% of hours worked in that trade or occupation on projects in that area.

SECTION 1479t. 66.0903 (1) (h) of the statutes is created to read:

66.0903 **(1)** (h) "Project of public works" means a project involving the erection, construction, repair, remodeling, demolition, or improvement, including any alteration, painting, decorating, or grading, of a public

Vetoed In Part

facility, including land, a building, or other infrastructure.

SECTION 1480. 66.0903 (1) (i) of the statutes is repealed.

SECTION 1480b. 66.0903 (1) (im) of the statutes is created to read:

66.0903 **(1)** (im) "Supply and installation contract" means a contract under which the material is installed by the supplier, the material is installed by means of simple fasteners or connectors such as screws or nuts and bolts and no other work is performed on the site of the project of public works, and the total labor cost to install the material does not exceed 20 percent of the total cost of the contract.

SECTION 1480c. 66.0903 (2) of the statutes is created to read:

66.0903 **(2)** APPLICABILITY. Subject to sub. (5), this section applies to any project of public works erected, constructed, repaired, remodeled, demolished, or improved for a local governmental unit, including all of the following:

Vetoed In Part

(a) A highway, street, bridge, building, or other infrastructure project.

(b) A project erected, constructed, repaired, remodeled, demolished, or improved by one local governmental unit for another local governmental unit under a contract under s. 66.0301 (2), 83.03, 83.035, or 86.31 (2) (b) or under any other statute specifically authorizing cooperation between local governmental units.

Vetoed In Part

(c) A project in which the completed facility is leased, purchased, lease purchased, or otherwise acquired by, or dedicated to, a local governmental unit in lieu of the local governmental unit contracting for the erection, construction, repair, remodeling, demolition, or improvement of the facility.

Vetoed In Part

(d) A road, street, bridge, sanitary sewer, or water main project in which the completed road, street, bridge, sanitary sewer, or water main is acquired by, or dedicated to, a local governmental unit, including under s. 236.13 (2), for ownership or maintenance by the local governmental unit.

SECTION 1480e. 66.0903 (3) (am) of the statutes is amended to read:

66.0903 **(3)** (am) A local governmental unit, before making a contract ~~by direct negotiation~~ or soliciting bids on a contract~~,~~ for the erection, construction, remodeling, repairing ~~or,~~ demolition, or improvement of any project of public works, ~~including a highway, street or bridge construction project,~~ shall apply to the department to determine the prevailing wage rate for each trade or occupation required in the work ~~contemplated~~ under contemplation in the area in which the work is to be done. The department shall conduct investigations and hold public hearings as necessary to define the trades or occupations that are commonly employed on projects of public works that are subject to this section and to inform itself as to the prevailing wage rates in all areas of the state for those trades or occupations, in order to determine the prevailing wage rate for each trade or occupation. The department shall issue its determination within 30 days after receiving the request and shall file the determination with the requesting local governmental unit.

Vetoed In Part

Vetoed In Part

Vetoed In Part

SECTION 1480g. 66.0903 (3) (ar) of the statutes is amended to read:

66.0903 **(3)** (ar) The department shall, by January 1 of each year, compile the prevailing wage rates for each trade or occupation in each area. The compilation shall, in addition to the current prevailing wage rates, include future prevailing wage rates when those prevailing wage rates can be determined for any trade or occupation in any area and shall specify the effective date of those future prevailing wage rates. If a ~~construction~~ project of public works extends into more than one area there shall be but one standard of prevailing wage rates for the entire project.

SECTION 1481. 66.0903 (3) (av) of the statutes is amended to read:

66.0903 **(3)** (av) In determining prevailing wage rates under par. (am) or (ar), the department may not use data from projects that are subject to this section, s. 66.0904, 103.49, or 103.50 or 40 USC ~~276a~~ 3142 unless the department determines that there is insufficient wage data in the area to determine those prevailing wage rates, in which case the department may use data from projects that are subject to this section, s. 66.0904, 103.49, or 103.50 or 40 USC ~~276a~~ 3142.

SECTION 1481f. 66.0903 (3) (br) of the statutes is amended to read:

66.0903 **(3)** (br) In addition to the recalculation under par. (bm), the local governmental unit that requested the determination under this subsection may request a review of any portion of a determination within 30 days after the date of issuance of the determination if the local governmental unit submits evidence with the request showing that the prevailing wage rate for any given trade or occupation included in the determination does not represent the prevailing wage rate for that trade or occupation in the city, village, or town in which the proposed project of public works is located. That evidence shall include wage rate information for the contested trade or occupation on at least 3 similar projects located in the city, village, or town where the proposed project of public works is located and on which some work has been performed during the current survey period and which were considered by the department in issuing its most recent compilation under par. (ar). The department shall affirm or modify the determination within 15 days after the date on which the department receives the request for review.

SECTION 1481h. 66.0903 (3) (dm) of the statutes is amended to read:

66.0903 **(3)** (dm) A reference to the prevailing wage rates determined by the department or a local governmental unit exempted under sub. (6) and to the prevailing hours of labor shall be published in the notice issued for the purpose of securing bids for the project of public works. If any contract or subcontract for a project of public works~~, including a highway, street or bridge construction project,~~ is entered into, the prevailing wage rates determined by the department or exempted local governmental unit and the prevailing hours of labor shall be physically incorporated into and made a part of the contract or subcontract, except that for a minor subcontract, as determined by the department, the department shall prescribe by rule the method of notifying the minor subcontractor of the prevailing wage rates and prevailing hours of labor applicable to the minor subcontract. The prevailing wage rates and prevailing hours of labor applicable to a contract or subcontract may not be changed during the time that the contract or subcontract is in force. No person performing the work described in sub. (4) may be paid less than the prevailing wage rate in the same or most similar trade or occupation determined under this subsection; nor may he or she be permitted to work a greater number of hours per day or per week than the prevailing hours of labor, unless he or she is paid for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times his or her hourly basic rate of pay.

SECTION 1481j. 66.0903 (4) (a) 1. of the statutes is amended to read:

66.0903 **(4)** (a) 1. All laborers, workers, mechanics, and truck drivers employed on the site of a project of public works that is subject to this section.

SECTION 1481L. 66.0903 (4) (a) 2. of the statutes is amended to read:

66.0903 **(4)** (a) 2. All laborers, workers, mechanics, and truck drivers employed in the manufacturing or furnishing of materials, articles, supplies, or equipment on the site of a project of public works that is subject to this section or from a facility dedicated exclusively, or nearly so, to a project of public works that is subject to this section by a contractor, subcontractor, agent, or other person performing any work on the site of the project.

SECTION 1481m. 66.0903 (4) (b) 1. of the statutes is amended to read:

66.0903 **(4)** (b) 1. The laborer, worker, mechanic, or truck driver is employed to go to the source of mineral aggregate such as sand, gravel, or stone that is to be immediately incorporated into the work, and not stockpiled or further transported by truck, pick up that mineral aggregate, and deliver that mineral aggregate to the site of a project of public works that is subject to this section by depositing the material substantially in place, directly or through spreaders from the transporting vehicle.

SECTION 1481n. 66.0903 (4) (b) 2. of the statutes is amended to read:

66.0903 **(4)** (b) 2. The laborer, worker, mechanic, or truck driver is employed to go to the site of a project of public works that is subject to this section, pick up excavated material or spoil from the site of the project, and transport that excavated material or spoil away from the site of the project.

SECTION 1482d. 66.0903 (5) of the statutes is renumbered 66.0903 (5) (intro.) and amended to read:

66.0903 **(5)** NONAPPLICABILITY. (intro.) This section does not apply to any ~~single−trade public works project, including a highway, street or bridge construction project,~~ of the following:

(a) A project of public works for which the estimated project cost of completion is below ~~$30,000 or an amount determined by the department under this subsection or to any multiple−trade public works project, including a highway, street or bridge construction project, for which the estimated project cost of completion is below $150,000 or an amount determined by the department under this subsection. The department shall adjust those dollar amounts every year, the first adjustment to be made not sooner than December 1, 1997. The adjustments shall be in proportion to any change in construction costs since the effective date of the dollar amounts established under this subsection~~ $25,000.

SECTION 1482f. 66.0903 (5) (b) of the statutes is created to read:

66.0903 **(5)** (b) A project of public works in which the labor for the project is provided by unpaid volunteers.

SECTION 1482j. 66.0903 (5) (c) of the statutes is created to read:

66.0903 **(5)** (c) Minor service or maintenance work, warranty work, or work under a supply and installation contract.

SECTION 1482L. 66.0903 (8) of the statutes is amended to read:

66.0903 **(8)** POSTING. For the information of the employees working on the project of public works, the prevailing wage rates determined by the department or exempted local governmental unit, the prevailing hours of labor, and the provisions of subs. (10) (a) and (11) (a) shall be kept posted by the local governmental unit in at least one conspicuous and easily accessible place on the site of the project or, if there is no common site on the project, at the place normally used by the local governmental unit to post public notices.

SECTION 1482n. 66.0903 (9) (b) of the statutes is amended to read:

66.0903 **(9)** (b) Upon completion of a project of public works and before receiving final payment for his or her work on the project, each agent or subcontractor shall furnish the contractor with an affidavit stating that the agent or subcontractor has complied fully with the requirements of this section. A contractor may not autho-

rize final payment until the affidavit is filed in proper form and order.

SECTION 1482p. 66.0903 (9) (c) of the statutes is amended to read:

66.0903 **(9)** (c) Upon completion of a project of public works and before receiving final payment for his or her work on the project, each contractor shall file with the local governmental unit authorizing the work an affidavit stating that the contractor has complied fully with the requirements of this section and that the contractor has received an affidavit under par. (b) from each of the contractor's agents and subcontractors. A local governmental unit may not authorize a final payment until the affidavit is filed in proper form and order. If a local governmental unit authorizes a final payment before an affidavit is filed in proper form and order or if the department determines, based on the greater weight of the credible evidence, that any person performing the work specified in sub. (4) has been or may have been paid less than the prevailing wage rate or less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor and requests that the local governmental unit withhold all or part of the final payment, but the local governmental unit fails to do so, the local governmental unit is liable for all back wages payable up to the amount of the final payment.

SECTION 1483d. 66.0903 (10) (a) of the statutes is amended to read:

66.0903 **(10)** (a) Each contractor, subcontractor, or contractor's or subcontractor's agent performing work on a project of public works that is subject to this section shall keep full and accurate records clearly indicating the name and trade or occupation of every person performing the work described in sub. (4) and an accurate record of the number of hours worked by each of those persons and the actual wages paid for the hours worked.

SECTION 1483f. 66.0903 (10) (am) of the statutes is created to read:

66.0903 **(10)** (am) 1. Except as provided in this subdivision, by no later than the end of the first week of a month following a month in which a contractor, subcontractor, or contractor's or subcontractor's agent performs work on a project of public works that is subject to this section, the contractor, subcontractor, or agent shall submit to the department in an electronic format a certified record of the information specified in par. (a) for that preceding month. This requirement does not apply to a contractor, subcontractor, or agent if all persons employed by the contractor, subcontractor, or agent who are performing the work described in sub. (4) are covered under a collective bargaining agreement and the wage rates for those persons under the collective bargaining agreement are not less than the prevailing wage rate. In that case, the contractor, subcontractor, or agent shall submit to the department in an electronic format a copy of all collective bargaining agreements that are pertinent to the project of public works by no later than the end of the first week of the first month in which the contractor, subcontractor, or agent performs work on the project of public works.

2. The department shall post on its Internet site all certified records and collective bargaining agreements submitted to the department under subd. 1., except that the department may not post on that site the name of or any other personally identifiable information relating to any employee of a contractor, subcontractor, or agent that submits information to the department under subd. 1. In this subdivision, "personally identifiable information" does not include an employee's trade or occupation, his or her hours of work, or the wages paid for those hours worked.

SECTION 1483h. 66.0903 (10) (b) of the statutes is amended to read:

66.0903 **(10)** (b) The department or the contracting local governmental unit may demand and examine, and every contractor, subcontractor, and contractor's or subcontractor's agent shall keep, and furnish upon request by the department or local governmental unit, copies of payrolls and other records and information relating to the wages paid to persons performing the work described in sub. (4) for work to which this section applies. The department may inspect records in the manner provided in ch. 103. Every contractor, subcontractor, or agent performing work on a project of public works that is subject to this section is subject to the requirements of ch. 103 relating to the examination of records.

SECTION 1484. 66.0903 (10) (c) of the statutes is amended to read:

66.0903 **(10)** (c) If requested by any person, the department shall inspect the payroll records of any contractor, subcontractor, or agent performing work on a project of public works that is subject to this section to ensure compliance with this section. ~~If~~ In the case of a request made by a person performing the work specified in sub. (4), if the department finds that the contractor, subcontractor, or agent subject to the inspection is ~~found to be~~ in compliance and ~~if the person making the request is a person performing the work specified in sub. (4)~~ that the request is frivolous, the department shall charge the person making the request the actual cost of the inspection. ~~If~~ In the case of a request made by a person not performing the work specified in sub. (4), if the department finds that the contractor, subcontractor, or agent subject to the inspection is ~~found to be~~ in compliance and ~~if the person making the request is not a person performing the work specified in sub. (4)~~ that the request is frivolous, the department shall charge the person making the request $250 or the actual cost of the inspection, whichever is greater. In order to find that a request is frivolous, the department must find that the person making the request made the request in bad faith, solely for the purpose of harassing or maliciously injuring the contractor, subcontractor, or agent subject to the inspection, or that the per-

son making the request knew, or should have known, that there was no reasonable basis for believing that a violation of this section had been committed.

SECTION 1484f. 66.0903 (11) (a) of the statutes is renumbered 66.0903 (11) (a) 1. and amended to read:

66.0903 **(11)** (a) 1. Any contractor, subcontractor, or contractor's or subcontractor's agent who fails to pay the prevailing wage rate determined by the department under sub. (3) or who pays less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor is liable to any affected employee in the amount of his or her unpaid wages or his or her unpaid overtime compensation and in an additional ~~equal~~ amount as liquidated damages~~. An action to recover the liability may be maintained in any court of competent jurisdiction by any~~ as provided under subd. 2., 3., or 4., whichever is applicable.

Vetoed In Part

3. In addition to or in lieu of recovering the liability specified in subd. 1. as provided in subd. 2., any employee for and in behalf of that employee and other employees similarly situated~~.~~ may commence an action to recover that liability in any court of competent jurisdiction. In an action that is commenced before the end of any period specified by the department under subd. 2., if the court finds that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (3) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the court shall order the contractor, subcontractor, or agent to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 100 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages.

Vetoed In Part

5. No employee may be a party plaintiff to ~~the~~ an action under subd. 3. or 4. unless the employee consents in writing to become a party and the consent is filed in the court in which the action is brought. Notwithstanding s. 814.04 (1), the court shall, in addition to any judgment awarded to the plaintiff, allow reasonable attorney fees and costs to be paid by the defendant.

Vetoed In Part

SECTION 1484g. 66.0903 (11) (a) 2. of the statutes is created to read:

66.0903 (11) (a) 2. If the department determines upon inspection under sub. (10) (b) or (c) that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (3) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the department shall order the contractor to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 100 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages within a period specified by the department in the order.

SECTION 1484h. 66.0903 (11) (a) 4. of the statutes is created to read:

Vetoed In Part

66.0903 (11) (a) 4. In an action that is commenced after the end of any period specified by the department under subd. 2., if the court finds that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (3) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the court shall order the contractor, subcontractor, or agent to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 200 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages.

SECTION 1484t. 66.0903 (11) (b) 2. of the statutes is amended to read:

66.0903 **(11)** (b) 2. Whoever induces any person who seeks to be or is employed on any project of public works that is subject to this section to give up, waive, or return any part of the wages to which the person is entitled under the contract governing the project, or who reduces the hourly basic rate of pay normally paid to a person for work on a project that is not subject to this section during a week in which the person works both on a project of public works that is subject to this section and on a project that is not subject to this section, by threat not to employ, by threat of dismissal from employment, or by any other means is guilty of an offense under s. 946.15 (1).

SECTION 1484v. 66.0903 (11) (b) 3. of the statutes is amended to read:

66.0903 **(11)** (b) 3. Any person employed on a project of public works that is subject to this section who knowingly permits a contractor, subcontractor, or contractor's or subcontractor's agent to pay him or her less than the prevailing wage rate set forth in the contract governing the project, who gives up, waives, or returns any part of the compensation to which he or she is entitled under the contract, or who gives up, waives, or returns any part of the compensation to which he or she is normally entitled for work on a project that is not subject to this section during a week in which the person works both on a project of public works that is subject to this section and on a project that is not subject to this section, is guilty of an offense under s. 946.15 (2).

SECTION 1485. 66.0903 (11) (b) 4. of the statutes is amended to read:

66.0903 **(11)** (b) 4. Whoever induces any person who seeks to be or is employed on any project of public works that is subject to this section to permit any part of the wages to which the person is entitled under the contract governing the project to be deducted from the person's

pay is guilty of an offense under s. 946.15 (3), unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC ~~276c~~ 3142.

SECTION 1486. 66.0903 (11) (b) 5. of the statutes is amended to read:

66.0903 **(11)** (b) 5. Any person employed on a project of public works that is subject to this section who knowingly permits any part of the wages to which he or she is entitled under the contract governing the project to be deducted from his or her pay is guilty of an offense under s. 946.15 (4), unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC ~~276c~~ 3142.

SECTION 1486f. 66.0903 (12) (d) of the statutes is amended to read:

66.0903 **(12)** (d) Any person submitting a bid or negotiating a contract on a project of public works that is subject to this section shall, on the date the person submits the bid or negotiates the contract, identify any construction business in which the person, or a shareholder, officer or partner of the person, if the person is a business, owns, or has owned at least a 25% interest on the date the person submits the bid or negotiates the contract or at any other time within 3 years preceding the date the person submits the bid or negotiates the contract, if the business has been found to have failed to pay the prevailing wage rate determined under sub. (3) or to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor.

SECTION 1487. 66.0904 of the statutes is created to read:

66.0904 Wage rates; publicly funded private construction projects. (1) DEFINITIONS. In this section:

(a) "Area" means the county in which a proposed publicly funded private construction project that is subject to this section is located or, if the department determines that there is insufficient wage data in that county, "area" means those counties that are contiguous to that county or, if the department determines that there is insufficient wage data in those counties, "area" means those counties that are contiguous to those counties or, if the department determines that there is insufficient wage data in those counties, "area" means the entire state or, if the department is requested to review a determination under sub. (4) (e), "area" means the city, village, or town in which a proposed publicly funded private construction project that is subject to this section is located.

(am) "Bona fide economic benefit" has the meaning given in s. 103.49 (1) (am).

(b) "Department" means the department of workforce development.

(c) "Direct financial assistance" means moneys, in the form of a grant or other agreement or included as part of a contract, cooperative agreement, or any other arrangement, including a redevelopment agreement under s. 66.1333 (5), economic development agreement, contract under s. 66.1105 (3), or assistance provided under s. 66.1109, that a local governmental unit directly provides or otherwise directly makes available to assist in the erection, construction, repair, remodeling, demolition, or improvement of a private facility. "Direct financial assistance" does not include any of the following: **Vetoed In Part**

1. A public works contract, a supply procurement contract, a contract of insurance or guaranty, a collective bargaining agreement, or any other contract under which moneys are not directly provided or otherwise directly made available for that assistance.

2. Any moneys allocated by the city of Milwaukee for the purchase of public access easements that are located entirely in the Milwaukee Riverwalk Site Plan Review Overlay District established by the city of Milwaukee, as amended to June 1, 2009, or for the construction of dockwalls, walkways, plazas, parks, private roadways open to the public, or similar improvements, or for any other public infrastructure improvements, that are located entirely in that district, if the work on those improvements is subject to s. 66.0903 or is exempted from that section under s. 66.0903 (6).

(d) "Hourly basic rate of pay" has the meaning given in s. 103.49 (1) (b).

(e) "Insufficient wage data" has the meaning given in s. 103.49 (1) (bg).

(f) "Local governmental unit" has the meaning given in s. 66.0903 (1) (d).

(fm) "Minor service and maintenance work" means a publicly funded private construction project that is limited to minor crack filling, chip or slurry sealing, or other minor pavement patching, not including overlays, that has a projected life span of no longer than 5 years; the depositing of gravel on an existing gravel road applied solely to maintain the road; road shoulder maintenance; cleaning of drainage or sewer ditches or structures; or any other limited, minor work on private facilities or equipment that is routinely performed to prevent breakdown or deterioration.

(g) "Prevailing hours of labor" has the meaning given in s. 103.49 (1) (c).

(h) 1. Except as provided in subd. 2., "prevailing wage rate" for any trade or occupation engaged in the erection, construction, remodeling, repairing, demolition, or improvement of any publicly funded private construction project in any area means the hourly basic rate of pay, plus the hourly contribution for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefit, paid directly or indirectly, for a majority of the hours worked in the trade or occupation on projects in the area. **Vetoed In Part**

2. If there is no rate at which a majority of the hours worked in the trade or occupation on projects in the area is paid, "prevailing wage rate" for any trade or

occupation engaged in the erection, construction, remodeling, repairing, demolition, or improvement of any publicly funded private construction project in any area means the average hourly basic rate of pay, weighted by the number of hours worked, plus the average hourly contribution, weighted by the number of hours worked, for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefit, paid directly or indirectly for all hours worked at the hourly basic rate of pay of the highest−paid 51 percent of hours worked in that trade or occupation on projects in that area.

Vetoed In Part

(i) "Publicly funded private construction project" means a construction project in which the developer, investor, or owner of the project receives direct financial assistance from a local governmental unit for the erection, construction, repair, remodeling, demolition, or improvement, including any alteration, painting, decorating, or grading, of a private facility, including land, a building, or other infrastructure. "Publicly funded private construction project" does not include a project of public works, as defined in s. 66.0903 (1) (h), or a housing project involving the erection, construction, repair, remodeling, demolition, or improvement of any of the following:

Vetoed In Part

Vetoed In Part

Vetoed In Part

1. An owner−occupied residential property, if the project is supported by affordable housing grants, home improvement grants, or grants from a local housing trust fund.

2. A residential property containing 4 dwelling units or less.

3. A residential property that contains no retail, office, or commercial components, if the project is intended to increase the supply of affordable housing in a community.

Vetoed In Part

(im) "Supply and installation contract" means a contract under which the material is installed by the supplier, the material is installed by means of simple fasteners or connectors such as screws or nuts and bolts and no other work is performed on the site of the publicly funded private construction project, and the total labor cost to install the material does not exceed 20 percent of the total cost of the contract.

(j) "Truck driver" has the meaning given in s. 103.49 (1) (g).

(2) PREVAILING WAGE RATES AND HOURS OF LABOR. (a) Any owner or developer of real property who enters into a contract for the erection, construction, remodeling, repairing, demolition, or improvement of any publicly funded private construction project on that real property shall include in the contract a stipulation that no person performing the work described in sub. (3) may be permitted to work a greater number of hours per day or per week than the prevailing hours of labor, except that any such person may be permitted or required to work more than the prevailing hours of labor per day and per week if he or she is paid for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times his or her hourly basic rate of pay; nor may he or she be paid less than the prevailing wage rate determined under sub. (4) in the same or most similar trade or occupation in the area in which the publicly funded private construction project is situated.

Vetoed In Part

(b) A reference to the prevailing wage rates determined under sub. (4) and the prevailing hours of labor shall be published in any notice issued for the purpose of securing bids for the publicly funded private construction project. If any contract or subcontract for a publicly funded private construction project that is subject to this section is entered into, the prevailing wage rates determined under sub. (4) and the prevailing hours of labor shall be physically incorporated into and made a part of the contract or subcontract, except that for a minor subcontract, as determined by the department, the department shall prescribe by rule the method of notifying the minor subcontractor of the prevailing wage rates and prevailing hours of labor applicable to the minor subcontract. The prevailing wage rates and prevailing hours of labor applicable to a contract or subcontract may not be changed during the time that the contract or subcontract is in force.

(3) COVERED EMPLOYEES. (a) Subject to par. (b), all of the following employees shall be paid the prevailing wage rate determined under sub. (4) and may not be permitted to work a greater number of hours per day or per week than the prevailing hours of labor, unless they are paid for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times their hourly basic rate of pay:

Vetoed In Part

1. All laborers, workers, mechanics, and truck drivers employed on the site of a publicly funded private construction project that is subject to this section in the performance of erection, construction, remodeling, repair, demolition, or improvement activities for which direct financial assistance is received.

Vetoed In Part

2. All laborers, workers, mechanics, and truck drivers employed in the manufacturing or furnishing of materials, articles, supplies, or equipment for which direct financial assistance is received on the site of a publicly funded private construction project that is subject to this section or from a facility dedicated exclusively, or nearly so, to a publicly funded private construction project that is subject to this section by a contractor, subcontractor, agent, or other person performing any work on the site of the project.

Vetoed In Part

(b) Notwithstanding par. (a) 1., a laborer, worker, mechanic, or truck driver who is regularly employed to process, manufacture, pick up, or deliver materials or products from a commercial establishment that has a fixed place of business from which the establishment regularly supplies processed or manufactured materials or products is not entitled to receive the prevailing wage

Vetoed In Part

rate determined under sub. (4) or to receive at least 1.5 times his or her hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor unless any of the following apply:

1. The laborer, worker, mechanic, or truck driver is employed to go to the source of mineral aggregate such as sand, gravel, or stone that is to be immediately incorporated into the work, and not stockpiled or further transported by truck, pick up that mineral aggregate, and deliver that mineral aggregate to the site of a publicly funded private construction project that is subject to this section by depositing the material substantially in place, directly or through spreaders from the transporting vehicle.

2. The laborer, worker, mechanic, or truck driver is employed to go to the site of a publicly funded private construction project that is subject to this section, pick up excavated material or spoil from the site of the project, and transport that excavated material or spoil away from the site of the project.

(c) A truck driver who is an owner−operator of a truck shall be paid separately for his or her work and for the use of his or her truck.

(4) INVESTIGATION; DETERMINATION. (a) Before the owner or developer of any publicly funded private construction project enters into a contract or solicits bids on a contract for the performance of any work to which this section applies, the owner or developer shall apply to the department to determine the prevailing wage rate for each trade or occupation required in the work under contemplation in the area in which the work is to be done. The department shall conduct investigations and hold public hearings as necessary to define the trades or occupations that are commonly employed on publicly funded private construction projects that are subject to this section and to inform itself as to the prevailing wage rates in all areas of the state for those trades or occupations in order to determine the prevailing wage rate for each trade or occupation. The department shall issue its determination within 30 days after receiving the request and shall file the determination with the owner or developer applying for the determination and with the local governmental unit providing direct financial assistance for the project. For the information of the employes working on the project, the prevailing wage rates determined by the department, the prevailing hours of labor, and the provisions of subs. (2) and (9) shall be kept posted by the owner or developer in at least one conspicuous and easily accessible place on the site of the project.

(b) The department shall, by January 1 of each year, compile the prevailing wage rates for each trade or occupation in each area. The compilation shall, in addition to the current prevailing wage rates, include future prevailing wage rates when those prevailing wage rates can be determined for any trade or occupation in any area and shall specify the effective date of those future prevailing wage rates. If a publicly funded private construction project that is subject to this section extends into more than one area there shall be but one standard of prevailing wage rates for the entire private construction project.

(c) In determining prevailing wage rates under par. (a) or (b), the department may not use data from projects that are subject to this section, s. 66.0903, 103.49, or 103.50 or 40 USC 3142 unless the department determines that there is insufficient wage data in the area to determine those prevailing wage rates, in which case the department may use data from projects that are subject to this section, s. 66.0903, 103.49, or 103.50 or 40 USC 3142.

(d) Any person may request a recalculation of any portion of an initial determination within 30 days after the initial determination date if the person submits evidence with the request showing that the prevailing wage rate for any given trade or occupation included in the initial determination does not represent the prevailing wage rate for that trade or occupation in the area. The evidence shall include wage rate information reflecting work performed by persons working in the contested trade or occupation in the area during the current survey period. The department shall affirm or modify the initial determination within 15 days after the date on which the department receives the request for recalculation.

(e) In addition to the recalculation under par. (d), the owner or developer that requested the determination under this subsection may request a review of any portion of the determination within 30 days after the date of issuance of the determination if the owner or developer submits evidence with the request showing that the prevailing wage rate for any given trade or occupation included in the determination does not represent the prevailing wage rate for that trade or occupation in the city, village, or town in which the proposed publicly funded private construction project is located. That evidence shall include wage rate information for the contested trade or occupation on at least 3 similar projects located in the city, village, or town where the proposed publicly funded private construction project is located on which some work has been performed during the current survey period and which were considered by the department in issuing its most recent compilation under par. (b). The department shall affirm or modify the determination within 15 days after the date on which the department receives the request for review.

(5) NONAPPLICABILITY. This section does not apply to any of the following:

(a) A publicly funded private construction project that receives less than $1,000,000 in direct financial assistance from a local governmental unit.

(b) A publicly funded private construction project in which the labor for the project is provided by unpaid volunteers.

(c) Minor service or maintenance work, warranty work, or work under a supply and installation contract.

(6) EXEMPTIONS. The department, upon petition of any owner or developer contracting for a publicly funded private construction project that is subject to this section, shall issue an order exempting the owner or developer from applying to the department for a determination under sub. (4) when it is shown that the project is also subject to an ordinance or other enactment of a local governmental unit that sets forth standards, policy, procedure, and practice resulting in standards as high or higher than those under this section.

Vetoed In Part

(7) COMPLIANCE. (a) When the department finds that an owner or developer has not requested a determination under sub. (4) (a) or that an owner, developer, contractor, or subcontractor has not physically incorporated a determination into a contract or subcontract as required under sub. (2) (b) or has not notified a minor subcontractor of a determination in the manner prescribed by the department by rule promulgated under sub. (2) (b), the department shall notify the owner, developer, contractor, or subcontractor of the noncompliance and shall file the determination with the owner, developer, contractor, or subcontractor within 30 days after the notice.

(b) Upon completion of a publicly funded private construction project that is subject to this section and before receiving final payment for his or her work on the private construction project, each agent or subcontractor shall furnish the contractor with an affidavit stating that the agent or subcontractor has complied fully with the requirements of this section. A contractor may not authorize final payment until the affidavit is filed in proper form and order.

(c) Upon completion of a publicly funded private construction project that is subject to this section and before receiving final payment for his or her work on the project, each contractor shall file with the owner or developer contracting for the work an affidavit stating that the contractor has complied fully with the requirements of this section and that the contractor has received an affidavit under par. (b) from each of the contractor's agents and subcontractors. An owner or developer may not authorize a final payment until the affidavit is filed in proper form and order. If an owner or developer authorizes a final payment before the affidavit is filed in proper form and order or if the department determines, based on the greater weight of the credible evidence, that any person performing the work specified in sub. (3) has been or may have been paid less than the prevailing wage rate or less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor and requests that the owner or developer withhold all or part of the final payment, but the owner or developer fails to do so, the owner or developer is liable for all back wages payable up to the amount of the final payment.

(8) RECORDS; INSPECTION; ENFORCEMENT. (a) Each contractor, subcontractor, or agent performing work on a publicly funded private construction project that is subject to this section shall keep full and accurate records clearly indicating the name and trade or occupation of every person performing the work described in sub. (3) and an accurate record of the number of hours worked by each of those persons and the actual wages paid for the hours worked.

(am) 1. Except as provided in this subdivision, by no later than the end of the first week of a month following a month in which a contractor, subcontractor, or contractor's or subcontractor's agent performs work on a publicly funded private construction project that is subject to this section, the contractor, subcontractor, or agent shall submit to the department in an electronic format a certified record of the information specified in par. (a) for that preceding month. This requirement does not apply to a contractor, subcontractor, or agent if all persons employed by the contractor, subcontractor, or agent who are performing the work described in sub. (3) are covered under a collective bargaining agreement and the wage rates for those persons under the collective bargaining agreement are not less than the prevailing wage rate. In that case, the contractor, subcontractor, or agent shall submit to the department in an electronic format a copy of all collective bargaining agreements that are pertinent to the project by no later than the end of the first week of the first month in which the contractor, subcontractor, or agent performs work on the project of public works.

2. The department shall post on its Internet site all certified records and collective bargaining agreements submitted to the department under subd. 1., except that the department may not post on that site the name of or any other personally identifiable information relating to any employee of a contractor, subcontractor, or agent that submits information to the department under subd. 1. In this subdivision, "personally identifiable information" does not include an employee's trade or occupation, his or her hours of work, or the wages paid for those hours worked.

(b) The department or the local governmental unit providing direct financial assistance for a publicly funded private construction project may demand and examine, and every contractor, subcontractor, and contractor's or subcontractor's agent shall keep, and furnish upon request by the department or local governmental unit, copies of payrolls and other records and information relating to the wages paid to persons performing the work described in sub. (3) for work to which this section applies. The department may inspect records in the manner provided in ch. 103. Every contractor, subcontractor, or agent performing work on a publicly funded private construction project that is subject to this section is subject to the requirements of ch. 103 relating to the

examination of records. Section 111.322 (2m) applies to discharge and other discriminatory acts arising in connection with any proceeding under this section.

(c) If requested by any person, the department shall inspect the payroll records of any contractor, subcontractor, or contractor's or subcontractor's agent performing work on a publicly funded private construction project that is subject to this section to ensure compliance with this section. In the case of a request made by a person performing the work specified in sub. (3), if the department finds that the contractor, subcontractor, or agent subject to the inspection is in compliance and that the request if frivolous, the department shall charge the person making the request the actual cost of the inspection. In the case of a request made by a person not performing the work specified in sub. (3), if the department finds that the contractor, subcontractor, or agent subject to the inspection is in compliance and that the request is frivolous, the department shall charge the person making the request $250 or the actual cost of the inspection, whichever is greater. In order to find that a request is frivolous, the department must find that the person making the request made the request in bad faith, solely for the purpose of harassing or maliciously injuring the contractor, subcontractor, or agent subject to the inspection, or that the person making the request knew, or should have known, that there was no reasonable basis for believing that a violation of this section had been committed.

(d) Section 103.005 (5) (f), (11), (12), and (13) applies to this section, except that s. 103.005 (12) (a) does not apply to any person who fails to provide any information to the department to assist the department in determining prevailing wage rates under sub. (4) (a) or (b). Section 111.322 (2m) applies to discharge and other discriminatory acts arising in connection with any proceeding under this section, including proceedings under sub. (9) (a).

(9) LIABILITY AND PENALTIES. (a) 1. Any contractor, subcontractor, or contractor's or subcontractor's agent who fails to pay the prevailing wage rate determined by the department under sub. (4) or who pays less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor is liable to any affected employee in the amount of his or her unpaid wages or his or her unpaid overtime compensation and in an additional amount as liquidated damages as provided in subd. 2., 3., or 4., whichever is applicable. **Vetoed In Part**

2. If the department determines upon inspection under sub. (8) (b) or (c) that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (4) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the department shall order the contractor to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 100 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages within a period specified by the department in the order.

3. In addition to or in lieu of recovering the liability specified in subd. 1. as provided in subd. 2., any employee for and in behalf of that employee and other employees similarly situated may commence an action to recover that liability in any court of competent jurisdiction. In an action that is commenced before the end of any period specified by the department under subd. 2., if the court finds that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (4) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the court shall order the contractor, subcontractor, or agent to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 100 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages. **Vetoed In Part**

4. In an action that is commenced after the end of any period specified by the department under subd. 2., if the court finds that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (4) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the court shall order the contractor, subcontractor, or agent to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 200 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages. **Vetoed In Part**

5. No employee may be a party plaintiff to an action under subd. 3. or 4. unless the employee consents in writing to become a party and the consent is filed in the court in which the action is brought. Notwithstanding s. 814.04 (1), the court shall, in addition to any judgment awarded to the plaintiff, allow reasonable attorney fees and costs to be paid by the defendant. **Vetoed In Part**

(b) 1. Except as provided in subds. 2., 4., and 6., any contractor, subcontractor, or contractor's or subcontractor's agent who violates this section may be fined not more than $200 or imprisoned for not more than 6 months or both . Each day that any violation continues is considered a separate offense. **Vetoed In Part**

2. Whoever induces any person who seeks to be or is employed on any publicly funded private construction project that is subject to this section to give up, waive, or return any part of the wages to which the person is entitled under the contract governing the project, or who reduces the hourly basic rate of pay normally paid to a

person for work on a project that is not subject to this section during a week in which the person works both on a publicly funded private construction project that is subject to this section and on a project that is not subject to this section, by threat not to employ, by threat of dismissal from employment, or by any other means is guilty of an offense under s. 946.15 (1).

3. Any person employed on a publicly funded private construction project that is subject to this section who knowingly permits a contractor, subcontractor, or contractor's or subcontractor's agent to pay him or her less than the prevailing wage rate set forth in the contract governing the project, who gives up, waives, or returns any part of the compensation to which he or she is entitled under the contract, or who gives up, waives, or returns any part of the compensation to which he or she is normally entitled for work on a project that is not subject to this section during a week in which the person works both on a publicly funded private construction project that is subject to this section and on a project that is not subject to this section, is guilty of an offense under s. 946.15 (2).

4. Whoever induces any person who seeks to be or is employed on any publicly funded private construction project that is subject to this section to permit any part of the wages to which the person is entitled under the contract governing the project to be deducted from the person's pay is guilty of an offense under s. 946.15 (3), unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC 3142.

5. Any person employed on a publicly funded private construction project that is subject to this section who knowingly permits any part of the wages to which he or she is entitled under the contract governing the project to be deducted from his or her pay is guilty of an offense under s. 946.15 (4), unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC 3142.

6. Subdivision 1. does not apply to any person who fails to provide any information to the department to assist the department in determining prevailing wage rates under sub. (4) (a) or (b).

(10) DEBARMENT. (a) Except as provided under pars. (b) and (c), the department shall notify any owner or developer applying for a determination under sub. (4) and any owner or developer that is exempt under sub. (6) of the names of all persons whom the department has found to have failed to pay the prevailing wage rate determined under sub. (4) or has found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor at any time in the preceding 3 years. The department shall include with each name the address of the person and shall specify when the person failed to pay the prevailing wage rate and when the person paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor. An owner or developer may not award any contract to the person unless otherwise recommended by the department or unless 3 years have elapsed from the date on which the department issued its findings or date of final determination by a court of competent jurisdiction, whichever is later.

(b) The department may not include in a notification under par. (a) the name of any person on the basis of having let work to a person whom the department has found to have failed to pay the prevailing wage rate determined under sub. (4) or has found to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor.

(c) This subsection does not apply to any contractor, subcontractor, or contractor's or subcontractor's or agent that in good faith commits a minor violation of this section, as determined on a case−by−case basis through administrative hearings with all rights to due process afforded to all parties or that has not exhausted or waived all appeals.

(d) Any person submitting a bid or negotiating a contract on a publicly funded private construction project that is subject to this section shall, on the date on which the person submits the bid, identify any construction business in which the person, or a shareholder, officer, or partner of the person, if the person is a business, owns, or has owned at least a 25 percent interest on the date the person submits the bid or at any other time within 3 years preceding the date on which the person submits the bid or negotiates the contract, if the business has been found to have failed to pay the prevailing wage rate determined under sub. (4) or to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor.

(e) The department shall promulgate rules to administer this subsection.

SECTION 1487t. 66.1038 of the statutes is created to read: **Vetoed In Part**

66.1038 Milwaukee Transit Authority. (1) DEFINITIONS. In this section, "authority" means the Milwaukee Transit Authority created under this section.

(2) CREATION. (a) There is created a Milwaukee Transit Authority, a public body corporate and politic and a separate governmental entity. The authority may transact business and exercise any powers granted to it under this section. The jurisdictional area of this authority is the geographic area formed by the territorial boundaries of Milwaukee County.

(b) The Milwaukee County board, by resolution by a majority vote, may authorize Milwaukee County to be a member of the authority.

(3) GOVERNANCE. (a) The powers of the authority shall be vested in its board of directors. Directors shall be appointed for 2−year terms. A majority of the board of directors' full authorized membership constitutes a quorum for the purpose of conducting the authority's

Vetoed In Part

business and exercising its powers. Action may be taken by the board of directors upon a vote of a majority of the directors present and voting, unless the bylaws of the authority require a larger number.

(b) The board of directors of the authority consists of the following members:

1. Three members from Milwaukee County who are elected county officials, appointed by the Milwaukee County board chairperson.

2. Two members from the city of Milwaukee who are elected city officials, appointed by the mayor of the city of Milwaukee.

3. Two members from Milwaukee County, appointed by the governor.

(c) The bylaws of the authority shall govern its management, operations, and administration, consistent with the provisions of this section.

(4) POWERS. (a) Notwithstanding s. 59.84 (2) and any other provision of this chapter or ch. 59 or 85, but subject to sub. (5), the authority may contract with Milwaukee County for the authority's provision of transit services within Milwaukee County if the contract is a long−term and ongoing contract. The authority shall have all powers necessary and convenient to carry out this purpose. Both the authority and Milwaukee County shall provide copies of all of their annual and long−term transit plans to the southeastern regional transit authority as these plans become available. The authority's powers shall be limited to those specified in this subsection and sub. (5).

(5) RECEIPT OF TAX REVENUES. (a) Subject to par. (b), the authority may receive the tax revenues authorized under s. 77.70 (2).

(b) Milwaukee County may impose the taxes under s. 77.70 (2) if all of the following apply:

1. The Milwaukee County board adopts a resolution under sub. (2) (b) to become a member of the authority.

2. The Milwaukee County board contracts with the authority for the authority to provide transit services in Milwaukee County.

(6) BUDGETS; REVENUES; AUDIT. The board of directors of the authority shall annually prepare a budget for the authority. Revenues of the authority shall be used only for the expenses and specific purposes of the authority. The authority shall maintain an accounting system in accordance with generally accepted accounting principles and shall have its financial statements audited annually by an independent certified public accountant.

(7) OTHER STATUTES. This section does not limit the powers of political subdivisions to enter into intergovernmental cooperation or contracts or to establish separate legal entities under s. 66.0301 or 66.1021 or any other applicable law, or otherwise to carry out their powers under applicable statutory provisions. Section 66.0803 (2) does not apply to the authority.

SECTION 1488. 66.1039 of the statutes is created to read:

66.1039 Transit authorities. (1) DEFINITIONS. In this section:

(a) "Authority" means a transit authority created under this section.

(b) "Bonds" means any bonds, interim certificates, notes, debentures, or other obligations of an authority issued under this section.

(c) "Common carrier" means any of the following:

1. A common motor carrier, as defined in s. 194.01 (1).

2. A contract motor carrier, as defined in s. 194.01 (2).

3. A railroad subject to ch. 195, as described in s. 195.02 (1) and (3).

4. A water carrier, as defined in s. 195.02 (5).

(d) "Comprehensive unified local transportation system" means a transportation system that is comprised of motor bus lines and any other local public transportation facilities, the major portion of which is located within, or the major portion of the service of which is supplied to the inhabitants of, the jurisdictional area of the authority.

(e) "Madison metropolitan planning area" means the metropolitan planning area, as defined in 23 USC 134 (b) (1), that includes the city of Madison.

(f) "Municipality" means any city, village, or town.

(g) "Participating political subdivision" means a political subdivision that is a member of an authority, either from the time of creation of the authority or by later joining the authority.

(h) "Political subdivision" means a municipality or county.

(i) "Transportation system" means all land, shops, structures, equipment, property, franchises, and rights of whatever nature required for transportation of passengers within the jurisdictional area of the authority and, only to the extent specifically authorized under this section, outside the jurisdictional area of the authority. "Transportation system" includes elevated railroads, subways, underground railroads, motor vehicles, motor buses, and any combination thereof, and any other form of mass transportation, but does not include transportation excluded from the definition of "common motor carrier" under s. 194.01 (1) or charter or contract operations to, from, or between points that are outside the jurisdictional area of the authority.

(2) CREATION OF TRANSIT AUTHORITIES. (b) *Dane County regional transit authority.* 1. The Dane County regional transit authority, a public body corporate and politic and a separate governmental entity, is created if the governing body of Dane County adopts a resolution authorizing the county to become a member of the authority. Once created, this authority may transact business and exercise any powers granted to it under this section.

2. If Dane County adopts a resolution under subd. 1., any municipality located in whole or in part within the Madison metropolitan planning area on January 1, 2003, shall be a member of the authority.

3. Any municipality located in whole or in part within Dane County that is not located in whole or in part within the Madison metropolitan planning area on January 1, 2003, may join the authority created under subd. 1. if the governing body of the municipality adopts a resolution to join the authority and the board of directors of the authority approves the municipality's joinder.

4. The jurisdictional area of the authority created under this paragraph is the geographic area formed by the Madison metropolitan planning area combined with the territorial boundaries of all municipalities that join the authority under subd. 3.

5. For purposes of determining a municipality's territorial boundaries and the geographic area formed by the Madison metropolitan planning area, annexed territory that was subject to an unresolved challenge on January 1, 2003, shall not be considered part of the annexing municipality or the Madison metropolitan planning area.

6. If a municipality joins the authority after the authority is created, the authority shall provide the department of revenue with a certified copy of the resolution that approves the joining and the joining shall take effect on the first day of the calendar quarter that begins at least 120 days after the department receives the certified copy of the resolution. The authority shall also provide the department with a description of the new boundaries of the authority's jurisdictional area, as provided under sub. (4) (s) 2.

(c) *Chippewa Valley regional transit authority.* 1. The Chippewa Valley regional transit authority, a public body corporate and politic and a separate governmental entity, is created if the governing body of Eau Claire County adopts a resolution authorizing the county to become a member of the authority and the resolution is ratified by the electors at a referendum held in Eau Claire County . Once created, this authority may transact business and exercise any powers granted to it under this section. **Vetoed In Part**

2. If an authority is created under subd. 1., any municipality located in whole or in part within Eau Claire County shall be a member of the authority.

3. After an authority is created under subd. 1., Chippewa County may join the authority created under subd. 1. if the governing body of Chippewa County adopts a resolution to join the authority and the resolution is ratified by the electors at a referendum held in Chippewa County . **Vetoed In Part**

4. If Chippewa County joins an authority as provided in subd. 3., any municipality located in whole or in part within Chippewa County shall be a member of the authority.

5. The jurisdictional area of the authority created under this subsection is the territorial boundaries of Eau Claire County or, if Chippewa County also joins the authority as provided in subd. 3., the combined territorial boundaries of Eau Claire County and Chippewa County.

(e) *Chequamegon Bay regional transit authority.* 1. The Chequamegon Bay regional transit authority, a public body corporate and politic and a separate governmental entity, is created if the governing bodies of the counties of Ashland and Bayfield each adopt a resolution authorizing that county to become a member of the authority and each resolution is ratified by the electors at a referendum held in each county . Except as provided in subd. 2., once created, this authority shall consist of the counties of Ashland and Bayfield and any municipality located in whole or in part within these counties. Once created, this authority may transact business and exercise any powers granted to it under this section. **Vetoed In Part**

2. After an authority is created under subd. 1., any county other than Ashland County or Bayfield County may join this authority if the governing body of the county adopts a resolution authorizing the county to become a member of the authority, the resolution is ratified by the electors at a referendum held in the county, and the board of directors of the authority approves the county's joinder. If a county becomes a member of an authority under this subdivision, any municipality located in whole or in part within the county shall also be a member of the authority. **Vetoed In Part**

3. The jurisdictional area of the authority created under this subsection is the combined territorial boundaries of the counties of Ashland and Bayfield and any county that joins the authority under subd. 2.

4. If a county joins the authority under subd. 2. after it is created, the authority shall provide the department of revenue with a certified copy of the resolution that approves the joining , a certification of the referendum results ratifying this resolution, and a certified copy of the authority's board of directors approval. The county's joining of the authority shall take effect on the first day of the calendar quarter that begins at least 120 days after the department receives this information. The authority shall also provide the department with a description of the new boundaries of the authority's jurisdictional area, as provided under sub. (4) (s) 2. **Vetoed In Part**

(3) TRANSIT AUTHORITY GOVERNANCE. (a) The powers of an authority shall be vested in its board of directors. Directors shall be appointed for 4−year terms, except that directors appointed under par. (c) 5. shall serve 2−year terms. A majority of the board of directors' full authorized membership constitutes a quorum for the purpose of conducting the authority's business and exercising its powers. Action may be taken by the board of directors upon a vote of a majority of the directors present and vot-

ing, unless the bylaws of the authority require a larger number.

(c) If an authority is created under sub. (2) (b), the board of directors of the authority consists of the following members:

1. Two members from the Madison metropolitan planning area, appointed by the county executive and approved by the county board.

2. Two members appointed by the mayor of the city of Madison and approved by the common council.

3. One member appointed by the governor.

4. One member from each city, other than the city of Madison, with a population of more than 15,000 located in Dane County, appointed by the mayor of each such city and approved by the common council.

5. One member from a village within the jurisdictional area of the authority, or from a city within the jurisdictional area of the authority other than a city from which a member is appointed under subd. 2. or 4., appointed by the Dane County Cities and Villages Association. A member appointed under this subdivision may not serve more than one consecutive term. Board membership under this subdivision shall follow a rotating order of succession and every village or city eligible to have a member appointed from that village or city shall have such a member appointed before any village or city has an opportunity to have another member appointed under this subdivision.

(d) 1. If an authority is created under sub. (2) (c), the board of directors of the authority shall be determined by resolution of the governing body of Eau Claire County or, if Chippewa County also joins the authority as provided in sub. (2) (c) 3., by resolution of the governing bodies of Eau Claire County and Chippewa County, except that all of the following shall apply:

a. The board of directors shall consist of not more than 17 members.

b. The board of directors shall include at least 3 members from Eau Claire County, appointed by the county executive and approved by the county board.

c. If Chippewa County joins the authority as provided in sub. (2) (c) 3., the board of directors shall include at least 3 members from Chippewa County, appointed by the county executive and approved by the county board.

d. The board of directors shall include at least one member from the most populous city of each county that is a member, appointed by the mayor of the city and approved by the common council of the city.

e. The board of directors shall include at least one member from the authority's jurisdictional area, appointed by the governor.

2. If Chippewa County joins the authority as provided in sub. (2) (c) 3. and the governing bodies of Eau Claire County and Chippewa County are unable to agree upon a composition of the board of directors as specified in subd. 1., the board of directors of the authority shall be limited to the minimum members specified in subd. 1. b. to e.

(f) 1. If an authority is created under sub. (2) (e), the board of directors of the authority shall be determined by resolution of the governing bodies of the counties of Ashland and Bayfield and of any county that joins the authority under sub. (2) (e) 2., except that all of the following shall apply:

a. The board of directors shall consist of not more than 17 members, unless the minimum number of members specified in this subd. 1. b. to d. exceeds 17.

b. The board of directors shall include at least 3 members each from the counties of Ashland and Bayfield and from any county that joins the authority under sub. (2) (e) 2., appointed by the county executive and approved by the county board.

c. The board of directors shall include at least one member from the most populous city of each county that is a member, appointed by the mayor of the city and approved by the common council of the city.

d. The board of directors shall include at least one member from the authority's jurisdictional area, appointed by the governor.

2. If the governing bodies of the counties of Ashland and Bayfield and of any county that joins the authority under sub. (2) (e) 2. are unable to agree upon a composition of the board of directors as specified in subd. 1., the board of directors of the authority shall be limited to the minimum members specified in subd. 1. b. to d.

(fm) If any provision of this subsection provides for the appointment of a member of an authority's board of directors by the mayor of a city that has no mayor, the appointment shall instead be made by the chairperson of the common council. If any provision of this subsection provides for the appointment of a member of an authority's board of directors by the county executive of a county that has no county executive, the appointment shall be made by the chairperson of the county board.

(g) The bylaws of an authority shall govern its management, operations, and administration, consistent with the provisions of this section, and shall include provisions specifying all of the following:

1. The functions or services to be provided by the authority.

2. The powers, duties, and limitations of the authority.

3. The maximum rate of the taxes that may be imposed by the authority under sub. (4) (s), not to exceed the maximum rate specified in s. 77.708 (1).

4. The composition of the board of directors of the authority, as determined under par. (d) or (f).

(4) POWERS. Notwithstanding s. 59.84 (2) and any other provision of this chapter or ch. 59 or 85, an authority may do all of the following, to the extent authorized in the authority's bylaws:

(a) Establish, maintain, and operate a comprehensive unified local transportation system primarily for the transportation of persons.

(b) Acquire a comprehensive unified local transportation system and provide funds for the operation and maintenance of the system. Upon the acquisition of a comprehensive unified local transportation system, the authority may:

1. Operate and maintain it or lease it to an operator or contract for its use by an operator.

2. Contract for superintendence of the system with an organization that has personnel with the requisite experience and skill.

3. Delegate responsibility for the operation and maintenance of the system to an appropriate administrative officer, board, or commission of a participating political subdivision.

4. Maintain and improve railroad rights−of−way and improvements on these rights−of−way for future use.

(c) Contract with a public or private organization to provide transportation services in lieu of directly providing these services.

(d) Purchase and lease transportation facilities to public or private transit companies that operate within and outside the jurisdictional area.

(e) Apply for federal aids to purchase transportation facilities considered essential for the authority's operation.

(f) Coordinate specialized transportation services, as defined in s. 85.21 (2) (g), for residents who reside within the jurisdictional area and who are disabled or aged 60 or older, including services funded under 42 USC 3001 to 3057n, 42 USC 5001, and 42 USC 5011 (b), under ss. 49.43 to 49.499 and 85.21, and under other public funds administered by the county. An authority may contract with a county that is a participating political subdivision for the authority to provide specialized transportation services, but an authority is not an eligible applicant under s. 85.21 (2) (e) and may not receive payments directly from the department of transportation under s. 85.21.

(g) Acquire, own, hold, use, lease as lessor or lessee, sell or otherwise dispose of, mortgage, pledge, or grant a security interest in any real or personal property or service.

(h) Acquire property by condemnation using the procedure under s. 32.05 for the purposes set forth in this section.

(i) Enter upon any state, county, or municipal street, road, or alley, or any public highway for the purpose of installing, maintaining, and operating the authority's facilities. Whenever the work is to be done in a state, county, or municipal highway, street, road, or alley, the public authority having control thereof shall be duly notified, and the highway, street, road, or alley shall be restored to as good a condition as existed before the commencement of the work with all costs incident to the work to be borne by the authority.

(j) Fix, maintain, and revise fees, rates, rents, and charges for functions, facilities, and services provided by the authority.

(k) Make, and from time to time amend and repeal, bylaws, rules, and regulations to carry into effect the powers and purposes of the authority.

(L) Sue and be sued in its own name.

(m) Have and use a corporate seal.

(n) Employ agents, consultants, and employees, engage professional services, and purchase such furniture, stationery, and other supplies and materials as are reasonably necessary to perform its duties and exercise its powers.

(o) Incur debts, liabilities, or obligations including the borrowing of money and the issuance of bonds under subs. (7) and (10).

(p) Invest any funds held in reserve or sinking funds, or any funds not required for immediate disbursement, including the proceeds from the sale of any bonds, in such obligations, securities, and other investments as the authority deems proper in accordance with s. 66.0603 (1m).

(q) Do and perform any acts and things authorized by this section under, through, or by means of an agent or by contracts with any person.

(r) Exercise any other powers that the board of directors considers necessary and convenient to effectuate the purposes of the authority, including providing for passenger safety.

(s) 1. Impose, by the adoption of a resolution by the board of directors, the taxes under subch. V of ch. 77 in the authority's jurisdictional area, except that no authority created under sub. (2) (b) may adopt such a resolution until a referendum is held in the authority's jurisdictional area on the question of whether the authority's board of directors may impose the taxes under subch. V of ch. 77 and the referendum is decided in the affirmative . If an authority adopts a resolution to impose the taxes, it shall deliver a certified copy of the resolution to the department of revenue at least 120 days before its effective date. The authority may, by adoption of a resolution by the board of directors, repeal the imposition of taxes under subch. V of ch. 77 and shall deliver a certified copy of the repeal resolution to the department of revenue at least 120 days before its effective date. **Vetoed In Part**

2. If an authority adopts a resolution to impose the tax, as provided in subd. 1., an authority shall specify to the department of revenue, as provided in this subdivision, the exact boundaries of the authority's jurisdictional area. If the boundaries are the same as the county lines on all sides of the authority's jurisdictional area, the resolution shall specify the county or counties that comprise the authority's entire jurisdictional area. If the boundaries are other than a county line on any side of the author-

ity's jurisdictional area, the authority shall provide the department with a complete list of all the 9−digit zip codes that are entirely within the authority's jurisdictional area and a complete list of all the street addresses that are within the authority's jurisdictional area and not included in any 9−digit zip code that is entirely within the authority's jurisdictional area. The authority shall provide a certified copy of the information required under this subdivision to the department, in the manner, format, and layout prescribed by the department, at least 120 days prior to the first day of the calendar quarter before the effective date of the tax imposed under subd. 1. If the boundaries of the authority's jurisdictional area subsequently change, the authority shall submit a certified copy of the information required under this subdivision to the department at least 120 days prior to the first day of the calendar quarter before the effective date of such change, in the manner, format, and layout prescribed by the department.

3. Notwithstanding subd. 1., an authority created under sub. (2) (c) may not impose the taxes authorized under subd. 1. unless the authorizing resolution under sub. (2) (c) 1. and, if applicable, sub. (2) (c) 3., as well as the referendum question on the referendum ballot specified in sub. (2) (c) 1. and, if applicable, sub. (2) (c) 3., clearly identifies the maximum rate of the taxes that may be imposed by the authority under subd. 1.

Vetoed In Part

4. Notwithstanding subd. 1., an authority created under sub. (2) (e) may not impose the taxes authorized under subd. 1. unless the authorizing resolution under sub. (2) (e) 1. and, if applicable, subd. 2., as well as the referendum question on the referendum ballot specified in sub. (2) (e) 1. and, if applicable, subd. 2., clearly identifies the maximum rate of the taxes that may be imposed by the authority under subd. 1.

Vetoed In Part

(5) LIMITATIONS ON AUTHORITY POWERS. (a) Notwithstanding sub. (4) (a), (b), (c), (d), (q), and (r), no authority, and no public or private organization with which an authority has contracted for service, may provide service outside the jurisdictional area of the authority unless the authority receives financial support for the service under a contract with a public or other private organization for the service or unless it is necessary in order to provide service to connect residents within the authority's jurisdictional area to transit systems in adjacent counties.

(b) Whenever the proposed operations of an authority would be competitive with the operations of a common carrier in existence prior to the time the authority commences operations, the authority shall coordinate proposed operations with the common carrier to eliminate adverse financial impact for the carrier. This coordination may include route overlapping, transfers, transfer points, schedule coordination, joint use of facilities, lease of route service, and acquisition of route and corollary equipment. If this coordination does not result in mutual agreement, the proposals of the authority and the common carrier shall be submitted to the department of transportation for arbitration.

(c) In exercising its powers under sub. (4), an authority shall consider any plan of a metropolitan planning organization under 23 USC 134 that covers any portion of the authority's jurisdictional area.

(6) AUTHORITY OBLIGATIONS TO EMPLOYEES OF MASS TRANSPORTATION SYSTEMS. (a) An authority acquiring a comprehensive unified local transportation system for the purpose of the authority's operation of the system shall assume all of the employer's obligations under any contract between the employees and management of the system to the extent allowed by law.

(b) An authority acquiring, constructing, controlling, or operating a comprehensive unified local transportation system shall negotiate an agreement with the representative of the labor organization that covers the employees affected by the acquisition, construction, control, or operation to protect the interests of employees affected. This agreement shall include all of the provisions identified in s. 59.58 (4) (b) 1. to 8. and may include provisions identified in s. 59.58 (4) (c). An affected employee has all the rights and the same status under subch. IV of ch. 111 that he or she enjoyed immediately before the acquisition, construction, control, or operation and may not be required to serve a probationary period if he or she attained permanent status before the acquisition, construction, control, or operation.

(c) In all negotiations under this subsection, a senior executive officer of the authority shall be a member of the authority's negotiating body.

(7) BONDS; GENERALLY. (a) An authority may issue bonds, the principal and interest on which are payable exclusively from all or a portion of any revenues received by the authority. The authority may secure its bonds by a pledge of any income or revenues from any operations, rent, aids, grants, subsidies, contributions, or other source of moneys whatsoever.

(b) An authority may issue bonds in such principal amounts as the authority deems necessary.

(c) 1. Neither the members of the board of directors of an authority nor any person executing the bonds is personally liable on the bonds by reason of the issuance of the bonds.

2. The bonds of an authority are not a debt of the participating political subdivisions. Neither the participating political subdivisions nor the state are liable for the payment of the bonds. The bonds of any authority shall be payable only out of funds or properties of the authority. The bonds of the authority shall state the restrictions contained in this paragraph on the face of the bonds.

(8) ISSUANCE OF BONDS. (a) Bonds of an authority shall be authorized by resolution of the board of directors. The bonds may be issued under such a resolution or under a trust indenture or other security instrument. The bonds may be issued in one or more series and may be in the

form of coupon bonds or registered bonds under s. 67.09. The bonds shall bear the dates, mature at the times, bear interest at the rates, be in the denominations, have the rank or priority, be executed in the manner, be payable in the medium of payment and at the places, and be subject to the terms of redemption, with or without premium, as the resolution, trust indenture, or other security instrument provides. Bonds of an authority are issued for an essential public and governmental purpose and are public instrumentalities and, together with interest and income, are exempt from taxes.

(b) The authority may sell the bonds at public or private sales at the price or prices determined by the authority.

(c) If an officer whose signatures appear on any bonds or coupons ceases to be an officer of the authority before the delivery of the bonds or coupons, the officer's signature shall, nevertheless, be valid for all purposes as if the officer had remained in office until delivery of the bonds or coupons.

(9) COVENANTS. An authority may do all of the following in connection with the issuance of bonds:

(a) Covenant as to the use of any or all of its property, real or personal.

(b) Redeem the bonds, or covenant for the redemption of the bonds, and provide the terms and conditions of the redemption.

(c) Covenant as to charge fees, rates, rents, and charges sufficient to meet operating and maintenance expenses, renewals, and replacements of any transportation system, principal and debt service on bonds creation and maintenance of any reserves required by a bond resolution, trust indenture, or other security instrument and to provide for any margins or coverages over and above debt service on the bonds that the board of directors considers desirable for the marketability of the bonds.

(d) Covenant as to the events of default on the bonds and the terms and conditions upon which the bonds shall become or may be declared due before maturity, as to the terms and conditions upon which this declaration and its consequences may be waived, and as to the consequences of default and the remedies of bondholders.

(e) Covenant as to the mortgage or pledge of, or the grant of a security interest in, any real or personal property and all or any part of the revenues of the authority to secure the payment of bonds, subject to any agreements with the bondholders.

(f) Covenant as to the custody, collection, securing, investment, and payment of any revenues, assets, moneys, funds, or property with respect to which the authority may have any rights or interest.

(g) Covenant as to the purposes to which the proceeds from the sale of any bonds may be applied, and as to the pledge of such proceeds to secure the payment of the bonds.

(h) Covenant as to limitations on the issuance of any additional bonds, the terms upon which additional bonds may be issued and secured, and the refunding of outstanding bonds.

(i) Covenant as to the rank or priority of any bonds with respect to any lien or security.

(j) Covenant as to the procedure by which the terms of any contract with or for the benefit of the holders of bonds may be amended or abrogated, the amount of bonds, the holders of which must consent thereto, and the manner in which such consent may be given.

(k) Covenant as to the custody and safekeeping of any of its properties or investments, the insurance to be carried on the property or investments, and the use and disposition of insurance proceeds.

(L) Covenant as to the vesting in one or more trustees, within or outside the state, of those properties, rights, powers, and duties in trust as the authority determines.

(m) Covenant as to the appointing of, and providing for the duties and obligations of, one or more paying agent or other fiduciaries within or outside the state.

(n) Make all other covenants and do any act that may be necessary or convenient or desirable in order to secure its bonds or, in the absolute discretion of the authority, tend to make the bonds more marketable.

(o) Execute all instruments necessary or convenient in the exercise of the powers granted under this section or in the performance of covenants or duties, which may contain such covenants and provisions as a purchaser of the bonds of the authority may reasonably require.

(10) REFUNDING BONDS. An authority may issue refunding bonds for the purpose of paying any of its bonds at or prior to maturity or upon acceleration or redemption. An authority may issue refunding bonds at such time prior to the maturity or redemption of the refunded bonds as the authority deems to be in the public interest. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium on the bonds, any interest accrued or to accrue to the date of payment of the bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded, and such reserves for debt service or other capital or current expenses from the proceeds of such refunding bonds as may be required by the resolution, trust indenture, or other security instruments. To the extent applicable, refunding bonds are subject to subs. (8) and (9).

(11) BONDS ELIGIBLE FOR INVESTMENT. (a) Any of the following may invest funds, including capital in their control or belonging to them, in bonds of the authority:

1. Public officers and agencies of the state.

2. Local governmental units, as defined in s. 19.42 (7u).

3. Insurance companies.

4. Trust companies.
5. Banks.
6. Savings banks.
7. Savings and loan associations.
8. Investment companies.
9. Personal representatives.
10. Trustees.
11. Other fiduciaries not listed in this paragraph.

(b) The authority's bonds are securities that may be deposited with and received by any officer or agency of the state or any local governmental unit, as defined in s. 19.42 (7u), for any purpose for which the deposit of bonds or obligations of the state or any local governmental unit is authorized by law.

(12) BUDGETS; RATES AND CHARGES; AUDIT. The board of directors of an authority shall annually prepare a budget for the authority. Except as provided in sub. (15m), rates and other charges received by an authority shall be used only for the general expenses and capital expenditures of the authority, to pay interest, amortization, and retirement charges on bonds, and for specific purposes of the authority and may not be transferred to any political subdivision. The authority shall maintain an accounting system in accordance with generally accepted accounting principles and shall have its financial statements and debt covenants audited annually by an independent certified public accountant.

Vetoed In Part

(13) WITHDRAWAL FROM AUTHORITY. A participating political subdivision that becomes a member of an authority under sub. (2) (c) 4. shall withdraw from the authority if the county in which the municipality is located withdraws from the authority under this subsection and a participating political subdivision that joined an authority under sub. (2) (b) 3., (c) 3., or (e) 2. may withdraw from an authority if all of the following conditions are met:

(a) The governing body of the political subdivision adopts a resolution requesting withdrawal of the political subdivision from the authority and, if the political subdivision joined the authority under sub. (2) (e) 2., the resolution is ratified by the electors at a referendum held in the political subdivision .

Vetoed In Part

(b) The political subdivision has paid, or made provision for the payment of, all obligations of the political subdivision to the authority.

(c) If a participating political subdivision withdraws from an authority, the authority shall provide the department of revenue with a certified copy of the resolution that approves the withdrawal. The withdrawal is effective on the first day of the calendar quarter that begins at least 120 days after the department receives the certified copy of the resolution approving the withdrawal. If the political subdivision joined the authority under sub. (2) (e) 2., the authority shall also provide the department of revenue with a certification of the referendum results ratifying the withdrawal resolution and the department shall use the date that it receives this certification of referendum results for purposes of calculating the effective date of withdrawal under this paragraph. If the authority in which the withdrawing political subdivision continues to exist after the withdrawal, the authority shall provide information describing the exact boundaries of its jurisdictional area, as provided in sub. (4) (s) 2.

Vetoed In Part

(14) DUTY TO PROVIDE TRANSIT SERVICE. An authority shall provide, or contract for the provision of, transit service within the authority's jurisdictional area.

(15m) DANE COUNTY HIGHWAY PROJECTS. An authority created under sub. (2) (b) may transfer revenues from taxes imposed by the authority under sub. (4) (s) to any political subdivision within the authority's jurisdictional area to fund highway projects within the authority's jurisdictional area. If any transfer is made under this subsection, the authority's board shall determine the recipients and amounts of all such transfers, except that the authority may not transfer under this subsection more than 25 percent of revenues from taxes imposed by the authority under sub. (4) (s).

Vetoed In Part

(17) OTHER STATUTES. This section does not limit the powers of political subdivisions to enter into intergovernmental cooperation or contracts or to establish separate legal entities under s. 66.0301 or 66.1021 or any other applicable law, or otherwise to carry out their powers under applicable statutory provisions. Section 66.0803 (2) does not apply to an authority.

SECTION 1488s. 66.1103 (2) (k) 20. of the statutes is amended to read:

66.1103 **(2)** (k) 20. A shopping center, or an office building, convention or trade center, hotel, motel or other nonresidential facility, which is located in or adjacent to a blighted area as defined by s. 66.1105 (2) ~~(a)~~ (ae), 66.1331 (3) (a) or 66.1333 (2m) (b) or in accordance with a redevelopment plan or urban renewal plan adopted under s. 66.1331 (5) or 66.1333 (6).

SECTION 1488u. 66.1105 (2) (a) of the statutes is renumbered 66.1105 (2) (ae).

SECTION 1488uc. 66.1105 (2) (ab) of the statutes is created to read:

66.1105 **(2)** (ab) "Affordable housing" means housing that costs a household no more than 30 percent of the household's gross monthly income.

SECTION 1488ue. 66.1105 (2) (bq) of the statutes is created to read:

66.1105 **(2)** (bq) "Household" means an individual and his or her spouse and all minor dependents.

SECTION 1489. 66.1105 (6) (ae) of the statutes is created to read:

66.1105 **(6)** (ae) With regard to each district for which the department of revenue authorizes the allocation of a tax increment under par. (a), the department shall charge the city that created the district an annual adminis-

trative fee of $150 that the city shall pay to the department no later than May 15.

SECTION 1489e. 66.1105 (6) (c) of the statutes is amended to read:

66.1105 **(6)** (c) Except for tax increments allocated under par. (d), (dm), (e), ~~or~~ (f), or (g) all tax increments received with respect to a tax incremental district shall, upon receipt by the city treasurer, be deposited into a special fund for that district. The city treasurer may deposit additional moneys into such fund pursuant to an appropriation by the common council. No moneys may be paid out of such fund except to pay project costs with respect to that district, to reimburse the city for such payments, to pay project costs of a district under par. (d), (dm), (e), ~~or~~ (f), or (g) or to satisfy claims of holders of bonds or notes issued with respect to such district. Subject to par. (d), (dm), (e), ~~or~~ (f), or (g), moneys paid out of the fund to pay project costs with respect to a district may be paid out before or after the district is terminated under sub. (7). Subject to any agreement with bondholders, moneys in the fund may be temporarily invested in the same manner as other city funds if any investment earnings are applied to reduce project costs. After all project costs and all bonds and notes with respect to the district have been paid or the payment thereof provided for, subject to any agreement with bondholders, if there remain in the fund any moneys that are not allocated under par. (d), (dm), (e), ~~or~~ (f), or (g), they shall be paid over to the treasurer of each county, school district or other tax levying municipality or to the general fund of the city in the amounts that belong to each respectively, having due regard for that portion of the moneys, if any, that represents tax increments not allocated to the city and that portion, if any, that represents voluntary deposits of the city into the fund.

SECTION 1489i. 66.1105 (6) (g) of the statutes is created to read:

66.1105 **(6)** (g) 1. After the date on which a tax incremental district created by a city pays off the aggregate of all of its project costs, and notwithstanding the time at which such a district would otherwise be required to terminate under sub. (7), a city may extend the life of the district for one year if the city does all of the following:

a. The city adopts a resolution extending the life of the district for a specified number of months. The resolution shall specify how the city intends to improve its housing stock, as required in subd. 3.

b. The city forwards a copy of the resolution to the department of revenue, notifying the department that it must continue to authorize the allocation of tax increments to the district under par. (a).

2. If the department of revenue receives a notice described under subd. 1. b., it shall continue authorizing the allocation of tax increments to the district under par. (a) during the district's life, as extended by the city, as if the district's costs had not been paid off and without regard to whether any of the time periods specified in par. (a) 2. to 8. would otherwise require terminating the allocation of such increments.

3. If a city receives tax increments as described in subd. 2., the city shall use at least 75 percent of the increments received to benefit affordable housing in the city. The remaining portion of the increments shall be used by the city to improve the city's housing stock.

SECTION 1490. 66.1106 (7) (am) of the statutes is created to read:

66.1106 **(7)** (am) With regard to each district for which the department authorizes the allocation of a tax increment under par. (a), the department shall charge the political subdivision that created the district an annual administrative fee of $150 that the political subdivision shall pay to the department no later than May 15.

SECTION 1491. 66.1113 (1) (a) of the statutes is amended to read:

66.1113 **(1)** (a) "Infrastructure expenses" means the costs of purchasing, constructing, or improving parking lots; access ways; transportation facilities, including roads and bridges; sewer and water facilities; exposition center facilities used primarily for conventions, expositions, trade shows, musical or dramatic events, or other events involving educational, cultural, recreational, sporting, or commercial activities; parks, boat ramps, beaches, and other recreational facilities; fire fighting equipment; police vehicles; ambulances; and other equipment or materials dedicated to public safety or public works.

SECTION 1492. 66.1305 (2) (a) 2. of the statutes is repealed and recreated to read:

66.1305 **(2)** (a) 2. "Technology−based incubator" means a facility that provides a new or expanding technically−oriented business with all of the following:

a. Office and laboratory space.

b. Shared clerical and other support service.

c. Managerial and technical assistance.

SECTION 1493. 66.1305 (2) (c) 3. of the statutes is repealed.

SECTION 1494. 66.1333 (2m) (d) 8. of the statutes is amended to read:

66.1333 **(2m)** (d) 8. Studying the feasibility of an initial design for a technology−based incubator~~,~~ and developing and operating a technology−based incubator ~~and applying for a grant under s. 560.14 (3) in connection with a technology−based incubator~~.

SECTION 1495. 66.1333 (2m) (t) of the statutes is repealed and recreated to read:

66.1333 **(2m)** (t) "Technology−based incubator" means a facility that provides a new or expanding technically−oriented business with all of the following:

1. Office and laboratory space.

2. Shared clerical and other support service.

3. Managerial and technical assistance.

SECTION 1496. 67.01 (5) of the statutes is amended to read:

67.01 **(5)** "Municipality" means any of the following which is authorized to levy a tax: a county, city, village, town, school district, board of park commissioners, technical college district, metropolitan sewerage district created under ss. 200.01 to 200.15 or 200.21 to 200.65, town sanitary district under subch. IX of ch. 60, transit authority created under s. 66.1039, public inland lake protection and rehabilitation district established under s. 33.23, 33.235, or 33.24, and any other public body empowered to borrow money and issue obligations to repay the money out of public funds or revenues. "Municipality" does not include the state.

SECTION 1497. 67.01 (9) (intro.) of the statutes is amended to read:

67.01 **(9)** (intro.) This chapter is not applicable to appropriation bonds issued by a county under s. 59.85 or by a 1st class city under s. 62.62 and, except ss. 67.08 (1), 67.09 and 67.10, is not applicable:

SECTION 1498. 67.05 (5) (b) of the statutes is amended to read:

67.05 **(5)** (b) No city or village may issue bonds for any purposes other than for water systems, lighting works, gas works, bridges, street lighting, street improvements, street improvement funding, hospitals, airports, harbor improvements, river improvements, breakwaters and protection piers, sewerage, garbage disposal, rubbish or refuse disposal, any combination of sewage, garbage or refuse or rubbish disposal, parks and public grounds, swimming pools and band shells, veterans housing projects, paying the municipality's portion of the cost of abolishing grade crossings, for the construction of police facilities and combined fire and police safety buildings, for the purchase of sites for engine houses, for fire engines and other equipment of the fire department, for construction of engine houses, and for pumps, water mains, reservoirs and all other reasonable facilities for fire protection apparatus or equipment for fire protection, for parking lots or other parking facilities, for school purposes, for libraries, for buildings for the housing of machinery and equipment, for acquiring and developing sites for industry and commerce as will expand the municipal tax base, for financing the cost of low−interest mortgage loans under s. 62.237, for providing financial assistance to blight elimination, slum clearance, community development, redevelopment and urban renewal programs and projects under ss. 66.1105, 66.1301 to 66.1329 and 66.1331 to 66.1337, to issue appropriation bonds under s. 62.62 to pay unfunded prior service liability with respect to an employee retirement system, or for University of Wisconsin System college campuses, as defined in s. 36.05 (6m), until the proposition for their issue for the special purpose has been submitted to the electors of the city or village and adopted by a majority vote. Except as provided under sub. (15), if the common council of a city or the village board of a village declares its purpose to raise money by issuing bonds for any purpose other than those specified in this subsection, it shall direct by resolution, which shall be recorded at length in the record of its proceedings, the clerk to call a special election for the purpose of submitting the question of bonding to the city or village electors. If a number of electors of a city or village equal to at least 15% of the votes cast for governor at the last general election in their city or village sign and file a petition conforming to the requirements of s. 8.40 with the city or village clerk requesting submission of the resolution, the city or village may not issue bonds for financing the cost of low−interest mortgage loans under s. 62.237 without calling a special election to submit the question of bonding to the city or village electors for their approval.

SECTION 1499. 67.05 (6m) (a) of the statutes is amended to read:

67.05 **(6m)** (a) An initial resolution adopted by a technical college district board for an issue of bonds in an amount of money not exceeding ~~$1,000,000~~ $1,500,000 for building remodeling or improvement need not be submitted to the electors of the district for approval unless within 30 days after the initial resolution is adopted there is filed with the technical college district secretary a petition conforming to the requirements of s. 8.40 requesting a referendum thereon. Such a petition shall be signed by electors from each county lying wholly or partially within the district. The number of electors from each county shall equal at least 1.5% of the population of the county as determined under s. 16.96 (2) (c). If a county lies in more than one district, the technical college system board shall apportion the county's population as determined under s. 16.96 (2) (c) to the districts involved and the petition shall be signed by electors equal to the appropriate percentage of the apportioned population. Any initial resolution adopted under sub. (1) in an amount of money not exceeding ~~$1,000,000~~ $1,500,000 at the discretion of the district board, may be submitted to the electors without waiting for the filing of a petition. All initial resolutions adopted under sub. (1) in an amount of money in excess of ~~$1,000,000~~ $1,500,000 or more for building remodeling or improvement shall be submitted to the electors of the district for approval. If a referendum is duly petitioned or required under this subsection, bonds may not be issued until the electors of the district have approved the issue.

SECTION 1500. 67.12 (12) (a) of the statutes is amended to read:

67.12 **(12)** (a) Any municipality may issue promissory notes as evidence of indebtedness for any public purpose, as defined in s. 67.04 (1) (b), including but not limited to paying any general and current municipal expense, and refunding any municipal obligations, including interest on them. Each note, plus interest if any, shall be repaid within 10 years after the original date of

the note, except that notes issued under this section for purposes of ss. 119.498, 145.245 (12m), 281.58, 281.59, 281.60, 281.61, and 292.72 issued to raise funds to pay a portion of the capital costs of a metropolitan sewerage district, or issued by a 1st class city or a county having a population of 500,000 or more, to pay unfunded prior service liability with respect to an employee retirement system, shall be repaid within 20 years after the original date of the note.

SECTION 1501. 67.12 (12) (e) 5. of the statutes is amended to read:

67.12 **(12)** (e) 5. Within 10 days of the adoption by a technical college district board of a resolution under subd. 1. to issue a promissory note for a purpose under s. 38.16 (2), the secretary of the district board shall publish a notice of such adoption as a class 1 notice, under ch. 985. The notice need not set forth the full contents of the resolution, but shall state the amount proposed to be borrowed, the method of borrowing, the purpose thereof, that the resolution was adopted under this subsection and the place where and the hours during which the resolution is available for public inspection. If the amount proposed to be borrowed is for building remodeling or improvement and does not exceed ~~$1,000,000~~ $1,500,000 or is for movable equipment, the district board need not submit the resolution to the electors for approval unless, within 30 days after the publication or posting, a petition conforming to the requirements of s. 8.40 is filed with the secretary of the district board requesting a referendum at a special election to be called for that purpose. Such petition shall be signed by electors from each county lying wholly or partially within the district. The number of electors from each county shall equal at least 1.5% of the population of the county as determined under s. 16.96 (2) (c). If a county lies in more than one district, the technical college system board shall apportion the county's population as determined under s. 16.96 (2) (c) to the districts involved and the petition shall be signed by electors equal to the appropriate percentage of the apportioned population. In lieu of a special election, the district board may specify that the referendum shall be held at the next succeeding spring primary or election or September primary or general election. Any resolution to borrow amounts of money in excess of ~~$1,000,000~~ $1,500,000 for building remodeling or improvement shall be submitted to the electors of the district for approval. If a referendum is held or required under this subdivision, no promissory note may be issued until the issuance is approved by a majority of the district electors voting at such referendum. The referendum shall be noticed, called and conducted under s. 67.05 (6a) insofar as applicable, except that the notice of special election and ballot need not embody a copy of the resolution and the question which shall appear on the ballot shall be "Shall .... (name of district) be authorized to borrow the sum of $.... for (state purpose) by issuing its general obligation promissory note (or notes) under section 67.12 (12) of the Wisconsin Statutes?"~~.~~

SECTION 1501g. 69.01 (1r) of the statutes is created to read:

69.01 **(1r)** "Certificate of termination of domestic partnership" means a certificate issued by a county clerk under s. 770.12 (3).

SECTION 1501h. 69.01 (6r) of the statutes is created to read:

69.01 **(6r)** "Declaration of domestic partnership" means a declaration issued by a county clerk under 770.07 (2).

SECTION 1501i. 69.01 (19) of the statutes is amended to read:

69.01 **(19)** "Registrant" means the subject of a certificate or declaration which a local registrar has accepted for filing in the system of vital statistics.

SECTION 1501j. 69.01 (26) (a) of the statutes is amended to read:

69.01 **(26)** (a) Certificates of birth, death, ~~and~~ divorce or annulment, and termination of domestic partnership, marriage documents, and declarations of domestic partnership.

SECTION 1501k. 69.01 (27) of the statutes is amended to read:

69.01 **(27)** "Vital statistics" means the data derived from certificates of birth, death, divorce or annulment, and termination of domestic partnership, marriage documents, declarations of domestic partnership, fetal death reports or related reports.

SECTION 1501L. 69.03 (5) of the statutes is amended to read:

69.03 **(5)** Under this subchapter, accept for registration, assign a date of acceptance, and index and preserve original certificates of birth and death, original marriage documents ~~and~~, original divorce reports, original declarations of domestic partnership, and original certificates of termination of domestic partnership. Indexes prepared for public use under s. 69.20 (3) (e) shall consist of the registrant's full name, date of the event, county of occurrence, county of residence, and, at the discretion of the state registrar, state file number. Notwithstanding s. 69.24 (1) (e), the state registrar may transfer the paper original of a vital record to optical disc or electronic format in accordance with s. 16.61 (5) or to microfilm reproduction in accordance with s. 16.61 (6) and destroy the paper original of any vital record that is so converted. For the purposes of this subchapter, the electronic format version or microfilm reproduction version of the paper original of a vital record that has been transferred under this subsection shall serve as the original vital record.

SECTION 1501m. 69.03 (8) of the statutes is amended to read:

69.03 **(8)** Prescribe, furnish and distribute forms required under this subchapter and ~~ch.~~ chs. 765 and 770 and prescribe any other means for transmission of data

necessary to accomplish complete and accurate reporting and registration. When reasonable and possible the state registrar shall base the prescribed forms on the standard forms recommended by the federal agency responsible for administering the national system of vital statistics.

SECTION 1501n. 69.20 (2) (a) (intro.) of the statutes is amended to read:

69.20 **(2)** (a) (intro.) Except as provided under sub. (3), information in the part of a certificate of birth ~~or~~, divorce or annulment, or termination of domestic partnership, a marriage document, or a declaration of domestic partnership that is designated on the form as being collected for statistical or medical and statistical use only and information in the part of a death certificate that is designated on the form as being collected as statistical−use−only information under s. 69.18 (1m) (c) may not be disclosed to any person except the following:

SECTION 1502. 69.22 (1) (a) of the statutes, as affected by 2007 Wisconsin Act 20, Section 1918h, is amended to read:

69.22 **(1)** (a) Except as provided under par. (c), ~~$7~~ $20 for issuing one certified copy of a vital record and $3 for any additional certified copy of the same vital record issued at the same time.

SECTION 1503. 69.22 (1) (b) of the statutes, as affected by 2007 Wisconsin Act 20, Section 1918j, is amended to read:

69.22 **(1)** (b) Except as provided under par. (c), $20 for issuing an uncertified copy of a vital record issued under s. 69.21 (2) (a) or (b), ~~or~~ $7 for verifying information about the event submitted by a requester without issuance of a copy, ~~$7,~~ and $3 for any additional copy of the same vital record issued at the same time.

SECTION 1505c. 69.22 (1) (c) of the statutes, as affected by 2007 Wisconsin Act 20, Section 1918L, is amended to read:

69.22 **(1)** (c) ~~Twelve~~ Twenty dollars for issuing an uncertified copy of a birth certificate or a certified copy of a birth certificate, ~~$7 of which shall be forwarded to the secretary of administration as provided in sub. (1m) and credited to the appropriations under s. 20.433 (1) (g) and (h);~~ and $3 for issuing any additional certified or uncertified copy of the same birth certificate issued at the same time.

SECTION 1506. 69.22 (1) (d) of the statutes, as affected by 2007 Wisconsin Act 20, Section 1918n, is amended to read:

69.22 **(1)** (d) In addition to other fees under this subchapter, ~~$10~~ $20 for expedited service in issuing a vital record.

SECTION 1507. 69.22 (1m) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

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 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)~~.

SECTION 1510g. 69.24 (1) (f) of the statutes is amended to read:

69.24 **(1)** (f) Willfully and knowingly obtains, possesses, uses, sells, furnishes or attempts to obtain, possess, use, sell or furnish to any person for any purpose of deception, any vital record or certified copy of a vital record which is counterfeited, altered or amended or false in part or in whole or which is related to the birth, death, marriage ~~or~~, divorce, domestic partnership, or termination of a domestic partnership of another person, whether living or dead.

SECTION 1510h. 69.24 (2) (a) of the statutes is amended to read:

69.24 **(2)** (a) Willfully and knowingly commits any of the actions prohibited under sub. (1) in relation to a marriage document ~~or~~, divorce report, declaration of domestic partnership, or certificate of termination of domestic partnership.

SECTION 1515m. 70.11 (intro.) of the statutes is amended to read:

70.11 Property exempted from taxation. (intro.) The property described in this section is exempted from general property taxes if the property is exempt under sub. (1), (2), (18), (21), (27) or (30); if it was exempt for the previous year and its use, occupancy or ownership did not change in a way that makes it taxable; if the property was taxable for the previous year, the use, occupancy or ownership of the property changed in a way that makes it exempt and its owner, on or before March 1, files with the assessor of the taxation district where the property is

located a form that the department of revenue prescribes or if the property did not exist in the previous year and its owner, on or before March 1, files with the assessor of the taxation district where the property is located a form that the department of revenue prescribes. ~~Leasing~~ Except as provided in subs. (3m) (c), (4) (b), (4a) (f), and (4d), leasing a part of the property described in this section does not render it taxable if the lessor uses all of the leasehold income for maintenance of the leased property or construction debt retirement of the leased property, or both, and, except for residential housing, if the lessee would be exempt from taxation under this chapter if it owned the property. Any lessor who claims that leased property is exempt from taxation under this chapter shall, upon request by the tax assessor, provide records relating to the lessor's use of the income from the leased property. Property exempted from general property taxes is:

SECTION 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. 59.58 (7), 66.1038, or 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.

Vetoed In Part

SECTION 1516c. 70.11 (3m) of the statutes is created to read:

70.11 **(3m)** STUDENT HOUSING FACILITIES. (a) All real and personal property of a housing facility for which all of the following applies:

1. The facility is owned by a nonprofit organization.

2. At least 90 percent of the facility's residents are students enrolled at the University of Wisconsin−Madison and the facility houses no more than 300 such students.

3. The facility offers support services and outreach programs to its residents, the public or private institution of higher education at which the student residents are enrolled, and the public.

(b) If a nonprofit organization owns more than one housing facility, as described under par. (a), the exemption applies to only one facility, at one location.

(c) Leasing a part of the property described in this subsection does not render it taxable if the lessor uses the leasehold income only for the following:

1. Maintenance of the leased property.

2. Construction debt retirement of the leased property.

3. The purposes for which the exemption under section 501 (c) (3) of the Internal Revenue Code is granted to the nonprofit organization that owns the facility.

SECTION 1516d. 70.11 (4) of the statutes is renumbered 70.11 (4) (a) and amended to read:

70.11 **(4)** (a) Property owned and used exclusively by educational institutions offering regular courses 6 months in the year; or by churches or religious, educational or benevolent associations, or by a nonprofit entity that is operated as a facility that is licensed, certified, or registered under ch. 50, including benevolent nursing homes ~~and retirement homes for the aged~~ but not including an organization that is organized under s. 185.981 or ch. 611, 613 or 614 and that offers a health maintenance organization as defined in s. 609.01 (2) or a limited service health organization as defined in s. 609.01 (3) or an organization that is issued a certificate of authority under ch. 618 and that offers a health maintenance organization or a limited service health organization and not including property owned by any nonstock, nonprofit corporation which services guaranteed student loans for others or on its own account, and also including property owned and used for housing for pastors and their ordained assistants, members of religious orders and communities, and ordained teachers, whether or not contiguous to and a part of other property owned and used by such associations or churches, and also including property described under par. (b); or by women's clubs; or by domestic, incorporated historical societies; or by domestic, incorporated, free public library associations; or by fraternal societies operating under the lodge system (except university, college and high school fraternities and sororities), but not exceeding 10 acres of land necessary for location and convenience of buildings while such property is not used for profit. Property owned by churches or religious associations necessary for location and convenience of buildings, used for educational purposes and not for profit, shall not be subject to the 10−acre limitation but shall be subject to a 30−acre limitation. Property that is exempt from taxation under this subsection and is leased remains exempt from taxation only if, in addition to the requirements specified in the introductory phrase of this section, the lessee does not discriminate on the basis of race.

SECTION 1516e. 70.11 (4) (b) of the statutes is created to read:

70.11 **(4)** (b) 1. Leasing a part of property described in par. (a) that is owned and operated by a nonprofit orga-

nization as a facility that is licensed, certified, or registered under ch. 50, as residential housing, does not render the property taxable, regardless of how the lessor uses the leasehold income.

2. Leasing a part of property described in par. (a) that is occupied by one or more individuals with permanent disabilities for whom evidence is available that demonstrates that such individuals meet the medical definition of permanent disability used to determine eligibility for programs administered by the federal social security administration, as residential housing, does not render the property taxable, regardless of how the lessor uses the leasehold income.

SECTION 1516f. 70.11 (4a) of the statutes is created to read:

70.11 **(4a)** BENEVOLENT LOW-INCOME HOUSING. (a) Property owned by a nonprofit entity that is a benevolent association and used as low−income housing, including all common areas of a low−income housing project. Property used for a low−income housing project, including other low−income housing projects under common control with such project, and exempt under this subsection may not exceed 30 acres necessary for the location and convenience of buildings or 10 contiguous acres in any one municipality.

(b) For purposes of this subsection, "low−income housing" means any housing project described in sub. (4b) or any residential unit within a low−income housing project that is occupied by a low−income or very low−income person or is vacant and is only available to such persons.

(c) For purposes of this subsection, "low−income housing project" means a residential housing project for which all of the following apply:

1. At least 75 percent of the residential units are occupied by low−income or very low−income persons or are vacant and available only to low−income or very low−income persons.

2. At least one of the following applies:

a. At least 20 percent of the residential units are rented to persons who are very low−income persons or are vacant and are only available to such persons.

b. At least 40 percent of the residential units are rented to persons whose income does not exceed 120 percent of the very low−income limit or are vacant and only available to such persons.

(d) For purposes of this subsection, low−income persons and very low−income persons shall be determined in accordance with the income limits published by the federal department of housing and urban development for low−income and very low−income families under the National Housing Act of 1937.

(e) For purposes of this subsection, all properties included within the same federal department of housing and urban development contract or within the same federal department of agriculture, rural development, contract are considered to be one low−income housing project.

(f) Leasing property that is exempt from taxation under this subsection or sub. (4b) as low−income housing does not render it taxable, regardless of how the leasehold income is used.

(g) 1. Annually, no later than March 1, each person who owns a low−income housing project shall file with the assessor of the taxation district in which the project is located a statement that specifies which units were occupied on January 1 of that year by persons whose income satisfied the income limit requirements under par. (b), as certified by the property owner to the appropriate federal or state agency, and a copy of the federal department of housing and urban development contract or federal department of agriculture, rural development, contract, if applicable.

2. The format and distribution of statements under this paragraph shall be governed by s. 70.09 (3).

3. If the statement required under this paragraph is not received on or before March 1, the taxation district assessor shall send the property owner a notice, by certified mail to the owner's last−known address of record, stating that failure to file a statement is subject to the penalties under subd. 5.

4. In addition to the statement under subd. 1., the taxation district assessor may require that a property owner submit other information to prove that the person's property qualifies as low−income housing that is exempt from taxation under this subsection.

5. A person who fails to file a statement within 30 days after notification under subd. 3. shall forfeit $10 for each succeeding day on which the form is not received by the taxation district assessor, but not more than $500.

SECTION 1516g. 70.11 (4b) of the statutes is created to read:

70.11 **(4b)** HOUSING PROJECTS FINANCED BY HOUSING AND ECONOMIC DEVELOPMENT AUTHORITY. All property of a housing project that satisfies all of the following:

(a) It is owned by a corporation, organization, or association described in section 501 (c) (3) of the Internal Revenue Code that is exempt from taxation under section 501 (a) of the Internal Revenue Code.

(b) It is financed by the Housing and Economic Development Authority under s. 234.03 (13).

(c) The Housing and Economic Development Authority holds a first−lien mortgage security interest on it.

(d) It is in existence on January 1, 2008.

SECTION 1516h. 70.11 (4d) of the statutes is created to read:

70.11 **(4d)** BENEVOLENT RETIREMENT HOMES FOR THE AGED. Property that is owned by a nonprofit entity that is a benevolent association and used as a retirement home for the aged, but not exceeding 30 acres of land necessary for the location and convenience of buildings, while such

property is not used for profit, if the fair market value of the individual dwelling unit, as determined by the assessor for the taxation district in which the property is located, is less than 130 percent of the average equalized value under s. 70.57 of improved parcels of residential property located in the county in which the retirement home for the aged is located in the previous year, as determined by the assessor of the taxation district in which the property is located based on the sum of the average per parcel equalized value of residential land and the average per parcel equalized value of residential improvements, as determined by the department of revenue. For purposes of determining the fair market value of an individual dwelling unit under this subsection, the value of any common area is excluded. The common area of a retirement home for the aged is exempt from general property taxes if 50 percent or more of the home's individual dwelling units are exempt from general property taxes under this subsection. If less than 50 percent of the home's individual dwelling units are exempt from general property taxes under this subsection, the common area of the retirement home for the aged is subject to general property taxes. Leasing a part of property used as a retirement home for the aged, as described in this subsection, does not render it taxable, regardless of how the leasehold income is used.

SECTION 1518. 70.11 (41s) of the statutes is created to read:

70.11 **(41s)** WISCONSIN QUALITY HOME CARE AUTHORITY. All property owned by the Wisconsin Quality Home Care Authority, provided that use of the property is primarily related to the purposes of the authority.

Vetoed In Part

SECTION 1520d. 70.32 (1a) of the statutes is created to read:

70.32 **(1a)** In determining the value of a leased property under sub. (1), the assessor, if applying the income approach, shall consider the effects of the actual rent and provisions of all leases affecting the property.

SECTION 1526. 71.01 (6) (n) of the statutes is repealed.

SECTION 1527. 71.01 (6) (o) of the statutes is amended to read:

71.01 **(6)** (o) For taxable years that begin after December 31, 1999, and before January 1, 2003, 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, 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, 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, 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, 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, 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, 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, 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:

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, 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, 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, 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, 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, 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, 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, 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 amended 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, 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, 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, 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, excluding sections 811 and 844 of P.L. 109−280, 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, and P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1530. 71.01 (6) (r) of the statutes is amended to read:

71.01 **(6)** (r) For taxable years that begin after December 31, 2004, and before January 1, 2006, 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, 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 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, 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 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, 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, 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, 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, and P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1531. 71.01 (6) (s) of the statutes is amended to read:

71.01 **(6)** (s) For taxable years that begin after December 31, 2005, and before January 1, 2007, 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, 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, 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 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, 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 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, 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, 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, excluding sections 811 and 844 of P.L. 109−280, and P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1532. 71.01 (6) (t) of the statutes is amended to read:

71.01 **(6)** (t) For taxable years that begin after December 31, 2006, and before January 1, 2008, 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, 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), 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 P.L. 109−432, and as amended by 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 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, 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, 2006, do not apply to this paragraph with respect to taxable years beginning after December 31, 2006, and before January 1, 2008, except that changes to the Internal Revenue Code made by P.L. 110−458, and changes that indirectly affect the provisions applicable to this subchapter made by 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. 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, P.L. 109−432, P.L. 110−28, P.L. 110−140, P.L. 110−141, P.L. 110−142, P.L. 110−166, and P.L. 110−172, and as amended by 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 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, P.L. 109−280, excluding sections 811 and 844 of P.L. 109−280, 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, 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. 110−458, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1534. 71.01 (6) (um) of the statutes is created to read:

71.01 **(6)** (um) For taxable years that begin after December 31, 2008, 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, 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, 512, and 513 of P.L. 109−222, sections 811 and 844 of P.L. 109−280, P.L. 109−432, P.L. 110−28, P.L. 110−140, P.L. 110−141, P.L. 110−142, P.L. 110−166, P.L. 110−172, P.L. 110−185, P.L. 110−234, P.L. 110−245, P.L. 110−289, P.L. 110−317, P.L. 110−343, and P.L. 110−351 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, 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, 512, and 513 of P.L. 109−222, P.L. 109−227, P.L. 109−280, excluding sections 811 and 844 of P.L. 109−280, 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 taxpayer during the tax period under par. (b) 1. and 2. plus ~~50%~~ 100 percent of the sales of the taxpayer during the tax period under pars. (b) 2m. and 3. and (c). For purposes of applying pars. (b) 2m. and 3. and (c), if a taxpayer is within another state's jurisdiction for income or franchise tax purposes for any part of the taxable year, it is considered to be within that state's jurisdiction for income or franchise tax purposes for the entire taxable year.

SECTION 1538b. 71.04 (7) (df) 3. of the statutes is repealed.

SECTION 1539b. 71.04 (7) (dh) 4. of the statutes is repealed.

SECTION 1539c. 71.04 (7) (dj) 2. of the statutes, as created by 2009 Wisconsin Act 2, is repealed.

SECTION 1539d. 71.04 (7) (dk) 2. of the statutes, as created by 2009 Wisconsin Act 2, is repealed.

SECTION 1539m. 71.05 (1) (c) 9. of the statutes is created to read:

71.05 **(1)** (c) 9. The southeastern regional transit authority under s. 59.58 (7) (f).

SECTION 1540d. 71.05 (6) (a) 15. of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

71.05 **(6)** (a) 15. The amount of the credits computed under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (2dy), (3g), (3h), (3n), (3p), (3q), (3r), (3s), (3t), (3w), (5e), (5f), (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, company's, or tax−option corporation's income under s. 71.21 (4) or 71.34 (1k) (g).

SECTION 1541. 71.05 (6) (a) 21. of the statutes is amended to read:

71.05 **(6)** (a) 21. ~~Any~~ For taxable years beginning after December 31, 2007, and before January 1, 2009, any amount deducted as income attributable to domestic

production activities under section 199 of the Internal Revenue Code if the individual claiming the deduction is a nonresident or part−year resident of this state and if the domestic production activities income is not attributable to a trade or business that is taxable by this state.

SECTION 1542. 71.05 (6) (a) 22. of the statutes is amended to read:

71.05 **(6)** (a) 22. ~~If~~ For taxable years beginning after December 31, 2007, and before January 1, 2009, if an individual is a nonresident or part−year resident of this state and a portion of the amount the individual deducted as income attributable to domestic production activities under section 199 of the Internal Revenue Code is attributable to a trade or business that is taxable by this state, the amount deducted under section 199 for federal income tax purposes and in excess of that amount, multiplied by a fraction, the numerator of which is the individual's net earnings from the trade or business that is taxable by this state and the denominator of which is the individual's total net earnings from the trade or business to which the deduction under section 199 of the Internal Revenue Code applies.

SECTION 1543. 71.05 (6) (b) 9. of the statutes is amended to read:

71.05 **(6)** (b) 9. On assets held more than one year and on all assets acquired from a decedent, ~~60%~~ 30 percent of the capital gain as computed under the internal revenue code, not including capital gains for which the federal tax treatment is determined under section 406 of P.L. 99−514; not including amounts treated as ordinary income for federal income tax purposes because of the recapture of depreciation or any other reason; and not including amounts treated as capital gain for federal income tax purposes from the sale or exchange of a lottery prize. For purposes of this subdivision, the capital gains and capital losses for all assets shall be netted before application of the percentage.

SECTION 1543b. 71.05 (6) (b) 9m. of the statutes is created to read:

71.05 **(6)** (b) 9m. On farm assets held more than one year and on all farm assets acquired from a decedent, to the extent that they are not subtracted under subd. 9. or 10., 60 percent of the capital gain as computed under the Internal Revenue Code, not including capital gains for which the federal tax treatment is determined under section 406 of P.L. 99−514; not including amounts treated as ordinary income for federal income tax purposes because of the recapture of depreciation or any other reason; and not including amounts treated as capital gain for federal income tax purposes from the sale or exchange of a lottery prize. In this subdivision, "farm assets" means livestock, farm equipment, farm real property, and farm depreciable property. For purposes of this subdivision, the capital gains and capital losses for all assets shall be netted before application of the percentage.

SECTION 1543c. 71.05 (6) (b) 32. (intro.) of the statutes is amended to read:

71.05 **(6)** (b) 32. (intro.) An amount paid into a college savings account, as described in s. 14.64, if the beneficiary of the account is one of the following: the claimant; the claimant's child ~~and the claimant's dependent who is claimed under section 151 (c) of the Internal Revenue Code~~; the claimant's grandchild; the claimant's great−grandchild; or the claimant's niece or nephew; calculated as follows:

SECTION 1543cc. 71.05 (6) (b) 32. a. of the statutes is amended to read:

71.05 **(6)** (b) 32. a. An amount equal to not more than $3,000 per beneficiary, by each contributor, or $1,500 by each contributor who is married and files separately, to an account for each year to which the claim relates, except that the total amount for which a deduction may be claimed under this subdivision and under subd. 33., per beneficiary by any claimant may not exceed $3,000 each year, or $1,500 each year by any claimant who is married and files separately. In the case of a married couple ~~filing a joint return~~, the total deduction under this subdivision and under subd. 33., per beneficiary by the married couple may not exceed $3,000 each year. In the case of divorced parents, the total deduction under this subdivision and under subd. 33., per beneficiary by the formerly married couple, may not exceed $3,000, and the maximum amount that may be deducted by each former spouse is $1,500, unless the divorce judgment specifies a different division of the $3,000 maximum that may be claimed by each former spouse.

SECTION 1543ce. 71.05 (6) (b) 33. (intro.) of the statutes is amended to read:

71.05 **(6)** (b) 33. (intro.) An amount paid into a college tuition and expenses program, as described in s. 14.63, if the beneficiary of the account is one of the following: the claimant; the claimant's child ~~and the claimant's dependent who is claimed under section 151 (c) of the Internal Revenue Code~~; the claimant's grandchild; the claimant's great−grandchild; or the claimant's niece or nephew; calculated as follows:

SECTION 1543cg. 71.05 (6) (b) 33. a. of the statutes is amended to read:

71.05 **(6)** (b) 33. a. An amount equal to not more than $3,000 per beneficiary, by each contributor, or $1,500 by each contributor who is married and files separately, to an account for each year to which the claim relates, except that the total amount for which a deduction may be claimed under this subdivision and under subd. 32., per beneficiary by any claimant may not exceed $3,000 each year, or $1,500 each year by any claimant who is married and files separately. In the case of a married couple ~~filing a joint return~~, the total deduction under this subdivision and under subd. 32., per beneficiary by the married couple may not exceed $3,000 each year. In the case of

divorced parents, the total deduction under this subdivision and under subd. 32., per beneficiary by the formerly married couple, may not exceed $3,000, and the maximum amount that may be deducted by each former spouse is $1,500, unless the divorce judgment specifies a different division of the $3,000 maximum that may be claimed by each former spouse.

SECTION 1543f. 71.05 (6) (b) 37. (intro.) of the statutes is amended to read:

71.05 **(6)** (b) 37. (intro.) For taxable years beginning after December 31, 2007, and before January 1, ~~2009~~ 2011, an amount paid by an individual, other than a person to whom subd. 19. applies, who has no employer and no self−employment income, for medical care insurance for the individual, his or her spouse, and the individual's dependents, calculated as follows:

SECTION 1543fe. 71.05 (6) (b) 38. (intro.) of the statutes is amended to read:

71.05 **(6)** (b) 38. (intro.) For taxable years beginning after December 31, ~~2008~~ 2010, an amount paid by an individual, other than a person to whom subd. 19. applies, who has no employer and no self−employment income, for medical care insurance for the individual, his or her spouse, and the individual's dependents, calculated as follows:

SECTION 1543h. 71.05 (6) (b) 39. (intro.) of the statutes is amended to read:

71.05 **(6)** (b) 39. (intro.) For taxable years beginning after December 31, 2007, and before January 1, ~~2009~~ 2011, an amount paid by an individual who is the employee of another person, if the individual's employer pays a portion of the cost of the individual's medical care insurance, for medical care insurance for the individual, his or her spouse, and the individual's dependents, calculated as follows:

SECTION 1543he. 71.05 (6) (b) 40. (intro.) of the statutes is amended to read:

71.05 **(6)** (b) 40. (intro.) For taxable years beginning after December 31, ~~2008~~ 2010, and before January 1, ~~2010~~ 2012, an amount paid by an individual who is the employee of another person, if the individual's employer pays a portion of the cost of the individual's medical care insurance, for medical care insurance for the individual, his or her spouse, and the individual's dependents, calculated as follows:

SECTION 1543hm. 71.05 (6) (b) 41. (intro.) of the statutes is amended to read:

71.05 **(6)** (b) 41. (intro.) For taxable years beginning after December 31, ~~2009~~ 2011, and before January 1, ~~2011~~ 2013, an amount paid by an individual who is the employee of another person, if the individual's employer pays a portion of the cost of the individual's medical care insurance, for medical care insurance for the individual, his or her spouse, and the individual's dependents, calculated as follows:

SECTION 1543hs. 71.05 (6) (b) 42. (intro.) of the statutes is amended to read:

71.05 **(6)** (b) 42. (intro.) For taxable years beginning after December 31, ~~2010~~ 2012, an amount paid by an individual who is the employee of another person, if the individual's employer pays a portion of the cost of the individual's medical care insurance, for medical care insurance for the individual, his or her spouse, and the individual's dependents, calculated as follows:

SECTION 1543j. 71.05 (6) (b) 43. a. of the statutes is amended to read:

71.05 **(6)** (b) 43. a. For taxable years beginning after December 31, ~~2008~~ 2010, and before January 1, ~~2010~~ 2012, up to $750 if the claimant has one qualified individual and up to $1,500 if the claimant has more than one qualified individual.

SECTION 1543je. 71.05 (6) (b) 43. b. of the statutes is amended to read:

71.05 **(6)** (b) 43. b. For taxable years beginning after December 31, ~~2009~~ 2011, and before January 1, ~~2011~~ 2013, up to $1,500 if the claimant has one qualified individual and up to $3,000 if the claimant has more than one qualified individual.

SECTION 1543jm. 71.05 (6) (b) 43. c. of the statutes is amended to read:

71.05 **(6)** (b) 43. c. For taxable years beginning after December 31, ~~2010~~ 2012, and before January 1, ~~2012~~ 2014, up to $2,250 if the claimant has one qualified individual and up to $4,500 if the claimant has more than one qualified individual.

SECTION 1543js. 71.05 (6) (b) 43. d. of the statutes is amended to read:

71.05 **(6)** (b) 43. d. For taxable years beginning after December 31, ~~2011~~ 2013, up to $3,000 if the claimant has one qualified individual and up to $6,000 if the claimant has more than one qualified individual.

SECTION 1543s. 71.05 (22) (dt) of the statutes is amended to read:

71.05 **(22)** (dt) *Standard deduction indexing, 2001 and thereafter.* For taxable years beginning after December 31, 2000, the dollar amounts of the standard deduction that is allowable under par. (dp) and all of the dollar amounts of Wisconsin adjusted gross income under par. (dp) shall be increased each year by a percentage equal to the percentage change between the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the previous year and the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August 1999, as determined by the federal department of labor, except that for taxable years beginning after December 31, 2011, the adjustment may occur only if the resulting amount is greater than the corresponding amount that was calculated for the previous year. Each amount that is revised under this paragraph shall be rounded to the nearest multiple of $10 if

the revised amount is not a multiple of $10 or, if the revised amount is a multiple of $5, such an amount shall be increased to the next higher multiple of $10. The department of revenue shall annually adjust the changes in dollar amounts required under this paragraph and incorporate the changes into the income tax forms and instructions.

SECTION 1544. 71.05 (24) of the statutes is created to read:

71.05 **(24)** INCOME TAX DEFERRAL; LONG−TERM CAPITAL ASSETS. (a) In this subsection:

1. "Claimant" means an individual; an individual partner or member of a partnership, limited liability company, or limited liability partnership; or an individual shareholder of a tax−option corporation.

2. "Financial institution" has the meaning given in s. 69.30 (1) (b).

3. "Long−term capital gain" means the gain realized from the sale of any capital asset held more than one year that is treated as a long−term gain under the Internal Revenue Code.

4. "Qualified new business venture" means a business certified by the department of commerce under s. 560.208.

(b) For taxable years beginning after December 31, 2010, a claimant may subtract from federal adjusted gross income any amount, up to $10,000,000, of a long−term capital gain if the claimant does all of the following:

1. Deposits the gain into a segregated account in a financial institution.

2. Within 180 days after the sale of the asset that generated the gain, invests all of the proceeds in the account described under subd. 1. in a qualified new business venture.

3. After making the investment as described under subd. 2., notifies the department, on a form prepared by the department, that the claimant will not declare on the claimant's income tax return the gain described under subd. 1. because the claimant has reinvested the capital gain as described under subd. 2. The form shall be sent to the department along with the claimant's income tax return for the year to which the claim relates.

(c) The basis of the investment described in par. (b) 2. shall be calculated by subtracting the gain described in par. (b) 1. from the amount of the investment described in par. (b) 2.

(d) If a claimant defers the payment of income taxes on a capital gain under this subsection, the claimant may not use the gain described under par. (b) 1. to net capital gains and losses, as described under sub. (10) (c).

SECTION 1545. 71.06 (1p) (d) of the statutes is amended to read:

71.06 **(1p)** (d) On all taxable income exceeding $112,500 but not exceeding $225,000, 6.75%.

SECTION 1546. 71.06 (1p) (e) of the statutes is created to read:

71.06 **(1p)** (e) On all taxable income exceeding $225,000, 7.75 percent.

SECTION 1547. 71.06 (2) (g) 4. of the statutes is amended to read:

71.06 **(2)** (g) 4. On all taxable income exceeding $150,000 but not exceeding $300,000, 6.75%.

SECTION 1548. 71.06 (2) (g) 5. of the statutes is created to read:

71.06 **(2)** (g) 5. On all taxable income exceeding $300,000, 7.75 percent.

SECTION 1549. 71.06 (2) (h) 4. of the statutes is amended to read:

71.06 **(2)** (h) 4. On all taxable income exceeding $75,000 but not exceeding $150,000, 6.75%.

SECTION 1550. 71.06 (2) (h) 5. of the statutes is created to read:

71.06 **(2)** (h) 5. On all taxable income exceeding $150,000, 7.75 percent.

SECTION 1551. 71.06 (2e) of the statutes is renumbered 71.06 (2e) (a) and amended to read:

71.06 **(2e)** (a) For taxable years beginning after December 31, 1998, and before January 1, 2000, the maximum dollar amount in each tax bracket, and the corresponding minimum dollar amount in the next bracket, under subs. (1m) and (2) (c) and (d), and for taxable years beginning after December 31, 1999, the maximum dollar amount in each tax bracket, and the corresponding minimum dollar amount in the next bracket, under subs. (1n), (1p) (a) to (c), and (2) (e), (f), (g) 1. to 3., and (h) 1. to 3., shall be increased each year by a percentage equal to the percentage change between the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the previous year and the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August 1997, as determined by the federal department of labor, except that for taxable years beginning after December 31, 2000, and before January 1, 2002, the dollar amount in the top bracket under subs. (1p) (c) and (d), (2) (g) 3. and 4. and (h) 3. and 4. shall be increased by a percentage equal to the percentage change between the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the previous year and the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August 1999, as determined by the federal department of labor, except that for taxable years beginning after December 31, 2011, the adjustment may occur only if the resulting amount is greater than the corresponding amount that was calculated for the previous year. Each amount that is revised under this ~~subsection~~ paragraph shall be rounded to the nearest multiple of $10 if the revised amount is not a multiple of $10 or, if the revised amount is a multiple of $5, such an amount shall be increased to the next higher multiple of $10. The department of revenue shall annually adjust the changes in dollar amounts required under this ~~subsection~~ para-

graph and incorporate the changes into the income tax forms and instructions.

SECTION 1552. 71.06 (2e) (b) of the statutes is created to read:

71.06 **(2e)** (b) For taxable years beginning after December 31, 2009, the maximum dollar amount in each tax bracket, and the corresponding minimum dollar amount in the next bracket, under subs. (1p) (d) and (2) (g) 4. and (h) 4., and the dollar amount in the top bracket under subs. (1p) (e) and (2) (g) 5. and (h) 5., shall be increased each year by a percentage equal to the percentage change between the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August of the previous year and the U.S. consumer price index for all urban consumers, U.S. city average, for the month of August 2008, as determined by the federal department of labor, except that for taxable years beginning after December 31, 2011, the adjustment may occur only if the resulting amount is greater than the corresponding amount that was calculated for the previous year. Each amount that is revised under this paragraph shall be rounded to the nearest multiple of $10 if the revised amount is not a multiple of $10 or, if the revised amount is a multiple of $5, such an amount shall be increased to the next higher multiple of $10. The department of revenue shall annually adjust the changes in dollar amounts required under this paragraph and incorporate the changes into the income tax forms and instructions.

SECTION 1554. 71.07 (2fd) of the statutes is repealed.

SECTION 1554d. 71.07 (3h) (b) of the statutes is amended to read:

71.07 **(3h)** (b) *Filing claims.* Subject to the limitations provided in this subsection, for taxable years beginning after December 31, ~~2009~~ 2011, and before January 1, ~~2013~~ 2015, for a claimant who produces at least 2,500,000 gallons of biodiesel fuel in this state in the taxable year, a claimant may claim as a credit against the tax imposed under s. 71.02, up to the amount of the tax, an amount that is equal to the number of gallons of biodiesel fuel produced by the claimant in this state in the taxable year multiplied by 10 cents.

SECTION 1555. 71.07 (3m) (a) 1. (intro.) of the statutes is amended to read:

71.07 **(3m)** (a) 1. (intro.) "Claimant" means an owner ~~of farmland~~, as defined in s. 91.01 (9), 2007 stats., of farmland domiciled in this state during the entire year for which a credit under this subsection is claimed, except as follows:

SECTION 1556. 71.07 (3m) (a) 3. of the statutes is amended to read:

71.07 **(3m)** (a) 3. "Farmland" means 35 or more acres of real property, exclusive of improvements, in this state, in agricultural use, as defined in s. 91.01 (1), 2007 stats., and owned by the claimant or any member of the claimant's household during the taxable year for which a credit under this subsection is claimed if the farm of which the farmland is a part, during that year, produced not less than $6,000 in gross farm profits resulting from agricultural use, as defined in s. 91.01 (1), 2007 stats., or if the farm of which the farmland is a part, during that year and the 2 years immediately preceding that year, produced not less than $18,000 in such profits, or if at least 35 acres of the farmland, during all or part of that year, was enrolled in the conservation reserve program under 16 USC 3831 to 3836.

SECTION 1557. 71.07 (3m) (a) 4. of the statutes is amended to read:

71.07 **(3m)** (a) 4. "Gross farm profits" means gross receipts, excluding rent, from agricultural use, as defined in s. 91.01 (1), 2007 stats., including the fair market value at the time of disposition of payments in kind for placing land in federal programs or payments from the federal dairy termination program under 7 USC 1446 (d), less the cost or other basis of livestock or other items purchased for resale which are sold or otherwise disposed of during the taxable year.

SECTION 1558. 71.07 (3m) (e) of the statutes is created to read:

71.07 **(3m)** (e) *Sunset.* No new claim may be filed under this subsection for a taxable year that begins after December 31, 2009.

SECTION 1569. 71.07 (3q) of the statutes is created to read:

71.07 **(3q)** JOBS TAX CREDIT. (a) *Definitions.* In this subsection:

1. "Claimant" means a person certified to receive tax benefits under s. 560.2055 (2).

2. "Eligible employee" means an eligible employee under s. 560.2055 (1) (b) who satisfies the wage requirements under s. 560.2055 (3) (a) or (b).

(b) *Filing claims.* Subject to the limitations provided in this subsection and s. 560.2055, for taxable years beginning after December 31, 2009, a claimant may claim as a credit against the taxes imposed under ss. 71.02 and 71.08 any of the following.

1. The amount of wages that the claimant paid to an eligible employee in the taxable year, not to exceed 10 percent of such wages, as determined by the department of commerce under s. 560.2055.

2. The amount of the costs incurred by the claimant in the taxable year, as determined under s. 560.2055, to undertake the training activities described under s. 560.2055 (3) (c).

(c) *Limitations.* 1. Partnerships, limited liability companies, and tax−option corporations may not claim the credit under this subsection, but the eligibility for, and the amount of, the credit are based on their payment of amounts under par. (b). A partnership, limited liability company, or tax−option corporation shall compute the amount of credit that each of its partners, members, or shareholders may claim and shall provide that informa-

tion 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 interests.

2. No credit may be allowed under this subsection unless the claimant includes with the claimant's return a copy of the claimant's certification for tax benefits under s. 560.2055 (2).

3. The maximum amount of credits that may be awarded under this subsection and ss. 71.28 (3q) and 71.47 (3q) for the period beginning on January 1, 2010, and ending on June 30, 2013, is $14,500,000.

(d) *Administration.* 1. Section 71.28 (4) (e), (g), and (h), as it applies to the credit under s. 71.28 (4), applies to the credit under this subsection.

2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise due under ss. 71.02 and 71.08, the amount of the claim not used to offset the tax due shall be certified by the department of revenue to the department of administration for payment by check, share draft, or other draft drawn from the appropriation account under s. 20.835 (2) (bb), except that the amounts certified under this subdivision for taxable years beginning after December 31, 2009, and before January 1, 2012, shall be paid in taxable years beginning after December 31, 2011.

SECTION 1571. 71.07 (3s) (a) 1. of the statutes is amended to read:

71.07 **(3s)** (a) 1. "Manufacturing" has the meaning given in s. 77.54 (6m)<u>, 2007 stats</u>.

SECTION 1571d. 71.07 (3w) (bm) 1. of the statutes, as affected by 2009 Wisconsin Act 11, is amended to read:

71.07 **(3w)** (bm) 1. In addition to the credits under par. (b) and ~~subd.~~ <u>subds.</u> 2. <u>and 3.</u>, and subject to the limitations provided in this subsection and s. 560.799, a claimant may claim as a credit against the tax imposed under s. 71.02 or 71.08 an amount equal to a percentage, as determined by the department of commerce, not to exceed 100 percent, of the amount the claimant paid in the taxable year to upgrade or improve the job−related skills of any of the claimant's full−time employees, to train any of the claimant's full−time employees on the use of job−related new technologies, or to provide job−related training to any full−time employee whose employment with the claimant represents the employee's first full−time job. This subdivision does not apply to employees who do not work in an enterprise zone.

SECTION 1571e. 71.07 (3w) (bm) 2. of the statutes, as created by 2009 Wisconsin Act 11, is amended to read:

71.07 **(3w)** (bm) 2. In addition to the credits under par. (b) and ~~subd.~~ <u>subds.</u> 1. <u>and 3.</u>, and subject to the limitations provided in this subsection and s. 560.799, a claimant may claim as a credit against the tax imposed under s. 71.02 or 71.08 an amount equal to the percentage, as determined by the department of commerce under s. 560.799, not to exceed 7 percent, of the claimant's zone payroll paid in the taxable year to all of the claimant's full−time employees whose annual wages are greater than $20,000 in a tier I county or municipality, not including the wages paid to the employees determined under par. (b) 1., or greater than $30,000 in a tier II county or municipality, not including the wages paid to the employees determined under par. (b) 1., and who the claimant employed in the enterprise zone in the taxable year, if the total number of such employees is equal to or greater than the total number of such employees in the base year. A claimant may claim a credit under this subdivision for no more than 5 consecutive taxable years.

SECTION 1571f. 71.07 (3w) (bm) 3. of the statutes is created to read:

71.07 **(3w)** (bm) 3. In addition to the credits under par. (b) and subds. 1. and 2., and subject to the limitations provided in this subsection and s. 560.799, for taxable years beginning after December 31, 2008, a claimant may claim as a credit against the tax imposed under s. 71.02 or 71.08 up to 10 percent of the claimant's significant capital expenditures, as determined by the department of commerce under s. 560.799 (5m).

SECTION 1571g. 71.07 (3w) (c) 3. of the statutes is amended to read:

71.07 **(3w)** (c) 3. No credit may be allowed under this subsection unless the claimant includes with the claimant's return a copy of the claimant's certification for tax benefits under s. 560.799 (5) <u>or (5m)</u>.

SECTION 1572. 71.07 (5) (a) 3. of the statutes is amended to read:

71.07 **(5)** (a) 3. Casualty and theft deductions under section 165 (c) (3) of the internal revenue code<u>, except for casualty losses that are directly related to a presidentially declared disaster under 26 USC 7508A</u>.

SECTION 1575. 71.07 (5b) (d) 3. of the statutes is created to read:

71.07 **(5b)** (d) 3. For calendar years beginning after December 31, 2007, if an investment for which a claimant claims a credit under par. (b) is held by the claimant for less than 3 years, the claimant shall pay to the department, in the manner prescribed by the department, the amount of the credit that the claimant received related to the investment.

SECTION 1579. 71.07 (5d) (d) 1. of the statutes is amended to read:

71.07 **(5d)** (d) 1. ~~If~~ <u>For calendar years beginning after December 31, 2007, if</u> an investment for which a claimant claims a credit under par. (b) is held by the claimant for less than ~~one year~~ <u>3 years</u>, the claimant shall pay to the department, in the manner prescribed by the department, the amount of the credit that the claimant received related to the investment.

SECTION 1579x. 71.07 (5f) of the statutes is repealed and recreated to read:

71.07 **(5f)** FILM PRODUCTION SERVICES CREDIT. (a) *Definitions.* In this subsection:

1. "Accredited production" means a film, video, broadcast advertisement, or television production, as approved by the department of commerce, for which the aggregate salary and wages included in the cost of the production for the period ending 12 months after the month in which the principal filming or taping of the production begins exceeds $100,000 for a production that is 30 minutes or longer or $50,000 for a production that is less than 30 minutes . "Accredited production" also means an electronic game, as approved by the department of commerce, for which the aggregate salary and wages included in the cost of the production for the period ending 36 months after the month in which the principal programming, filming, or taping of the production begins exceeds $100,000. "Accredited production" does not include any of the following, regardless of the production costs:

Vetoed In Part

a. News, current events, or public programming or a program that includes weather or market reports.

b. A talk show.

c. A production with respect to a questionnaire or contest.

d. A sports event or sports activity.

e. A gala presentation or awards show.

f. A finished production that solicits funds.

g. A production for which the production company is required under 18 USC 2257 to maintain records with respect to a performer portrayed in a single media or multimedia program.

h. A production produced primarily for industrial, corporate, or institutional purposes.

2. "Claimant" means a person who files a claim under this subsection.

3. "Production expenditures" means any expenditures that are incurred in this state and directly used to produce an accredited production, including expenditures for set construction and operation, wardrobes, make−up, clothing accessories, photography, sound recording, sound synchronization, sound mixing, lighting, editing, film processing, film transferring, special effects, visual effects, renting or leasing facilities or equipment, renting or leasing motor vehicles, food, lodging, and any other similar expenditure as determined by the department of commerce. "Production expenditures" do not include salary, wages, or labor−related contract payments.

(b) *Filing claims.* Subject to the limitations provided in this subsection, for taxable years beginning after December 31, 2008, a claimant may claim as a credit against the tax imposed under s. 71.02 or 71.08 any of the following amounts:

1. An amount equal to 25 percent of the salary, wages, or labor−related contract payments paid by the claimant in the taxable year to individuals, including actors, who were residents of this state at the time that they were paid and who worked on an accredited production in this state, not including the salary, wages, or contract payments paid to any individual who was paid more than $250,000. A claimant may claim an additional amount equal to 3 percent of any salary, wages, or contract payments described in this subdivision if the individual who received the salary, wages, or contract payments was also living in an economically distressed area of this state, as determined by the department of commerce under s. 560.706 (2) (e), at the time that the individual was paid.

Vetoed In Part

2. An amount equal to 20 percent of the salary, wages, or labor−related contract payments paid by the claimant in the taxable year to individuals who were not residents of this state at the time that they were paid and who worked on an accredited production in this state, not including the salary, wages, or contract payments paid to any individual who was paid more than $250,000 or paid as above−the−line expenses to individuals such as nontechnical crew members, producers, writers, casting directors, and actors.

Vetoed In Part

3. An amount equal to 25 percent of the production expenditures paid by the claimant in the taxable year to produce an accredited production.

(c) *Limitations.* 1. A claimant may not claim a credit under this subsection if less than 35 percent of the total budget for the accredited production is spent in this state.

2. The total amount of the credits that a claimant may claim under par. (b) 2. in a taxable year shall not exceed an amount equal to the first $20,000 of salary, wages, or labor−related contract payments paid to each individual described in par. (b) 2. in the taxable year.

3. No credit may be claimed under par. (b) 3. for the purchase of tangible personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) the sale of which is not sourced to this state, as provided under s. 77.522.

4. The maximum amount of all credits that a claimant may claim under this subsection for each accredited production is $10,000,000.

Vetoed In Part

5. The maximum amount of the credits that may be claimed under this subsection and sub. (5h) and ss. 71.28 (5f) and (5h) and 71.47 (5f) and (5h) in fiscal year 2009−10 is $1,500,000. The maximum amount of the credits that may be claimed under this subsection and sub. (5h) and ss. 71.28 (5f) and (5h) and 71.47 (5f) and (5h) in fiscal year 2010−11 is $1,500,000.

Vetoed In Part

6. No credit may be allowed under this subsection unless the claimant files an application with the department of commerce, at the time and in the manner prescribed by the department of commerce, and the department of commerce approves the application. The claimant shall submit a fee with the application in an amount equal to 2 percent of the claimant's budgeted production expenditures or to $5,000, whichever is less. The claimant shall submit a copy of the approved application with the claimant's return.

7. Partnerships, limited liability companies, and tax−option corporations may not claim the credit under this

subsection, but the eligibility for, and the amount of, the credit are based on their payment of amounts under par. (b). A partnership, limited liability company, or tax−option corporation 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.

(d) *Administration.* 1. Section 71.28 (4) (e), (g), and (h), as it applies to the credit under s. 71.28 (4), applies to the credits under this subsection.

2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise due under s. 71.02 or 71.08 or no tax is due under s. 71.02 or 71.08, the amount of the claim not used to offset the tax due shall be certified by the department of revenue to the department of administration for payment by check, share draft, or other draft drawn from the appropriation account under s. 20.835 (2) (bm).

SECTION 1580x. 71.07 (5h) (a) 2. of the statutes is amended to read:

71.07 **(5h)** (a) 2. "Film production company" means an entity that exclusively creates ~~films, videos, electronic games, broadcast advertisement, or television productions, not including the productions described under s. 71.07~~ accredited productions, as defined in sub. (5f) (a) 1. ~~a. to h.~~

SECTION 1580yb. 71.07 (5h) (b) (intro.) of the statutes is amended to read:

71.07 **(5h)** (b) *Filing claims.* (intro.) Subject to the limitations provided in this subsection, for taxable years beginning after December 31, ~~2007~~ 2008, a claimant may claim as a credit against the tax imposed under s. 71.02~~, up to the amount of the taxes, for the first 3 taxable years that the claimant is doing business in this state as a film production company,~~ or 71.08 an amount that is equal to 15 percent of the following that the claimant paid in the taxable year to establish or operate a film production company in this state:

SECTION 1580yc. 71.07 (5h) (b) 1. of the statutes is amended to read:

71.07 **(5h)** (b) 1. The purchase price of depreciable, tangible personal property and items, property, and goods under s. 77.52 (1) (b), (c), and (d), if the sale of the tangible personal property, items, property, or goods is sourced to this state under s. 77.522.

SECTION 1580ye. 71.07 (5h) (c) 1. of the statutes is amended to read:

71.07 **(5h)** (c) 1. A claimant may claim the credit under par. (b) 1., if the tangible personal property, or item, property, or good under s. 77.52 (1) (b), (c), or (d), is purchased after December 31, ~~2007~~ 2008, and the tangible personal property, item, property, or good is used for at least 50 percent of its use in the claimant's business as a film production company.

SECTION 1580yf. 71.07 (5h) (c) 2. of the statutes is amended to read:

71.07 **(5h)** (c) 2. A claimant may claim the credit under par. (b) 2. for an amount expended to construct, rehabilitate, remodel, or repair real property, if the claimant began the physical work of construction, rehabilitation, remodeling, or repair, or any demolition or destruction in preparation for the physical work, after December 31, ~~2007~~ 2008, and the completed project is placed in service after December 31, ~~2007~~ 2008.

SECTION 1580yg. 71.07 (5h) (c) 3. of the statutes is amended to read:

71.07 **(5h)** (c) 3. A claimant may claim the credit under par. (b) 2. for an amount expended to acquire real property, if the property is not previously owned property and if the claimant acquires the property after December 31, ~~2007~~ 2008, and the completed project is placed in service after December 31, ~~2007~~ 2008.

SECTION 1580yh. 71.07 (5h) (c) 4. of the statutes is amended to read:

71.07 **(5h)** (c) 4. No claim may be allowed under this subsection unless the department of commerce certifies, in writing, that the credits claimed under this subsection are for expenses related to establishing or operating a film production company in this state and the claimant submits a copy of the certification with the claimant's return.

SECTION 1580yj. 71.07 (5h) (c) 4d. of the statutes is created to read: **Vetoed In Part**

71.07 **(5h)** (c) 4d. The maximum amount of all credits that a claimant may claim under this subsection for each project for which expenses are certified under subd. 4. is $10,000,000.

SECTION 1580yk. 71.07 (5h) (c) 4m. of the statutes is created to read:

71.07 **(5h)** (c) 4m. The maximum amount of the credits that may be claimed under this subsection and sub. (5f) and ss. 71.28 (5f) and (5h) and 71.47 (5f) and (5h) in fiscal year 2009−10 is $1,500,000. The maximum amount of the credits that may be claimed under this subsection and sub. (5f) and ss. 71.28 (5f) and (5h) and 71.47 (5f) and (5h) in fiscal year 2010−11 is $1,500,000. **Vetoed In Part**

SECTION 1580yL. 71.07 (5h) (d) of the statutes is renumbered 71.07 (5h) (d) 1. and amended to read:

71.07 **(5h)** (d) 1. Section 71.28 (4) (e) ~~to~~, (g), and (h), as it applies to the credit under s. 71.28 (4), applies to the credits under this subsection.

SECTION 1580ym. 71.07 (5h) (d) 2. of the statutes is created to read:

71.07 **(5h)** (d) 2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise due under s. 71.02 or 71.08 or no tax is due under s. 71.02 or 71.08, the amount of the claim not used to offset the tax due shall be certified by the department of revenue to the department of administration for payment by

check, share draft, or other draft drawn from the appropriation account under s. 20.835 (2) (bL).

SECTION 1582. 71.07 (5i) (b) of the statutes is amended to read:

71.07 **(5i)** (b) *Filing claims.* Subject to the limitations provided in this subsection, for taxable years beginning after December 31, ~~2009~~ 2011, a claimant may claim as a credit against the taxes imposed under ~~s.~~ ss. 71.02 and 71.08, up to the amount of those taxes, an amount equal to 50 percent of the amount the claimant paid in the taxable year for information technology hardware or software that is used to maintain medical records in electronic form, if the claimant is a health care provider, as defined in s. 146.81 (1) (a) to (p).

SECTION 1583. 71.07 (5j) (b) of the statutes is amended to read:

71.07 **(5j)** (b) *Filing claims.* Subject to the limitations provided in this subsection, for taxable years beginning after December 31, 2007, and before January 1, 2018, a claimant may claim as a credit against the taxes imposed under ~~s.~~ ss. 71.02 and 71.08, up to the amount of the taxes, an amount that is equal to 25 percent of the amount that the claimant paid in the taxable year to install or retrofit pumps located in this state that dispense motor vehicle fuel consisting of at least 85 percent ethanol or at least 20 percent biodiesel fuel.

SECTION 1583d. 71.07 (5k) (b) of the statutes is amended to read:

71.07 **(5k)** (b) *Filing claims.* Subject to the limitations provided in this subsection, for taxable years beginning after July 1, ~~2009~~ 2011, a claimant may claim as a credit against the tax imposed under s. 71.02, up to the amount of those taxes, an amount equal to 5 percent of the amount the claimant paid in the taxable year to a community rehabilitation program to perform work for the claimant's business, pursuant to a contract.

SECTION 1584. 71.07 (8r) of the statutes is created to read:

71.07 **(8r)** BEGINNING FARMER AND FARM ASSET OWNER TAX CREDIT. (a) *Definitions.* In this subsection:

1. "Agricultural assets" means machinery, equipment, facilities, or livestock that is used in farming.

2. "Beginning farmer" means a person who meets the conditions specified in s. 93.53 (2).

3. "Claimant" means a beginning farmer who files a claim under this subsection or an established farmer who files a claim under this subsection.

4. "Educational institution" means the Wisconsin Technical College System, the University of Wisconsin−Extension, the University of Wisconsin−Madison, or any other institution that is approved by the department of agriculture, trade and consumer protection under s. 93.53 (6) (a).

5. "Established farmer" means a person who meets the conditions specified in s. 93.53 (3).

6. "Farming" has the meaning given in section 464 (e) (1) of the Internal Revenue Code.

7. "Financial management program" means a course in farm financial management that is offered by an educational institution.

8. "Lease amount" is the amount of the cash payment paid by a beginning farmer to an established farmer each year for leasing the established farmer's agricultural assets.

(b) *Filing claims.* 1. For taxable years beginning after December 31, 2010, and subject to the limitations provided in this subsection, a beginning farmer may claim as a credit against the tax imposed under s. 71.02 or 71.08, on a one−time basis, the amount paid by the beginning farmer to enroll in a financial management program in the year to which the claim relates. If the allowable amount of the claim exceeds the income taxes otherwise due on the beginning farmer's income, the amount of the claim not used as an offset against those taxes shall be certified by the department of revenue to the department of administration for payment to the claimant by check, share draft, or other draft from the appropriation under s. 20.835 (2) (en).

2. For taxable years beginning after December 31, 2010, and subject to the limitations provided in this subsection, an established farmer may claim as a credit against the tax imposed under s. 71.02 or 71.08 15 percent of the lease amount received by the established farmer in the year to which the claim relates. If the allowable amount of the claim exceeds the income taxes otherwise due on the established farmer's income, the amount of the claim not used as an offset against those taxes shall be certified by the department of revenue to the department of administration for payment to the claimant by check, share draft, or other draft from the appropriation under s. 20.835 (2) (en).

(c) *Limitations.* 1. An established farmer may only claim the credit under this subsection for the first 3 years of any lease of the established farmer's agricultural assets to a beginning farmer.

2. No credit may be allowed under this subsection unless it is claimed within the time period under s. 71.75 (2).

3. Along with a claimant's income tax return, a claimant shall submit to the department certificate of eligibility provided under s. 93.53 (5) (b) or (c).

4. No credit may be claimed under this subsection by a part−year resident or a nonresident of this state.

5. The right to file a claim under this subsection is personal to the claimant and does not survive the claimant's death. When a claimant dies after having filed a timely claim the amount thereof shall be disbursed under s. 71.75 (10). The right to file a claim under this subsection may be exercised on behalf of a living claimant by the claimant's legal guardian or attorney−in−fact.

6. The maximum credit that a beginning farmer may claim under this subsection is $500.

7. Partnerships, limited liability companies, and tax−option corporations may not claim the credit under this subsection, but the eligibility for, and the amount of, the credit are based on the amounts received by the entities under par. (b) 2. A partnership, limited liability company, or tax−option corporation 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 interests.

(d) *Administration.* Subsection (9e) (d), to the extent that it applies to the credit under that subsection, applies to the credit under this subsection.

SECTION 1584p. 71.07 (9e) (g) of the statutes is created to read:

71.07 **(9e)** (g) 1. If an individual claims the credit under this subsection and claims the federal advance earned income tax credit, the individual may request that his or her employer add to his or her paycheck an advance payment amount calculated under subd. 2.

2. The advance payment amount that an individual's employer shall add to the individual's paycheck, as described in subd. 1., shall be equal to a percentage of the amount that the individual's employer adds to the individual's paycheck as an advance earned income tax credit payment under federal law. The percentage shall be the same percentage as is specified in par. (af), based on the number of qualifying children that the individual has.

3. An employer may deduct from the aggregate amount that the employer would otherwise be required to withhold from employee wages and forward to the department, under ss. 71.64 and 71.65, the total amount of any advance payments the employer makes under subd. 2.

4. The department shall prepare any forms and instructions that may be necessary to facilitate the addition of the advance payment amount calculated under subd. 2. to an individual's paycheck and any changes to the withholding procedures as described under subd. 3.

SECTION 1585. 71.07 (9m) (c) of the statutes is amended to read:

71.07 **(9m)** (c) No person may claim the credit under this subsection unless the claimant includes with the claimant's return evidence that the rehabilitation was ~~approved~~ recommended by the state historic preservation officer for approval by the secretary of the interior under 36 CFR 67.6 before the physical work of construction, or destruction in preparation for construction, began and that the rehabilitation was approved by the secretary of the interior under 36 CFR 67.6.

SECTION 1586. 71.07 (9m) (cm) of the statutes is created to read:

71.07 **(9m)** (cm) Any credit claimed under this subsection for Wisconsin purposes shall be claimed at the same time as for federal purposes.

SECTION 1587. 71.07 (9m) (f) of the statutes is amended to read:

71.07 **(9m)** (f) A partnership, limited liability company, or tax−option corporation may not claim the credit under this subsection. The ~~individual~~ partners of a partnership, members ~~in~~ of a limited liability company, or shareholders in a tax−option corporation may claim the credit under this subsection based on eligible costs incurred by the partnership, company, or tax−option corporation~~, in proportion to the ownership interest of each partner, member or shareholder~~. The partnership, limited liability company, or tax−option corporation shall calculate the amount of the credit which may be claimed by each partner, member, or shareholder and shall provide that information to the partner, member, or shareholder. For shareholders of a tax−option corporation, the credit may be allocated in proportion to the ownership interest of each shareholder. Credits computed by a partnership or limited liability company may be claimed in proportion to the ownership interests of the partners or members or allocated to partners or members as provided in a written agreement among the partners or members that is entered into no later than the last day of the taxable year of the partnership or limited liability company, for which the credit is claimed. For a partnership or limited liability company that places property in service after June 29, 2008, and before January 1, 2009, the credit attributable to such property may be allocated, at the election of the partnership or limited liability company, to partners or members for a taxable year of the partnership or limited liability company that ends after June 29, 2008, and before January 1, 2010. Any partner or member who claims the credit as provided under this paragraph shall attach a copy of the agreement, if applicable, to the tax return on which the credit is claimed. A person claiming the credit as provided under this paragraph is solely responsible for any tax liability arising from a dispute with the department of revenue related to claiming the credit.

SECTION 1588. 71.07 (9m) (g) of the statutes is created to read:

71.07 **(9m)** (g) 1. If a person who claims the credit under this subsection elects to claim the credit based on claiming amounts for expenditures as the expenditures are paid, rather than when the rehabilitation work is completed, the person shall file an election form with the department, in the manner prescribed by the department.

2. Notwithstanding s. 71.77, the department may adjust or disallow the credit claimed under this subsection within 4 years after the date that the state historical society notifies the department that the expenditures for which the credit was claimed do not comply with the

standards for certification promulgated under s. 44.02 (24).

SECTION 1589b. 71.08 (1) (intro.) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

71.08 **(1)** IMPOSITION. (intro.) If the tax imposed on a natural person, married couple filing jointly, trust, or estate under s. 71.02, not considering the credits under ss. 71.07 (1), (2dd), (2de), (2di), (2dj), (2dL), (2dr), (2ds), (2dx), (2dy), ~~(2fd),~~ (3m), (3n), (3p), (3q), (3r), (3s), (3t), (3w), (5b), (5d), (5e), (5f), (5h), (5i), (5j), (6), (6e), (8r), and (9e), 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1dy), ~~(1fd),~~ (2m), (3), (3n), (3t), and (3w), ~~and~~ 71.47 (1dd), (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1dy), ~~(1fd),~~ (2m), (3), (3n), (3t), and (3w), ~~and subchs.~~ 71.57 to 71.61, and 71.613 and subch. VIII ~~and IX~~ and payments to other states under s. 71.07 (7), is less than the tax under this section, there is imposed on that natural person, married couple filing jointly, trust or estate, instead of the tax under s. 71.02, an alternative minimum tax computed as follows:

SECTION 1590. 71.09 (11) (e) of the statutes is created to read:

71.09 **(11)** (e) For taxable years beginning after December 31, 2008, the taxpayer qualifies for a federal extension of time to file under 26 USC 7508A due to a presidentially declared disaster or terroristic or military action.

SECTION 1591. 71.09 (11) (f) of the statutes is created to read:

71.09 **(11)** (f) The taxpayer has underpaid the taxpayer's estimated taxes due to the change in brackets under s. 71.06 (1p) (e) and (2) (g) 5. and (h) 5. This paragraph applies only in the first taxable year to which these bracket changes apply.

SECTION 1591v. 71.10 (4) (en) of the statutes is repealed.

SECTION 1591w. 71.10 (4) (ga) of the statutes is repealed.

SECTION 1593b. 71.10 (4) (i) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

71.10 **(4)** (i) The total of claim of right credit under s. 71.07 (1), farmland preservation credit under ~~subch. IX~~ ss. 71.57 to 71.61, farmland preservation credit, 2010 and beyond under s. 71.613, homestead credit under subch. VIII, farmland tax relief credit under s. 71.07 (3m), ~~farmers' drought property tax credit under s. 71.07 (2fd)~~, dairy manufacturing facility investment credit under s. 71.07 (3p), jobs tax credit under s. 71.07 (3q), meat processing facility investment credit under s. 71.07 (3r), film production services credit under s. 71.07 (5f) ~~(b) 2.~~, film production company investment credit under s. 71.07 (5h), veterans and surviving spouses property tax credit under s. 71.07 (6e), enterprise zone jobs credit under s. 71.07 (3w), beginning farmer and farm asset owner tax credit under s. 71.07 (8r), earned income tax credit under s. 71.07 (9e), estimated tax payments under s. 71.09, and taxes withheld under subch. X.

SECTION 1593e. 71.10 (5i) of the statutes is created to read:

71.10 **(5i)** MILITARY FAMILY RELIEF FUND CHECKOFF. (a) *Definitions.* In this subsection:

1. "Department" means the department of revenue.

2. "Military family relief fund" means the fund under s. 25.38.

(b) *Voluntary payments.* 1. 'Designation on return.' Every individual filing an income tax return who has a tax liability or is entitled to a tax refund may designate on the return any amount of additional payment or any amount of a refund due that individual for the military family relief fund.

2. 'Designation added to tax owed.' If the individual owes any tax, the individual shall remit in full the tax due and the amount designated on the return for the military family relief fund when the individual files a tax return.

3. 'Designation deducted from refund.' Except as provided in par. (d), if the individual is owed a refund for that year after crediting under ss. 71.75 (9) and 71.80 (3) and (3m), the department shall deduct the amount designated on the return for the military family relief fund from the amount of the refund.

(c) *Errors; failure to remit correct amount.* If an individual who owes taxes fails to remit an amount equal to or in excess of the total of the actual tax due, after error corrections, and the amount designated on the return for the military family relief fund:

1. The department shall reduce the designation for the military family relief fund to reflect the amount remitted in excess of the actual tax due, after error corrections, if the individual remitted an amount in excess of the actual tax due, after error corrections, but less than the total of the actual tax due, after error corrections, and the amount originally designated on the return for the military family relief fund.

2. The designation for the military family relief fund is void if the individual remitted an amount equal to or less than the actual tax due, after error corrections.

(d) *Errors; insufficient refund.* If an individual is owed a refund that does not equal or exceed the amount designated on the return for the military family relief fund, after crediting under ss. 71.75 (9) and 71.80 (3) and (3m) and after error corrections, the department shall reduce the designation for the military family relief fund to reflect the actual amount of the refund that the individual is otherwise owed, after crediting under ss. 71.75 (9) and 71.80 (3) and (3m) and after error corrections.

(e) *Conditions.* If an individual places any conditions on a designation for the military family relief fund, the designation is void.

(f) *Void designation.* If a designation for the military family relief fund is void, the department shall disregard

the designation and determine amounts due, owed, refunded, and received without regard to the void designation.

(g) *Tax return.* The secretary of revenue shall provide a place for the designations under this subsection on the individual income tax return.

(h) *Certification of amounts.* Annually, on or before September 15, the secretary of revenue shall certify to the department of military affairs, the department of administration, and the state treasurer all of the following:

1. The total amount of the administrative costs, including data processing costs, incurred by the department in administering this subsection during the previous fiscal year.

2. The total amount received from all designations for the military family relief fund made by taxpayers during the previous fiscal year.

3. The net amount remaining after the administrative costs, including data processing costs, under subd. 1. are subtracted from the total received under subd. 2.

(i) *Appropriations.* From the moneys received from designations for the military family relief fund, an amount equal to the sum of administrative expenses, including data processing costs, certified under par. (h) 1. shall be deposited in the general fund and credited to the appropriation account under s. 20.566 (1) (hp), and the net amount remaining that is certified under par. (h) 3. shall be deposited in the military family relief fund and credited to the appropriation under s. 20.465 (2) (r).

(j) *Amounts subject to refund.* Amounts designated for the military family relief fund under this subsection are not subject to refund to the taxpayer unless the taxpayer submits information to the satisfaction of the department, within 18 months after the date on which the taxes are due or the date on which the return is filed, whichever is later, that the amount designated is clearly in error. Any refund granted by the department under this paragraph shall be deducted from the moneys received under this subsection in the fiscal year for which the refund is certified.

SECTION 1593g. 71.10 (5j) of the statutes is created to read:

71.10 **(5j)** FEEDING AMERICA; SECOND HARVEST FOOD BANKS CHECKOFF. (a) *Definitions.* In this subsection:

1. "Department" means the department of revenue.

2. "Second Harvest" means Second Harvest food banks in Wisconsin that are members of Feeding America.

(b) *Voluntary payments.* 1. 'Designation on return.' Every individual filing an income tax return who has a tax liability or is entitled to a tax refund may designate on the return any amount of additional payment or any amount of a refund due that individual for Second Harvest.

2. 'Designation added to tax owed.' If the individual owes any tax, the individual shall remit in full the tax due and the amount designated on the return for Second Harvest when the individual files a tax return.

3. 'Designation deducted from refund.' Except as provided in par. (d), if the individual is owed a refund for that year after crediting under ss. 71.75 (9) and 71.80 (3) and (3m), the department shall deduct the amount designated on the return for Second Harvest from the amount of the refund.

(c) *Errors; failure to remit correct amount.* If an individual who owes taxes fails to remit an amount equal to or in excess of the total of the actual tax due, after error corrections, and the amount designated on the return for Second Harvest:

1. The department shall reduce the designation for Second Harvest to reflect the amount remitted in excess of the actual tax due, after error corrections, if the individual remitted an amount in excess of the actual tax due, after error corrections, but less than the total of the actual tax due, after error corrections, and the amount originally designated on the return for Second Harvest.

2. The designation for Second Harvest is void if the individual remitted an amount equal to or less than the actual tax due, after error corrections.

(d) *Errors; insufficient refund.* If an individual is owed a refund that does not equal or exceed the amount designated on the return for Second Harvest, after crediting under ss. 71.75 (9) and 71.80 (3) and (3m) and after error corrections, the department shall reduce the designation for Second Harvest to reflect the actual amount of the refund that the individual is otherwise owed, after crediting under ss. 71.75 (9) and 71.80 (3) and (3m) and after error corrections.

(e) *Conditions.* If an individual places any conditions on a designation for Second Harvest, the designation is void.

(f) *Void designation.* If a designation for Second Harvest is void, the department shall disregard the designation and determine amounts due, owed, refunded, and received without regard to the void designation.

(g) *Tax return.* The secretary of revenue shall provide a place for the designations under this subsection on the individual income tax return.

(h) *Certification of amounts.* Annually, on or before September 15, the secretary of revenue shall certify to the department of administration and the state treasurer all of the following:

1. The total amount of the administrative costs, including data processing costs, incurred by the department in administering this subsection during the previous fiscal year.

2. The total amount received from all designations for Second Harvest made by taxpayers during the previous fiscal year.

3. The net amount remaining after the administrative costs, including data processing costs, under subd. 1. are subtracted from the total received under subd. 2.

(i) *Appropriations.* From the moneys received from designations for Second Harvest, an amount equal to the sum of administrative expenses, including data processing costs, certified under par. (h) 1. shall be deposited in the general fund and credited to the appropriation account under s. 20.566 (1) (hp), and the department shall annually pay the following percentages of the net amount remaining that is certified under par. (h) 3. from the appropriation under s. 20.855 (4) (ge):

1. Sixty−five percent to Second Harvest that is located in the city of Milwaukee.

2. Twenty percent to Second Harvest that is located in the city of Madison.

3. Fifteen percent to Second Harvest that is located in the city of Eau Claire.

(j) *Amounts subject to refund.* Amounts designated for Second Harvest under this subsection are not subject to refund to the taxpayer unless the taxpayer submits information to the satisfaction of the department, within 18 months after the date on which the taxes are due or the date on which the return is filed, whichever is later, that the amount designated is clearly in error. Any refund granted by the department under this paragraph shall be deducted from the moneys received under this subsection in the fiscal year for which the refund is certified.

SECTION 1594. 71.13 (1m) of the statutes is created to read:

71.13 **(1m)** SCHEDULES TO BENEFICIARIES. Every fiduciary who is required to file a return under sub. (1) shall, on or before the due date of the return, including extensions, provide a schedule to each beneficiary whose share of income, deductions, credits, or other items of the fiduciary may affect the beneficiary's tax liability under this chapter. The schedule shall separately indicate the beneficiary's share of each item.

SECTION 1595. 71.20 (1m) of the statutes is created to read:

71.20 **(1m)** Every partnership that is required to file a return under sub. (1) shall, on or before the due date of the return, including extensions, provide a schedule to each partner whose share of income, deductions, credits, or other items of the partnership may affect the partner's tax liability under this chapter. The schedule shall separately indicate the partner's share of each item.

SECTION 1596. 71.20 (3) of the statutes is created to read:

71.20 **(3)** Any extension granted by law or by the Internal Revenue Service for the filing of the federal return that corresponds to the return required under sub. (1) extends the time for filing under this section.

SECTION 1597. 71.21 (3) of the statutes is amended to read:

71.21 **(3)** The credits under s. 71.28 (4), (4m), and (5) may not be claimed by a partnership or by partners, including partners of a publicly traded partnership.

SECTION 1598d. 71.21 (4) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

71.21 **(4)** Credits computed by a partnership under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dm), (2ds), (2dx), (2dy), (3g), (3h), (3n), (3p), (3q), (3r), (3s), (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j), ~~and~~ (5k), and (8r) and passed through to partners shall be added to the partnership's income.

SECTION 1599d. 71.22 (1r) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

71.22 **(1r)** "Doing business in this state" includes, except as prohibited under P.L. 86−272, issuing credit, debit, or travel and entertainment cards to customers in this state; regularly selling products or services of any kind or nature to customers in this state that receive the product or service in this state; regularly soliciting business from potential customers in this state; regularly performing services outside this state for which the benefits are received in this state; regularly engaging in transactions with customers in this state that involve intangible property and result in receipts flowing to the taxpayer from within this state; holding loans secured by real or tangible personal property located in this state; owning, directly or indirectly, a general or limited partnership interest in a partnership that does business in this state, regardless of the percentage of ownership; and owning, directly or indirectly, an interest in a limited liability company that does business in this state, regardless of the percentage of ownership, if the limited liability company is treated as a partnership for federal income tax purposes. A taxpayer doing business in this state for any part of the taxable year is considered to be doing business in this state for the entire taxable year.

SECTION 1600. 71.22 (4) (n) of the statutes is repealed.

SECTION 1601. 71.22 (4) (o) of the statutes is amended to read:

71.22 **(4)** (o) 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, 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, 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, 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, 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, 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, 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, and P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

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, 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, 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, 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, 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, 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, and P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1603. 71.22 (4) (q) of the statutes is amended to read:

71.22 **(4)** (q) 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, 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 amended 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, 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, 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, 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, excluding sections 811 and 844 of P.L. 109−280, 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, and P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1604. 71.22 (4) (r) of the statutes is amended to read:

71.22 **(4)** (r) 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, 2004, and before January 1, 2006, 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 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, 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 sec-

tions 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. 109−73, 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, 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, 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, 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, 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, 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 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, 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, 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, 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, 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, excluding sections 811 and 844 of P.L. 109−280, and P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1606. 71.22 (4) (t) of the statutes is amended to read:

71.22 **(4)** (t) 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, 2006, and before January 1, 2008, means the federal 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), 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 P.L. 109−432, and as amended by 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, 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, 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, 2006, do not apply to this paragraph with respect to taxable years beginning after December 31, 2006, and before January 1, 2008, except that changes to the Internal Revenue Code made by P.L. 110−458, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1607. 71.22 (4) (u) of the statutes is created to read:

71.22 **(4)** (u) 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, 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, 207, 209, 503, 512, and 513 of P.L. 109−222, sections 811 and 844 of P.L. 109−280, P.L. 109−432, P.L. 110−28, P.L. 110−140, P.L. 110−141, P.L. 110−142, P.L. 110−166, and P.L. 110−172, and as amended by 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, 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, P.L. 109−280, excluding sections 811 and 844 of P.L. 109−280, 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, 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. 110−458, and changes that indirectly affect the provisions applicable to this subchapter made by 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, 512, and 513 of P.L. 109−222, sections 811 and 844 of P.L. 109−280, P.L. 109−432, P.L. 110−28, P.L. 110−140, P.L. 110−141, P.L. 110−142, P.L. 110−166, P.L. 110−172, P.L. 110−185, P.L. 110−234, P.L. 110−245, P.L. 110−289, P.L. 110−317, P.L. 110−343, and P.L. 110−351, 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, 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, 512, and 513 of P.L. 109−222, P.L. 109−227, P.L. 109−280, excluding sections 811 and 844 of P.L. 109−280, 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 to a tax on unrelated business income under s. 71.26 (1) (a), 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, 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, 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, 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, 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, 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, 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, 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:

71.22 **(4m)** (n) For taxable years that begin after December 31, 2002, and before January 1, 2004, "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, 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, 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. 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, 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, 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, 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, and P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1612. 71.22 (4m) (o) of the statutes is amended to read:

71.22 **(4m)** (o) For taxable years that begin after December 31, 2003, and before January 1, 2005, "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, 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 amended 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, 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. 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, 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 and 844 of P.L. 109−280, 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, and P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1613. 71.22 (4m) (p) of the statutes is amended to read:

71.22 **(4m)** (p) For taxable years that begin after December 31, 2004, and before January 1, 2006, "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, 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 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, 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. 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, 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, 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, and P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1614. 71.22 (4m) (q) of the statutes is amended to read:

71.22 **(4m)** (q) For taxable years that begin after December 31, 2005, and before January 1, 2007, "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, 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, 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 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, 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. 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, 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, 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, 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, excluding sections 811 and 844 of P.L. 109−280, and P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1615. 71.22 (4m) (r) of the statutes is amended to read:

71.22 **(4m)** (r) For taxable years that begin after December 31, 2006, and before January 1, 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, 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), 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 P.L. 109−432, and as amended by 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. 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, 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, 2006, do not apply to this paragraph with respect to taxable years beginning after Decem-

ber 31, 2006, and before January 1, 2008, except that changes to the Internal Revenue Code made by P.L. 110−458, and changes that indirectly affect the provisions applicable to this subchapter made by 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, 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, P.L. 109−432, P.L. 110−28, P.L. 110−140, P.L. 110−141, P.L. 110−142, P.L. 110−166, and P.L. 110−172, and as amended by 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. 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, 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, 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. 110−458, and changes that indirectly affect the provisions applicable to this subchapter made by 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 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, 512, and 513 of P.L. 109−222, sections 811 and 844 of P.L. 109−280, P.L. 109−432, P.L. 110−28, P.L. 110−140, P.L. 110−141, P.L. 110−142, P.L. 110−166, P.L. 110−172, P.L. 110−185, P.L. 110−234, P.L. 110−245, P.L. 110−289, P.L. 110−317, P.L. 110−343, and P.L. 110−351, 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, 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, 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, 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, 2008, do not apply to this paragraph with respect to taxable years beginning after December 31, 2008.

SECTION 1618. 71.24 (7) of the statutes is renumbered 71.24 (7) (a) and amended to read:

71.24 **(7)** (a) In the case of a corporation required to file a return, the department of revenue shall allow an automatic extension of 7 months or until the original due date of the corporation's corresponding federal return, whichever is later. Any extension of time granted by law or by the internal revenue service for the filing of corresponding federal returns shall extend the time for filing under this subchapter to 30 days after the federal due date if the corporation reports the extension in the manner specified by the department on the return. Except for payments of estimated taxes, income or franchise taxes payable upon the filing of the tax return shall not become delinquent during such extension period, but shall, except as provided in par. (b), be subject to interest at the rate of 12% per year during such period.

SECTION 1619. 71.25 (9) (a) of the statutes is amended to read:

71.25 **(9)** (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 taxpayer during the tax period under par. (b) 1. and 2. plus ~~50%~~ 100 percent of the sales of the taxpayer during the tax period under pars. (b) 2m. and 3. and (c). For purposes of applying pars. (b) 2m. and 3. and (c), if a taxpayer is within another state's jurisdiction for income or franchise tax purposes for any part of the taxable year, it is considered to be within that state's jurisdiction for income or franchise tax purposes for the entire taxable year.

SECTION 1620b. 71.25 (9) (df) 3. of the statutes is repealed.

SECTION 1621b. 71.25 (9) (dh) 4. of the statutes is repealed.

SECTION 1621c. 71.25 (9) (dj) 2. of the statutes, as created by 2009 Wisconsin Act 2, is repealed.

SECTION 1621d. 71.25 (9) (dk) 2. of the statutes, as created by 2009 Wisconsin Act 2, is repealed.

SECTION 1621e. 71.255 (2) (a) of the statutes, as created by 2009 Wisconsin Act 2, is amended to read:

71.255 **(2)** (a) A corporation, not including a corporation of which all its income is exempt from taxation under s. 71.26 (1) or 71.45 (1), engaged in a unitary business with one or more other corporations in the same commonly controlled group shall report its share of income from that unitary business in the amount determined by a combined report filed by a designated agent of the unitary business, as determined under sub. (7). The combined report shall include the income, determined under sub. (3), and apportionment factor or factors determined under sub. (5), of every corporation in the commonly controlled group that is engaged in the unitary business, except as provided in pars. (b) to (f).

SECTION 1621eb. 71.255 (2m) of the statutes is created to read:

71.255 **(2m)** ELECTION TO INCLUDE EVERY MEMBER OF COMMONLY CONTROLLED GROUP. (a) The designated agent as provided in sub. (7) may elect, without first obtaining written approval from the department, to include in its combined group every corporation in its commonly controlled group, regardless of whether such corporations are engaged in the same unitary business as the designated agent. Corporations included in the combined group by operation of this election are required to use combined reporting only to the extent described in sub. (2). The commonly controlled group shall calculate its Wisconsin income and apportionment factors as provided under subs. (3), (4), and (5), and all income of all members of the commonly controlled group, whether or not such income would otherwise be subject to apportionment or allocable to a particular state in the absence of an election under this subsection, shall be treated as

apportionable income for purposes of the combined report.

(b) The election under this subsection shall be executed by the designated agent on an original, timely filed combined report. Any corporation that becomes includable in the commonly controlled group subsequent to the year of election shall have waived any objection to its inclusion in the combined report.

(c) An election under this subsection shall be binding for and applicable to the taxable year for which it is made and for the next 9 taxable years. An election may be renewed for another 10 taxable years, without prior written approval from the department after it has been in effect for 10 taxable years. The renewal shall be made on an original, timely filed return for the first taxable year after the completion of a 10−year period for which an election under this subsection was in place. An election that is not renewed shall be revoked. In the case of a revocation, a new election under this subsection shall not be permitted in any of the immediately following 3 taxable years.

(d) The department shall disregard the tax effect of an election under this subsection, or disallow the election, with respect to any controlled group member or members for any year of the election period, if the department determines that the election has the effect of tax avoidance.

SECTION 1621f. 71.255 (3) (c) of the statutes, as created by 2009 Wisconsin Act 2, is amended to read:

71.255 **(3)** (c) Its income from a business conducted wholly by the member entirely within the state. If a combined group consists only of corporations that are conducting business entirely within this state, sub. (4) (f) to (j) applies to those corporations.

SECTION 1621g. 71.255 (4) (e) of the statutes, as created by 2009 Wisconsin Act 2, is repealed.

SECTION 1621h. 71.255 (4) (f) of the statutes, as created by 2009 Wisconsin Act 2, is amended to read:

71.255 **(4)** (f) Except as provided in sub. (2) (d) 3. and except if the modification under s. 71.26 (3) (j) applies, dividends paid by one combined group member to another shall be, to the extent that the dividends are paid out of the earnings and profits of the unitary business included in the combined report, whether in the current taxable year or in a prior taxable year, subtracted from the income of the recipient. This paragraph does not apply to dividends received from members of the unitary business that were not part of the combined group ~~during the calendar year preceding the receipt of the dividends~~ at the time that the dividends were paid.

SECTION 1621j. 71.255 (4) (h) of the statutes, as created by 2009 Wisconsin Act 2, is repealed and recreated to read:

71.255 **(4)** (h) Limitations that apply to charitable contribution deductions shall be applied as provided under section 170 of the Internal Revenue Code in the manner prescribed by the department by rule, as provided under sub. (11).

SECTION 1621k. 71.255 (4) (i) of the statutes, as created by 2009 Wisconsin Act 2, is repealed and recreated to read:

71.255 **(4)** (i) Gain or loss from the sale or exchange of capital assets, property described by section 1231 (a) (3) of the Internal Revenue Code, and property subject to an involuntary conversion shall be determined as provided under sections 1211, 1222, and 1231 of the Internal Revenue Code in the manner prescribed by the department by rule, as provided under sub. (11).

SECTION 1621km. 71.255 (6) (a) of the statutes, as created by 2009 Wisconsin Act 2, is amended to read:

71.255 **(6)** (a) Except as provided in ~~par.~~ pars. (b) and (c), no tax credit, Wisconsin net business loss carry−forward, or other post−apportionment deduction earned by one member of the combined group, but not fully used by or allowed to that member, may be used in whole or in part by another member of the combined group or applied in whole or in part against the total income of the combined group. A member of a combined group may use a carry−forward of a credit, Wisconsin net business loss carry−forward, or other post−apportionment deduction otherwise allowable under s. 71.26 or 71.45, that was incurred by that same member in a taxable year beginning before ~~March 6~~ January 1, 2009.

SECTION 1621L. 71.255 (6) (b) of the statutes, as created by 2009 Wisconsin Act 2, is repealed and recreated to read:

71.255 **(6)** (b) 1. Subject to the limitations provided under s. 71.26 (3) (n), for each taxable year that a corporation has a net business loss carry−forward, as provided under s. 71.26 (4) or 71.45 (4), that was computed on a combined report for a combined group's unitary business for a taxable year beginning on or after January 1, 2009, the corporation may, after using such net business loss carry−forward to offset its own income for the taxable year, use any remaining net business loss carry−forward to offset the income of all other members of the combined group on a proportionate basis, to the extent such income is attributable to that same unitary business.

2. Unless otherwise provided by the department by rule, if the corporation may no longer be included in the combined group, as determined under this section, the corporation's net business loss carry−forward shall be available only to that corporation.

SECTION 1621Ld. 71.255 (6) (c) of the statutes is created to read:

71.255 **(6)** (c) 1. Subject to the limitations provided under s. 71.26 (3) (n), for each taxable year that a corporation that is a member of a combined group has an unused credit or credit carry−forward under s. 71.28 (4) or (5) or 71.47 (4) or (5), the corporation may, after using that credit or credit carry−forward to offset its own tax liability for the taxable year, use that credit or credit carry−for-

ward to offset the tax liability of all other members of the combined group on a proportionate basis, to the extent such tax liability is attributable to the unitary business.

2. Unless otherwise provided by the department by rule, if the corporation may no longer be included in the combined group, as determined by this section, the corporation's unused credits shall be available only to that corporation.

SECTION 1621m. 71.255 (7) (a) of the statutes, as created by 2009 Wisconsin Act 2, is repealed and recreated to read:

71.255 **(7)** (a) Each combined group shall have one designated agent. Except as prescribed by the department by rule, the designated agent is the parent corporation of the combined group. If there is no such parent corporation, the designated agent may be appointed in the manner prescribed by the department.

SECTION 1621n. 71.255 (7) (b) (intro.) of the statutes, as created by 2009 Wisconsin Act 2, is amended to read:

71.255 **(7)** (b) (intro.) ~~Only~~ Except as prescribed by the department, only the designated agent may act on behalf of the members of the combined group for matters relating to the combined report. The designated agent's responsibilities include:

SECTION 1621p. 71.255 (7) (c) of the statutes, as created by 2009 Wisconsin Act 2, is repealed.

SECTION 1621q. 71.255 (7) (d) of the statutes, as created by 2009 Wisconsin Act 2, is repealed.

SECTION 1621r. 71.255 (11) of the statutes is created to read:

71.255 **(11)** CONFORMITY WITH FEDERAL CONSOLIDATED RETURN REGULATIONS. The department may promulgate any rules necessary to create uniformity between the treatment of transactions entered into by members of a federal consolidated group under federal regulations, including any income, expense, gain, or loss limitations applicable to such transactions, and treatment of transactions entered into by members of a combined group under this section, including any income, expense, gain, or loss limitations applicable to such transactions.

SECTION 1622. 71.26 (1) (b) of the statutes is amended to read:

71.26 **(1)** (b) *Political units.* Income received by the United States, the state and all counties, cities, villages, towns, school districts, technical college districts, joint local water authorities created under s. 66.0823, transit authorities created under s. 59.58 (7), 66.1038, or 66.1039, long−term care districts under s. 46.2895 or other political units of this state.

Vetoed In Part

SECTION 1623. 71.26 (1) (be) of the statutes is amended to read:

71.26 **(1)** (be) *Certain authorities.* Income of the University of Wisconsin Hospitals and Clinics Authority, of the Health Insurance Risk−Sharing Plan Authority, of the Wisconsin Quality Home Care Authority, ~~and~~ of the Fox River Navigational System Authority, and of the Wisconsin Aerospace Authority.

SECTION 1623m. 71.26 (1m) (j) of the statutes is created to read:

71.26 **(1m)** (j) Those issued under s. 59.58 (7) (f).

SECTION 1624. 71.26 (2) (a) 2. of the statutes is amended to read:

71.26 **(2)** (a) 2. Plus the amount of credit computed under s. 71.28 (1), (3), (4), (4m), and (5).

SECTION 1625d. 71.26 (2) (a) 4. of the statutes, as affected by 2009 Wisconsin Act 2, 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, 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, and P.L. 110−458, and as indirectly affected in the provisions applicable to this sub-

chapter 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, 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, 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, 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, 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, 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, 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, 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, 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, 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, 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, 1999, do not apply to this subdivision with respect to taxable years that begin 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, 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, 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, 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:

71.26 **(2)** (b) 16. For taxable years that begin after December 31, 2002, and before January 1, 2004, 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, 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, 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. 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, 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 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, 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. 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, 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, 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, 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. 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, 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, 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, and P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1629. 71.26 (2) (b) 17. of the statutes is amended to read:

71.26 **(2)** (b) 17. For taxable years that begin after December 31, 2003, and before January 1, 2005, 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, 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 amended 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, 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. 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, 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, 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 amended 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, 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. 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, 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, 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 amended 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, 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. 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, 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, 2003, do not apply to this subdivision with respect to taxable years that begin 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. 109−280, 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, and P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1630. 71.26 (2) (b) 18. of the statutes is amended to read:

71.26 **(2)** (b) 18. For taxable years that begin after December 31, 2004, and before January 1, 2006, 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, 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 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, 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. 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, 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, 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 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, 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. 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, 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 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 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, 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. 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, 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, 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, and P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1631. 71.26 (2) (b) 19. of the statutes is amended to read:

71.26 **(2)** (b) 19. For taxable years that begin after December 31, 2005, and before January 1, 2007, 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, 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, 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 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, 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. 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, 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, 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, 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 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, 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. 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, P.L. 109−227, ~~and~~ P.L. 109−280, excluding sections 811 and 844 of P.L. 109−280, 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, 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, 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 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, 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. 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, 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, 2005, do not apply to this subdivision with respect to taxable years that begin 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, 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, excluding sections 811 and 844 of P.L. 109−280, and P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1632. 71.26 (2) (b) 20. of the statutes is amended to read:

71.26 **(2)** (b) 20. For taxable years that begin after December 31, 2006, and before January 1, 2008, 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, 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), 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 P.L. 109−432, and as amended by 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. 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, 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), 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 P.L. 109−432, and as amended by 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. 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, 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, 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), 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 P.L. 109−432, and as amended by 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. 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, 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. 110−458, and changes that indirectly affect the provisions applicable to this subchapter made by 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 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, P.L. 109−432, P.L. 110−28, P.L. 110−140, P.L. 110−141, P.L. 110−142, P.L. 110−166, and P.L. 110−172, and as amended by 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. 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, P.L. 109−280, excluding sections 811 and 844 of P.L. 109−280, 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, 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, 207, 209, 503, 512, and 513 of P.L. 109−222, sections 811 and 844 of P.L. 109−280, P.L. 109−432, P.L. 110−28, P.L. 110−140, P.L. 110−141, P.L. 110−142, P.L. 110−166, and P.L. 110−172, and as amended by 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. 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, P.L. 109−280, excluding sections 811 and 844 of P.L. 109−280, 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, 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, 207, 209, 503, 512, and 513 of P.L. 109−222, sections 811 and 844 of P.L. 109−280, P.L. 109−432, P.L. 110−28, P.L. 110−140, P.L. 110−141, P.L. 110−142, P.L. 110−166, and P.L. 110−172, and as amended by 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. 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, P.L. 109−280, excluding sections 811 and 844 of P.L. 109−280, 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, 2007, do not apply to this subdivision with respect to taxable years that begin after December 31, 2007, and before January 1, 2009, except that changes to the Internal Revenue Code made by P.L. 110−458, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

Section 1634. 71.26 (2) (b) 22. of the statutes is created to read:

71.26 **(2)** (b) 22. For taxable years that begin after December 31, 2008, 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, 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, 512, and 513 of P.L. 109−222, sections 811 and 844 of P.L. 109−280, P.L. 109−432, P.L. 110−28, P.L. 110−140, P.L. 110−141, P.L. 110−142, P.L. 110−166, P.L. 110−172, P.L. 110−185, P.L. 110−234, P.L. 110−245, P.L. 110−289, P.L. 110−317, P.L. 110−343, and P.L. 110−351, 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, 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, 512, and 513 of P.L. 109−222, P.L. 109−227, P.L. 109−280, excluding sections 811 and 844 of P.L. 109−280, 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, 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, 512, and 513 of P.L. 109−222, sections 811 and 844 of P.L. 109−280, P.L. 109−432, P.L. 110−28, P.L. 110−140, P.L. 110−141, P.L. 110−142, P.L. 110−166, P.L. 110−172, P.L. 110−185, P.L.

110−234, P.L. 110−245, P.L. 110−289, P.L. 110−317, P.L. 110−343, and P.L. 110−351, 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, 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, 512, and 513 of P.L. 109−222, P.L. 109−227, P.L. 109−280, excluding sections 811 and 844 of P.L. 109−280, 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, 503, 512, and 513 of P.L. 109−222, sections 811 and 844 of P.L. 109−280, P.L. 109−432, P.L. 110−28, P.L. 110−140, P.L. 110−141, P.L. 110−142, P.L. 110−166, P.L. 110−172, P.L. 110−185, P.L. 110−234, P.L. 110−245, P.L. 110−289, P.L. 110−317, P.L. 110−343, and P.L. 110−351, 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, 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, 512, and 513 of P.L. 109−222, P.L. 109−227, P.L. 109−280, excluding sections 811 and 844 of P.L. 109−280, 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:

71.26 **(3)** (n) Sections 381, 382 and 383 (relating to carry−overs in certain corporate acquisitions) are modified so that they apply to losses under sub. (4) and credits under s. 71.28 (1di), (1dL), (1dm), (1dx), (3), (4), (4m), and (5) instead of to federal credits and federal net operating losses.

SECTION 1636. 71.27 (7) (b) of the statutes is created to read:

71.27 **(7)** (b) 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, income or franchise taxes payable upon the filing of the tax return are not subject to interest as otherwise provided under par. (a).

SECTION 1638. 71.28 (1fd) of the statutes is repealed.

SECTION 1639. 71.28 (2m) (a) 1. (intro.) of the statutes is amended to read:

71.28 **(2m)** (a) 1. (intro.) "Claimant" means an owner ~~of farmland~~, as defined in s. 91.01 (9), 2007 stats., of farmland domiciled in this state during the entire year for which a credit under this subsection is claimed, except as follows:

SECTION 1640. 71.28 (2m) (a) 3. of the statutes is amended to read:

71.28 **(2m)** (a) 3. "Farmland" means 35 or more acres of real property, exclusive of improvements, in this state, in agricultural use, as defined in s. 91.01 (1), 2007 stats., and owned by the claimant or any member of the claimant's household during the taxable year for which a credit under this subsection is claimed if the farm of which the farmland is a part, during that year, produced not less than $6,000 in gross farm profits resulting from agricultural use, as defined in s. 91.01 (1), 2007 stats., or if the farm of which the farmland is a part, during that year and the 2 years immediately preceding that year, produced not less than $18,000 in such profits, or if at least 35 acres of the farmland, during all or part of that year, was enrolled in the conservation reserve program under 16 USC 3831 to 3836.

SECTION 1641. 71.28 (2m) (a) 4. of the statutes is amended to read:

71.28 **(2m)** (a) 4. "Gross farm profits" means gross receipts, excluding rent, from agricultural use, as defined in s. 91.01 (1), 2007 stats., including the fair market value at the time of disposition of payments in kind for placing land in federal programs or payments from the federal dairy termination program under 7 USC 1446 (d), less the cost or other basis of livestock or other items purchased for resale which are sold or otherwise disposed of during the taxable year.

SECTION 1642. 71.28 (2m) (e) of the statutes is created to read:

71.28 **(2m)** (e) *Sunset.* No new claim may be filed under this subsection for a taxable year that begins after December 31, 2009.

SECTION 1643. 71.28 (3) (a) 1. of the statutes is amended to read:

71.28 **(3)** (a) 1. "Manufacturing" has the meaning given in s. 77.54 (6m), 2007 stats.

SECTION 1643d. 71.28 (3h) (b) of the statutes is amended to read:

71.28 **(3h)** (b) *Filing claims.* Subject to the limitations provided in this subsection, for taxable years beginning after December 31, ~~2009~~ 2011, and before January 1, ~~2013~~ 2015, for a claimant who produces at least 2,500,000 gallons of biodiesel fuel in this state in the taxable year, a claimant may claim as a credit against the tax imposed under s. 71.23, up to the amount of the tax, an amount that is equal to the number of gallons of biodiesel fuel produced by the claimant in this state in the taxable year multiplied by 10 cents.

SECTION 1654. 71.28 (3q) of the statutes is created to read:

71.28 **(3q)** JOBS TAX CREDIT. (a) *Definitions.* In this subsection:

1. "Claimant" means a person certified to receive tax benefits under s. 560.2055 (2).

2. "Eligible employee" means an eligible employee under s. 560.2055 (1) (b) who satisfies the wage requirements under s. 560.2055 (3) (a) or (b).

(b) *Filing claims.* Subject to the limitations provided in this subsection and s. 560.2055, for taxable years beginning after December 31, 2009, a claimant may claim as a credit against the taxes imposed under s. 71.23 any of the following:

1. The amount of wages that the claimant paid to an eligible employee in the taxable year, not to exceed 10 percent of such wages, as determined by the department of commerce under s. 560.2055.

2. The amount of the costs incurred by the claimant in the taxable year, as determined under s. 560.2055, to undertake the training activities described under s. 560.2055 (3) (c).

(c) *Limitations.* 1. Partnerships, limited liability companies, and tax−option corporations may not claim the credit under this subsection, but the eligibility for, and the amount of, the credit are based on their payment of amounts under par. (b). A partnership, limited liability company, or tax−option corporation 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 interests.

2. No credit may be allowed under this subsection unless the claimant includes with the claimant's return a copy of the claimant's certification for tax benefits under s. 560.2055 (2).

3. The maximum amount of credits that may be awarded under this subsection and ss. 71.07 (3q) and

71.47 (3q) for the period beginning on January 1, 2010, and ending on June 30, 2013, is $14,500,000.

(d) *Administration.* 1. Subsection (4) (e), (g), and (h), as it applies to the credit under sub. (4), applies to the credit under this subsection.

2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise due under s. 71.23, the amount of the claim not used to offset the tax due shall be certified by the department of revenue to the department of administration for payment by check, share draft, or other draft drawn from the appropriation account under s. 20.835 (2) (bb), except that the amounts certified under this subdivision for taxable years beginning after December 31, 2009, and before January 1, 2012, shall be paid in taxable years beginning after December 31, 2011.

SECTION 1655m. 71.28 (3w) (bm) 1. of the statutes, as affected by 2009 Wisconsin Act 11, is amended to read:

71.28 **(3w)** (bm) 1. In addition to the credits under par. (b) and ~~subd.~~ subds. 2. and 3., and subject to the limitations provided in this subsection and s. 560.799, a claimant may claim as a credit against the tax imposed under s. 71.23 an amount equal to a percentage, as determined by the department of commerce, not to exceed 100 percent, of the amount the claimant paid in the taxable year to upgrade or improve the job−related skills of any of the claimant's full−time employees, to train any of the claimant's full−time employees on the use of job−related new technologies, or to provide job−related training to any full−time employee whose employment with the claimant represents the employee's first full−time job. This subdivision does not apply to employees who do not work in an enterprise zone.

SECTION 1655n. 71.28 (3w) (bm) 2. of the statutes, as created by 2009 Wisconsin Act 11, is amended to read:

71.28 **(3w)** (bm) 2. In addition to the credits under par. (b) and ~~subd.~~ subds. 1. and 3., and subject to the limitations provided in this subsection and s. 560.799, a claimant may claim as a credit against the tax imposed under s. 71.23 an amount equal to the percentage, as determined by the department of commerce under s. 560.799, not to exceed 7 percent, of the claimant's zone payroll paid in the taxable year to all of the claimant's full−time employees whose annual wages are greater than $20,000 in a tier I county or municipality, not including the wages paid to the employees determined under par. (b) 1., or greater than $30,000 in a tier II county or municipality, not including the wages paid to the employees determined under par. (b) 1., and who the claimant employed in the enterprise zone in the taxable year, if the total number of such employees is equal to or greater than the total number of such employees in the base year. A claimant may claim a credit under this subdivision for no more than 5 consecutive taxable years.

SECTION 1655p. 71.28 (3w) (bm) 3. of the statutes is created to read:

71.28 **(3w)** (bm) 3. In addition to the credits under par. (b) and subds. 1. and 2., and subject to the limitations provided in this subsection and s. 560.799, for taxable years beginning after December 31, 2008, a claimant may claim as a credit against the tax imposed under s. 71.23 up to 10 percent of the claimant's significant capital expenditures, as determined by the department of commerce under s. 560.799 (5m).

SECTION 1655r. 71.28 (3w) (c) 3. of the statutes is amended to read:

71.28 **(3w)** (c) 3. No credit may be allowed under this subsection unless the claimant includes with the claimant's return a copy of the claimant's certification for tax benefits under s. 560.799 (5) or (5m).

SECTION 1656. 71.28 (4m) of the statutes is created to read:

71.28 **(4m)** SUPER RESEARCH AND DEVELOPMENT CREDIT. (a) *Definition.* In this subsection, "qualified research expenses" means qualified research expenses as defined in section 41 of the Internal Revenue Code, except that "qualified research expenses" includes only expenses incurred by the claimant for research conducted in this state for the taxable year and except that "qualified research expenses" do not include compensation used in computing the credits under subs. (1dj) and (1dx).

(b) *Credit.* Subject to the limitations provided under this subsection, for taxable years beginning on or after January 1, 2011, a corporation may claim as a credit against the tax imposed under s. 71.23, up to the amount of those taxes, an amount equal to the amount of qualified research expenses paid or incurred by the corporation in the taxable year that exceeds the amount calculated as follows:

1. Determine the average amount of the qualified research expenses paid or incurred by the corporation in the 3 taxable years immediately preceding the taxable year for which a credit is claimed under this subsection.

2. Multiply the amount determined under subd. 1. by 1.25.

(c) *Limitations.* Subsection (4) (b) to (d) and (i), as it applies to the credit under sub. (4), applies to the credit under this subsection.

(d) *Administration.* 1. Subsection (4) (e), (g), and (h), as it applies to the credit under sub. (4), applies to the credit under this subsection.

2. If a credit computed under this subsection is not entirely offset against Wisconsin income or franchise taxes otherwise due, the unused balance may be carried forward and credited against Wisconsin income or franchise taxes otherwise due for the following 5 taxable years to the extent not offset by these taxes otherwise due in all intervening years between the year in which the expense was incurred and the year in which the carry−forward credit is claimed.

SECTION 1659. 71.28 (5b) (d) 3. of the statutes is created to read:

71.28 **(5b)** (d) 3. For calendar years beginning after December 31, 2007, if an investment for which a claimant claims a credit under par. (b) is held by the claimant for less than 3 years, the claimant shall pay to the department, in the manner prescribed by the department, the amount of the credit that the claimant received related to the investment.

SECTION 1659y. 71.28 (5f) of the statutes is repealed and recreated to read:

71.28 **(5f)** FILM PRODUCTION SERVICES CREDIT. (a) *Definitions*. In this subsection:

1. "Accredited production" means a film, video, broadcast advertisement, or television production, as approved by the department of commerce, for which the aggregate salary and wages included in the cost of the production for the period ending 12 months after the month in which the principal filming or taping of the production begins exceeds $100,000 for a production that is 30 minutes or longer or $50,000 for a production that is less than 30 minutes . "Accredited production" also means an electronic game, as approved by the department of commerce, for which the aggregate salary and wages included in the cost of the production for the period ending 36 months after the month in which the principal programming, filming, or taping of the production begins exceeds $100,000. "Accredited production" does not include any of the following, regardless of the production costs:

Vetoed In Part

a. News, current events, or public programming or a program that includes weather or market reports.

b. A talk show.

c. A production with respect to a questionnaire or contest.

d. A sports event or sports activity.

e. A gala presentation or awards show.

f. A finished production that solicits funds.

g. A production for which the production company is required under 18 USC 2257 to maintain records with respect to a performer portrayed in a single media or multimedia program.

h. A production produced primarily for industrial, corporate, or institutional purposes.

2. "Claimant" means a person who files a claim under this subsection.

3. "Production expenditures" means any expenditures that are incurred in this state and directly used to produce an accredited production, including expenditures for set construction and operation, wardrobes, make−up, clothing accessories, photography, sound recording, sound synchronization, sound mixing, lighting, editing, film processing, film transferring, special effects, visual effects, renting or leasing facilities or equipment, renting or leasing motor vehicles, food, lodging, and any other similar expenditure as determined by the department of commerce. "Production expenditures" do not include salary, wages, or labor−related contract payments.

(b) *Filing claims.* Subject to the limitations provided in this subsection, for taxable years beginning after December 31, 2008, a claimant may claim as a credit against the tax imposed under s. 71.23 any of the following amounts:

1. An amount equal to 25 percent of the salary, wages, or labor−related contract payments paid by the claimant in the taxable year to individuals, including actors, who were residents of this state at the time that they were paid and who worked on an accredited production in this state, not including the salary, wages, or contract payments paid to any individual who was paid more than $250,000. A claimant may claim an additional amount equal to 3 percent of any salary, wages, or contract payments described in this subdivision if the individual who received the salary, wages, or contract payments was also living in an economically distressed area of this state, as determined by the department of commerce under s. 560.706 (2) (e), at the time that the individual was paid.

Vetoed In Part

2. An amount equal to 20 percent of the salary, wages, or labor−related contract payments paid by the claimant in the taxable year to individuals who were not residents of this state at the time that they were paid and who worked on an accredited production in this state, not including the salary, wages, or contract payments paid to any individual who was paid more than $250,000 or paid as above−the−line expenses to individuals such as nontechnical crew members, producers, writers, casting directors, and actors.

3. An amount equal to 25 percent of the production expenditures paid by the claimant in the taxable year to produce an accredited production.

(c) *Limitations.* 1. A claimant may not claim a credit under this subsection if less than 35 percent of the total budget for the accredited production is spent in this state.

2. The total amount of the credits that a claimant may claim under par. (b) 2. in a taxable year shall not exceed an amount equal to the first $20,000 of salary, wages, or labor−related contract payments paid to each individual described in par. (b) 2. in the taxable year.

3. No credit may be claimed under par. (b) 3. for the purchase of tangible personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) the sale of which is not sourced to this state, as provided under s. 77.522.

4. The maximum amount of all credits that a claimant may claim under this subsection for each accredited production is $10,000,000.

Vetoed In Part

5. The maximum amount of the credits that may be claimed under this subsection and sub. (5h) and ss. 71.07 (5f) and (5h) and 71.47 (5f) and (5h) in fiscal year 2009−10 is $1,500,000. The maximum amount of the credits that may be claimed under this subsection and

Vetoed In Part

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sub. (5h) and ss. 71.07 (5f) and (5h) and 71.47 (5f) and (5h) in fiscal year 2010−11 is $1,500,000.

6. No credit may be allowed under this subsection unless the claimant files an application with the department of commerce, at the time and in the manner prescribed by the department of commerce, and the department of commerce approves the application. The claimant shall submit a fee with the application in an amount equal to 2 percent of the claimant's budgeted production expenditures or to $5,000, whichever is less. The claimant shall submit a copy of the approved application with the claimant's return.

7. Partnerships, limited liability companies, and tax−option corporations may not claim the credit under this subsection, but the eligibility for, and the amount of, the credit are based on their payment of amounts under par. (b). A partnership, limited liability company, or tax−option corporation 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.

(d) *Administration.* 1. Subsection (4) (e), (g), and (h), as it applies to the credit under sub. (4), applies to the credits under this subsection.

2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise due under s. 71.23 or no tax is due under s. 71.23, the amount of the claim not used to offset the tax due shall be certified by the department of revenue to the department of administration for payment by check, share draft, or other draft drawn from the appropriation account under s. 20.835 (2) (bm).

Section 1660bd. 71.28 (5h) (a) 2. of the statutes is amended to read:

71.28 **(5h)** (a) 2. "Film production company" means an entity that exclusively creates ~~films, videos, electronic games, broadcast advertisement, or television productions, not including the productions described under s. 71.28~~ accredited productions, as defined in sub. (5f) (a) 1. ~~a. to h.~~

Section 1660bg. 71.28 (5h) (b) (intro.) of the statutes is amended to read:

71.28 **(5h)** (b) *Filing claims.* (intro.) Subject to the limitations provided in this subsection, for taxable years beginning after December 31, ~~2007~~ 2008, a claimant may claim as a credit against the tax imposed under s. 71.23~~, up to the amount of the taxes, for the first 3 taxable years that the claimant is doing business in this state as a film production company,~~ an amount that is equal to 15 percent of the following that the claimant paid in the taxable year to establish or operate a film production company in this state:

Section 1660c. 71.28 (5h) (b) 1. of the statutes is amended to read:

71.28 **(5h)** (b) 1. The purchase price of depreciable, tangible personal property and items, property, and goods under s. 77.52 (1) (b), (c), and (d), if the sale of the tangible personal property, items, property, or goods is sourced to this state under s. 77.522.

Section 1660d. 71.28 (5h) (c) 1. of the statutes is amended to read:

71.28 **(5h)** (c) 1. A claimant may claim the credit under par. (b) 1., if the tangible personal property, or item, property, or good under s. 77.52 (1) (b), (c), or (d), is purchased after December 31, ~~2007~~ 2008, and the tangible personal property, item, property, or good is used for at least 50 percent of its use in the claimant's business as a film production company.

Section 1660e. 71.28 (5h) (c) 2. of the statutes is amended to read:

71.28 **(5h)** (c) 2. A claimant may claim the credit under par. (b) 2. for an amount expended to construct, rehabilitate, remodel, or repair real property, if the claimant began the physical work of construction, rehabilitation, remodeling, or repair, or any demolition or destruction in preparation for the physical work, after December 31, ~~2007~~ 2008, and the completed project is placed in service after December 31, ~~2007~~ 2008.

Section 1660f. 71.28 (5h) (c) 3. of the statutes is amended to read:

71.28 **(5h)** (c) 3. A claimant may claim the credit under par. (b) 2. for an amount expended to acquire real property, if the property is not previously owned property and if the claimant acquires the property after December 31, ~~2007~~ 2008, and the completed project is placed in service after December 31, ~~2007~~ 2008.

Section 1660g. 71.28 (5h) (c) 4. of the statutes is amended to read:

71.28 **(5h)** (c) 4. No claim may be allowed under this subsection unless the department of commerce certifies, in writing, that the credits claimed under this subsection are for expenses related to establishing or operating a film production company in this state and the claimant submits a copy of the certification with the claimant's return.

Section 1660h. 71.28 (5h) (c) 4d. of the statutes is created to read: Vetoed In Part

71.28 **(5h)** (c) 4d. The maximum amount of all credits that a claimant may claim under this subsection for each project for which expenses are certified under subd. 4. is $10,000,000.

Section 1660i. 71.28 (5h) (c) 4m. of the statutes is created to read:

71.28 **(5h)** (c) 4m. The maximum amount of the credits that may be claimed under this subsection and sub. (5f) and ss. 71.07 (5f) and (5h) and 71.47 (5f) and (5h) in fiscal year 2009−10 is $1,500,000. The maximum amount of the credits that may be claimed under this Vetoed In Part

Vetoed In Part

subsection and sub. (5f) and ss. 71.07 (5f) and (5h) and 71.47 (5f) and (5h) in fiscal year 2010−11 is $1,500,000.

SECTION 1660j. 71.28 (5h) (d) of the statutes is renumbered 71.28 (5h) (d) 1. and amended to read:

71.28 **(5h)** (d) 1. Subsection (4) (e) ~~to~~, (g), and (h), as it applies to the credit under sub. (4), applies to the credits under this subsection.

SECTION 1660k. 71.28 (5h) (d) 2. of the statutes is created to read:

71.28 **(5h)** (d) 2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise due under s. 71.23 or no tax is due under s. 71.23, the amount of the claim not used to offset the tax due shall be certified by the department of revenue to the department of administration for payment by check, share draft, or other draft drawn from the appropriation account under s. 20.835 (2) (bL).

SECTION 1662. 71.28 (5i) (b) of the statutes is amended to read:

71.28 **(5i)** (b) *Filing claims.* Subject to the limitations provided in this subsection, for taxable years beginning after December 31, ~~2009~~ 2011, a claimant may claim as a credit against the taxes imposed under s. 71.23, up to the amount of those taxes, an amount equal to 50 percent of the amount the claimant paid in the taxable year for information technology hardware or software that is used to maintain medical records in electronic form, if the claimant is a health care provider, as defined in s. 146.81 (1) (a) to (p).

SECTION 1662d. 71.28 (5k) (b) of the statutes is amended to read:

71.28 **(5k)** (b) *Filing claims.* Subject to the limitations provided in this subsection, for taxable years beginning after July 1, ~~2009~~ 2011, a claimant may claim as a credit against the tax imposed under s. 71.23, up to the amount of those taxes, an amount equal to 5 percent of the amount the claimant paid in the taxable year to a community rehabilitation program to perform work for the claimant's business, pursuant to a contract.

SECTION 1663. 71.28 (6) (c) of the statutes is amended to read:

71.28 **(6)** (c) No person may claim the credit under this subsection unless the claimant includes with the claimant's return evidence that the rehabilitation was ~~approved~~ recommended by the state historic preservation officer for approval by the secretary of the interior under 36 CFR 67.6 before the physical work of construction, or destruction in preparation for construction, began and that the rehabilitation was approved by the secretary of the interior under 36 CFR 67.6.

SECTION 1664. 71.28 (6) (cm) of the statutes is created to read:

71.28 **(6)** (cm) Any credit claimed under this subsection for Wisconsin purposes shall be claimed at the same time as for federal purposes.

SECTION 1665. 71.28 (6) (f) of the statutes is amended to read:

71.28 **(6)** (f) A partnership, limited liability company, or tax−option corporation may not claim the credit under this ~~section~~ subsection. The ~~individual~~ partners of a partnership, members of a limited liability company, or shareholders in a tax−option corporation may claim the credit under this subsection based on eligible costs incurred by the partnership, limited liability company, or tax−option corporation~~, in proportion to the ownership interest of each partner, member or shareholder~~. The partnership, limited liability company, or tax−option corporation shall calculate the amount of the credit which may be claimed by each partner, member, or shareholder and shall provide that information to the partner, member, or shareholder. For shareholders of a tax−option corporation, the credit may be allocated in proportion to the ownership interest of each shareholder. Credits computed by a partnership or limited liability company may be claimed in proportion to the ownership interests of the partners or members or allocated to partners or members as provided in a written agreement among the partners or members that is entered into no later than the last day of the taxable year of the partnership or limited liability company, for which the credit is claimed. For a partnership or limited liability company that places property in service after June 29, 2008, and before January 1, 2009, the credit attributable to such property may be allocated, at the election of the partnership or limited liability company, to partners or members for a taxable year of the partnership or limited liability company that ends after June 29, 2008, and before January 1, 2010. Any partner or member who claims the credit as provided under this paragraph shall attach a copy of the agreement, if applicable, to the tax return on which the credit is claimed. A person claiming the credit as provided under this paragraph is solely responsible for any tax liability arising from a dispute with the department of revenue related to claiming the credit.

SECTION 1666. 71.28 (6) (g) of the statutes is created to read:

71.28 **(6)** (g) 1. If a person who claims the credit under this subsection elects to claim the credit based on claiming amounts for expenditures as the expenditures are paid, rather than when the rehabilitation work is completed, the person shall file an election form with the department, in the manner prescribed by the department.

2. Notwithstanding s. 71.77, the department may adjust or disallow the credit claimed under this subsection within 4 years after the date that the state historical society notifies the department that the expenditures for which the credit was claimed do not comply with the standards for certification promulgated under s. 44.02 (24).

SECTION 1667. 71.28 (8r) of the statutes is created to read:

71.28 **(8r)** BEGINNING FARMER AND FARM ASSET OWNER TAX CREDIT. (a) *Definitions.* In this subsection:

1. "Agricultural assets" means machinery, equipment, facilities, or livestock that is used in farming.

2. "Beginning farmer" means a person who meets the conditions specified in s. 93.53 (2).

3. "Claimant" means an established farmer who files a claim under this subsection.

4. "Established farmer" means a person who meets the conditions specified in s. 93.53 (3).

5. "Farming" has the meaning given in section 464 (e) (1) of the Internal Revenue Code.

6. "Lease amount" is the amount of the cash payment paid by a beginning farmer to an established farmer each year for leasing the established farmer's agricultural assets.

(b) *Filing claims.* For taxable years beginning after December 31, 2010, and subject to the limitations provided in this subsection, a claimant may claim as a credit against the tax imposed under s. 71.23 an amount equal to 15 percent of the lease amount received by the claimant in the taxable year. If the allowable amount of the claim exceeds the taxes otherwise due on the claimant's income, the amount of the claim not used as an offset against those taxes shall be certified by the department of revenue to the department of administration for payment to the claimant by check, share draft, or other draft from the appropriation under s. 20.835 (2) (en).

(c) *Limitations.* 1. A claimant may only claim the credit under this subsection for the first 3 years of any lease of the claimant's agricultural assets to a beginning farmer.

2. Along with a claimant's income tax return, a claimant shall submit to the department a certificate of eligibility provided under s. 93.53 (5) (c).

3. Partnerships, limited liability companies, and tax−option corporations may not claim the credit under this subsection, but the eligibility for, and the amount of, the credit are based on the amounts received by the entities under par. (b). A partnership, limited liability company, or tax−option corporation 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 interests.

(d) *Administration.* Subsection (4) (e), (g), and (h), as it applies to the credit under that sub. (4), applies to the credit under this subsection.

SECTION 1668. 71.29 (7) (c) of the statutes is created to read:

71.29 **(7)** (c) For taxable years beginning after December 31, 2008, the taxpayer qualifies for a federal extension of time to file under 26 USC 7508A due to a presidentially declared disaster or terroristic or military action.

SECTION 1669. 71.30 (3) (db) of the statutes is created to read:

71.30 **(3)** (db) Super research and development credit under s. 71.28 (4m).

SECTION 1670. 71.30 (3) (ed) of the statutes is renumbered 71.30 (3) (ds).

SECTION 1676d. 71.30 (3) (epr) of the statutes is repealed.

SECTION 1676e. 71.30 (3) (eps) of the statutes is repealed.

SECTION 1677b. 71.30 (3) (f) of the statutes, as affected by 2009 Wisconsin Act 2, 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 credit 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.~~, film production company investment credit under s. 71.28 (5h), 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.

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, 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, 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, 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. 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, 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, and P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1681. 71.34 (1g) (p) of the statutes is amended to read:

71.34 **(1g)** (p) "Internal Revenue Code" for tax−option corporations, 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, 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, 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, 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, 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, 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, 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, and P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1682. 71.34 (1g) (q) of the statutes is amended to read:

71.34 **(1g)** (q) "Internal Revenue Code" for tax−option corporations, for taxable years that begin after 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 amended 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 sec-

tion 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, 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, 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, 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, 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. 109−280, 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, and P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1683. 71.34 (1g) (r) of the statutes is amended to read:

71.34 **(1g)** (r) "Internal Revenue Code" for tax−option corporations, for taxable years that begin after December 31, 2004, and before January 1, 2006, 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 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, 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. 109−73, 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, 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, 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, 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, and P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1684. 71.34 (1g) (s) of the statutes is amended to read:

71.34 **(1g)** (s) "Internal Revenue Code" for tax−option corporations, 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, 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 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, 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, 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, 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, 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, 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, excluding sections 811 and 844 of P.L. 109−280, and P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1685. 71.34 (1g) (t) of the statutes is amended to read:

71.34 **(1g)** (t) "Internal Revenue Code" for tax−option corporations, for taxable years that begin after December 31, 2006, and before January 1, 2008, means the federal 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), 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 P.L. 109−432, and as amended by 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, 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, 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, 2006, do not apply to this paragraph with respect to taxable years beginning after December 31, 2006, and before January 1, 2008, except that changes to the Internal Revenue Code made by P.L. 110−458, and changes that indirectly affect the provisions applicable to this subchapter made by 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, 207, 209, 503, 512, and 513 of P.L. 109−222, sections 811 and 844 of P.L. 109−280, P.L. 109−432, P.L. 110−28, P.L. 110−140, P.L. 110−141, P.L. 110−142, P.L. 110−166, and P.L. 110−172, and as amended by 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, 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, P.L. 109−280, excluding sections 811 and 844 of P.L. 109−280, 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, 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. 110−458, and changes that indirectly affect the provisions applicable to this subchapter made by 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, 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, 512, and 513 of P.L. 109−222, sections 811 and 844 of P.L. 109−280, P.L. 109−432, P.L. 110−28, P.L. 110−140, P.L. 110−141, P.L. 110−142, P.L. 110−166, P.L. 110−172, P.L. 110−185, P.L. 110−234, P.L. 110−245, P.L. 110−289, P.L. 110−317, P.L. 110−343, and P.L. 110−351, 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, 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, 512, and 513 of P.L. 109−222, P.L. 109−227, P.L. 109−280, excluding sections 811 and 844 of P.L. 109−280, 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, 2008, do not apply to this paragraph with respect to taxable years beginning after December 31, 2008.

SECTION 1688d. 71.34 (1k) (g) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

71.34 **(1k)** (g) An addition shall be made for credits computed by a tax−option corporation under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (1dy), (3), (3g), (3h), (3n), (3p), (3q), (3r), (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j), ~~and~~ (5k), and (8r) and passed through to shareholders.

SECTION 1689. 71.36 (4) of the statutes is created to read:

71.36 **(4)** Every tax−option corporation that is required to file a return under s. 71.24 (1) shall, on or before the due date of the return, including extensions, provide a schedule to each shareholder whose share of income, deductions, credits, or other items of the tax−option corporation may affect the shareholder's tax liability under this chapter. The schedule shall separately indicate the shareholder's share of each item.

SECTION 1690. 71.365 (3) of the statutes is amended to read:

71.365 **(3)** CREDITS NOT ALLOWED. The credits under s. 71.28 (4), (4m), and (5) may not be claimed by a tax−option corporation or shareholders of a tax−option corporation.

SECTION 1691. 71.42 (2) (m) of the statutes is repealed.

SECTION 1692. 71.42 (2) (n) of the statutes is amended to read:

71.42 **(2)** (n) For taxable years that begin after December 31, 1999, and before January 1, 2003, "Internal Revenue Code" 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, 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, 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, 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, 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, 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, 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, and P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

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, 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, 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 sec-

tions 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, 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, 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, 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, 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, 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, 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 amended 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, 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, 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, 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. 109−280, 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, 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 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, 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. 109−73, 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, 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, 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, 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, and P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1696. 71.42 (2) (r) of the statutes is amended to read:

71.42 **(2)** (r) For taxable years that begin after December 31, 2005, and before January 1, 2007, "Internal Revenue Code" 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, 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 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, 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 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, and P.L. 110−458, excluding sections 811 and 844 of P.L. 109−280, 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, 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, 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, excluding sections 811 and 844 of P.L. 109−280, and P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1697. 71.42 (2) (s) of the statutes is amended to read:

71.42 **(2)** (s) For taxable years that begin after December 31, 2006, and before January 1, 2008, "Internal Revenue Code" means the federal 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), 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 P.L. 109−432, and as amended by 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 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, 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, 2006, do not apply to this paragraph with respect to taxable years beginning after December 31, 2006, and before January 1, 2008, except that changes to the Internal Revenue Code made by P.L. 110−458, and changes that indirectly affect the provisions applicable to this subchapter made by 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 (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, P.L. 109−432, P.L. 110−28, P.L. 110−140, P.L. 110−141, P.L. 110−142, P.L. 110−166, and P.L. 110−172, and as amended by 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 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, P.L. 109−280, excluding sections 811 and 844 of P.L. 109−280, 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, 2007, do not apply to this paragraph with respect to taxable years beginning after Decem-

ber 31, 2007, and before January 1, 2009, except that changes to the Internal Revenue Code made by P.L. 110−458, and changes that indirectly affect the provisions applicable to this subchapter made by P.L. 110−458, apply for Wisconsin purposes at the same time as for federal purposes.

SECTION 1699. 71.42 (2) (tm) of the statutes is created to read:

71.42 **(2)** (tm) For taxable years that begin after December 31, 2008, "Internal Revenue Code" 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, 512, and 513 of P.L. 109−222, sections 811 and 844 of P.L. 109−280, P.L. 109−432, P.L. 110−28, P.L. 110−140, P.L. 110−141, P.L. 110−142, P.L. 110−166, P.L. 110−172, P.L. 110−185, P.L. 110−234, P.L. 110−245, P.L. 110−289, P.L. 110−317, P.L. 110−343, and P.L. 110−351, 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, 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, 512, and 513 of P.L. 109−222, P.L. 109−227, P.L. 109−280, excluding sections 811 and 844 of P.L. 109−280, 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, 2008, do not apply to this paragraph with respect to taxable years beginning after December 31, 2008.

SECTION 1700. 71.44 (3) of the statutes is renumbered 71.44 (3) (a) and amended to read:

71.44 **(3)** (a) In the case of a corporation required to file a return, the department of revenue shall allow an automatic extension of 7 months or until the original due date of the corporation's corresponding federal return, whichever is later. Any extension of time granted by law or by the internal revenue service for the filing of corresponding federal returns shall extend the time for filing under this subchapter to 30 days after the federal due date if the corporation reports the extension in the manner specified by the department on the return. Except for payments of estimated taxes, income or franchise taxes payable upon the filing of the tax return shall not become delinquent during such extension period, but shall, except as provided in par. (b), be subject to interest at the rate of 12% per year during such period.

SECTION 1701. 71.44 (3) (b) of the statutes is created to read:

71.44 **(3)** (b) 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, income or franchise taxes payable upon the filing of the tax return are not subject to interest as otherwise provided under par. (a).

SECTION 1701m. 71.45 (1t) (j) of the statutes is created to read:

71.45 **(1t)** (j) Those issued under s. 59.58 (7) (f).

SECTION 1702d. 71.45 (2) (a) 10. of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

71.45 **(2)** (a) 10. By adding to federal taxable income the amount of credit computed under s. 71.47 (1dd) to (1dy), (3g), (3h), (3n), (3p), (3q), (3r), (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) and the amount of credit computed under s. 71.47 (1), (3), (3t), (4), (4m), and (5).

SECTION 1704. 71.47 (1fd) of the statutes is repealed.

SECTION 1705. 71.47 (2m) (a) 1. (intro.) of the statutes is amended to read:

71.47 **(2m)** (a) 1. (intro.) "Claimant" means an owner ~~of farmland~~, as defined in s. 91.01 (9), 2007 stats., of farmland domiciled in this state during the entire year for which a credit under this subsection is claimed, except as follows:

SECTION 1706. 71.47 (2m) (a) 3. of the statutes is amended to read:

71.47 **(2m)** (a) 3. "Farmland" means 35 or more acres of real property, exclusive of improvements, in this state, in agricultural use, as defined in s. 91.01 (1), 2007 stats., and owned by the claimant or any member of the claimant's household during the taxable year for which a credit under this subsection is claimed if the farm of which the farmland is a part, during that year, produced not less than $6,000 in gross farm profits resulting from agricultural use, as defined in s. 91.01 (1), 2007 stats., or if the farm of which the farmland is a part, during that year and the 2 years immediately preceding that year, produced not less than $18,000 in such profits, or if at least 35 acres of the farmland, during all or part of that year, was enrolled in the conservation reserve program under 16 USC 3831 to 3836.

SECTION 1707. 71.47 (2m) (a) 4. of the statutes is amended to read:

71.47 **(2m)** (a) 4. "Gross farm profits" means gross receipts, excluding rent, from agricultural use, as defined in s. 91.01 (1), 2007 stats., including the fair market value at the time of disposition of payments in kind for placing land in federal programs or payments from the federal dairy termination program under 7 USC 1446 (d), less the cost or other basis of livestock or other items purchased for resale which are sold or otherwise disposed of during the taxable year.

SECTION 1708. 71.47 (2m) (e) of the statutes is created to read:

71.47 **(2m)** (e) *Sunset.* No new claim may be filed under this subsection for a taxable year that begins after December 31, 2009.

SECTION 1709. 71.47 (3) (a) 1. of the statutes is amended to read:

71.47 **(3)** (a) 1. "Manufacturing" has the meaning given in s. 77.54 (6m), 2007 stats.

SECTION 1709d. 71.47 (3h) (b) of the statutes is amended to read:

71.47 **(3h)** (b) *Filing claims.* Subject to the limitations provided in this subsection, for taxable years beginning after December 31, ~~2009~~ 2011, and before January 1, ~~2013~~ 2015, for a claimant who produces at least 2,500,000 gallons of biodiesel fuel in this state in the taxable year, a claimant may claim as a credit against the tax imposed under s. 71.43, up to the amount of the tax, an amount that is equal to the number of gallons of biodiesel fuel produced by the claimant in this state in the taxable year multiplied by 10 cents.

SECTION 1720. 71.47 (3q) of the statutes is created to read:

71.47 **(3q)** JOBS TAX CREDIT. (a) *Definitions.* In this subsection:

1. "Claimant" means a person certified to receive tax benefits under s. 560.2055 (2).

2. "Eligible employee" means an eligible employee under s. 560.2055 (1) (b) who satisfies the wage requirements under s. 560.2055 (3) (a) or (b).

(b) *Filing claims.* Subject to the limitations provided in this subsection and s. 560.2055, for taxable years beginning after December 31, 2009, a claimant may claim as a credit against the taxes imposed under s. 71.43 any of the following:

1. The amount of wages that the claimant paid to an eligible employee in the taxable year, not to exceed 10 percent of such wages, as determined by the department of commerce under s. 560.2055.

2. The amount of the costs incurred by the claimant in the taxable year, as determined under s. 560.2055, to undertake the training activities described under s. 560.2055 (3) (c).

(c) *Limitations.* 1. Partnerships, limited liability companies, and tax−option corporations may not claim the credit under this subsection, but the eligibility for, and the amount of, the credit are based on their payment of amounts under par. (b). A partnership, limited liability company, or tax−option corporation 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 interests.

2. No credit may be allowed under this subsection unless the claimant includes with the claimant's return a copy of the claimant's certification for tax benefits under s. 560.2055 (2).

3. The maximum amount of credits that may be awarded under this subsection and ss. 71.07 (3q) and 71.28 (3q) for the period beginning on January 1, 2010, and ending on June 30, 2013, is $14,500,000.

(d) *Administration.* 1. Section 71.28 (4) (e), (g), and (h), as it applies to the credit under s. 71.28 (4), applies to the credit under this subsection.

2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise due under s. 71.43, the amount of the claim not used to offset the tax due shall be certified by the department of revenue to the department of administration for payment by check, share draft, or other draft drawn from the appropriation account under s. 20.835 (2) (bb), except that the amounts certified under this subdivi-

sion for taxable years beginning after December 31, 2009, and before January 1, 2012, shall be paid in taxable years beginning after December 31, 2011.

SECTION 1721m. 71.47 (3w) (bm) 1. of the statutes, as affected by 2009 Wisconsin Act 11, is amended to read:

71.47 **(3w)** (bm) 1. In addition to the credits under par. (b) and ~~subd.~~ subds. 2. and 3., and subject to the limitations provided in this subsection and s. 560.799, a claimant may claim as a credit against the tax imposed under s. 71.43 an amount equal to a percentage, as determined by the department of commerce, not to exceed 100 percent, of the amount the claimant paid in the taxable year to upgrade or improve the job−related skills of any of the claimant's full−time employees, to train any of the claimant's full−time employees on the use of job−related new technologies, or to provide job−related training to any full−time employee whose employment with the claimant represents the employee's first full−time job. This subdivision does not apply to employees who do not work in an enterprise zone.

SECTION 1721n. 71.47 (3w) (bm) 2. of the statutes, as created by 2009 Wisconsin Act 11, is amended to read:

71.47 **(3w)** (bm) 2. In addition to the credits under par. (b) and ~~subd.~~ subds. 1. and 3., and subject to the limitations provided in this subsection and s. 560.799, a claimant may claim as a credit against the tax imposed under s. 71.43 an amount equal to the percentage, as determined by the department of commerce under s. 560.799, not to exceed 7 percent, of the claimant's zone payroll paid in the taxable year to all of the claimant's full−time employees whose annual wages are greater than $20,000 in a tier I county or municipality, not including the wages paid to the employees determined under par. (b) 1., or greater than $30,000 in a tier II county or municipality, not including the wages paid to the employees determined under par. (b) 1., and who the claimant employed in the enterprise zone in the taxable year, if the total number of such employees is equal to or greater than the total number of such employees in the base year. A claimant may claim a credit under this subdivision for no more than 5 consecutive taxable years.

SECTION 1721p. 71.47 (3w) (bm) 3. of the statutes is created to read:

71.47 **(3w)** (bm) 3. In addition to the credits under par. (b) and subds. 1. and 2., and subject to the limitations provided in this subsection and s. 560.799, for taxable years beginning after December 31, 2008, a claimant may claim as a credit against the tax imposed under s. 71.43 up to 10 percent of the claimant's significant capital expenditures, as determined by the department of commerce under s. 560.799 (5m).

SECTION 1721r. 71.47 (3w) (c) 3. of the statutes is amended to read:

71.47 **(3w)** (c) 3. No credit may be allowed under this subsection unless the claimant includes with the claimant's return a copy of the claimant's certification for tax benefits under s. 560.799 (5) or (5m).

SECTION 1722. 71.47 (4m) of the statutes is created to read:

71.47 **(4m)** SUPER RESEARCH AND DEVELOPMENT CREDIT. (a) *Definition.* In this subsection, "qualified research expenses" means qualified research expenses as defined in section 41 of the Internal Revenue Code, except that "qualified research expenses" includes only expenses incurred by the claimant for research conducted in this state for the taxable year and except that "qualified research expenses" do not include compensation used in computing the credits under subs. (1dj) and (1dx).

(b) *Credit.* Subject to the limitations provided under this subsection, for taxable years beginning on or after January 1, 2011, a corporation may claim as a credit against the tax imposed under s. 71.43, up to the amount of those taxes, an amount equal to the amount of qualified research expenses paid or incurred by the corporation in the taxable year that exceeds the amount calculated as follows:

1. Determine the average amount of the qualified research expenses paid or incurred by the corporation in the 3 taxable years immediately preceding the taxable year for which a credit is claimed under this subsection.

2. Multiply the amount determined under subd. 1. by 1.25.

(c) *Limitations.* Section 71.28 (4) (b) to (d) and (i), as it applies to the credit under s. 71.28 (4), applies to the credit under this subsection.

(d) *Administration.* 1. Section 71.28 (4) (e), (g), and (h), as it applies to the credit under s. 71.28 (4), applies to the credit under this subsection.

2. If a credit computed under this subsection is not entirely offset against Wisconsin income or franchise taxes otherwise due, the unused balance may be carried forward and credited against Wisconsin income or franchise taxes otherwise due for the following 5 taxable years to the extent not offset by these taxes otherwise due in all intervening years between the year in which the expense was incurred and the year in which the carry−forward credit is claimed.

SECTION 1725. 71.47 (5b) (d) 3. of the statutes is created to read:

71.47 **(5b)** (d) 3. For calendar years beginning after December 31, 2007, if an investment for which a claimant claims a credit under par. (b) is held by the claimant for less than 3 years, the claimant shall pay to the department, in the manner prescribed by the department, the amount of the credit that the claimant received related to the investment.

SECTION 1725w. 71.47 (5f) of the statutes is repealed and recreated to read:

71.47 **(5f)** FILM PRODUCTION SERVICES CREDIT. (a) *Definitions.* In this subsection:

1. "Accredited production" means a film, video, broadcast advertisement, or television production, as approved by the department of commerce, for which the aggregate salary and wages included in the cost of the production for the period ending 12 months after the month in which the principal filming or taping of the production begins exceeds $100,000 for a production that is 30 minutes or longer or $50,000 for a production that is less than 30 minutes . "Accredited production" also means an electronic game, as approved by the department of commerce, for which the aggregate salary and wages included in the cost of the production for the period ending 36 months after the month in which the principal programming, filming, or taping of the production begins exceeds $100,000. "Accredited production" does not include any of the following, regardless of the production costs:

Vetoed In Part

a. News, current events, or public programming or a program that includes weather or market reports.

b. A talk show.

c. A production with respect to a questionnaire or contest.

d. A sports event or sports activity.

e. A gala presentation or awards show.

f. A finished production that solicits funds.

g. A production for which the production company is required under 18 USC 2257 to maintain records with respect to a performer portrayed in a single media or multimedia program.

h. A production produced primarily for industrial, corporate, or institutional purposes.

2. "Claimant" means a person who files a claim under this subsection.

3. "Production expenditures" means any expenditures that are incurred in this state and directly used to produce an accredited production, including expenditures for set construction and operation, wardrobes, make−up, clothing accessories, photography, sound recording, sound synchronization, sound mixing, lighting, editing, film processing, film transferring, special effects, visual effects, renting or leasing facilities or equipment, renting or leasing motor vehicles, food, lodging, and any other similar expenditure as determined by the department of commerce. "Production expenditures" do not include salary, wages, or labor−related contract payments.

(b) *Filing claims.* Subject to the limitations provided in this subsection, for taxable years beginning after December 31, 2008, a claimant may claim as a credit against the tax imposed under s. 71.43 any of the following amounts:

1. An amount equal to 25 percent of the salary, wages, or labor−related contract payments paid by the claimant in the taxable year to individuals, including actors, who were residents of this state at the time that they were paid and who worked on an accredited production in this state, not including the salary, wages, or contract payments paid to any individual who was paid more than $250,000. A claimant may claim an additional amount equal to 3 percent of any salary, wages, or contract payments described in this subdivision if the individual who received the salary, wages, or contract payments was also living in an economically distressed area of this state, as determined by the department of commerce under s. 560.706 (2) (e), at the time that the individual was paid.

Vetoed In Part

2. An amount equal to 20 percent of the salary, wages, or labor−related contract payments paid by the claimant in the taxable year to individuals who were not residents of this state at the time that they were paid and who worked on an accredited production in this state, not including the salary, wages, or contract payments paid to any individual who was paid more than $250,000 or paid as above−the−line expenses to individuals such as nontechnical crew members, producers, writers, casting directors, and actors.

3. An amount equal to 25 percent of the production expenditures paid by the claimant in the taxable year to produce an accredited production.

(c) *Limitations.* 1. A claimant may not claim a credit under this subsection if less than 35 percent of the total budget for the accredited production is spent in this state.

2. The total amount of the credits that a claimant may claim under par. (b) 2. in a taxable year shall not exceed an amount equal to the first $20,000 of salary, wages, or labor−related contract payments paid to each individual described in par. (b) 2. in the taxable year.

3. No credit may be claimed under par. (b) 3. for the purchase of tangible personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) the sale of which is not sourced to this state, as provided under s. 77.522.

4. The maximum amount of all credits that a claimant may claim under this subsection for each accredited production is $10,000,000.

Vetoed In Part

5. The maximum amount of the credits that may be claimed under this subsection and sub. (5h) and ss. 71.07 (5f) and (5h) and 71.28 (5f) and (5h) in fiscal year 2009−10 is $1,500,000. The maximum amount of the credits that may be claimed under this subsection and sub. (5h) and ss. 71.07 (5f) and (5h) and 71.28 (5f) and (5h) in fiscal year 2010−11 is $1,500,000.

Vetoed In Part

6. No credit may be allowed under this subsection unless the claimant files an application with the department of commerce, at the time and in the manner prescribed by the department of commerce, and the department of commerce approves the application. The claimant shall submit a fee with the application in an amount equal to 2 percent of the claimant's budgeted production expenditures or to $5,000, whichever is less. The claimant shall submit a copy of the approved application with the claimant's return.

7. Partnerships, limited liability companies, and tax−option corporations may not claim the credit under this

subsection, but the eligibility for, and the amount of, the credit are based on their payment of amounts under par. (b). A partnership, limited liability company, or tax−option corporation 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.

(d) *Administration.* 1. Section 71.28 (4) (e), (g), and (h), as it applies to the credit under s. 71.28 (4), applies to the credits under this subsection.

2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise due under s. 71.43 or no tax is due under s. 71.43, the amount of the claim not used to offset the tax due shall be certified by the department of revenue to the department of administration for payment by check, share draft, or other draft drawn from the appropriation account under s. 20.835 (2) (bm).

SECTION 1726x. 71.47 (5h) (a) 2. of the statutes is amended to read:

71.47 **(5h)** (a) 2. "Film production company" means an entity that exclusively creates ~~films, videos, electronic games, broadcast advertisement, or television productions, not including the productions described under s. 71.47~~ accredited productions, as defined in sub. (5f) (a) 1. ~~a. to h.~~

SECTION 1726yb. 71.47 (5h) (b) (intro.) of the statutes is amended to read:

71.47 **(5h)** (b) *Filing claims.* (intro.) Subject to the limitations provided in this subsection, for taxable years beginning after December 31, ~~2007~~ 2008, a claimant may claim as a credit against the tax imposed under s. 71.43~~, up to the amount of the taxes, for the first 3 taxable years that the claimant is doing business in this state as a film production company,~~ an amount that is equal to 15 percent of the following that the claimant paid in the taxable year to establish or operate a film production company in this state:

SECTION 1726yc. 71.47 (5h) (b) 1. of the statutes is amended to read:

71.47 **(5h)** (b) 1. The purchase price of depreciable, tangible personal property and items, property, and goods under s. 77.52 (1) (b), (c), and (d), if the sale of the tangible personal property, items, property, or goods is sourced to this state under s. 77.522.

SECTION 1726yd. 71.47 (5h) (c) 1. of the statutes is amended to read:

71.47 **(5h)** (c) 1. A claimant may claim the credit under par. (b) 1., if the tangible personal property, or item, property, or good under s. 77.52 (1) (b), (c), or (d), is purchased after December 31, ~~2007~~ 2008, and the tangible personal property, item, property, or good is used for at least 50 percent of its use in the claimant's business as a film production company.

SECTION 1726ye. 71.47 (5h) (c) 2. of the statutes is amended to read:

71.47 **(5h)** (c) 2. A claimant may claim the credit under par. (b) 2. for an amount expended to construct, rehabilitate, remodel, or repair real property, if the claimant began the physical work of construction, rehabilitation, remodeling, or repair, or any demolition or destruction in preparation for the physical work, after December 31, ~~2007~~ 2008, and the completed project is placed in service after December 31, ~~2007~~ 2008.

SECTION 1726yf. 71.47 (5h) (c) 3. of the statutes is amended to read:

71.47 **(5h)** (c) 3. A claimant may claim the credit under par. (b) 2. for an amount expended to acquire real property, if the property is not previously owned property and if the claimant acquires the property after December 31, ~~2007~~ 2008, and the completed project is placed in service after December 31, ~~2007~~ 2008.

SECTION 1726yg. 71.47 (5h) (c) 4. of the statutes is amended to read:

71.47 **(5h)** (c) 4. No claim may be allowed under this subsection unless the department of commerce certifies, in writing, that the credits claimed under this subsection are for expenses related to establishing or operating a film production company in this state and the claimant submits a copy of the certification with the claimant's return.

SECTION 1726yh. 71.47 (5h) (c) 4d. of the statutes is created to read: **Vetoed In Part**

71.47 **(5h)** (c) 4d. The maximum amount of all credits that a claimant may claim under this subsection for each project for which expenses are certified under subd. 4. is $10,000,000.

SECTION 1726yj. 71.47 (5h) (c) 4m. of the statutes is created to read:

71.47 **(5h)** (c) 4m. The maximum amount of the credits that may be claimed under this subsection and sub. (5f) and ss. 71.07 (5f) and (5h) and 71.28 (5f) and (5h) in fiscal year 2009−10 is $1,500,000. The maximum amount of the credits that may be claimed under this subsection and sub. (5f) and ss. 71.07 (5f) and (5h) and 71.28 (5f) and (5h) in fiscal year 2010−11 is $1,500,000. **Vetoed In Part**

SECTION 1726yk. 71.47 (5h) (d) of the statutes is renumbered 71.47 (5h) (d) 1. and amended to read:

71.47 **(5h)** (d) 1. Section 71.28 (4) (e) ~~to~~, (g), and (h), as it applies to the credit under s. 71.28 (4), applies to the credits under this subsection.

SECTION 1726yL. 71.47 (5h) (d) 2. of the statutes is created to read:

71.47 **(5h)** (d) 2. If the allowable amount of the claim under par. (b) exceeds the tax otherwise due under s. 71.43 or no tax is due under s. 71.43, the amount of the claim not used to offset the tax due shall be certified by the department of revenue to the department of administration for payment by check, share

draft, or other draft drawn from the appropriation account under s. 20.835 (2) (bL).

SECTION 1728. 71.47 (5i) (b) of the statutes is amended to read:

71.47 **(5i)** (b) *Filing claims.* Subject to the limitations provided in this subsection, for taxable years beginning after December 31, ~~2009~~ 2011, a claimant may claim as a credit against the taxes imposed under s. 71.43, up to the amount of those taxes, an amount equal to 50 percent of the amount the claimant paid in the taxable year for information technology hardware or software that is used to maintain medical records in electronic form, if the claimant is a health care provider, as defined in s. 146.81 (1) (a) to (p).

SECTION 1728d. 71.47 (5k) (b) of the statutes is amended to read:

71.47 **(5k)** (b) *Filing claims.* Subject to the limitations provided in this subsection, for taxable years beginning after July 1, ~~2009~~ 2011, a claimant may claim as a credit against the tax imposed under s. 71.43, up to the amount of those taxes, an amount equal to 5 percent of the amount the claimant paid in the taxable year to a community rehabilitation program to perform work for the claimant's business, pursuant to a contract.

SECTION 1729. 71.47 (6) (c) of the statutes is amended to read:

71.47 **(6)** (c) No person may claim the credit under this subsection unless the claimant includes with the claimant's return evidence that the rehabilitation was ~~approved~~ recommended by the state historic preservation officer for approval by the secretary of the interior under 36 CFR 67.6 before the physical work of construction, or destruction in preparation for construction, began and that the rehabilitation was approved by the secretary of the interior under 36 CFR 67.6.

SECTION 1730. 71.47 (6) (cm) of the statutes is created to read:

71.47 **(6)** (cm) Any credit claimed under this subsection for Wisconsin purposes shall be claimed at the same time as for federal purposes.

SECTION 1731. 71.47 (6) (f) of the statutes is amended to read:

71.47 **(6)** (f) A partnership, limited liability company, or tax−option corporation may not claim the credit under this subsection. The ~~individual~~ partners of a partnership, members of a limited liability company, or shareholders in a tax−option corporation may claim the credit under this subsection based on eligible costs incurred by the partnership, limited liability company, or tax−option corporation~~, in proportion to the ownership interest of each partner, member or shareholder~~. The partnership, limited liability company, or tax−option corporation shall calculate the amount of the credit which may be claimed by each partner, member, or shareholder and shall provide that information to the partner, member, or shareholder. For shareholders of a tax−option corporation, the credit may be allocated in proportion to the ownership interest of each shareholder. Credits computed by a partnership or limited liability company may be claimed in proportion to the ownership interests of the partners or members or allocated to partners or members as provided in a written agreement among the partners or members that is entered into no later than the last day of the taxable year of the partnership or limited liability company, for which the credit is claimed. For a partnership or limited liability company that places property in service after June 29, 2008, and before January 1, 2009, the credit attributable to such property may be allocated, at the election of the partnership or limited liability company, to partners or members for a taxable year of the partnership or limited liability company that ends after June 29, 2008, and before January 1, 2010. Any partner or member who claims the credit as provided under this paragraph shall attach a copy of the agreement, if applicable, to the tax return on which the credit is claimed. A person claiming the credit as provided under this paragraph is solely responsible for any tax liability arising from a dispute with the department of revenue related to claiming the credit.

SECTION 1732. 71.47 (6) (g) of the statutes is created to read:

71.47 **(6)** (g) 1. If a person who claims the credit under this subsection elects to claim the credit based on claiming amounts for expenditures as the expenditures are paid, rather than when the rehabilitation work is completed, the person shall file an election form with the department, in the manner prescribed by the department.

2. Notwithstanding s. 71.77, the department may adjust or disallow the credit claimed under this subsection within 4 years after the date that the state historical society notifies the department that the expenditures for which the credit was claimed do not comply with the standards for certification promulgated under s. 44.02 (24).

SECTION 1733. 71.47 (8r) of the statutes is created to read:

71.47 **(8r)** BEGINNING FARMER AND FARM ASSET OWNER TAX CREDIT. (a) *Definitions.* In this subsection:

1. "Agricultural assets" means machinery, equipment, facilities, or livestock that is used in farming.

2. "Beginning farmer" means a person who meets the conditions specified in s. 93.53 (2).

3. "Claimant" means an established farmer who files a claim under this subsection.

4. "Established farmer" means a person who meets the conditions specified in s. 93.53 (3).

5. "Farming" has the meaning given in section 464 (e) (1) of the Internal Revenue Code.

6. "Lease amount" is the amount of the cash payment paid by a beginning farmer to an established farmer each year for leasing the established farmer's agricultural assets.

(b) *Filing claims.* For taxable years beginning after December 31, 2010, and subject to the limitations provided in this subsection, a claimant may claim as a credit against the tax imposed under s. 71.43 an amount equal to 15 percent of the lease amount received by the claimant in the taxable year. If the allowable amount of the claim exceeds the taxes otherwise due on the claimant's income, the amount of the claim not used as an offset against those taxes shall be certified by the department of revenue to the department of administration for payment to the claimant by check, share draft, or other draft from the appropriation under s. 20.835 (2) (en).

(c) *Limitations.* 1. A claimant may only claim the credit under this subsection for the first 3 years of any lease of the claimant's agricultural assets to a beginning farmer.

2. Along with a claimant's income tax return, a claimant shall submit to the department a certificate of eligibility provided under s. 93.53 (5) (c).

3. Partnerships, limited liability companies, and tax−option corporations may not claim the credit under this subsection, but the eligibility for, and the amount of, the credit are based on the amounts received by the entities under par. (b). A partnership, limited liability company, or tax−option corporation 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 interests.

(d) *Administration.* Subsection (4) (e), (g), and (h), as it applies to the credit under that sub. (4), applies to the credit under this subsection.

SECTION 1734. 71.49 (1) (db) of the statutes is created to read:

71.49 **(1)** (db) Super research and development credit under s. 71.47 (4m).

SECTION 1740d. 71.49 (1) (epr) of the statutes is repealed.

SECTION 1740e. 71.49 (1) (eps) of the statutes is repealed.

SECTION 1741b. 71.49 (1) (f) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

71.49 **(1)** (f) The total of ~~farmers' drought property tax credit under s. 71.47 (1fd),~~ farmland preservation credit under subch. IX, farmland tax relief credit under s. 71.47 (2m), dairy manufacturing facility investment credit under s. 71.47 (3p), jobs credit under s. 71.47 (3q), meat processing facility investment credit under s. 71.47 (3r), enterprise zone jobs credit under s. 71.47 (3w), film production services credit under s. 71.47 (5f) ~~(b) 2.~~, film production company investment credit under s. 71.47 (5h), beginning farmer and farm asset owner tax credit under s. 71.47 (8r), and estimated tax payments under s. 71.48.

SECTION 1741s. 71.52 (5) of the statutes is amended to read:

71.52 **(5)** "Household income" means all income received by all persons of a household in a calendar year while members of the household, less ~~$250~~ $500 for each of the claimant's dependents, as defined in section 152 of the internal revenue code, who have the same principal abode as the claimant for more than 6 months during the year to which the claim relates.

SECTION 1741w. 71.54 (1) (f) (intro.) of the statutes is amended to read:

71.54 **(1)** (f) *2001 and thereafter.* (intro.) ~~The~~ Subject to sub. (2m), the amount of any claim filed in 2001 and thereafter and based on property taxes accrued or rent constituting property taxes accrued during the previous year is limited as follows:

SECTION 1741we. 71.54 (2) (b) 3. of the statutes is amended to read:

71.54 **(2)** (b) 3. ~~In~~ Subject to sub. (2m), in calendar year 1990 or any subsequent calendar year, $1,450.

SECTION 1742. 71.54 (2m) of the statutes is created to read:

71.54 **(2m)** INDEXING FOR INFLATION; 2010 AND THEREAFTER. (a) For calendar years beginning after December 31, 2009, the dollar amounts of the threshold income under sub. (1) (f) 1. and 2., the maximum household income under sub. (1) (f) 3. and the maximum property taxes under sub. (2) (b) 3. shall be increased each year by a percentage equal to the percentage change between the U.S. consumer price index for all urban consumers, U.S. city average, for the 12−month average of the U.S. consumer price index for the month of August of the year before the previous year through the month of July of the previous year and the U.S. consumer price index for all urban consumers, U.S. city average, for the 12−month average of the U.S. consumer price index for August 2007 through July 2008, as determined by the federal department of labor, except that the adjustment may occur only if the percentage is a positive number. Each amount that is revised under this paragraph shall be rounded to the nearest multiple of $10 if the revised amount is not a multiple of $10 or, if the revised amount is a multiple of $5, such an amount shall be increased to the next higher multiple of $10. The department of revenue shall annually adjust the changes in dollar amounts required under this paragraph and incorporate the changes into the income tax forms and instructions.

(b) The department of revenue shall annually adjust the slope under sub. (1) (f) 2. such that, as a claimant's income increases from the threshold income as calculated under par. (a), to an amount that exceeds the maximum household income as calculated under par. (a), the credit that may be claimed is reduced to $0 and the department of revenue shall incorporate the changes into the income tax forms and instructions.

SECTION 1743. 71.57 of the statutes is amended to read:

71.57 Purpose. The purpose of ~~this subchapter~~ ss. 71.58 to 71.61 is to provide credit to owners of farmland which is subject to agricultural use restrictions, through a system of income or franchise tax credits and refunds and appropriations from the general fund.

SECTION 1744. 71.58 (intro.) of the statutes is amended to read:

71.58 Definitions. (intro.) In ~~this subchapter~~ ss. 71.57 to 71.61:

SECTION 1745. 71.58 (1) (intro.) of the statutes is amended to read:

71.58 **(1)** (intro.) "Claimant" means an owner ~~of farmland~~, as defined in s. 91.01 (9), 2007 stats., of farmland, domiciled in this state during the entire year for which a credit under ~~this subchapter~~ ss. 71.57 to 71.61 is claimed, except as follows:

SECTION 1746. 71.58 (1) (b) of the statutes is amended to read:

71.58 **(1)** (b) If any person in a household has claimed or will claim credit under subch. VIII, all persons from that household are ineligible to claim any credit under ~~this subchapter~~ ss. 71.57 to 71.61 for the year to which the credit under subch. VIII pertained.

SECTION 1747. 71.58 (1) (d) of the statutes is amended to read:

71.58 **(1)** (d) For purposes of filing a claim under ~~this subchapter~~ ss. 71.57 to 71.61, the personal representative of an estate and the trustee of a trust shall be deemed owners of farmland. "Claimant" does not include the estate of a person who is a nonresident of this state on the person's date of death, a trust created by a nonresident person, a trust which receives Wisconsin real property from a nonresident person or a trust in which a nonresident settlor retains a beneficial interest.

SECTION 1748. 71.58 (1) (e) of the statutes is amended to read:

71.58 **(1)** (e) For purposes of filing a claim under ~~this subchapter~~ ss. 71.57 to 71.61, when land is subject to a land contract, the claimant shall be the vendee under the contract.

SECTION 1749. 71.58 (1) (f) of the statutes is amended to read:

71.58 **(1)** (f) For purposes of filing a claim under ~~this subchapter~~ ss. 71.57 to 71.61, when a guardian has been appointed in this state for a ward who owns the farmland, the claimant shall be the guardian on behalf of the ward.

SECTION 1750. 71.58 (3) of the statutes is amended to read:

71.58 **(3)** "Farmland" means 35 or more acres of real property in this state owned by the claimant or any member of the claimant's household during the taxable year for which a credit under ~~this subchapter~~ ss. 71.57 to 71.61 is claimed if the farmland, during that year, produced not less than $6,000 in gross farm profits resulting from the farmland's agricultural use, as defined in s. 91.01 (1), 2007 stats., or if the farmland, during that year and the 2 years immediately preceding that year, produced not less than $18,000 in such profits, or if at least 35 acres of the farmland, during all or part of that year, was enrolled in the conservation reserve program under 16 USC 3831 to 3836.

SECTION 1751. 71.58 (4) of the statutes is amended to read:

71.58 **(4)** "Gross farm profits" means gross receipts, excluding rent, from agricultural use, as defined in s. 91.01 (1), 2007 stats., including the fair market value at the time of disposition of payments in kind for placing land in federal programs or payments from the federal dairy termination program under 7 USC 1446 (d), less the cost or other basis of livestock or other items purchased for resale which are sold or otherwise disposed of during the taxable year.

SECTION 1752. 71.58 (8) of the statutes is amended to read:

71.58 **(8)** "Property taxes accrued" means property taxes, exclusive of special assessments, delinquent interest and charges for service, levied on the farmland and improvements owned by the claimant or any member of the claimant's household in any calendar year under ch. 70, less the tax credit, if any, afforded in respect of the property by s. 79.10. "Property taxes accrued" shall not exceed $6,000. If farmland is owned by a tax−option corporation, a limited liability company or by 2 or more persons or entities as joint tenants, tenants in common or partners or is marital property or survivorship marital property and one or more such persons, entities or owners is not a member of the claimant's household, "property taxes accrued" is that part of property taxes levied on the farmland, reduced by the tax credit under s. 79.10, that reflects the ownership percentage of the claimant and the claimant's household. For purposes of this subsection, property taxes are "levied" when the tax roll is delivered to the local treasurer for collection. If farmland is sold during the calendar year of the levy the "property taxes accrued" for the seller is the amount of the tax levy, reduced by the tax credit under s. 79.10, prorated to each in the closing agreement pertaining to the sale of the farmland, except that if the seller does not reimburse the buyer for any part of those property taxes there are no "property taxes accrued" for the seller, and the "property taxes accrued" for the buyer is the property taxes levied on the farmland, reduced by the tax credit under s. 79.10, minus, if the seller reimburses the buyer for part of the property taxes, the amount prorated to the seller in the closing agreement. With the claim for credit under ~~this subchapter~~ ss. 71.57 to 71.61, the seller shall submit a copy of the closing agreement and the buyer shall submit a copy of the closing agreement and a copy of the property tax bill.

SECTION 1753. 71.59 (1) (a) of the statutes is amended to read:

71.59 **(1)** (a) Subject to the limitations provided in ~~this subchapter~~ ss. 71.57 to 71.61 and s. 71.80 (3) and (3m), a claimant may claim as a credit against Wisconsin income or franchise taxes otherwise due, the amount derived under s. 71.60. If the allowable amount of claim exceeds the income or franchise taxes otherwise due on or measured by the claimant's income or if there are no Wisconsin income or franchise taxes due on or measured by the claimant's income, the amount of the claim not used as an offset against income or franchise taxes shall be certified to the department of administration for payment to the claimant by check, share draft or other draft drawn on the general fund.

SECTION 1754. 71.59 (1) (b) (intro.) of the statutes is amended to read:

71.59 **(1)** (b) (intro.) Every claimant under ~~this subchapter~~ ss. 71.57 to 71.61 shall supply, at the request of the department, in support of the claim, all of the following:

SECTION 1755. 71.59 (1) (b) 4. of the statutes is amended to read:

71.59 **(1)** (b) 4. Certification by the claimant that each county land conservation committee with jurisdiction over the farmland has been notified that the claimant intends to submit a claim under ~~this subchapter~~ ss. 71.57 to 71.61.

SECTION 1756. 71.59 (1) (c) of the statutes is amended to read:

71.59 **(1)** (c) A farmland preservation agreement submitted under par. (b) 3. shall contain provisions specified under s. 91.13 (8), 2007 stats., including either a provision requiring farming operations to be conducted in substantial accordance with a soil and water conservation plan prepared under s. 92.104, 2007 stats., or a provision requiring farming operations to be conducted in compliance with reasonable soil and water conservation standards established under s. 92.105, 2007 stats.

SECTION 1757. 71.59 (1) (d) 1. of the statutes is amended to read:

71.59 **(1)** (d) 1. That the lands are within the boundaries of an agricultural zoning district which is part of an adopted ordinance meeting the standards of subch. V of ch. 91, 2007 stats., and certified under s. 91.06, 2007 stats.

SECTION 1758. 71.59 (1) (d) 5. of the statutes is amended to read:

71.59 **(1)** (d) 5. That soil and water conservation standards applicable to the land are established and approved as required under s. 92.105 (1) to (3), 2007 stats., and that no notice of noncompliance is in effect under s. 92.105 (5), 2007 stats., with respect to the claimant at the time the certificate is issued.

SECTION 1759. 71.59 (2) (intro.) of the statutes is amended to read:

71.59 **(2)** INELIGIBLE CLAIMS. (intro.) No credit shall be allowed under ~~this subchapter~~ ss. 71.57 to 71.61:

SECTION 1760. 71.59 (2) (b) of the statutes is amended to read:

71.59 **(2)** (b) If a notice of noncompliance with an applicable soil and water conservation plan under s. 92.104, 2007 stats., is in effect with respect to the claimant at the time the claim is filed.

SECTION 1761. 71.59 (2) (c) of the statutes is amended to read:

71.59 **(2)** (c) If a notice of noncompliance with applicable soil and water conservation standards under s. 92.105, 2007 stats., is in effect with respect to the claimant at the time the claim is filed.

SECTION 1762. 71.59 (2) (d) of the statutes is amended to read:

71.59 **(2)** (d) For property taxes accrued on farmland zoned for exclusive agricultural use under an ordinance certified under subch. V of ch. 91, 2007 stats., which is granted a special exception or conditional use permit for a use which is not an agricultural use, as defined in s. 91.01 (1), 2007 stats.

SECTION 1763. 71.59 (2) (e) of the statutes is amended to read:

71.59 **(2)** (e) If the department determines that ownership of the farmland has been transferred to the claimant primarily for the purpose of maximizing benefits under ~~this subchapter~~ ss. 71.57 to 71.61.

SECTION 1764. 71.60 (1) (b) of the statutes is amended to read:

71.60 **(1)** (b) The credit allowed under ~~this subchapter~~ ss. 71.57 to 71.61 shall be limited to 90% of the first $2,000 of excessive property taxes plus 70% of the 2nd $2,000 of excessive property taxes plus 50% of the 3rd $2,000 of excessive property taxes. The maximum credit shall not exceed $4,200 for any claimant. The credit for any claimant shall be the greater of either the credit as calculated under ~~this subchapter~~ ss. 71.57 to 71.61 as it exists at the end of the year for which the claim is filed or as it existed on the date on which the farmland became subject to a current agreement under subch. II or III of ch. 91, 2007 stats., using for such calculations household income and property taxes accrued of the year for which the claim is filed.

SECTION 1765. 71.60 (1) (c) 1. of the statutes is amended to read:

71.60 **(1)** (c) 1. If the farmland is located in a county which has a certified agricultural preservation plan under subch. IV of ch. 91, 2007 stats., at the close of the year for which credit is claimed and is in an area zoned by a county, city or village for exclusive agricultural use under ch. 91, 2007 stats., at the close of such year, the amount of the claim shall be that as specified in par. (b).

SECTION 1766. 71.60 (1) (c) 2. of the statutes is amended to read:

71.60 **(1)** (c) 2. If the farmland is subject to a transition area agreement under subch. II of ch. 91, 2007 stats., on July 1 of the year for which credit is claimed, or the claimant had applied for such an agreement before July 1 of such year and the agreement has subsequently been executed, and the farmland is located in a city or village which has a certified exclusive agricultural use zoning ordinance under subch. V of ch. 91, 2007 stats., in effect at the close of the year for which credit is claimed, or in a town which is subject to a certified county exclusive agricultural use zoning ordinance under subch. V of ch. 91, 2007 stats., in effect at the close of the year for which credit is claimed, the amount of the claim shall be that as specified in par. (b).

SECTION 1767. 71.60 (1) (c) 3. of the statutes is amended to read:

71.60 **(1)** (c) 3. If the claimant or any member of the claimant's household owns farmland which is ineligible for credit under subd. 1. or 2. 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 a transition area agreement under subch. II of ch. 91, 2007 stats., and the transition area agreement has subsequently been executed, and the farmland is located in a city or village which has a certified exclusive agricultural use zoning ordinance under subch. V of ch. 91, 2007 stats., in effect at the close of the year for which credit is claimed, or in a town which is subject to a certified county exclusive agricultural use zoning ordinance under subch. V of ch. 91, 2007 stats., in effect at the close of the year for which credit is claimed, the amount of the claim shall be that specified in par. (b).

SECTION 1768. 71.60 (1) (c) 4. of the statutes is amended to read:

71.60 **(1)** (c) 4. If the claimant or any member of the claimant's household owns farmland which is ineligible for credit under subd. 1. or 2. but which is subject to a farmland preservation agreement or a transition area agreement under subch. II 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, the amount of the claim shall be limited to 80% of that specified in par. (b).

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 s. 62.23 (7a), the amount of the claim shall be equal to the amount that the claim would have been under this section if the farmland were subject to a certified county or town exclusive agricultural use ordinance at the close of the year.

SECTION 1772. 71.60 (1) (c) 7. of the statutes is amended to read:

71.60 **(1)** (c) 7. If the farmland is located in an area zoned for exclusive agricultural use under a certified county, city or village ordinance under subch. V of ch. 91, 2007 stats., at the close of the year for which credit is claimed, but the county in which the farmland is located has not adopted an agricultural preservation plan under subch. IV of ch. 91, 2007 stats., by the close of such year, the amount of the claim shall be limited to 70% of that specified in par. (b).

SECTION 1773. 71.60 (1) (c) 8. of the statutes is amended to read:

71.60 **(1)** (c) 8. If the farmland is 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 claimant had applied for such an agreement before July 1 of such year and the agreement has subsequently been executed, the amount of the claim shall be limited to 50% of that specified in par. (b).

SECTION 1774. 71.60 (2) of the statutes is amended to read:

71.60 **(2)** If the farmland is subject to a certified ordinance under subch. V of ch. 91, 2007 stats., or an agreement under subch. II of ch. 91, 2007 stats., in effect at the close of the year for which the credit is claimed, the amount of the claim is 10% of the property taxes accrued or the amount determined under sub. (1), whichever is greater.

SECTION 1775. 71.61 of the statutes is amended to read:

71.61 General provisions. (1) DEPARTMENT MAY APPLY CREDIT AGAINST ANY TAX LIABILITY. The amount of any claim otherwise payable under ~~this subchapter~~ ss. 71.57 to 71.61 may be applied by the department against any amount certified to the department under s. 71.93 or 71.935 or may be credited under s. 71.80 (3) or (3m).

(2) CREDITS ARE INCOME. All amounts allowed as credits under ~~this subchapter~~ ss. 71.57 to 71.61 constitute income for income and franchise tax purposes and are reportable as such in the year of receipt.

(3) INTEREST NOT ALLOWED. No interest may be allowed on any payment made to a claimant under ~~this subchapter~~ ss. 71.57 to 71.61.

(3m) ADMINISTRATION. The income tax provisions in this chapter relating to assessments, refunds, appeals and collection apply to the credit under ~~this subchapter~~ ss. 71.57 to 71.61.

(4) PENALTIES. Unless specifically provided in ~~this subchapter~~ ss. 71.57 to 71.61, the penalties under subch. XIII apply for failure to comply with ~~this subchapter~~ ss. 71.57 to 71.61 unless the context requires otherwise.

(5) TABLE PREPARED BY DEPARTMENT. The department shall prepare a table under which claims under ~~this subchapter~~ ss. 71.57 to 71.61 shall be determined.

SECTION 1776. 71.61 (6) of the statutes is created to read:

71.61 **(6)** PROHIBITION OF NEW CLAIMS. For taxable years beginning after December 31, 2009, no new claims for a credit may be filed under ss. 71.57 to 71.61, but if an otherwise eligible claimant is subject to a farmland preservation agreement, as defined in s. 91.01 (7), 2007 stats., that is in effect on July 1, 2010, the claimant may continue to file a claim for the credit under ss. 71.57 to 71.61 until the farmland preservation agreement expires, except that no claimant who files a claim under ss. 71.57 to 71.61 may file a claim under s. 71.613.

SECTION 1777. 71.613 of the statutes is created to read:

71.613 Farmland preservation credit, 2010 and beyond. (1) DEFINITIONS. In this section:

(a) "Agricultural use" has the meaning given in s. 91.01 (2).

(b) "Claimant" means an owner, as defined in s. 91.01 (9), 2007 stats., of farmland, domiciled in this state during the entire taxable year to which the claim under this section relates, who files a claim under this section, except as follows:

1. When 2 or more individuals of a household are able to qualify individually as a claimant, they may determine between them who the claimant shall be. If they are unable to agree, the matter shall be referred to the secretary of revenue, whose decision is final.

2. If any person in a household has claimed or will claim credit under subch. VIII, all persons from that household are ineligible to claim any credit under this section for the year to which the credit under subch. VIII pertains.

3. For partnerships except publicly traded partnerships treated as corporations under s. 71.22 (1k), "claimant" means each individual partner.

4. For limited liability companies, except limited liability companies treated as corporations under s. 71.22 (1k), "claimant" means each individual member.

5. For purposes of filing a claim under this section, the personal representative of an estate and the trustee of a trust shall be considered owners of farmland. "Claimant" does not include the estate of a person who is a nonresident of this state on the person's date of death, a trust created by a nonresident person, a trust which receives Wisconsin real property from a nonresident person or a trust in which a nonresident settlor retains a beneficial interest.

6. For purposes of filing a claim under this section, when land is subject to a land contract, the claimant shall be the vendee under the contract.

7. For purposes of filing a claim under this section, when a guardian has been appointed in this state for a ward who owns the farmland, the claimant shall be the guardian on behalf of the ward.

8. For a tax−option corporation, "claimant" means each individual shareholder.

(c) "Department" means the department of revenue.

(d) "Farm" means a farm, as defined in s. 91.01 (13), that has produced at least $6,000 in gross farm revenues during the taxable year to which the claim relates or, in the taxable year to which the claim relates and the 2 immediately preceding taxable years, at least $18,000 in gross farm revenues.

(e) "Farmland preservation agreement" has the meaning given in s. 91.01 (15).

(f) "Farmland preservation zoning district" has the meaning given in s. 91.01 (18).

(g) "Gross farm revenues" means gross receipts from agricultural use of a farm, excluding rent receipts, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year.

(ge) "Household" means an individual and his or her spouse and all minor dependents.

(h) "Qualifying acres" means the number of acres of a farm that correlate to a claimant's percentage of owner-

ship interest in a farm to which one of the following applies:

1. The farm is wholly or partially covered by a farmland preservation agreement, except that if the farm is only partially covered, the qualifying acres calculation includes only those acres which are covered by a farmland preservation agreement.

2. The farm is located in a farmland preservation zoning district at the end of the taxable year to which the claim relates.

3. If the claimant transferred the claimant's ownership interest in the farm during the taxable year to which the claim relates, the farm was wholly or partially covered by a farmland preservation agreement, or the farm was located in a farmland preservation zoning district, on the date on which the claimant transferred the ownership interest. For the purposes of this subdivision, a land contract is a transfer of ownership interest.

(2) FILING CLAIMS. Subject to the limitations and conditions provided in sub. (3), a claimant may claim as a credit against the tax imposed under s. 71.02, 71.08, 71.23, or 71.43, an amount calculated by multiplying the claimant's qualifying acres by one of the following amounts, and if the allowable amount of the claim exceeds the income taxes otherwise due on the claimant's income or if there are no Wisconsin income taxes due on the claimant's income, the amount of the claim not used as an offset against income taxes shall be certified by the department of revenue to the department of administration for payment to the claimant by check, share draft, or other draft from the appropriation under s. 20.835 (2) (do):

(a) Ten dollars, if the qualifying acres are located in a farmland preservation zoning district and are also subject to a farmland preservation agreement that is entered into after the effective date of this paragraph .... [LRB inserts date].

(b) Seven dollars and 50 cents, if the qualifying acres are located in a farmland preservation zoning district but are not subject to a farmland preservation agreement that is entered into after the effective date of this paragraph .... [LRB inserts date].

(c) Five dollars, if the qualifying acres are subject to a farmland preservation agreement that is entered into after the effective date of this paragraph .... [LRB inserts date], but are not located in a farmland preservation zoning district.

(3) LIMITATIONS AND CONDITIONS. (a) No credit may be allowed under this section unless all of the following apply:

1. The claimant certifies to the department that the claimant has paid, or is legally responsible for paying, the property taxes levied against the qualifying acres to which the claim relates.

2. The claimant certifies to the department that at the end of the taxable year to which the claim relates or, on the date on which the person transferred the person's ownership interest in the farm if the transfer occurs during the taxable year to which the claim relates, there was no outstanding notice of noncompliance issued against the farm under s. 91.82 (2).

3. The claimant submits to the department a certification of compliance with soil and water conservation standards, as required by s. 91.80, issued by the county land conservation committee unless, in the last preceding year, the claimant received a tax credit under ss. 71.57 to 71.61 or this section for the same farm.

(b) If a farm is jointly owned by 2 or more persons who file separate income or franchise tax returns, each person may claim a credit under this section based on the person's ownership interest in the farm.

(c) If a person acquires or transfers ownership of a farm during a taxable year for which a claim may be filed under this section, the person may file a claim under this section based on the person's liability for the property taxes levied on the person's qualifying acres for the taxable year to which the claim relates.

(d) A claimant shall claim the credit under this section on a form prepared by the department and shall submit any documentation required by the department. On the claim form, the claimant shall certify all of the following:

1. The number of qualifying acres for which the credit is claimed.

2. The location and tax parcel number for each parcel on which the qualifying acres are located.

4. That the qualifying acres are covered by a farmland preservation agreement or located in a farmland preservation zoning district, or both.

5. That the qualifying acres are part of a farm that complies with applicable state soil and water conservation standards, as required by s. 91.80.

(e) No credit may be allowed under this section unless it is claimed within the time period under s. 71.75 (2).

(f) The maximum amount of the credits that may be claimed under this section in any fiscal year is $27,007,200. If the total amount of eligible claims exceed this amount, the excess claims shall be paid in the next succeeding fiscal year to ensure that the limit specified in this paragraph is not exceeded.

(g) For the 2011−2012 fiscal year, and for every succeeding fiscal year, the department shall prorate the per acre amounts specified in sub. (2) based on the department's estimated amount of eligible claims that will be filed for that fiscal year, and to account for any excess claims from the preceding fiscal year that are required to be paid under par. (f).

(h) If the payment to which an eligible claimant is entitled under sub. (2) is delayed because the claim was an excess claim, as described in par. (f), the claimant is not entitled to any interest payment under s. 71.82 with

regard to the delayed claim or with regard to any other refund to which the claimant is entitled if that other refund claim is claimed on the same income tax return as the credit under this section.

(4) ADMINISTRATION. The department may enforce the credit under this section and may take any action, conduct any proceeding, and proceed as it is authorized in respect to taxes under this chapter. The income and franchise tax provisions in this chapter relating to assessments, refunds, appeals, collection, interest, and penalties apply to the credit under this section.

SECTION 1777m. 71.63 (3) (d) of the statutes is created to read:

Vetoed In Part

71.63 **(3)** (d) With regard to ss. 71.64 (6m) and 71.65 (6), "employer" means a person described in s. 108.18 (2) (c).

Vetoed In Part

SECTION 1777o. 71.64 (6m) of the statutes is created to read:

71.64 **(6m)** WITHHOLDING BY CERTAIN CONTRACTORS. If an employer files federal tax form 1099−MISC, Miscellaneous Income, on behalf of any independent contractor or single−member limited liability company providing construction services to the employer, the employer shall deduct and withhold, not more frequently than on a quarterly basis, 1 percent from the wages paid to the person on whose behalf the form is filed.

SECTION 1778. 71.65 (5) (b) of the statutes is amended to read:

71.65 **(5)** (b) No extension under par. (a) extends the time to deposit with the public depository or pay to the department amounts that are required to be deducted and withheld under this subchapter. The department for good cause may extend for a period, not to exceed one month, the time for making any return or paying any amount required to be paid under this subchapter. The extension may be granted at any time if the extension request is filed with the department within or before the period for which the extension is requested.

SECTION 1778q. 71.65 (6) of the statutes is created to read:

71.65 **(6)** CONSTRUCTION CONTRACTORS. Any employer who willfully provides false information to the department, or who willfully and with intent to evade any requirement of this subchapter, misclassifies or attempts to misclassify an individual who is an employee of the employer as a nonemployee shall be fined $25,000 for each violation.

SECTION 1779. 71.74 (6) of the statutes is amended to read:

71.74 **(6)** CONSOLIDATED STATEMENTS. For the purpose of this chapter, whenever a corporation which is required to file an income or franchise tax return is affiliated with or related to any other corporation through stock ownership by the same interests or as parent or subsidiary corporations, or whose income is regulated through contract or other arrangement, the department 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 1780. 71.775 (4) (a) (intro.) of the statutes is amended to read:

71.775 **(4)** (a) (intro.) Each pass−through entity that is subject to the withholding under sub. (2) shall ~~pay the amount of the tax withheld to~~ file an annual return that indicates the withholding amount paid to the state during the pass−through entity's taxable year. The entity shall file the return with the department no later than:

SECTION 1781. 71.775 (4) (b) of the statutes is repealed.

SECTION 1782. 71.775 (4) (bm) 1. of the statutes is created to read:

71.775 **(4)** (bm) 1. For the return under par. (a), the department shall allow an automatic extension of 7 months or until the corresponding due date of the pass−through entity's federal income tax return or return of partnership income, whichever is later. Except for payments of estimated taxes, and except as provided in subd. 2., withholding taxes payable upon filing the return are not delinquent during the extension period but shall be subject to interest at the rate of 12 percent per year during that period.

SECTION 1783. 71.775 (4) (bm) 2. of the statutes is created to read:

71.775 **(4)** (bm) 2. 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, withholding taxes that are otherwise due from a pass−through entity under sub. (2) are not subject to 12 percent interest as otherwise provided under subd. 1. during the extension period and for 30 days after the end of the federal extension period.

SECTION 1784. 71.775 (4) (bn) of the statutes is created to read:

71.775 **(4)** (bn) If a pass−through entity subject to withholding tax under sub. (2) does not file the return under par. (a) on or before the extension date provided in par. (bm), the pass−through entity is liable for the penalty provided in s. 71.83 (1), in addition to any unpaid tax, interest, and penalty otherwise assessable to a nonresident partner, member, shareholder, or beneficiary on income from the pass−through entity.

SECTION 1785. 71.775 (4) (c) of the statutes is renumbered 71.775 (4) (i).

SECTION 1786. 71.775 (4) (cm) of the statutes is created to read:

71.775 **(4)** (cm) Except as provided in par. (L), pass−through entities shall make estimated payments of the withholding tax under sub. (2) in 4 installments, on or before the 15th day of each of the following months:

1. The 3rd month of the taxable year.
2. The 6th month of the taxable year.
3. The 9th month of the taxable year.
4. The 12th month of the taxable year.

SECTION 1787. 71.775 (4) (d) of the statutes is renumbered 71.775 (4) (j) and amended to read:

71.775 **(4)** (j) A nonresident partner, member, shareholder, or beneficiary of a pass−through entity may claim a credit, as prescribed by the department, on his or her Wisconsin income or franchise tax return for the amount withheld under sub. (2) on his or her behalf for the tax period for which the income of the pass−through entity is reported. ~~For purposes of determining whether interest under s. 71.84 applies to a nonresident partner, member, shareholder, or beneficiary, the amount withheld under sub. (2) is considered to be paid in 4 equal quarterly installments.~~

SECTION 1788. 71.775 (4) (dm) of the statutes is created to read:

71.775 **(4)** (dm) Section 71.29 (3), (3m), (4), (5), (6), and (11), as it applies to estimated payments of income and franchise taxes for corporations, also applies to estimated payments of the withholding tax imposed under sub. (2) for pass−through entities.

SECTION 1789. 71.775 (4) (e) of the statutes is renumbered 71.775 (4) (k).

SECTION 1790. 71.775 (4) (em) of the statutes is created to read:

71.775 **(4)** (em) Except as provided in par. (fm), in the case of any underpayment of estimated withholding taxes under par. (cm), interest shall be added to the aggregate withholding tax for the taxable year at the rate of 12 percent per year on the amount of the underpayment for the period of the underpayment. In this paragraph, "period of the underpayment" means the time period beginning with the due date of the installment and ending on either the unextended due date of the return under par. (a) or the date of payment, whichever is earlier. If 90 percent of the tax due under sub. (2) for the taxable year is not paid by the unextended due date of the return under par. (a), the difference between that amount and the estimated taxes paid, along with any interest due, shall accrue delinquent interest in the same manner as income and franchise taxes under s. 71.82 (2) (a).

SECTION 1791. 71.775 (4) (f) of the statutes is repealed.

SECTION 1792. 71.775 (4) (fm) of the statutes is created to read:

71.775 **(4)** (fm) No interest is required under par. (em) for a pass−through entity if any of the following conditions apply:

1. The amount of withholding tax due under sub. (2) is less than $500.

2. The amount of withholding tax due under sub. (2) is less than $5,000, the pass−through entity had no withholding tax liability under sub. (2) for the preceding taxable year, and the preceding taxable year was 12 months.

SECTION 1793. 71.775 (4) (g) of the statutes is created to read:

71.775 **(4)** (g) Except as provided under par. (h), the amount of each installment required under par. (cm) is 25 percent of the lesser of the following amounts:

1. Ninety percent of the withholding tax under sub. (2) that is due for the taxable year.

2. The withholding tax due under sub. (2) for the preceding taxable year, except that this subdivision does not apply if the preceding taxable year was less than 12 months or if the pass−through entity did not file a return under par. (a) for the preceding taxable year.

SECTION 1794. 71.775 (4) (h) of the statutes is created to read:

71.775 **(4)** (h) If 22.5 percent for the first installment, 45 percent for the 2nd installment, 67.5 percent for the 3rd installment, and 90 percent for the 4th installment of the tax due under sub. (2) for the taxable year; computed by annualizing, under methods prescribed by the department, the pass−through entity's income for the months in the taxable year ending before the installment's due date; is less than the installment required under par. (g), the pass−through entity may pay the amount under this paragraph, rather than the amount under par. (g). For purposes of computing annualized income under this paragraph, the apportionment percentage computed under s. 71.25 (6), (10), and (12) from the return under par. (a) filed for the previous taxable year may be used if that return was filed with the department on or before the due date of the installment for which the income is being annualized and if the apportionment percentage on that previous year's return was greater than zero. Any pass−through entity that pays an amount calculated under this paragraph shall increase the next installment computed under par. (g) by an amount equal to the difference between the amount paid under this paragraph and the amount that would have been paid under par. (g).

SECTION 1795. 71.775 (4) (L) of the statutes is created to read:

71.775 **(4)** (L) The department shall deem timely paid the estimated payments of the withholding tax imposed under sub. (2) that become due during the period beginning on January 1, 2009, and ending on the effective date of this paragraph .... [LRB inserts date], provided that such estimated tax payments are paid by the next installment due date that follows in sequence following the effective date of this paragraph .... [LRB inserts date]. However, if the next installment due date following the effective date of this paragraph .... [LRB inserts date], is less than 45 days after the effective date of this paragraph .... [LRB inserts date], such estimated payments, in addition to the payment due less than 45 days after the effective date of this paragraph .... [LRB inserts date], shall be

deemed timely paid if paid by the next subsequent installment due date.

SECTION 1796. 71.80 (9m) of the statutes is created to read:

71.80 **(9m)** FAILURE TO PRODUCE RECORDS. A person who fails to produce records or documents, as provided under ss. 71.74 (2) and 73.03 (9), that support amounts or other information required to be shown on any return required under this chapter may be subject to any of the following penalties, as determined by the department, except that the department may not impose a penalty under this subsection if the person shows that under all facts and circumstances the person's response, or failure to respond, to the department's request was reasonable or justified by factors beyond the person's control:

(a) The disallowance of deductions, credits, exemptions, or income inclusions to which the requested records relate.

(b) In addition to any penalty imposed under sub. (4), a penalty for each violation of this subsection that is equal to the greater of $500 or 25 percent of the amount of the additional tax on any adjustment made by the department that results from the person's failure to produce the records.

(c) The department shall promulgate rules to administer this subsection and the rules shall include a standard response time, a standard for noncompliance, and penalty waiver provisions.

SECTION 1797. 71.80 (20) of the statutes is repealed and recreated to read:

71.80 **(20)** ELECTRONIC FILING. If a person is required to file 50 or more wage statements or 50 or more of any one type of information return with the department, the person shall file the statements or the returns electronically, by means prescribed by the department.

SECTION 1798. 71.80 (24) of the statutes is created to read:

71.80 **(24)** THROWBACK TRANSITION. For persons subject to tax under this chapter whose sales factor includes sales under s. 71.04 (7) (a) or 71.25 (9) (a), (df) 3., or (dh) 4., the department shall deem timely paid the estimated tax payments attributable to the difference between the person's tax liability for the taxable year and the person's tax liability for the taxable year computed under ch. 71, 2007 stats., for installments that become due during the period beginning on January 1, 2009, and ending on the effective date of this subsection .... [LRB inserts date], provided that such estimated tax payments are paid by the next installment due date that follows in sequence following the effective date of this subsection .... [LRB inserts date]. However, if the next installment due date that follows in sequence following the effective date of this subsection .... [LRB inserts date], is less than 45 days after the effective date of this subsection .... [LRB inserts date], such estimated tax payments, in addition to the payment due less than 45 days after the effective date of this subsection .... [LRB inserts date], shall be deemed timely paid if paid by the next subsequent installment due date.

SECTION 1801. 71.83 (1) (a) 10. of the statutes is created to read:

71.83 **(1)** (a) 10. 'Failure to provide schedules.' If a person who is required to provide a schedule under s. 71.13 (1m), 71.20 (1m), or 71.36 (4) fails to provide the schedule by the due date, including any extension, or provides an incorrect or incomplete schedule, the person is subject to a $50 penalty for each violation, except that the department shall waive the penalty if the person shows the department that a violation resulted from a reasonable cause and not from willful neglect.

SECTION 1802. 71.83 (3) of the statutes is renumbered 71.83 (3) (a) and amended to read:

71.83 **(3)** (a) If any person required under this chapter to file an income or franchise tax return fails to file a return within the time prescribed by law, or as extended under s. 71.03 (7), 71.24 (7) or 71.44 (3), unless the return is filed under such an extension but the person fails to file a copy of the extension that is granted by or requested of the internal revenue service, the department shall add ~~to the tax of the person $30 in the case of corporations and in the case of persons other than corporations $2 when the total normal income tax of the person is less than $10, $3 when the tax is $10 or more but less than $20, $5 when the tax is $20 or more, except that $30 shall be added to the tax if the return is 60 or more days late~~ $50 to the person's tax if the return is filed under subch. I of this chapter or $150 to the person's tax if the return is filed under subch. IV or VII of this chapter. If no tax is assessed against any such person the amount of this fee shall be collected as income or franchise taxes are collected. If any person who is required under s. 71.65 (3) to file a withholding report and deposit withheld taxes fails timely to do so; unless the person so required dies or the failure is due to a reasonable cause and not due to neglect; the department of revenue shall add ~~$30~~ $50 to the amount due except that if the person is subject to taxation under subch. IV or VII of this chapter the department shall add $150 to the amount due.

SECTION 1803. 71.83 (3) (b) of the statutes is created to read:

71.83 **(3)** (b) A partnership that fails to file a statement under s. 71.20 (1) by the due date, including any extension, is subject to a $50 fee.

SECTION 1804. 71.91 (8) of the statutes is created to read:

71.91 **(8)** FINANCIAL RECORD MATCHING PROGRAM. (a) *Definitions.* In this subsection:

1. "Account" means a demand deposit account, checking account, negotiable withdrawal order account, savings account, time deposit account, or money market mutual fund account.

2. "Department" means the department of revenue.

3. "Financial institution" has the meaning given in s. 49.853 (1) (c).

Vetoed In Part

4. "Ownership interest" has the meaning specified by the department by rule.

5. "Person" includes any individual, firm, partnership, limited liability company, joint venture, joint stock company, association, public or private corporation, estate, trust, receiver, personal representative, and other fiduciary, and the owner of a single−owner entity that is disregarded as a separate entity under this chapter.

(b) *Matching program agreements.* The department shall promulgate rules specifying procedures under which the department shall enter into agreements with financial institutions doing business in this state to operate the financial record matching program under this subsection. The information required under par. (c) shall be provided by electronic data exchange in the manner specified by the department by rule or by agreement between the department and the financial institution. If the financial institution requests reimbursement, the department shall reimburse a financial institution for costs associated with participating in the financial record matching program under this subsection in an amount not to exceed $125 for each calendar quarter that the institution participates in the program.

Vetoed In Part

Vetoed In Part

(c) *Financial institution matching.* The department shall provide to the financial institution, with which it has an agreement under par. (b) at least quarterly, the names and social security numbers or federal employer identification numbers of delinquent debtors. The financial institution shall match this information against all accounts maintained at the financial institution. The financial institution shall notify the department of the name, social security or federal employer identification number, address, account number, account type, and account balance of any person with ownership interest in any account that matches any name or number provided by the department. The notice shall be provided in a manner specified by the department by rule or by agreement between the department and the financial institution.

(e) *Confidentiality.* A financial institution participating in the financial institution matching program under this subsection and the employees, agents, officers, and directors of the financial institution, may use any information provided by the department only for the purpose of administering this subsection and shall be subject to the confidentiality provisions of ss. 71.78 (1) and 77.61 (5) (a). Any person violating this paragraph may be fined not less than $25 nor more than $500, or imprisoned in the county jail for not less than 10 days nor more than one year or both.

(f) *Financial institution liability.* A financial institution that provides information under par. (c) is not liable to any person for disclosing information to the department under this subsection or for any other action that the financial institution takes in good faith to comply with this subsection.

Vetoed In Part

(g) *Penalty.* A financial institution that fails to provide any information required under par. (c) within 120 days from either the date that the information is due or from the date that the department requests the information may be subject to a $100 penalty for each occurrence of the financial institution's failure to provide account information about an account holder. The department may commence civil proceedings to enforce this subsection if a financial institution fails to provide any information required under par. (c) after 120 days from either the date that the information is due or from the date that the department requests the information.

Vetoed In Part

Vetoed In Part

(h) *Exceptions.* This subsection does not apply to a financial institution that has assets of less than $5,000,000.

Vetoed In Part

Section 1805. 71.93 (1) (a) 8. of the statutes is created to read:

71.93 **(1)** (a) 8. Any amount owed to a state agency and collected pursuant to a written agreement between the department of revenue and the state agency as provided under sub. (8) (b), if the debt has been reduced to a judgment or if the state agency or the department has provided the debtor reasonable notice and an opportunity to be heard with regard to the amount owed.

Section 1806. 71.93 (3) (a) of the statutes is amended to read:

71.93 **(3)** (a) ~~In administering this section the department shall first check with the state agency certifying the debt to determine whether the debt has been collected by other means. If the debt remains uncollected the~~ The department of revenue shall setoff any debt or other amount owed to the department, regardless of the origin of the debt or of the amount, its nature or its date. If after the setoff there remains a refund in excess of $10, the department shall set off the remaining refund against certified debts of other state agencies. If more than one certified debt exists for any debtor, the refund shall be first set off against the earliest debt certified, except that no child support or spousal support obligation submitted by an agency of another state may be set off until all debts owed to and certified by state agencies of this state have been set off. When all debts have been satisfied, any remaining refund shall be refunded to the debtor by the department. Any legal action contesting a setoff under this paragraph shall be brought against the state agency that certified the debt under sub. (2).

Section 1807. 71.93 (8) of the statutes is renumbered 71.93 (8) (a).

Section 1808. 71.93 (8) (b) of the statutes is created to read:

71.93 **(8)** (b) 1. Except as provided in subd. 2., a state agency and the department of revenue shall enter into a written agreement to have the department collect any amount owed to the state agency that is more than 90 days

past due, unless negotiations between the agency and debtor are actively ongoing, the debt is the subject of legal action or administrative proceedings, or the agency determines that the debtor is adhering to an acceptable payment arrangement. At least 30 days before the department pursues the collection of any debt referred by a state agency, either the department or the agency shall provide the debtor with a written notice that the debt will be referred to the department for collection. The department may collect amounts owed, pursuant to the written agreement, from the debtor in addition to offsetting the amounts as provided under sub. (3). The department shall charge each debtor whose debt is subject to collection under this paragraph an amount for administrative expenses and that amount shall be credited to the appropriation under s. 20.566 (1) (h).

2. The department may enter into agreements described under subd. 1. with the courts, the legislature, authorities, as defined in s. 16.41 (4), and local units of government.

3. Agreements required under subd. 1. shall be completed no later than July 1, 2010, except that an agreement may allow a delay or phase−in of referrals.

4. The secretary of revenue may waive the referral of certain types of debt. The department's determination that a debt is not collectable does not prevent the referring agency from taking additional collection actions.

5. The department may collect debts and assess interest on delinquent amounts under this paragraph in the same manner that it collects taxes and assesses interest under ss. 71.82 (2), 71.91, 71.92, and 73.03 (20). The department's use of tax returns and related information to collect debts under this paragraph is not a violation of s. 71.78, 72.06, 77.61 (5), 78.80 (3), or 139.38 (6).

6. If the debtor owes debt to the department and to other entities, payments shall first apply to debts owed to the department, then to the state agencies, the courts, the legislature, and authorities, as defined in s. 16.41 (4), in the order in which the debts were referred to the department, and then to local units of government in the order in which the debts were referred to the department.

SECTION 1811. 73.03 (52) of the statutes is renumbered 73.03 (52) (a).

SECTION 1812. 73.03 (52) (b) of the statutes is created to read:

73.03 **(52)** (b) To enter into agreements with the federal department of the treasury that provide for offsetting state payments against federal nontax obligations; and to charge a fee up to $25 per transaction for such offsets; and offsetting federal payments, as authorized by federal law, against state tax and nontax obligations, and collecting the offset cost from the debtor, if the agreements provide that setoffs under par. (a) and ss. 71.93 and 71.935 occur before the setoffs under this paragraph. The agreement shall provide that the federal department of the treasury may deduct a fee from each administrative offset and state payment offset. For purposes of this paragraph "administrative offset" is any offset of federal payments to collect state debts and "state payment offset" is any offset of state payments to collect federal nontax debts.

SECTION 1814. 73.03 (64) of the statutes is created to read:

73.03 **(64)** To post on the Internet a list of every person who has had a seller's permit revoked under s. 77.52 (11). The Internet site shall list the real name, business name, address, revocation date, type of tax due, and amount due, including interests, penalties, fees, and costs, for each person who has had a seller's permit revoked under s. 77.52 (11). The department shall update the Internet site periodically to add revoked permits and to remove permits that are no longer revoked or for which the permit holder has made sufficient arrangements with the department so that the permit holder may be issued a monthly seller's permit. The department shall update the Internet site quarterly to remove revoked permits for entities that have been out of business for at least one year.

SECTION 1815. 73.03 (65) of the statutes is created to read:

73.03 **(65)** (a) To enter into agreements with federally recognized American Indian tribes or bands in this state to collect, remit, and provide refunds of the following taxes for activities that occur on tribal lands or are undertaken by tribal members outside of tribal lands:

1. Income taxes imposed under subch. I of ch. 71.

2. Withholding taxes imposed under subch. X of ch. 71.

3. Sales and use taxes under subch. III of ch. 77.

4. Motor vehicle fuel taxes imposed under subch. I of ch. 78.

5. Beverage taxes imposed under subch. I of ch. 139.

(b) For purposes of this subsection, all tax and financial information disclosed during negotiations, or exchanged pursuant to a final agreement, between the department and a federally recognized American Indian tribe or band in this state is subject to the confidentiality provisions under ss. 71.78 and 77.61 (5).

(c) The department shall submit a copy of each agreement negotiated under this subsection to the joint committee on finance no later than 30 days after the agreement is signed by the department and the tribe or band.

SECTION 1815b. 73.03 (66) of the statutes is created to read:

73.03 **(66)** To promulgate rules to ensure that the payments under s. 79.10 (4) made from the appropriation account under s. 20.835 (3) (qb) are used exclusively for school levy tax credits granted to state residents.

SECTION 1815d. 73.03 (67) of the statutes is created to read:

73.03 **(67)** To submit a request for a supplement under s. 16.515 for administering the debt collection program under s. 71.93 (8) (b) that includes a detailed plan for implementing the program, a listing of agencies and

other entities that would participate in the program, an estimate of the amount of debt collections under the program, and the fees that the debtors would pay under the program.

Vetoed In Part

SECTION 1815g. 73.03 (68) of the statutes is created to read:

73.03 **(68)** Beginning in 2010, to submit no later than June 30 of each year a report to the governor, the joint committee on finance, and the legislature, as provided under s. 13.172 (2), that describes the funding and position allocations for activities that are related to enhanced enforcement of state tax laws and that increase state tax revenues, including expenditures incurred for such activities, information regarding the type of activities, projects, and enforcement actions undertaken, the number of taxpayers affected, additional amounts assessed and collected, additional revenues generated, and an analysis of the cost−effectiveness of the activities.

SECTION 1815m. 73.0305 of the statutes is amended to read:

73.0305 Revenue limits ~~and intradistrict transfer aid~~ calculations. The department of revenue shall annually determine and certify to the state superintendent of public instruction, no later than the 4th Monday in June, the allowable rate of increase under subch. VII of ch. 121. The allowable rate of increase is the percentage change, if not negative, in the consumer price index for all urban consumers, U.S. city average, between the preceding March 31 and the 2nd preceding March 31, as computed by the federal department of labor.

Vetoed In Part

SECTION 1817p. 74.09 (3) (gd) of the statutes is created to read:

74.09 **(3)** (gd) For Milwaukee County, if it imposes a sales and use tax under s. 77.70 (2), indicate the amount of the reduction in property taxes associated with the requirement under s. 77.70 (2) to remove transit expenditures from the property tax levy.

SECTION 1827. 76.67 (2) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

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 1829. Chapter 77 (title) of the statutes is amended to read:

CHAPTER 77
TAXATION OF FOREST CROPLANDS; REAL ESTATE TRANSFER FEES; SALES AND USE TAXES; COUNTY, 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; SOUTHEASTERN REGIONAL TRANSIT AUTHORITY FEE

SECTION 1829g. 77.02 (1) of the statutes is amended to read:

77.02 **(1)** PETITION. The owner of an entire quarter quarter section, fractional lot or government lot as determined by U.S. government survey plat, excluding public roads and railroad rights−of−way that may have been sold, may file with the department of natural resources a petition stating that the owner believes the lands therein described are more useful for growing timber and other forest crops than for any other purpose, that the owner intends to practice forestry thereon, that all persons holding encumbrances thereon have joined in the petition and requesting that such lands be approved as "Forest Croplands" under this subchapter. Whenever any such land is encumbered by a mortgage or other indenture securing any issue of bonds or notes, the trustee named in such mortgage or indenture or any amendment thereto may join in such petition, and such action shall for the purpose of this section be deemed the action of all holders of such bonds or notes. Land for which a petition is submitted under sub. (4) is exempt from the size requirements specified under this subsection.

SECTION 1829j. 77.02 (3) of the statutes is amended to read:

77.02 **(3)** DECISION, COPIES. (a) After receiving all the evidence offered at any hearing held on the petition and after making such independent investigation as it sees fit the department shall make its findings of fact and make and enter an order accordingly. If it finds that the facts give reasonable assurance that a stand of merchantable timber will be developed on such descriptions within a reasonable time, and that such descriptions are then held permanently for the growing of timber under sound forestry practices, rather than for agricultural, mineral, shoreland development of navigable waters, recreational, residential or other purposes, and that all persons holding encumbrances against such descriptions have in writing agreed to the petition, the order entered shall grant the request of the petitioner on condition that all unpaid taxes against said descriptions be paid within 30 days thereafter; otherwise the department of natural resources shall deny the request of the petitioner.

(b) If the request of ~~the~~ a petitioner is granted under par. (a) or sub. (4), a copy of such order shall be filed with the department of revenue, the supervisor of equalization and the clerk of each town, and the order shall be recorded with the register of deeds of each county, in which any of the lands affected by the order are located. The register of deeds shall record the entry, transfer or withdrawal of all forest croplands in a suitable manner on the county records. The register of deeds may collect recording fees under s. 59.43 (2) from the owner. ~~Any~~

(c) Except as provided in sub. (4) (b), any order of the department relating to the entry of forest croplands issued on or before November 20 of any year shall take effect on January 1 of the following calendar year, but all orders issued after November 20 shall take effect on January 1 of the calendar year following the calendar year in which orders issued on or before November 20 would have been effective.

SECTION 1829m. 77.02 (4) of the statutes is created to read:

77.02 **(4)** EXEMPTION FOR CERTAIN SMALLER PARCELS. (a) A landowner of a parcel that is less than a quarter quarter section in size may petition the department of natural resources to allow the land to be entered as forest croplands under this section. The department shall grant the petition and issue an order entering the land as forest croplands if all of the following apply:

1. The landowner of the parcel is a nonprofit archery club.

2. The parcel of land was part of a quarter quarter section or lot that was entered as forest croplands before January 1, 1968.

3. The parcel of land was divided from the section or lot and was sold to the landowner before January 1, 2009.

(b) An order issued under par. (a) shall take effect on the date of its issuance. Notwithstanding the 25−year or 50−year requirement under s. 77.03, the date for the ending of a order entered under par. (a) shall be the same date as the date for the ending of the order that applies to the section or lot from which the parcel was divided.

(c) Subsections (2) and (3) (a) do not apply to a petition submitted under this subsection.

(d) The taxes and penalties under s. 77.10 do not apply to a parcel affected by an order of withdrawal if an order of entry is subsequently issued for the parcel under par. (a). If an order of withdrawal is issued for such a parcel after the issuance of the order for entry under par. (a), the landowner shall be liable for all withdrawal taxes and penalties under s. 77.10 that would have been levied on the parcel if the parcel had continuously been subject to the original order of entry issued for the entire quarter quarter section or lot.

SECTION 1829n. 77.03 of the statutes is amended to read:

77.03 Taxation of forest croplands. After the filing and recording of the order with the officers under s. 77.02 (3) the lands described therein shall be "Forest Croplands", on which taxes shall thereafter be payable only as provided under this subchapter. The enactment of ss. 77.01 to 77.14, petition by the owner and the making of the order under s. 77.02 (3) or (4) (a) shall constitute a contract between the state and the owner, running with the lands, for a period of 25 or 50 years at the election of the applicant at the time the petition is filed, unless withdrawn under s. 77.10, with privilege of renewal by mutual agreement between the owner and the state, whereby the state as an inducement to owners and prospective purchasers of forest croplands to come under ss. 77.01 to 77.14 agrees that, unless withdrawn under s. 77.10, no change in or repeal of ss. 77.01 to 77.14 shall apply to any land then accepted as forest croplands, except as the department of natural resources and the owner may expressly agree in writing and except as provided in s. 77.17. If at the end of the contract period the land is not designated as managed forest land under subch. VI, the merchantable timber on the land shall be estimated by an estimator jointly agreed upon by the department of natural resources and the owner, and if the department and the owner fail to agree on an estimator, the judge of the circuit court of the district in which the lands lie shall appoint a qualified forester, whose estimate shall be final, and the cost thereof shall be borne jointly by the department of natural resources and the owner; and the 10% severance tax paid on the stumpage thereon in the same manner as if the stumpage had been cut. The owners by such contract consent that the public may hunt and fish on the lands, subject to such rules as the department of natural resources prescribes regulating hunting and fishing.

SECTION 1829ng. 77.04 (1) of the statutes is amended to read:

77.04 **(1)** TAX ROLL. The clerk on making up the tax roll shall enter as to each forest cropland description in a special column or some other appropriate place in such tax roll headed by the words "Forest Croplands" or the initials "F.C.L.", which shall be a sufficient designation that such description is subject to this subchapter. Such land shall thereafter be assessed and be subject to review under ch. 70, and such assessment may be used by the department of revenue in the determination of the tax upon withdrawal of such lands as forest croplands as provided in s. 77.10 for entries prior to 1972 or for any entry under s. 77.02 (4) (a). The tax upon withdrawal of descriptions entered as forest croplands after December 31, 1971, may be determined by the department of revenue by multiplying the last assessed value of the land prior to the time of the entry by an annual ratio computed for the state under sub. (2) to establish the annual assessed value of the description. No tax shall be levied on forest croplands except the specific annual taxes as provided, except that any building located on forest cropland shall be assessed as personal property, subject to all laws and

regulations for the assessment and taxation of general property.

SECTION 1829nr. 77.04 (2) of the statutes is amended to read:

77.04 **(2)** TAX PER ACRE; PAYMENT; PENALTY. The "acreage share" shall be computed at the rate of 10 cents per acre on all lands entered prior to 1972 or entered under s. 77.02 (4) (a). On all lands entered after December 31, 1971, the "acreage share" shall be computed every 10 years to the nearest cent by the department of revenue at the rate of 20 cents per acre multiplied by a ratio using the equalized value of the combined residential, commercial, manufacturing, agricultural, undeveloped, agricultural forest, and productive forest land classes under s. 70.32 (2) within the state in 1972 as the denominator, and using equalized value for these combined land classes in 1982 and every 10th year thereafter as the numerator. All owners shall pay to the taxation district treasurer the acreage share on each description on or before January 31. If the acreage share is not paid when due to the taxation district treasurer it shall be subject to interest and penalty as provided under ss. 74.11 (11), 74.12 (10) and 74.47. These lands shall be returned as delinquent and a tax certificate under subch. VII of ch. 74 shall be issued on them. After 2 years from the date of the issuance of a tax certificate, the county clerk shall promptly take a tax deed under ch. 75. On taking such deed the county clerk shall certify that fact and specify the descriptions to the department of natural resources.

SECTION 1829r. 77.13 (3) of the statutes is created to read:

77.13 **(3)** Subsections (1) and (2) do not apply to any petition submitted under s. 77.02 (4).

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 1830b. 77.51 (1a) (a) 5. of the statutes is created to read:

77.51 **(1a)** (a) 5. Newspapers or other news or information products.

SECTION 1830c. 77.51 (1a) (b) of the statutes, as created by 2009 Wisconsin Act 2, is amended to read:

77.51 **(1a)** (b) For purposes of this subchapter, the sale, license, lease, or rental of or the storage, use, or other consumption of a digital code is treated the same as the sale, license, lease, or rental of or the storage, use, or other consumption of any additional digital goods for which the digital code relates.

SECTION 1830d. 77.51 (2) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.51 **(2)** "Contractors" and "subcontractors" are the consumers of tangible personal property or items~~, property,~~ or goods under s. 77.52 (1) (b)~~, (c),~~ or (d) used by them in real property construction activities and the sales and use tax applies to the sale of tangible personal property or items~~, property,~~ or goods under s. 77.52 (1) (b)~~, (c),~~ or (d) to them. A contractor engaged primarily in real property construction activities may use resale certificates only with respect to purchases of tangible personal property or items~~, property,~~ or goods under s. 77.52 (1) (b)~~, (c),~~ or (d) which the contractor has sound reason to believe the contractor will sell to customers for whom the contractor will not perform real property construction activities involving the use of such tangible personal property or items~~, property,~~ or goods under s. 77.52 (1) (b)~~, (c),~~ or (d). In this subsection, "real property construction activities" means activities that occur at a site where tangible personal property or items~~, property,~~ or goods under s. 77.52 (1) (b)~~, (c),~~ or (d) that are applied or adapted to the use or purpose to which real property is devoted are affixed to that real property, if the intent of the person who affixes that property is to make a permanent accession to the real property. In this subsection, "real property construction activities" does not include affixing property subject to tax under s. 77.52 (1) (c) to real property or affixing to real property tangible personal property ~~or items, property, or goods under s. 77.52 (1) (b), (c), or (d)~~ that ~~remain~~ remains tangible personal property after ~~they are~~ it is affixed.

SECTION 1830e. 77.51 (3rm) (intro.) of the statutes, as created by 2009 Wisconsin Act 2, is amended to read:

77.51 **(3rm)** (intro.) "Finished artwork" means the final art used for actual reproduction by photomechanical or other processes or for display purposes, but does not include Web site or home page designs. "Finished artwork" ~~also~~ includes all of the following items regardless of whether such items are reproduced:

SECTION 1830f. 77.51 (7h) (a) (intro.) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

77.51 **(7h)** (a) (intro.) "Manufacturing" means the production by machinery of a new article of tangible personal property or item or property under s. 77.52 (1) (b) or (c) with a different form, use, and name from existing materials, by a process popularly regarded as manufacturing, and that 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 or item or property under s. 77.52 (1) (b) or (c) to the point of first storage in the same plant. "Manufacturing" includes:

SECTION 1831. 77.51 (7h) (a) 3. of the statutes is created to read:

77.51 **(7h)** (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 per-

sonal 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 1831b. 77.51 (7h) (a) 3. of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

77.51 **(7h)** (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 or item or property under s. 77.52 (1) (b) or (c) that is being manufactured; storing work in progress in the same plant where the manufacturing occurs; assembling finished units of tangible personal property or item or property under s. 77.52 (1) (b) or (c); and packaging a new article of tangible personal property or items or property under s. 77.52 (1) (b) or (c), 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 (7h) (b) of the statutes is created to read:

77.51 **(7h)** (b) "Manufacturing" does not include storing raw materials or finished units of tangible personal property, research or development, delivery to or from the plant, or repairing or maintaining plant facilities.

SECTION 1832b. 77.51 (7h) (b) of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

77.51 **(7h)** (b) "Manufacturing" does not include storing raw materials or finished units of tangible personal property or items or property under s. 77.52 (1) (b) or (c), research or development, delivery to or from the plant, or repairing or maintaining plant facilities.

SECTION 1833. 77.51 (10) of the statutes is amended to read:

77.51 **(10)** "Person" includes any natural person, firm, partnership, limited liability company, joint venture, joint stock company, association, public or private corporation, the United States, the state, including any unit or division of the state, any county, city, village, town, municipal utility, municipal power district or other governmental unit, cooperative, unincorporated cooperative association, estate, trust, receiver, personal representative, any other fiduciary, and any representative appointed by order of any court or otherwise acting on behalf of others. ~~"Person" also includes the owner of a single−owner entity that is disregarded as a separate entity under ch. 71.~~

SECTION 1833b. 77.51 (10) of the statutes, as affected by 2009 Wisconsin Acts 2 and .... (this act), is repealed and recreated to read:

77.51 **(10)** "Person" includes any natural person, firm, partnership, limited liability company, joint venture, joint stock company, association, public or private corporation, the United States, the state, including any unit or division of the state, any county, city, village, town, municipal utility, municipal power district or other governmental unit, cooperative, unincorporated cooperative association, estate, trust, receiver, personal representative, any other fiduciary, any other legal entity, and any representative appointed by order of any court or otherwise acting on behalf of others.

SECTION 1834. 77.51 (10b) of the statutes is created to read:

77.51 **(10b)** For purposes of sub. (7h), "plant" means a parcel of property or adjoining parcels of property, including parcels that are separated only by a public road, and the buildings, machinery, and equipment that are located on the parcel, that are owned by or leased to the manufacturer.

SECTION 1835. 77.51 (10c) of the statutes is created to read:

77.51 **(10c)** For purposes of sub. (7h), "plant inventory" does not include unsevered mineral deposits.

SECTION 1835dr. 77.51 (12m) (b) 10. of the statutes is created to read: **Vetoed In Part**

77.51 **(12m)** (b) 10. The surcharges imposed under s. 256.35 (3g) (a) 1. and 2. a.

SECTION 1835e. 77.51 (13) (k) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.51 **(13)** (k) With respect to a lease, any person deriving rentals from a lease of tangible personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) ~~situated in~~ sourced to this state as provided under s. 77.522.

SECTION 1835f. 77.51 (13g) (a) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.51 **(13g)** (a) Any retailer owning any real property in this state or leasing or renting out any tangible personal property, or items~~,~~ or property~~, or goods~~ under s. 77.52 (1) (b)~~,~~ or (c)~~, or (d)~~, located in this state or maintaining, occupying or using, permanently or temporarily, directly or indirectly, or through a subsidiary, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place or other place of business in this state.

SECTION 1836. 77.51 (13g) (d) of the statutes is created to read:

77.51 **(13g)** (d) Any person who has an affiliate in this state, if the person is related to the affiliate and if the affiliate uses facilities or employees in this state to advertise, promote, or facilitate the establishment of or 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, including accepting returns of purchases or resolving customer complaints. For pur-

poses of this paragraph, 2 persons are related if any of the following apply:

1. One person, or each person, is a corporation and one person and any person related to that person in a manner that would require a stock attribution from the corporation to the person or from the person to the corporation under section 318 of the Internal Revenue Code owns directly, indirectly, beneficially, or constructively at least 50 percent of the corporation's outstanding stock value.

2. One person, or each person, is a partnership, estate, or trust and any partner or beneficiary; and the partnership, estate, or trust and its partners or beneficiaries; own directly, indirectly, beneficially, or constructively, in the aggregate, at least 50 percent of the profits, capital, stock, or value of the other person or both persons.

3. An individual stockholder and the members of the stockholder's family, as defined in section 318 of the Internal Revenue Code, owns directly, indirectly, beneficially, or constructively, in the aggregate, at least 50 percent of both persons' outstanding stock value.

SECTION 1836c. 77.51 (14) (j) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.51 **(14)** (j) The granting of possession of tangible personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) by a lessor to a lessee, or to another person at the direction of the lessee. Such a transaction ~~involving tangible personal property~~ is deemed a continuing sale ~~in this state~~.

SECTION 1836d. 77.51 (14a) of the statutes is created to read:

77.51 **(14a)** For purposes of ss. 77.54, 77.55, and 77.56, "sale" includes licenses, leases, and rentals.

Vetoed In Part

SECTION 1836er. 77.51 (15b) (b) 10. of the statutes is created to read:

77.51 **(15b)** (b) 10. The surcharges imposed under s. 256.35 (3g) (a) 1. and 2. a.

SECTION 1836f. 77.51 (17x) of the statutes, as created by 2009 Wisconsin Act 2, is amended to read:

77.51 **(17x)** "Specified digital goods" means digital audio works, digital audiovisual works, and digital books. For purposes of this subchapter, the sale, license, lease, or rental of or the storage, use, or other consumption of a digital code is treated the same as the sale, license, lease, or rental of or the storage, use, or other consumption of any specified digital goods for which the digital code relates.

SECTION 1836g. 77.51 (20) of the statutes, as affected by 2009 Wisconsin Act 2, section 333, is amended to read:

77.51 **(20)** "Tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses, and includes electricity, gas, steam, water, and prewritten computer software, regardless of how it is delivered to the purchaser.

SECTION 1836h. 77.51 (24) of the statutes, as created by 2009 Wisconsin Act 2, is amended to read:

77.51 **(24)** "Value−added nonvoice data service" means a service that otherwise meets the definition of telecommunications services, in which computer processing applications are used to act on the form, content, code, or protocol of the information or data provided by the service and are used primarily for a purpose other than for transmitting, conveying, or routing data.

SECTION 1836i. 77.52 (1) (a) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.52 **(1)** (a) For the privilege of selling, licensing, leasing or renting tangible personal property~~, including accessories, components, attachments, parts, supplies and materials,~~ at retail a tax is imposed upon all retailers at the rate of 5% of the sales price from the sale, license, lease or rental of tangible personal property~~, including accessories, components, attachments, parts, supplies and materials,~~ sold, licensed, leased or rented at retail in this state, as determined under s. 77.522.

SECTION 1836j. 77.52 (1) (b) of the statutes, as created by 2009 Wisconsin Act 2, is amended to read:

77.52 **(1)** (b) For the privilege of selling, licensing, leasing, or renting at retail coins and stamps of the United States that are sold, licensed, leased, rented, or traded as collectors' items above their face value, a tax is imposed on all retailers at the rate of 5 percent of the sales price from the sale, license, lease, or rental of such coins and stamps.

SECTION 1837. 77.52 (2) (a) 2. a. of the statutes is amended to read:

77.52 **(2)** (a) 2. a. Except as provided in subd. 2. b. and c., the sale of admissions to amusement, athletic, entertainment or recreational events or places except county fairs, the sale, rental or use of regular bingo cards, extra regular cards, special bingo cards and the sale of bingo supplies to players and the furnishing, for dues, fees or other considerations, the privilege of access to clubs or the privilege of having access to or the use of amusement, entertainment, athletic or recreational devices or facilities, including the sale or furnishing of use of recreational facilities on a periodic basis or other recreational rights, including but not limited to membership rights, vacation services and club memberships.

SECTION 1838. 77.52 (2) (a) 2. c. of the statutes is created to read:

77.52 **(2)** (a) 2. c. Taxable sales do not include the sale of admissions by a nonprofit organization to participate in any sports activity in which more than 50 percent of the participants are 19 years old or younger.

SECTION 1839. 77.52 (2) (a) 8m. of the statutes is created to read:

77.52 **(2)** (a) 8m. The towing and hauling of motor vehicles by a tow truck, as defined in s. 340.01 (67n), unless at the time of towing or hauling a sale in this state

of the motor vehicle to the purchaser would be exempt from the taxes imposed under this subchapter, not including the exempt sale of a motor vehicle to a nonresident under s. 77.54 (5) (a) and nontaxable sales described under s. 77.51 (14r).

SECTION 1839b. 77.52 (2) (a) 8m. of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

77.52 **(2)** (a) 8m. The towing and hauling of motor vehicles by a tow truck, as defined in s. 340.01 (67n), unless at the time of towing or hauling a sale sourced to this state under s. 77.522 of the motor vehicle to the purchaser would be exempt from the taxes imposed under this subchapter, not including the exempt sale of a motor vehicle to a nonresident under s. 77.54 (5) (a) and nontaxable sales described under s. 77.585 (8).

SECTION 1839d. 77.52 (2) (a) 10. of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.52 **(2)** (a) 10. Except for services provided by veterinarians and except for installing or applying tangible personal property, or items or goods under sub. (1) (b) or (d), that, subject to par. (ag), when installed or applied, will constitute an addition or capital improvement of real property, the repair, service, alteration, fitting, cleaning, painting, coating, towing, inspection, and maintenance of all items of tangible personal property or items, property, or goods under ~~s. 77.52~~ sub. (1) (b), (c), or (d), unless, at the time of that repair, service, alteration, fitting, cleaning, painting, coating, towing, inspection, or maintenance, a sale in this state of the type of property, item, or good repaired, serviced, altered, fitted, cleaned, painted, coated, towed, inspected, or maintained would have been exempt to the customer from sales taxation under this subchapter, other than the exempt sale of a motor vehicle or truck body to a nonresident under s. 77.54 (5) (a) and other than nontaxable sales under s. 77.522 or unless the repair, service, alteration, fitting, cleaning, painting, coating, towing, inspection, or maintenance is provided under a contract that is subject to tax under subd. 13m. The tax imposed under this subsection applies to the repair, service, alteration, fitting, cleaning, painting, coating, towing, inspection, or maintenance of items listed in par. (ag), regardless of whether the installation or application of tangible personal property or items, property, or goods under ~~s. 77.52~~ sub. (1) (b), (c), or (d) related to the items is an addition to or a capital improvement of real property, except that the tax imposed under this subsection does not apply to the original installation or the complete replacement of an item listed in par. (ag), if that installation or replacement is a real property construction activity under s. 77.51 (2).

SECTION 1840d. 77.52 (12) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.52 **(12)** A person who operates as a seller in this state without a permit or after a permit has been suspended or revoked or has expired, unless the person has a temporary permit under sub. (11), and each officer of any corporation, partnership member, limited liability company member, or other person authorized to act on behalf of a seller who so operates, is guilty of a misdemeanor. ~~Permits~~ Except for a person who is registered in accordance with the agreement, as defined in s. 77.65 (2) (a), permits shall be held only by persons actively operating as sellers of tangible personal property, or items, property, or goods under sub. (1) (b), (c), or (d), or taxable services. Any person not so operating shall forthwith surrender that person's permit to the department for cancellation. The department may revoke the permit of a person found not to be actively operating as a seller of tangible personal property, or items, property, or goods under sub. (1) (b), (c), or (d), or taxable services.

SECTION 1840dm. 77.522 (1) (b) (intro.) of the statutes, as created by 2009 Wisconsin Act 2, is amended to read:

77.522 **(1)** (b) (intro.) Except as provided in par. (c) and subs. ~~(2),~~ (3), (4), and (5), the location of a sale is determined as follows:

SECTION 1840e. 77.522 (1) (b) 5. b. of the statutes, as created by 2009 Wisconsin Act 2, is amended to read:

77.522 **(1)** (b) 5. b. If the item sold is a digital good or computer software delivered electronically, the sale is sourced to the location from which the digital good or computer software was first available for transmission by the seller, not including any location that merely provided the digital transfer of the product sold.

SECTION 1840f. 77.522 (2) of the statutes, as created by 2009 Wisconsin Act 2, is repealed.

SECTION 1840fd. 77.522 (3) (a) of the statutes, as created by 2009 Wisconsin Act Wisconsin Act 2, is amended to read:

77.522 **(3)** (a) Except as provided in pars. (b) and (c), with regard to the first or only payment on the lease or rental, the lease or rental of tangible personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) is sourced to the location determined under sub. (1) (b). ~~If the property, item, or good is moved from the place where the property, item, or good was initially delivered, the subsequent~~ Subsequent periodic payments on the lease or rental are sourced to the property's, item's, or good's primary location as indicated by an address for the property, item, or good that is provided by the lessee and that is available to the lessor in records that the lessor maintains in the ordinary course of the lessor's business, if the use of such an address does not constitute bad faith. The location of a lease or rental as determined under this paragraph shall not be altered by any intermittent use of the property, item, or good at different locations.

SECTION 1840g. 77.522 (3) (d) of the statutes, as created by 2009 Wisconsin Act 2, is amended to read:

77.522 **(3)** (d) A license of tangible personal property or items ~~or~~, property, or goods under s. 77.52 (1) (b) ~~or~~, (c), or (d) shall be treated as a lease or rental of such tangi-

ble personal property, items, property, or goods under this subsection.

SECTION 1840h. 77.53 (1) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.53 **(1)** Except as provided in sub. (1m), an excise tax is levied and imposed on the use or consumption in this state of taxable services under s. 77.52 purchased from any retailer, at the rate of 5% of the purchase price of those services; on the storage, use or other consumption in this state of tangible personal property and items or property under s. 77.52 (1) (b) or (c) purchased from any retailer, at the rate of 5% of the purchase price of the property or items; on the storage, use, or other consumption of goods in this state under s. 77.52 (1) (d) purchased from any retailer, if the purchaser has the right to use the goods on a permanent or less than permanent basis and regardless of whether the purchaser is required to make continued payments for such right, at the rate of 5 percent of the ~~sales~~ purchase price of the goods; and on the storage, use or other consumption of tangible personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) manufactured, processed or otherwise altered, in or outside this state, by the person who stores, uses or consumes it, from material purchased from any retailer, at the rate of 5% of the purchase price of that material.

SECTION 1841. 77.53 (16m) of the statutes is created to read:

77.53 **(16m)** If the purchase, rental, or lease of tangible personal property or service subject to the tax imposed by this section occurred on tribal lands and, prior to imposing the tax under this subchapter, was subject to a sales tax by a federally recognized American Indian tribe or band in this state, the amount of sales tax paid to the tribe or band may, as determined by an agreement between the department and the tribal council under s. 73.03 (65), be applied as a credit against and deducted from the tax, to the extent thereof, imposed by this section. In this subsection "sales tax" includes a use or excise tax imposed on the use of tangible personal property or taxable service by the tribe or band.

SECTION 1841b. 77.53 (16m) of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

77.53 **(16m)** If the purchase, rental, license, or lease of tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or service subject to the tax imposed by this section was sourced to tribal lands and, prior to imposing the tax under this subchapter, was subject to a sales tax by a federally recognized American Indian tribe or band in this state, the amount of sales tax paid to the tribe or band may, as determined by an agreement between the department and the tribal council under s. 73.03 (65), be applied as a credit against and deducted from the tax, to the extent thereof, imposed by this section. In this subsection "sales tax" includes a use or excise tax imposed on the use of tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or taxable service by the tribe or band.

SECTION 1841d. 77.54 (1) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.54 **(1)** The sales price from the sale of and the storage, use or other consumption in this state of tangible personal property, and items~~,~~ and property~~, and goods~~ under s. 77.52 (1) (b)~~,~~ and (c), ~~and (d),~~ and services the sales price from the sale of which, or the storage, use or other consumption of which, this state is prohibited from taxing under the constitution or laws of the United States or under the constitution of this state.

SECTION 1842. 77.54 (2) of the statutes is amended to read:

77.54 **(2)** The gross receipts from sales of and the storage, use or other consumption of tangible personal property ~~becoming~~ that is used exclusively and directly by a manufacturer in manufacturing an article of tangible personal property that is destined for sale and that becomes an ingredient or component part of ~~an~~ the article of tangible personal property destined for sale or ~~which~~ is consumed or destroyed or loses its identity in ~~the manufacture~~ manufacturing the article of tangible personal property ~~in any form~~ destined for sale, except as provided in sub. (30) (a) 6.

SECTION 1842d. 77.54 (2) of the statutes, as affected by 2009 Wisconsin Acts 2 and .... (this act), is repealed and recreated to read:

77.54 **(2)** The sales price from the sales of and the storage, use, or other consumption of tangible personal property or item under s. 77.52 (1) (b) that is used exclusively and directly by a manufacturer in manufacturing an article of tangible personal property or item or property under s. 77.52 (1) (b) or (c) that is destined for sale and that becomes an ingredient or component part of the article of tangible personal property or item or property under s. 77.52 (1) (b) or (c) destined for sale or is consumed or destroyed or loses its identity in manufacturing the article of tangible personal property or item or property under s. 77.52 (1) (b) or (c) destined for sale, except as provided in sub. (30) (a) 6.

SECTION 1843. 77.54 (2m) of the statutes is amended to read:

77.54 **(2m)** The gross receipts from the sales of and the storage, use or other consumption of tangible personal property or services that are used exclusively and directly by a manufacturer in manufacturing shoppers guides, newspapers, or periodicals and that become an ingredient or component of shoppers guides, newspapers, or periodicals or that are consumed or lose their identity in the manufacture of shoppers guides, newspapers, or periodicals, whether or not the shoppers guides, newspapers, or periodicals are transferred without charge to the recipient. In this subsection, "shoppers guides~~",~~," "newspapers," and "periodicals" have the meanings under sub. (15). The exemption under this subdivision

does not apply to advertising supplements that are not newspapers.

SECTION 1843c. 77.54 (2m) of the statutes, as affected by 2009 Wisconsin Acts 2 and .... (this act), is repealed and recreated to read:

77.54 **(2m)** The sales price from the sales of and the storage, use, or other consumption of tangible personal property or services that are used exclusively and directly by a manufacturer in manufacturing shoppers guides, newspapers, or periodicals and that become an ingredient or component of shoppers guides, newspapers, or periodicals or that are consumed or lose their identity in the manufacture of shoppers guides, newspapers, or periodicals, whether or not the shoppers guides, newspapers, or periodicals are transferred without charge to the recipient. In this subsection, "shoppers guides," "newspapers," and "periodicals" have the meanings under sub. (15). The exemption under this subdivision does not apply to advertising supplements that are not newspapers.

SECTION 1843d. 77.54 (3) (a) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.54 **(3)** (a) The sales price from the sales of and the storage, use, or other consumption of tractors and machines, including accessories, attachments, and parts, lubricants, nonpowered equipment, and other tangible personal property, or items or property under s. 77.52 (1) (b) or (c), that are used exclusively and directly, or are consumed or lose their identities, in the business of farming, including dairy farming, agriculture, horticulture, floriculture, silviculture, and custom farming services, but excluding automobiles, trucks, and other motor vehicles for highway use; excluding personal property that is attached to, fastened to, connected to, or built into real property or that becomes an addition to, component of, or capital improvement of real property; and excluding tangible personal property, or items or property under s. 77.52 (1) (b) or (c), used or consumed in the erection of buildings or in the alteration, repair, or improvement of real property, regardless of any contribution that that personal property, or item or property under s. 77.52 (1) (b) or (c), makes to the production process in that building or real property and regardless of the extent to which that personal property, or item or property under s. 77.52 (1) (b) or (c), functions as a machine, except as provided in par. (c).

SECTION 1843e. 77.54 (4) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.54 **(4)** The sales price from the sale of tangible personal property and items~~,~~ and property~~, and goods~~ under s. 77.52 (1) (b)~~,~~ and (c)~~, and (d)~~ and the storage, use or other consumption in this state of tangible personal property and items~~,~~ and property~~, and goods~~ under s. 77.52 (1) (b)~~,~~ and (c)~~, and (d)~~, which is the subject of any such sale, by any elementary school or secondary school, exempted as such from payment of income or franchise tax under ch. 71, whether public or private.

SECTION 1843f. 77.54 (6) (a) of the statutes is amended to read:

77.54 **(6)** (a) Machines and specific processing equipment and repair parts or replacements thereof, exclusively and directly used by a manufacturer in manufacturing tangible personal property or items or property under s. 77.52 (1) (b) or (c) and safety attachments for those machines and equipment.

SECTION 1843g. 77.54 (6) (b) of the statutes is amended to read:

77.54 **(6)** (b) Containers, labels, sacks, cans, boxes, drums, bags or other packaging and shipping materials for use in packing, packaging or shipping tangible personal property or items or property under s. 77.52 (1) (b) or (c), if ~~such items~~ the containers, labels, sacks, cans, boxes, drums, bags, or other packaging and shipping materials are used by the purchaser to transfer merchandise to customers ~~and meat~~.

(bm) Meat casing, wrapping paper, tape, containers, labels, sacks, cans, boxes, drums, bags or other packaging and shipping materials for use in packing, packaging or shipping meat or meat products regardless of whether such items are used to transfer merchandise to customers.

SECTION 1844. 77.54 (6m) (intro.) of the statutes is renumbered 77.51 (7h) (a) (intro.) and amended to read:

77.51 **(7h)** (a) (intro.) ~~For purposes of sub. (6) (a) "manufacturing" is~~ "Manufacturing" means 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, and that 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. "Manufacturing" includes ~~but is not limited to~~:

SECTION 1845. 77.54 (6m) (a) of the statutes is renumbered 77.51 (7h) (a) 1.

SECTION 1846. 77.54 (6m) (b) of the statutes is renumbered 77.51 (7h) (a) 2. and amended to read:

77.51 **(7h)** (a) 2. Ore dressing, including the mechanical preparation, by crushing and other processes, and the concentration, by flotation and other processes, of ore, and beneficiation, including ~~but not limited to~~ the preparation of ore for smelting.

SECTION 1846d. 77.54 (7) (a) of the statutes is amended to read:

77.54 **(7)** (a) Except as provided in pars. (b) to (d), the occasional sales of tangible personal property, items and property under s. 77.52 (1) (b) and (c), and services and the storage, use or other consumption in this state of tangible personal property and items and property under s.

77.52 (1) (b) and (c) the transfer of which to the purchaser is an occasional sale.

SECTION 1846e. 77.54 (7m) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.54 **(7m)** Occasional sales of tangible personal property, or items~~,~~ or property~~, or goods~~ under s. 77.52 (1) (b)~~,~~ or (c), ~~and (d),~~ or services, including admissions or tickets to an event; by a neighborhood association, church, civic group, garden club, social club or similar nonprofit organization; not involving entertainment for which payment in the aggregate exceeds $500 for performing or as reimbursement of expenses unless access to the event may be obtained without payment of a direct or indirect admission fee; conducted by the organization if the organization is not engaged in a trade or business and is not required to have a seller's permit. For purposes of this subsection, an organization is engaged in a trade or business and is required to have a seller's permit if its sales of tangible personal property, and items, property, and goods under s. 77.52 (1) (b), (c), and (d), and services, not including sales of tickets to events, and its events occur on more than 20 days during the year, unless its receipts do not exceed $25,000 during the year. The exemption under this subsection does not apply to the sales price from the sale of bingo supplies to players or to the sale, rental or use of regular bingo cards, extra regular cards and special bingo cards.

SECTION 1846f. 77.54 (9a) (intro.) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.54 **(9a)** (intro.) The sales price from sales to, and the storage by, use by or other consumption of tangible personal property, and items~~,~~ and property~~, and goods~~ under s. 77.52 (1) (b)~~,~~ and (c), ~~and (d),~~ and taxable services by:

SECTION 1847. 77.54 (9a) (a) of the statutes is amended to read:

77.54 **(9a)** (a) This state or any agency thereof, the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health Insurance Risk−Sharing Plan Authority, the Wisconsin Quality Home Care Authority, and the Fox River Navigational System Authority.

SECTION 1848. 77.54 (9a) (ed) of the statutes is created to read:

77.54 **(9a)** (ed) Any federally recognized American Indian tribe or band in this state.

SECTION 1849. 77.54 (9a) (er) of the statutes is created to read:

77.54 **(9a)** (er) Any transit authority created under s. 59.58 (7), 66.1038, or 66.1039.

Vetoed In Part

SECTION 1849b. 77.54 (18) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.54 **(18)** When the sale~~, license, lease, or rental~~ of a service or property, including items, property, and goods under s. 77.52 (1) (b), (c), and (d), that was previously exempt or not taxable under this subchapter becomes taxable, and the service or property is furnished under a written contract by which the seller is unconditionally obligated to provide the service or property for the amount fixed under the contract, the seller is exempt from sales or use tax on the sales price for services or property provided until the contract is terminated, extended, renewed or modified. However, from the time the service or property becomes taxable until the contract is terminated, extended, renewed or modified the user is subject to use tax, measured by the purchase price, on the service or property purchased under the contract.

SECTION 1849c. 77.54 (23m) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.54 **(23m)** The sales price from the sale~~, license, lease or rental~~ of or the storage, use or other consumption of motion picture film or tape, and motion pictures or radio or television programs for listening, viewing, or broadcast, and advertising materials related thereto, sold~~, licensed, leased or rented~~ to a motion picture theater or radio or television station.

SECTION 1849d. 77.54 (30) (a) 6. of the statutes is amended to read:

77.54 **(30)** (a) 6. Fuel and electricity consumed in manufacturing tangible personal property, or items or property under s. 77.52 (1) (b) or (c), in this state.

SECTION 1849m. 77.54 (30) (a) 7. of the statutes is created to read:

77.54 **(30)** (a) 7. Fuel sold for use in motorboats that are regularly employed in carrying persons for hire for sport fishing in and upon the outlying waters, as defined in s. 29.001 (63), and the rivers and tributaries specified in s. 29.2285 (2) (a) 1. and 2., if the owner and all operators are licensed under s. 29.514 to operate the boat for that purpose.

SECTION 1849s. 77.54 (35) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.54 **(35)** The sales price from the sales of tangible personal property, or items~~,~~ or property~~, or goods~~ under s. 77.52 (1) (b)~~,~~ or (c), ~~or (d),~~ tickets, or admissions by any baseball team affiliated with the Wisconsin Department of American Legion baseball.

SECTION 1849w. 77.54 (37) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read: **Vetoed In Part**

77.54 **(37)** The sales price from revenues collected under ~~s. 256.35 (3) and~~ the surcharge established by rule by the public service commission under s. 256.35 (3m) (f) for customers of wireless providers, as defined in s. 256.35 (3m) (a) 6.

SECTION 1850b. 77.54 (49) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.54 **(49)** The sales price from the sale of and the storage, use, or other consumption of taxable services and tangible personal property or items~~,~~ or property~~, or goods~~ under s. 77.52 (1) (b)~~,~~ or (c), ~~or (d),~~ that are physically transferred to the purchaser as a necessary part of services that are subject to the taxes imposed under s.

77.52 (2) (a) 7., 10., 11., and 20., if the seller and the purchaser of such services and property~~,~~ or item~~, or good~~ are members of the same affiliated group under section 1504 of the Internal Revenue Code and are eligible to file a single consolidated return for federal income tax purposes. For purposes of this subsection, if a seller purchases a taxable service, or item~~,~~ or property~~, or goods~~ under s. 77.52 (1) (b)~~,~~ or (c), ~~or (d),~~ or tangible personal property, as described in this subsection, that is subsequently sold to a member of the seller's affiliated group and the sale is exempt under this subsection from the taxes imposed under this subchapter, the original purchase of the taxable service, or item~~,~~ or property~~, or goods~~ under s. 77.52 (1) (b)~~,~~ or (c), ~~or (d),~~ or tangible personal property by the seller is not considered a sale for resale or exempt under this subsection.

SECTION 1850d. 77.54 (50) of the statutes, as created by 2009 Wisconsin Act 2, is amended to read:

77.54 **(50)** The sales price from the sale~~, license, lease, or rental~~ of and the storage, use, or other consumption of specified digital goods or additional digital goods, if the sale~~, license, lease, or rental~~ of and the storage, use, or other consumption of such goods sold in a tangible form is exempt from, or not subject to, taxation under this subchapter.

SECTION 1850e. 77.54 (54) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.54 **(54)** The sales price from the sale of and the storage, use, or other consumption of tangible personal property, and items~~,~~ and property~~, and goods~~ under s. 77.52 (1) (b)~~,~~ and (c), ~~and (d),~~ and taxable services that are sold by a home exchange service that receives moneys from the appropriation account under s. 20.485 (1) (g) and is operated by the department of veterans affairs.

SECTION 1850eb. 77.54 (55) of the statutes is created to read:

77.54 **(55)** The sales price from the police and fire protection fee imposed under s. 196.025 (6).

SECTION 1850ed. 77.54 (56) of the statutes, as created by 2007 Wisconsin Act 20, is amended to read:

77.54 **(56)** (a) ~~The~~ Beginning July 1, 2011, the gross receipts from the sale of and the storage, use, or other consumption of a product whose power source is wind energy, direct radiant energy received from the sun, or gas generated from anaerobic digestion of animal manure and other agricultural waste, if the product produces at least 200 watts of alternating current or 600 British thermal units per day, except that the exemption under this subsection does not apply to an uninterruptible power source that is designed primarily for computers.

(b) Except for the sale of electricity or energy that is exempt from taxation under sub. (30), beginning on July 1, 2011, the gross receipts from the sale of and the storage, use, or other consumption of electricity or energy produced by a product described under par. (a).

SECTION 1850ef. 77.54 (56) of the statutes, as affected by 2009 Wisconsin Acts 2 and .... (this act), is repealed and recreated to read:

77.54 **(56)** (a) Beginning July 1, 2011, the sales price from the sale of and the storage, use, or other consumption of a product whose power source is wind energy, direct radiant energy received from the sun, or gas generated from anaerobic digestion of animal manure and other agricultural waste, if the product produces at least 200 watts of alternating current or 600 British thermal units per day, except that the exemption under this subsection does not apply to an uninterruptible power source that is designed primarily for computers.

(b) Except for the sale of electricity or energy that is exempt from taxation under sub. (30), beginning on July 1, 2011, the sales price from the sale of and the storage, use, or other consumption of electricity or energy produced by a product described under par. (a).

SECTION 1851. 77.54 (57) of the statutes is created to read:

77.54 **(57)** (a) In this subsection:

1d. "Animals" include bacteria, viruses, and other microorganisms.

1f. "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.

1m. "Biotechnology business" means a business, as certified by the department in the manner prescribed by the department, that is primarily engaged in the application of biotechnologies that use a living organism or parts of an organism to produce or modify products to improve plants or animals, develop microorganisms for specific uses, identify targets for small molecule pharmaceutical development, or transform biological systems into useful processes and products.

2. "Machinery" has the meaning given in s. 70.11 (27) (a) 2.

4. "Primarily" means more than 50 percent.

5. "Qualified research" means qualified research as defined under section 41 (d) (1) of the Internal Revenue Code.

6. "Used exclusively" has the meaning given in sub. (3) (b) 3.

(b) The sales price from the sale of and the storage, use, or other consumption of all of the following:

1. Machinery and equipment, including attachments, parts, and accessories, that are sold to persons who are

engaged primarily in manufacturing or biotechnology in this state and are used exclusively and directly in qualified research.

2. Tangible personal property or item or property under s. 77.52 (1) (b) or (c) that is sold to persons who are engaged primarily in manufacturing or biotechnology in this state, if the tangible personal property or item or property under s. 77.52 (1) (b) or (c) is consumed or destroyed or loses its identity while being used exclusively and directly in qualified research.

3. Machines and specific processing equipment, including accessories, attachments, and parts for the machines or equipment, that are used exclusively and directly in raising animals that are sold primarily to a biotechnology business, a public or private institution of higher education, or a governmental unit for exclusive and direct use by any such entity in qualified research or manufacturing.

4. The items listed in sub. (3m) (a) to (m), medicines, semen for artificial insemination, fuel, and electricity that are used exclusively and directly in raising animals that are sold primarily to a biotechnology business, a public or private institution of higher education, or a governmental unit for exclusive and direct use by any such entity in qualified research or manufacturing.

SECTION 1851e. 77.55 (1) (intro.) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.55 **(1)** (intro.) There is exempted from the computation of the amount of the sales tax the sales price from the sale of any tangible personal property, or items~~,~~ or property~~, or goods~~ under s. 77.52 (1) (b)~~,~~ or (c), ~~and (d),~~ or services to:

SECTION 1851f. 77.55 (2) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.55 **(2)** There is exempted from the computation of the amount of the sales tax the sales price from sales of tangible personal property, and items~~,~~ and property~~, and goods~~ under s. 77.52 (1) (b)~~,~~ and (c), ~~and (d),~~ to a common or contract carrier, shipped by the seller via the purchasing carrier under a bill of lading whether the freight is paid in advance, or the shipment is made freight charges collect, to a point outside this state and the property~~,~~ or item~~, or good~~ is actually transported to the out−of−state destination for use by the carrier in the conduct of its business as a carrier.

SECTION 1851g. 77.55 (3) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.55 **(3)** There is exempted from the computation of the amount of the sales tax the sales price from sales of tangible personal property, and items~~,~~ and property~~, and goods~~ under s. 77.52 (1) (b)~~,~~ and (c), ~~and (d),~~ purchased for use solely outside this state and delivered to a forwarding agent, export packer, or other person engaged in the business of preparing goods for export or arranging for their exportation, and actually delivered to a port outside the continental limits of the United States prior to making any use thereof.

SECTION 1851h. 77.56 (1) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.56 **(1)** The storage, use or other consumption in this state of tangible personal property, ~~including~~ and items, property, and goods under s. 77.52 (1) (b), (c), and (d), the sales price from the sale of which is reported to the department in the measure of the sales tax, is exempted from the use tax.

SECTION 1852. 77.58 (3) (a) of the statutes is amended to read:

77.58 **(3)** (a) For purposes of the sales tax a return shall be filed by every seller. For purposes of the use tax a return shall be filed by every retailer engaged in business in this state and by every person purchasing tangible personal property or services, the storage, use or other consumption of which is subject to the use tax, who has not paid the use tax due to a retailer required to collect the tax. If a qualified subchapter S subsidiary is not regarded as a separate entity under ch. 71, the owner of that subsidiary shall elect to either include the information for that subsidiary on the owner's return~~. Returns shall be signed by the person required to file the return or by a duly authorized agent but need not be verified by oath~~ or file a separate electronic return for that entity. If a single−owner entity is disregarded as a separate entity under ch. 71, the owner shall elect to either include the information from the entity on the owner's return or file a separate electronic return for that entity. If an owner that owns more than one entity that is disregarded as a separate entity under ch. 71 elects to file a separate return for one of its disregarded entities, the owner shall file separate returns for all of its disregarded entities. Returns filed under this paragraph shall be signed by the person required to file the return or by a duly authorized agent but need not be verified by oath.

SECTION 1852b. 77.58 (3) (a) of the statutes, as affected by 2009 Wisconsin Acts 2 and .... (this act), is repealed and recreated to read:

77.58 **(3)** (a) For purposes of the sales tax a return shall be filed by every seller. For purposes of the use tax a return shall be filed by every retailer engaged in business in this state and by every person purchasing tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or services, the storage, use or other consumption of which is subject to the use tax, who has not paid the use tax due to a retailer required to collect the tax. If a qualified subchapter S subsidiary is not regarded as a separate entity under ch. 71, the owner of that subsidiary shall elect to either include the information for that subsidiary on the owner's return or file a separate electronic return for that entity. If a single−owner entity is disregarded as a separate entity under ch. 71, the owner shall elect to either include the information from

the entity on the owner's return or file a separate electronic return for that entity. If an owner that owns more than one entity that is disregarded as a separate entity under ch. 71 elects to file a separate return for one of its disregarded entities, the owner shall file separate returns for all of its disregarded entities. Returns filed under this paragraph shall be signed by the person required to file the return or by a duly authorized agent but need not be verified by oath.

SECTION 1852d. 77.58 (6) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.58 **(6)** For the purposes of the sales tax, the sales price from rentals, licenses, or leases of tangible personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) shall be reported and the tax paid in accordance with such rules as the department prescribes.

SECTION 1852f. 77.585 (8) of the statutes, as created by 2009 Wisconsin Act 2, is repealed and recreated to read:

77.585 **(8)** (a) A sale or purchase involving transfer of ownership of tangible personal property, or items or property under s. 77.52 (1) (b) or (c), is completed at the time when possession is transferred by the seller or the seller's agent to the purchaser or the purchaser's agent, except that for purposes of sub. (1) a common carrier or the U.S. postal service shall be considered the agent of the seller, regardless of any f.o.b. point and regardless of the method by which freight or postage is paid.

(b) 1. Except as provided in subd. 2., a sale or purchase involving a digital good under s. 77.52 (1) (d) is completed at the time when possession is transferred by the seller or the seller's agent to the purchaser or the purchaser's agent or when the digital good is first used, whichever comes first.

2. A sale or purchase of a product transferred electronically, including a digital good under s. 77.52 (1) (d), that is sold by subscription, is completed at the time when the payment for the subscription is due to the seller. For purposes of this subdivision, "subscription" means an agreement with a seller that grants the consumer the right to obtain products transferred electronically from within one or more product categories having the same tax treatment, in a fixed quantity or for a fixed period of time, or both.

SECTION 1852g. 77.59 (9n) (c) of the statutes, as created by 2009 Wisconsin Act 2, is amended to read:

77.59 **(9n)** (c) ~~A~~ Except as otherwise provided in this paragraph, a purchaser is not liable for the tax, interest, or penalties imposed on a transaction under this subchapter if the seller or certified service provider from whom the purchaser made the purchase relied on erroneous data provided in the databases under s. 73.03 (61) (e) and (f) or if the purchaser relied on erroneous data provided in the databases under s. 73.03 (61) (e) and (f). With respect to reliance on the database provided under s. 73.03 (61) (e), the relief provided under this paragraph is limited to the erroneous classification in the database of terms defined in this subchapter and specifically identified in the database as being "taxable," "exempt," "included in sales price" or "excluded from sales price," or "included in the definition" or "excluded from the definition." With respect to reliance on the database provided under s. 73.03 (61) (f), the relief provided under this paragraph does not apply to transactions by which the product is received by the purchaser at the business location of the seller.

SECTION 1852m. 77.61 (4) (c) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.61 **(4)** (c) For reporting the sales tax and collecting and reporting the use tax imposed on the retailer under s. 77.53 (3) and the accounting connected with it, retailers, not including certified service providers that receive compensation under s. 73.03 (61) (h), may deduct 0.5 percent of those taxes payable or $10 for that reporting period required under s. 77.58 (1) and not more than $1,000 for that reporting period, whichever is greater, but not more than the amount of the sales taxes or use taxes that is payable under ss. 77.52 and 77.53 (3) for that reporting period required under s. 77.58 (1), as administration expenses if the payment of the taxes is not delinquent. For purposes of calculating the retailer's discount under this paragraph, the taxes on retail sales reported by retailers under subch. V, including taxes collected and remitted as required under s. 77.785, shall be included if the payment of those taxes is not delinquent.

SECTION 1853d. 77.61 (11) of the statutes, as affected by 2009 Wisconsin Act 2, is repealed and recreated to read:

77.61 **(11)** Any city, village or town clerk or other official whose duty it is to issue licenses or permits to engage in a business involving the sale at retail of tangible personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) subject to tax under this subchapter, or the furnishing of services so subject to tax, shall, before issuing such license or permit, require proof that the person to whom such license or permit is to be issued is the holder of a seller's permit or use tax registration certificate, is registered to collect, report, and remit use tax under this subchapter, or has been informed by an employee of the department that the department will issue a seller's permit or use tax registration certificate to that person or register that person to collect, report, and remit use tax.

SECTION 1854. 77.61 (19) of the statutes is created to read:

77.61 **(19)** A person who fails to produce records or documents, as provided under s. 73.03 (9) or 77.59 (2), that support amounts or other information required to be shown on a return required under s. 77.58 may be subject to any of the following penalties, as determined by the department, except that the department may not impose a penalty under this subsection if the person shows that

under all facts and circumstances the person's response, or failure to respond, to the department's request was reasonable or justified by factors beyond the person's control:

(a) The disallowance of deductions, credits, exemptions, or inclusions of additional taxable sales or additional taxable purchases to which the requested records relate.

(b) A penalty for each violation of this subsection that is equal to the greater of $500 or 25 percent of the amount of the additional tax on any adjustment made by the department that results from the person's failure to produce the records.

(c) The department shall promulgate rules to administer this subsection and the rules shall include a standard response time, a standard for noncompliance, and penalty waiver provisions.

SECTION 1855. 77.61 (19m) of the statutes is created to read:

77.61 **(19m)** (a) A single−owner entity that is disregarded as a separate entity under ch. 71 is disregarded as a separate entity for purposes of this subchapter.

(b) A single−owner entity that is disregarded as a separate entity under ch. 71 on the effective date of this paragraph .... [LRB inserts date], shall be treated under this subchapter as an entity separate from its owner for purposes of the sale, license, lease, or rental of and the storage, use, or other consumption of tangible personal property purchased by the single−owner entity or its owner prior to the effective date of this paragraph .... [LRB inserts date].

(c) A single−owner entity that is disregarded as a separate entity under ch. 71 on the effective date of this paragraph .... [LRB inserts date], shall be treated under this subchapter as an entity separate from its owner for purchases of building materials, if the materials are affixed and made a structural part of real estate, and the amount payable to the contractor is fixed without regard to the costs incurred in performing a written contract that was irrevocably entered into prior to the effective date of this paragraph .... [LRB inserts date], or that resulted from the acceptance of a formal written bid accompanied by a bond or other performance guaranty that was irrevocably submitted before the effective date of this paragraph .... [LRB inserts date].

SECTION 1855b. 77.61 (19m) (b) of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

77.61 **(19m)** (b) A single−owner entity that is disregarded as a separate entity under ch. 71 on the effective date of the 2009−11 biennial budget act .... [LRB inserts date], shall be treated under this subchapter as an entity separate from its owner for purposes of the sale, license, lease, or rental of and the storage, use, or other consumption of tangible personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) purchased by the single−owner entity or its owner prior to the effective date of the 2009−11 biennial budget act .... [LRB inserts date].

SECTION 1855d. 77.61 (20) of the statutes is created to read:

77.61 **(20)** The sale, license, lease, or rental of a product may be taxed only once under this subchapter regardless of whether such sale, license, lease, or rental is subject to taxation under more than one imposition provision under this subchapter.

SECTION 1856. Subchapter V (title) of chapter 77 [precedes 77.70] of the statutes is amended to read:

CHAPTER 77

SUBCHAPTER V

COUNTY, TRANSIT AUTHORITY, AND SPECIAL DISTRICT SALES AND USE TAXES

SECTION 1856d. 77.70 of the statutes is renumbered 77.70 (1) and amended to read:

77.70 **(1)** Any county desiring to impose county sales and use taxes under this subchapter may do so by the adoption of an ordinance, stating its purpose and referring to this subchapter. The rate of the tax imposed under this subsection is 0.5 percent of the gross receipts or sales price. The county sales and use taxes may be imposed only for the purpose of directly reducing the property tax levy and only in their entirety as provided in this subchapter. That ordinance shall be effective on the first day of January, the first day of April, the first day of July or the first day of October. A certified copy of that ordinance shall be delivered to the secretary of revenue at least 120 days prior to its effective date. The repeal of any such ordinance shall be effective on December 31. A certified copy of a repeal ordinance shall be delivered to the secretary of revenue at least 60 days before the effective date of the repeal.

SECTION 1856e. 77.70 (1) of the statutes, as affected by Wisconsin Acts 2 and .... (this act), is repealed and recreated to read:

77.70 **(1)** Any county desiring to impose county sales and use taxes under this subchapter may do so by the adoption of an ordinance, stating its purpose and referring to this subchapter. The rate of the tax imposed under this subsection is 0.5 percent of the sales price or purchase price. The county sales and use taxes may be imposed only for the purpose of directly reducing the property tax levy and only in their entirety as provided in this subchapter. That ordinance shall be effective on the first day of January, the first day of April, the first day of July or the first day of October. A certified copy of that ordinance shall be delivered to the secretary of revenue at least 120 days prior to its effective date. The repeal of any such ordinance shall be effective on December 31. A certified copy of a repeal ordinance shall be delivered to the secretary of revenue at least 120 days before the effective date of the repeal.

Vetoed In Part

SECTION 1856f. 77.70 (2) of the statutes is created to read:

77.70 **(2)** In addition to the taxes imposed under subs. (1) and (3), if Milwaukee County satisfies the conditions under s. 66.1038 (5) (b), Milwaukee County may adopt an ordinance to impose a sales and use tax under this subchapter at the rate of 0.5 percent of the gross receipts or sales price. The taxes may be imposed only in their entirety. If Milwaukee County imposes the taxes under this subsection, it shall not levy property taxes for transit purposes. If Milwaukee County imposes the taxes under this subsection, it shall distribute the tax revenue to the Milwaukee Transit Authority created under s. 66.1038. An ordinance adopted under this subsection shall be effective on the first day of January, the first day of April, the first day of July or the first day of October. A certified copy of that ordinance shall be delivered to the secretary of revenue at least 120 days prior to its effective date. The repeal of any such ordinance shall be effective on December 31. A certified copy of a repeal ordinance shall be delivered to the secretary of revenue at least 120 days before the effective date of the repeal.

SECTION 1856g. 77.70 (2) of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

77.70 **(2)** In addition to the taxes imposed under subs. (1) and (3), if the Milwaukee County satisfies the conditions under s. 66.1038 (5) (b), Milwaukee County may adopt an ordinance to impose a sales and use tax under this subchapter at the rate of 0.5 percent of the sales price or purchase price. The taxes may be imposed only in their entirety. If Milwaukee County imposes the taxes under this subsection, it shall not levy property taxes for transit purposes. If Milwaukee County imposes the taxes under this subsection, it shall distribute the tax revenue to the Milwaukee Transit Authority created under s. 66.1038. An ordinance adopted under this subsection shall be effective on the first day of January, the first day of April, the first day of July or the first day of October. A certified copy of that ordinance shall be delivered to the secretary of revenue at least 120 days prior to its effective date. The repeal of any such ordinance shall be effective on December 31. A certified copy of a repeal ordinance shall be delivered to the secretary of revenue at least 120 days before the effective date of the repeal.

SECTION 1856h. 77.70 (3) of the statutes is created to read:

77.70 **(3)** If Milwaukee County imposes the tax under sub. (2), Milwaukee County may adopt an ordinance to impose a sales and use tax under this subchapter at the rate of 0.15 percent of the gross receipts or sales price. The taxes may be imposed only in their entirety. Milwaukee County shall annually distribute the tax revenue to the municipalities located in whole or in part in Milwaukee County, to be used for police, fire, and emergency medical services, in proportion to the number of sworn police officers and fire fighters employed by each municipality on July 1 of the preceding calendar year. An ordinance adopted under this subsection shall be effective on the first day of January, the first day of April, the first day of July or the first day of October. A certified copy of that ordinance shall be delivered to the secretary of revenue at least 120 days prior to its effective date. The repeal of any such ordinance shall be effective on December 31. A certified copy of a repeal ordinance shall be delivered to the secretary of revenue at least 120 days before the effective date of the repeal.

Vetoed In Part

SECTION 1856i. 77.70 (3) of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

77.70 **(3)** If Milwaukee County imposes the tax under sub. (2), Milwaukee County may adopt an ordinance to impose a sales and use tax under this subchapter at the rate of 0.15 percent of the sales price or purchase price. The taxes may be imposed only in their entirety. Milwaukee County shall annually distribute the tax revenue to the municipalities located in whole or in part in Milwaukee County, to be used for police, fire, and emergency medical services, in proportion to the number of sworn police officers and fire fighters employed by each municipality on July 1 of the preceding calendar year. An ordinance adopted under this subsection shall be effective on the first day of January, the first day of April, the first day of July or the first day of October. A certified copy of that ordinance shall be delivered to the secretary of revenue at least 120 days prior to its effective date. The repeal of any such ordinance shall be effective on December 31. A certified copy of a repeal ordinance shall be delivered to the secretary of revenue at least 120 days before the effective date of the repeal.

Vetoed In Part

SECTION 1856j. 77.70 (4) of the statutes is created to read:

77.70 **(4)** Burnett County may adopt an ordinance to increase the rate of the tax imposed under sub. (1) from 0.5 percent to 1 percent, if the majority of the electors of the county approve the increase at a referendum. The county may use the additional revenue from the rate increase only to pay for an upgrade to radio towers in order to satisfy federal communications commission requirements to update a radio frequency with a narrow bandwidth no later than December 31, 2012. An ordinance adopted under this subsection shall be effective on the first day of January, the first day of April, the first day of July or the first day of October. A certified copy of that ordinance shall be delivered to the secretary of revenue at least 120 days prior to its effective date. The repeal of any such ordinance shall be effective on December 31. A certified copy of a repeal ordinance shall be delivered to the secretary of revenue at least 120 days before the effective date of the repeal. The tax imposed under this subsection may be in effect for no

Vetoed In Part

more than 3 years from the date on which the ordinance imposing the tax takes effect.

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 1857d. 77.705 of the statutes, as affected by 2009 Wisconsin Acts 2 and .... (this act), is repealed and recreated 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 sales price or purchase price. Those taxes may be imposed only in their entirety. The resolution shall be effective on the first January 1, April 1, July 1, or October 1 that begins at least 120 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 before such calendar quarter and fees, interest, and penalties that relate to those taxes.

SECTION 1858b. 77.708 (1) of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

77.708 **(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 sales price or purchase 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.

SECTION 1859. 77.71 (intro.) of the statutes is amended to read:

77.71 Imposition of county, transit authority, and special district sales and use taxes. (intro.) Whenever a county sales and use tax ordinance is adopted under s. 77.70, a transit authority resolution is adopted under s. 77.708, or a special district resolution is adopted under s. 77.705 or 77.706, the following taxes are imposed:

SECTION 1860. 77.71 (1) of the statutes is amended to read:

77.71 **(1)** For the privilege of selling, leasing, or renting tangible personal property and for the privilege of selling, performing, or furnishing services a sales tax is imposed upon retailers at the ~~rate of 0.5%~~ rates under s. 77.70 in the case of a county tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the gross receipts from the sale, lease, or rental of tangible personal property, except property taxed under sub. (4), sold, leased, or rented at retail in the county ~~or~~, special district, or transit authority's jurisdictional area, or from selling, performing, or furnishing services described under s. 77.52 (2) in the county ~~or~~, special district, or transit authority's jurisdictional area.

Vetoed In Part

SECTION 1860d. 77.71 (1) of the statutes, as affected by 2009 Wisconsin Acts 2 and .... (this act), is repealed and recreated to read:

77.71 **(1)** For the privilege of selling, licensing, leasing, or renting tangible personal property and the items, property, and goods specified under s. 77.52 (1) (b), (c), and (d), and for the privilege of selling, licensing, performing, or furnishing services a sales tax is imposed upon retailers at the rates under s. 77.70 in the case of a county tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales price from the sale, license, lease, or rental of tangible personal property and the items, property, and goods specified under s. 77.52 (1) (b), (c), and (d), except property taxed under sub. (4), sold, licensed, leased, or rented at retail in the county, special district, or transit authority's jurisdictional area, or from selling, licensing, performing, or fur-

nishing services described under s. 77.52 (2) in the county, special district, or transit authority's jurisdictional area.

SECTION 1861. 77.71 (2) of the statutes is amended to read:

Vetoed In Part

77.71 **(2)** An excise tax is imposed at the ~~rate of 0.5%~~ rates under s. 77.70 in the case of a county tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales price upon every person storing, using, or otherwise consuming in the county ~~or~~, special district, or transit authority's jurisdictional area tangible personal property or services if the property or service is subject to the state use tax under s. 77.53, except that a receipt indicating that the tax under sub. (1), (3), or (4) has been paid relieves the buyer of liability for the tax under this subsection and except that if the buyer has paid a similar local tax in another state on a purchase of the same property or services that tax shall be credited against the tax under this subsection and except that for motor vehicles that are used for a purpose in addition to retention, demonstration, or display while held for sale in the regular course of business by a dealer the tax under this subsection is imposed not on the sales price but on the amount under s. 77.53 (1m).

SECTION 1861d. 77.71 (2) of the statutes, as affected by 2009 Wisconsin Acts 2 and .... (this act), is repealed and recreated to read:

77.71 **(2)** An excise tax is imposed at the rates under s. 77.70 in the case of a county tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the purchase price upon every person storing, using, or otherwise consuming in the county, special district, or transit authority's jurisdictional area tangible personal property, or items, property, or goods specified under s. 77.52 (1) (b), (c), or (d), or services if the tangible personal property, item, property, good, or service is subject to the state use tax under s. 77.53, except that a receipt indicating that the tax under sub. (1), (3), or (4) has been paid relieves the buyer of liability for the tax under this subsection and except that if the buyer has paid a similar local tax in another state on a purchase of the same tangible personal property, item, property, good, or service that tax shall be credited against the tax under this subsection and except that for motor vehicles that are used for a purpose in addition to retention, demonstration, or display while held for sale in the regular course of business by a dealer the tax under this subsection is imposed not on the purchase price but on the amount under s. 77.53 (1m).

SECTION 1862. 77.71 (3) of the statutes is amended to read:

77.71 **(3)** An excise tax is imposed upon a contractor engaged in construction activities within the county ~~or~~, special district, or transit authority's jurisdictional area, at the ~~rate of 0.5%~~ rates under s. 77.70 in the case of a county tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales price of tangible personal property that is used in constructing, altering, repairing, or improving real property and that becomes a component part of real property in that county or special district or in the transit authority's jurisdictional area, except that if the contractor has paid the sales tax of a county ~~in the case of a county tax~~, transit authority, or ~~of a~~ special district ~~in the case of a special district tax~~ in this state on that property, or has paid a similar local sales tax in another state on a purchase of the same property, that tax shall be credited against the tax under this subsection.

Vetoed In Part

SECTION 1862d. 77.71 (3) of the statutes, as affected by 2009 Wisconsin Acts 2 and .... (this act), is repealed and recreated to read:

77.71 **(3)** An excise tax is imposed upon a contractor engaged in construction activities within the county, special district, or transit authority's jurisdictional area, at the rates under s. 77.70 in the case of a county tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the purchase price of tangible personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) that are used in constructing, altering, repairing, or improving real property and that became a component part of real property in that county or special district or in the transit authority's jurisdictional area, except that if the contractor has paid the sales tax of a county, transit authority, or special district in this state on that tangible personal property, item, property, or good, or has paid a similar local sales tax in another state on a purchase of the same tangible personal property, item, property, or good, that tax shall be credited against the tax under this subsection.

SECTION 1863. 77.71 (4) of the statutes is amended to read:

Vetoed In Part

77.71 **(4)** An excise tax is imposed at the ~~rate of 0.5 percent~~ rates under s. 77.70 in the case of a county tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales price upon every person storing, using or otherwise consuming a motor vehicle, boat, snowmobile, recreational vehicle, as defined in s. 340.01 (48r), trailer, semitrailer, all−terrain vehicle or aircraft, if that property must be registered or titled with this state and if that property is to be customarily kept in a county that has in effect an ordinance under s. 77.70, the jurisdictional area of a transit authority that has in effect a resolution under s. 77.708, or in a special district that has in effect a resolution under s. 77.705 or 77.706, except that if the buyer has paid a similar local sales tax in another state on a purchase of the same property that tax shall be credited against the tax under this subsection.

SECTION 1863d. 77.71 (4) of the statutes, as affected by 2009 Wisconsin Acts 2 and .... (this act), is repealed and recreated to read:

77.71 **(4)** An excise tax is imposed at the rates under s. 77.70 in the case of a county tax, at the rate under s. 77.708 in the case of a transit authority tax, or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the purchase price upon every person storing, using, or otherwise consuming a motor vehicle, boat, recreational vehicle, as defined in s. 340.01 (48r), or aircraft, if that property must be registered or titled with this state and if that property is to be customarily kept in a county that has in effect an ordinance under s. 77.70, the jurisdictional area of a transit authority that has in effect a resolution under s. 77.708, or in a special district that has in effect a resolution under s. 77.705 or 77.706, except that if the buyer has paid a similar local sales tax in another state on a purchase of the same property that tax shall be credited against the tax under this subsection.

Vetoed In Part

SECTION 1864. 77.73 (1) and (2) of the statutes are amended to read:

Vetoed In Part

77.73 **(1)** Retailers making deliveries in their company−operated vehicles of tangible personal property, or of property on which taxable services were performed, to purchasers in a county ~~or~~, special district, or transit authority's jurisdictional area are doing business in that county ~~or~~, special district, or jurisdictional area, and that county ~~or~~, special district, or transit authority has jurisdiction to impose the taxes under this subchapter on them.

(2) Counties ~~and~~, special districts, and transit authorities do not have jurisdiction to impose the tax under s. 77.71 (2) in regard to tangible personal property purchased in a sale that is consummated in another county or special district in this state, or in another transit authority's jurisdictional area, that does not have in effect an ordinance or resolution imposing the taxes under this subchapter and later brought by the buyer into the county ~~or~~, special district, or jurisdictional area of the transit authority that has imposed a tax under s. 77.71 (2).

Vetoed In Part

SECTION 1864b. 77.73 (1) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

Vetoed In Part

77.73 **(1)** Retailers making deliveries in their company−operated vehicles of tangible personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or of tangible personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) on which taxable services were performed, to purchasers in a county, special district, or transit authority's jurisdictional area are doing business in that county, special district, or jurisdictional area, and that county, special district, or transit authority has jurisdiction to impose the taxes under this subchapter on them .

SECTION 1864d. 77.73 (2) of the statutes, as affected by 2009 Wisconsin Acts 2 and .... (this act), is repealed and recreated to read:

77.73 **(2)** Counties, special districts, and transit authorities do not have jurisdiction to impose the tax under s. 77.71 (2) in regard to items, property, and goods under s. 77.52 (1) (b), (c), and (d), and tangible personal property, except snowmobiles, trailers, semitrailers, and all−terrain vehicles, purchased in a sale that is consummated in another county or special district in this state, or in another transit authority's jurisdictional area, that does not have in effect an ordinance or resolution imposing the taxes under this subchapter and later brought by the buyer into the county, special district, or jurisdictional area of the transit authority that has imposed a tax under s. 77.71 (2).

SECTION 1864m. 77.73 (3) of the statutes, as created by 2009 Wisconsin Act 2, is amended to read:

77.73 **(3)** Counties ~~and~~, special districts, and transit authorities have jurisdiction to impose the taxes under this subchapter on retailers who file, or who are required to file, an application under s. 77.52 (7) or who register, or who are required to register, under s. 77.53 (9) or (9m), regardless of whether such retailers are engaged in business in the county ~~or~~, special district, or transit authority's jurisdictional area, as provided in s. 77.51 (13g). A retailer who files, or is required to file, an application under s. 77.52 (7) or who registers, or is required to register, under s. 77.53 (9) or (9m) shall collect, report, and remit to the department the taxes imposed under this subchapter for all counties ~~and~~, special districts, and transit authorities that have an ordinance or resolution imposing the taxes under this subchapter.

SECTION 1865. 77.75 of the statutes is amended to read:

77.75 Reports. Every person subject to county, transit authority, or special district sales and use taxes shall, for each reporting period, record that person's sales made in the county ~~or~~, special district, or jurisdictional area of a transit authority that has imposed those taxes separately from sales made elsewhere in this state and file a report of the measure of the county, transit authority, or special district sales and use taxes and the tax due thereon separately.

SECTION 1865d. 77.75 of the statutes, as affected by 2009 Wisconsin Acts 2 and .... (this act), is repealed and recreated to read:

77.75 Reports. Every person subject to county, transit authority, or special district sales and use taxes shall, for each reporting period, record that person's sales made in the county, special district, or jurisdictional area of a transit authority that has imposed those taxes separately from sales made elsewhere in this state and file a report as prescribed by the department of revenue.

SECTION 1866. 77.76 (1) of the statutes is amended to read:

77.76 **(1)** The department of revenue shall have full power to levy, enforce, and collect county, transit authority, and special district sales and use taxes and may take any action, conduct any proceeding, impose interest and penalties, and in all respects proceed as it is authorized to proceed for the taxes imposed by subch. III. The department of transportation and the department of natural resources may administer the county, transit authority, and special district sales and use taxes in regard to items under s. 77.61 (1).

SECTION 1867. 77.76 (2) of the statutes is amended to read:

77.76 **(2)** Judicial and administrative review of departmental determinations shall be as provided in subch. III for state sales and use taxes, and no county, transit authority, or special district may intervene in any matter related to the levy, enforcement, and collection of the taxes under this subchapter.

SECTION 1868. 77.76 (3r) of the statutes is created to read:

77.76 **(3r)** From the appropriation under s. 20.835 (4) (gc) the department of revenue shall distribute 98.5 percent of the taxes reported for each transit authority that has imposed taxes under this subchapter, minus the transit authority portion of the retailers' discount, to the transit authority no later than the end of the 3rd month following the end of the calendar quarter in which such amounts were reported. At the time of distribution the department of revenue shall indicate the taxes reported by each taxpayer. In this subsection, the "transit authority portion of the retailers' discount" is the amount determined by multiplying the total retailers' discount by a fraction the numerator of which is the gross transit authority sales and use taxes payable and the denominator of which is the sum of the gross state and transit authority sales and use taxes payable. The transit authority taxes distributed shall be increased or decreased to reflect subsequent refunds, audit adjustments, and all other adjustments of the transit authority taxes previously distributed. Interest paid on refunds of transit authority sales and use taxes shall be paid from the appropriation under s. 20.835 (4) (gc) at the rate paid by this state under s. 77.60 (1) (a). Any transit authority receiving a report under this subsection is subject to the duties of confidentiality to which the department of revenue is subject under s. 77.61 (5).

SECTION 1869. 77.76 (4) of the statutes is amended to read:

77.76 **(4)** There shall be retained by the state 1.5% of the taxes collected for taxes imposed by special districts under ss. 77.705 and 77.706 and transit authorities under s. 77.708 and 1.75% of the taxes collected for taxes imposed by counties under s. 77.70 to cover costs incurred by the state in administering, enforcing, and collecting the tax. All interest and penalties collected shall be deposited and retained by this state in the general fund.

SECTION 1870. 77.76 (5) of the statutes is created to read:

77.76 **(5)** If a retailer receives notice from the department of revenue that the retailer is required to collect and remit the taxes imposed under s. 77.708, but the retailer believes that the retailer is not required to collect such taxes because the retailer is not doing business within the transit authority's jurisdictional area, the retailer shall notify the department of revenue no later than 30 days after receiving notice from the department. The department of revenue shall affirm or revise its original determination no later than 30 days after receiving the retailer's notice.

SECTION 1871d. 77.77 (1) (a) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.77 **(1)** (a) The sales price from services subject to the tax under s. 77.52 (2) or the lease, rental, or license of tangible personal property and property, items, and goods specified under s. 77.52 (1) (b), (c), and (d), is subject to the taxes under this subchapter, and the incremental amount of tax caused by a rate increase applicable to those services, leases, rentals, or licenses is due, beginning with the first billing period starting on or after the effective date of the county ordinance, special district resolution, transit authority resolution, or rate increase, regardless of whether the service is furnished or the property, item, or good is leased, rented, or licensed to the customer before or after that date.

SECTION 1871e. 77.77 (1) (b) of the statutes, as created by 2009 Wisconsin Act 2, is amended to read:

77.77 **(1)** (b) The sales price from services subject to the tax under s. 77.52 (2) or the lease, rental, or license of tangible personal property and property, items, and goods specified under s. 77.52 (1) (b), (c), and (d), is not subject to the taxes under this subchapter, and a decrease in the tax rate imposed under this subchapter on those services first applies, beginning with bills rendered on or after the effective date of the repeal or sunset of a county ordinance ~~or~~, special district resolution, or transit authority resolution imposing the tax or other rate decrease, regardless of whether the service is furnished or the property, item, or good is leased, rented, or licensed to the customer before or after that date.

SECTION 1871f. 77.77 (3) of the statutes is amended to read:

77.77 **(3)** The sale of building materials to contractors engaged in the business of constructing, altering, repairing or improving real estate for others is not subject to the taxes under this subchapter, and the incremental amount of tax caused by the rate increase applicable to those materials is not due, if the materials are affixed and made a structural part of real estate, and the amount payable to the contractor is fixed without regard to the costs

incurred in performing a written contract that was irrevocably entered into prior to the effective date of the county ordinance, special district resolution, transit authority resolution, or rate increase or that resulted from the acceptance of a formal written bid accompanied by a bond or other performance guaranty that was irrevocably submitted before that date.

SECTION 1872. 77.78 of the statutes is amended to read:

77.78 Registration. No motor vehicle, boat, snowmobile, recreational vehicle, as defined in s. 340.01 (48r), trailer, semitrailer, all−terrain vehicle or aircraft that is required to be registered by this state may be registered or titled by this state unless the registrant files a sales and use tax report and pays the county tax, transit authority tax, and special district tax at the time of registering or titling to the state agency that registers or titles the property. That state agency shall transmit those tax revenues to the department of revenue.

SECTION 1872g. 77.85 of the statutes is amended to read:

77.85 State contribution. The department shall pay before June 30 annually the municipal treasurer, from the appropriation under s. 20.370 (5) (bv), 20 cents for each acre of land in the municipality that is designated as managed forest land under this subchapter and for each acre of land in the municipality that has been withdrawn under s. 77.885 but for which payments under s. 77.84 (2) are being made.

SECTION 1872r. 77.885 of the statutes is created to read:

77.885 Withdrawal of tribal lands. Upon request of an Indian tribe, the department shall order the withdrawal of all land that is owned in fee by that tribe that is designated as managed forest land from the managed forest land program. No withdrawal tax under s. 77.88 (5) or withdrawal fee under s. 77.88 (5m) may be assessed against an Indian tribe for the withdrawal of such land if all of the following apply:

Vetoed In Part

(1) The Indian tribe provides the department, before the date of the withdrawal order, with documentation that demonstrates that the tribe intends to transfer the land to the United States to be held in trust for the tribe.

Vetoed In Part

(2) The tribe and the department have in effect a written agreement under which the tribe agrees that the land shall continue to be treated as managed forest land for purposes of ss. 77.83, 77.84, 77.85, 77.86, 77.87, 77.875, 77.876, 77.89, 77.90, 77.905, and 77.91 until the date on which the managed forest land order would have expired.

Vetoed In Part

SECTION 1873d. 77.92 (4) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.92 **(4)** "Net business income," with respect to a partnership, means taxable income as calculated under section 703 of the Internal Revenue Code; plus the items of income and gain under section 702 of the Internal Revenue Code, including taxable state and municipal bond interest and excluding nontaxable interest income or dividend income from federal government obligations; minus the items of loss and deduction under section 702 of the Internal Revenue Code, except items that are not deductible under s. 71.21; plus guaranteed payments to partners under section 707 (c) of the Internal Revenue Code; plus the credits claimed under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (2dy), (3g), (3h), (3n), (3p), (3q), (3r), (3s), (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j), ~~and~~ (5k), and (8r); and plus or minus, as appropriate, transitional adjustments, depreciation differences, and basis differences under s. 71.05 (13), (15), (16), (17), and (19); but excluding income, gain, loss, and deductions from farming. "Net business income," with respect to a natural person, estate, or trust, means profit from a trade or business for federal income tax purposes and includes net income derived as an employee as defined in section 3121 (d) (3) of the Internal Revenue Code.

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 1874b. 77.994 (1) (intro.) of the statutes, as affected by 2009 Wisconsin Acts 2 and .... (this act), is repealed and recreated to read:

77.994 **(1)** (intro.) Except as provided in 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 sales price from the sale, license, lease, or rental in the municipality or county of property, items, 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 1887. 77.994 (3) of the statutes is created to read:

77.994 **(3)** Any municipality that enacted an ordinance imposing the tax under sub. (1) that became effective before January 1, 2000, may amend the ordinance to increase the tax rate under this section to 1 percent. The amended ordinance is effective on the dates provided under s. 77.9941 (1).

SECTION 1887b. 77.994 (4) of the statutes is created to read:

77.994 **(4)** (a) Except as provided in par. (b), no seller or certified service provider, as defined in s. 77.51 (1g), is liable for the tax, interest, or penalties imposed under this subchapter on a transaction in which the seller or certified service provider charged and collected the incorrect amount of tax imposed under this subchapter on the sale of a product that was shipped to the purchaser's location within a premier resort area, until such time as a database identifying the addresses subject to each premier resort area tax is available to all sellers and certified service providers.

(b) The relief from liability described in par. (a) does not apply to transactions which are sourced to the seller's place of business under s. 77.522 (1) (b) 1.

SECTION 1888. 77.9941 (1) of the statutes is amended to read:

77.9941 **(1)** The ordinance under s. 77.994 is effective on January 1, April 1, July 1 or October 1. The municipality or county shall deliver a certified copy of that ordinance, or an amended ordinance under s. 77.994 (3), to the secretary of revenue at least 120 days before its effective date.

SECTION 1889d. 77.9951 (2) of the statutes, as affected by 2009 Wisconsin Act 2, is amended to read:

77.9951 **(2)** Sections 77.51 (3r), (12m), (14), (14g), (15a), and (15b), 77.52 (1b), (3), (4), (13), (14), (18), and (19), 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5), (8), (9), and (12) to (15), and 77.62, as they apply to the taxes under subch. III, apply to the fee under this subchapter. The renter shall collect the fee under this subchapter from the person to whom the vehicle is rented.

SECTION 1890m. Subchapter XIII (title) of chapter 77 [precedes 77.9971] of the statutes is amended to read:

CHAPTER 77

SUBCHAPTER XIII

SOUTHEASTERN REGIONAL TRANSIT AUTHORITY FEE

SECTION 1891. 77.9971 of the statutes is renumbered 77.9971 (1) and amended to read:

77.9971 **(1)** ~~A~~ The southeastern regional transit authority under s. 59.58 ~~(6)~~ (7) may impose a fee at a rate not to exceed ~~$2~~ $18, as adjusted under sub. (2), for each transaction in the ~~region, as defined in s. 59.58 (6) (a) 2.,~~ authority's jurisdictional area, as described in s. 59.58 (7) (b), on the rental, but not for rerental and not for rental as a service or repair replacement vehicle, of Type 1 automobiles, as defined in s. 340.01 (4) (a), by establishments primarily engaged in short−term rental of passenger cars without drivers, for a period of 30 days or less, unless the sale is exempt from the sales tax under s. 77.54 (1), (4), (7) (a), (7m), (9), or (9a). The fee imposed under this subchapter shall be effective on the first day of the first month that begins at least 90 days after the ~~governing body~~ board of directors of the southeastern regional transit authority approves the imposition of the fee and notifies the department of revenue. The ~~governing body~~ board of directors shall notify the department of a repeal of the fee imposed under this subchapter at least 60 days before the effective date of the repeal.

SECTION 1891d. 77.9971 (2) of the statutes is created to read:

77.9971 **(2)** (a) The southeastern regional transit authority's board of directors may provide for the annual adjustment of the fee specified in sub. (1) to reflect the average annual percentage change in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor, for the 12 months ending on September 30 of the year before the adjustment. If the fee is adjusted under this subsection and the adjusted fee is not evenly divisible by $0.25, the adjusted fee shall be rounded to the next highest quarter−dollar amount.

(b) If the fee is adjusted under this subsection, the southeastern regional transit authority shall provide notice to the department of revenue of the fee adjustment at least 90 days before the adjustment becomes effective.

SECTION 1891h. 77.9972 (3) of the statutes is amended to read:

77.9972 **(3)** From the appropriation under s. 20.835 (4) (gh), the department of revenue shall distribute 97.45% of the fees collected under this subchapter ~~for each regional transit authority~~ to ~~that~~ the southeastern regional transit authority and shall indicate to the authority the fees reported by each fee payer in the authority's jurisdiction, no later than the end of the month following the end of the calendar quarter in which the amounts were collected. The fees distributed shall be increased or decreased to reflect subsequent refunds, audit adjustments, and all other adjustments. Interest paid on refunds of the fee under this subchapter shall be paid from the appropriation under s. 20.835 (4) (gh) at the rate under s. 77.60 (1) (a). ~~Any regional transit authority that~~ If the southeastern regional transit authority receives a report along with a payment under this subsection, the southeastern regional transit authority is subject to the duties of confidentiality to which the department of revenue is subject under s. 77.61 (5).

SECTION 1891p. 77.9972 (6) of the statutes is created to read:

77.9972 **(6)** If the department of revenue receives notice of a fee adjustment under s. 77.9971 (2) (b), the department shall publish the new adjusted fee at least 30 days before the adjustment becomes effective.

SECTION 1891t. 77.9973 of the statutes is amended to read:

77.9973 Discontinuation. Retailers and the department of revenue may not collect fees under this subchapter for ~~any regional transit~~ the southeastern regional transit authority after the calendar quarter during which the ~~regional transit~~ southeastern regional transit authority ceases to exist, except that the department may collect

from retailers fees that accrued before that calendar quarter and interest and penalties that relate to those fees. If fees are collected, the authority may use the revenue for any lawful purpose.

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 $824,825,715.

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 0.035.

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.

(b) For the payments in 2010, subject to par. (c) 2., the amount of the payment to each municipality from the county and municipal aid account shall be reduced by an amount determined as follows:

1. Multiply the amount paid to all municipalities in 2009 from the county and municipal aid account by 0.035.

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 municipality, as determined under s. 70.57, by the number determined in subd. 2.

(c) 1. No payment reduction under par. (a) shall exceed an amount equal to 15 percent of the amount a county would have otherwise received under s. 79.035 in 2010. The department of revenue shall adjust, in proportion to the population of all such counties, the payments of all counties that have reductions of less than 15 percent in order to ensure that no county's payment is reduced by more than 15 percent

2. No payment reduction under par. (b) shall exceed an amount equal to 15 percent of the amount a municipality would have otherwise received under s. 79.035 in 2010. The department of revenue shall adjust, in proportion to the population of all such municipalities, the payments of all municipalities that have reductions of less than 15 percent in order to ensure that no municipality's payment is reduced by more than 15 percent.

SECTION 1895. 79.035 (1) of the statutes is amended to read:

79.035 **(1)** In 2004 and subsequent years, except as provided under s. 79.02 (4), each county and municipality shall receive a payment from the county and municipal aid account and, beginning with payments in November 2009, from the appropriation accounts under s. 20.835 (1) (q) and (r) in an amount determined under sub. (2).

SECTION 1896. 79.04 (1) (a) of the statutes is amended to read:

79.04 **(1)** (a) An amount from the shared revenue account or, for the distribution in 2003, from the appropriation under s. 20.835 (1) (t), 2003 stats., determined by multiplying by 3 mills in the case of a town, and 6 mills in the case of a city or village, the first $125,000,000 of the amount shown in the account, plus leased property, of each public utility except qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), on December 31 of the preceding year for "production plant, exclusive of land," "general structures," and "substations," in the case of light, heat and power companies, electric cooperatives or municipal electric companies, for all property within a municipality in accordance with the system of accounts established by the public service commission or rural electrification administration, less depreciation thereon as determined by the department of revenue and less the value of treatment plant and pollution abatement equipment, as defined under s. 70.11 (21), as determined by the department of revenue plus an amount from the shared revenue account or, for the distribution in 2003, from the appropriation under s. 20.835 (1) (t), 2003 stats., determined by multiplying by 3 mills in the case of a town, and 6 mills in the case of a city or village, of the first $125,000,000 of the total original cost of production plant, general structures, and substations less depreciation, land and approved waste treatment facilities of each qualified wholesale electric company, as defined in s. 76.28 (1) (gm), as reported to the department of revenue of all property within the municipality. The total of amounts, as depreciated, from the accounts of all public utilities for the same production plant is also limited to not more than $125,000,000. The amount distributable to a municipality under this subsection and sub. (6) in any year shall not exceed $300 times the population of the municipality, ~~increased annually by $125 per person beginning in 2009~~ except that, beginning with payments in 2009, the amount distributable to a municipality under this subsection and sub. (6) in any year shall not exceed $425 times the population of the municipality.

SECTION 1897. 79.04 (2) (a) of the statutes is amended to read:

79.04 **(2)** (a) Annually, except for production plants that begin operation after December 31, 2003, or begin operation as a repowered production plant after Decem-

ber 31, 2003, and except as provided in sub. (4m), the department of administration, upon certification by the department of revenue, shall distribute from the shared revenue account or, for the distribution in 2003, from the appropriation under s. 20.835 (1) (t), 2003 stats., to any county having within its boundaries a production plant, general structure, or substation, used by a light, heat or power company assessed under s. 76.28 (2) or 76.29 (2), except property described in s. 66.0813 unless the production plant or substation is owned or operated by a local governmental unit that is located outside of the municipality in which the production plant or substation is located, or by an electric cooperative assessed under ss. 76.07 and 76.48, respectively, or by a municipal electric company under s. 66.0825 an amount determined by multiplying by 6 mills in the case of property in a town and by 3 mills in the case of property in a city or village the first $125,000,000 of the amount shown in the account, plus leased property, of each public utility except qualified wholesale electric companies, as defined in s. 76.28 (1) (gm), on December 31 of the preceding year for "production plant, exclusive of land," "general structures," and "substations," in the case of light, heat and power companies, electric cooperatives or municipal electric companies, for all property within the municipality in accordance with the system of accounts established by the public service commission or rural electrification administration, less depreciation thereon as determined by the department of revenue and less the value of treatment plant and pollution abatement equipment, as defined under s. 70.11 (21), as determined by the department of revenue plus an amount from the shared revenue account or, for the distribution in 2003, from the appropriation under s. 20.835 (1) (t), 2003 stats., determined by multiplying by 6 mills in the case of property in a town, and 3 mills in the case of property in a city or village, of the total original cost of production plant, general structures, and substations less depreciation, land and approved waste treatment facilities of each qualified wholesale electric company, as defined in s. 76.28 (1) (gm), as reported to the department of revenue of all property within the municipality. The total of amounts, as depreciated, from the accounts of all public utilities for the same production plant is also limited to not more than $125,000,000. The amount distributable to a county under this subsection and sub. (6) in any year shall not exceed $100 times the population of the county, ~~increased annually by $25 per person beginning in 2009~~ except that, beginning with payments in 2009, the amount distributable to a county under this subsection and sub. (6) in any year shall not exceed $125 times the population of the county.

SECTION 1898. 79.043 (4) of the statutes is amended to read:

79.043 **(4)** Except as provided under s. 79.02 (3) (e) and (4), beginning in 2004, and ending in 2010, the total amount to be distributed each year to municipalities from the ~~aid account~~ appropriation accounts under s. 20.835 (1) (db), (q), and (r) is $702,483,300.

SECTION 1899. 79.043 (5) of the statutes is amended to read:

79.043 **(5)** Except as provided under s. 79.02 (3) (e) and (4), for the ~~distribution~~ distributions beginning in 2005 and ~~subsequent years~~ and ending in 2010, each county and municipality shall receive a payment under this section and s. 79.035 that is equal to the amount of the payment determined for the county or municipality under this section and s. 79.035 in 2004.

SECTION 1900. 79.043 (6) of the statutes is created to read:

79.043 **(6)** For the distribution in 2011 and subsequent years, each county and municipality shall receive a payment under this section and s. 79.035 that is equal to the amount of the payment determined for the county or municipality under s. 79.02 (4) in 2010.

SECTION 1900d. 79.05 (1) (am) of the statutes is amended to read:

79.05 **(1)** (am) "Inflation factor" means a percentage equal to the average annual percentage change in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor, for the 12 months ending on September 30 of the year before the statement under s. 79.015, except that the percentage under this paragraph shall not be less than 3 percent.

SECTION 1900h. 79.05 (2) (c) of the statutes, as affected by 2009 Wisconsin Act 11, is amended to read:

79.05 **(2)** (c) Its municipal budget; exclusive of principal and interest on long−term debt and exclusive of revenue sharing payments under s. 66.0305, recycling fee payments under s. 289.645, unreimbursed expenses related to an emergency declared under s. 166.03 (1) (b) 1., and expenditures from moneys received pursuant to P.L. 111−5; for the year of the statement under s. 79.015 increased over its municipal budget as adjusted under sub. (6); exclusive of principal and interest on long−term debt and exclusive of revenue sharing payments under s. 66.0305, recycling fee payments under s. 289.645, unreimbursed expenses related to an emergency declared under s. 166.03 (1) (b) 1., and expenditures from moneys received pursuant to P.L. 111−5; for the year before that year by less than the sum of the inflation factor and the valuation factor, rounded to the nearest 0.10%.

SECTION 1900k. 79.07 of the statutes is created to read:

79.07 Expenditures for emergency services. (1) Except as provided in sub. (3), beginning in 2010, the amount that each county and municipality spends each year for emergency services, as defined by the department of revenue to include only emergency services funded from payments received under ss. 79.035 and 79.043, shall be no less than the amount that the county

or municipality spent in 2009 for emergency services, not including one−time expenses and capital expenditures. Each county and municipality shall report the amount it spent for emergency services in 2009, and the amount of its one−time expenses and capital expenditures, to the department of revenue at the time and in the manner prescribed by the department.

(2) The department of revenue may adjust any amount reported under sub. (1) to more accurately reflect the amount that the county or municipality submitting the report spent for emergency services and to ensure that excluding one−time expenses and capital expenditures as provided in sub. (1) does not compromise the level of service for providing emergency services.

(3) A county or municipality may decrease the amount it spends for emergency services below its 2009 amount, with the department of revenue's approval, if the decrease in expenditures is a result of operating more efficiently, as determined by the department. For purposes of this section, any decrease approved under this subsection shall permanently decrease the base amount of expenses for emergency services provided in the county or municipality requesting the decrease by the amount of the decrease.

(4) If a county or municipality fails to comply with this section, the department of revenue may reduce the county's or municipality's payment under ss. 79.035 and 79.043, in an amount determined by the department.

SECTION 1905. 79.10 (2) (a) of the statutes is amended to read:

79.10 **(2)** (a) On or before December 1 of the year preceding the distribution under sub. (7m) (a) or (cm), the department of revenue shall notify the clerk of each town, village and city of the estimated fair market value, as determined under sub. (11) (c), to be used to calculate the lottery and gaming credit under sub. (5) and of the amount to be distributed to it under sub. (7m) (a) ~~on the following 4th Monday in July~~ or (cm). The anticipated receipt of such distribution shall not be taken into consideration in determining the tax rate of the municipality but shall be applied as tax credits.

SECTION 1906. 79.10 (2) (b) of the statutes is amended to read:

79.10 **(2)** (b) On or before December 1 of the year preceding the distribution under sub. (7m) (c) or (cm), the department of revenue shall notify the clerk of each town, village, and city of the estimated fair market value, as determined under sub. (11) (d), used to calculate the first dollar credit under sub. (5m) and of the amount to be distributed to it under sub. (7m) (c) ~~on the following 4th Monday in July~~ or (cm). The anticipated receipt of such distribution shall not be taken into consideration in determining the tax rate of the municipality but shall be applied as tax credits.

SECTION 1906d. 79.10 (4) of the statutes is amended to read:

79.10 **(4)** SCHOOL LEVY TAX CREDIT. Except as provided in sub. (5m), the ~~amount~~ amounts appropriated under s. 20.835 (3) (b) and (qb) shall be distributed to municipalities in proportion to their share of the sum of average school tax levies for all municipalities.

SECTION 1907. 79.10 (7m) (a) 1. of the statutes is amended to read:

79.10 **(7m)** (a) 1. Except as provided in par. ~~(c)~~ (cm), the amount determined under sub. (4) shall be distributed by the department of administration to the counties on the 4th Monday in July.

SECTION 1908. 79.10 (7m) (a) 2. of the statutes is amended to read:

79.10 **(7m)** (a) 2. Except as provided in par. ~~(c)~~ (cm), the county treasurer shall settle for the amounts distributed under this paragraph on the 4th Monday in July with each municipality and taxing jurisdiction in the county not later than August 20. Failure to settle timely under this subdivision subjects the county treasurer to the penalties under s. 74.31.

SECTION 1909. 79.10 (7m) (b) 1. of the statutes is amended to read:

79.10 **(7m)** (b) 1. Except as provided in par. ~~(c)~~ (cm), the amount determined under sub. (5) with respect to claims filed for which the municipality has furnished notice under sub. (1m) by March 1 shall be distributed from the appropriation under s. 20.835 (3) (q) by the department of administration to the county in which the municipality is located on the 4th Monday in March.

SECTION 1910. 79.10 (7m) (b) 2. of the statutes is amended to read:

79.10 **(7m)** (b) 2. Except as provided in par. ~~(c)~~ (cm), the county treasurer shall settle for the amounts distributed on the 4th Monday in March under this paragraph with each taxation district and each taxing jurisdiction within the taxation district not later than April 15. Failure to settle timely under this subdivision subjects the county treasurer to the penalties under s. 74.31.

SECTION 1911. 79.10 (7m) (c) 1. of the statutes is amended to read:

79.10 **(7m)** (c) 1. ~~The~~ Except as provided in par. (cm), the amount determined under sub. (5m) shall be distributed from the appropriation under s. 20.835 (3) (b) by the department of administration to the counties on the 4th Monday in July.

SECTION 1912. 79.10 (7m) (c) 2. of the statutes is amended to read:

79.10 **(7m)** (c) 2. ~~The town, village, or city~~ Except as provided in par. (cm), the county treasurer shall settle for the amounts distributed on the 4th Monday in July under this paragraph with ~~the appropriate~~ each municipality and taxing jurisdiction in the county ~~treasurer~~ not later than August ~~15~~ 20. Failure to settle timely under this subdivision subjects the ~~town, village, or city~~ county treasurer to the penalties under s. 74.31. ~~On or before August 20, the county treasurer shall settle with each taxing juris-~~

~~diction, including towns, villages, and cities except 1st class cities, in the county.~~

SECTION 1913. 79.10 (7m) (cm) 1. a. of the statutes is amended to read:

79.10 **(7m)** (cm) 1. a. If, in any year, the total of the amounts determined under subs. (4) ~~and~~, (5), and (5m) for any municipality is $3,000,000 or more, the municipality, with the approval of the majority of the members of the municipality's governing body, may notify the department of administration to distribute the amounts directly to the municipality and the department of administration shall distribute the amounts at the time and in the manner provided under pars. (a) 1. ~~and~~, (b) 1., and (c) 1.

SECTION 1914. 79.10 (7m) (cm) 1. b. of the statutes is amended to read:

79.10 **(7m)** (cm) 1. b. The treasurer of the municipality shall settle for the amounts distributed under ~~par.~~ pars. (a) 1. and (c) 1. on the 4th Monday in July with the appropriate county treasurer not later than August 15. Failure to settle timely under this subdivision subjects the treasurer of the municipality to the penalties under s. 74.31. On or before August 20, the county treasurer shall settle with each taxing jurisdiction, including towns, villages, and cities, except 1st class cities, in the county.

SECTION 1915. 79.10 (7m) (cm) 2. a. of the statutes is amended to read:

79.10 **(7m)** (cm) 2. a. The department of administration shall distribute the amounts determined under subs. (4) ~~and~~, (5), and (5m) directly to any municipality that enacts an ordinance under s. 74.12 at the time and in the manner provided under pars. (a) 1. ~~and~~, (b) 1., and (c) 1.

SECTION 1916. 79.10 (7m) (cm) 2. b. of the statutes is amended to read:

79.10 **(7m)** (cm) 2. b. The treasurer of the municipality shall settle for the amounts distributed under ~~par.~~ pars. (a) 1. and (c) 1. on the 4th Monday in July with the appropriate county treasurer not later than August 15. Failure to settle timely under this subdivision subjects the treasurer of the municipality to the penalties under s. 74.31. On or before August 20, the county treasurer shall settle with each taxing jurisdiction, including towns, villages, and cities, except 1st class cities, in the county.

SECTION 1917d. 79.14 of the statutes is amended to read:

79.14 School levy tax credit. The appropriation under s. 20.835 (3) (b), for the payments under s. 79.10 (4), is $319,305,000 in 1994, 1995, and 1996; $469,305,000 beginning in 1997 and ending in 2006; $593,050,000 in 2007; $672,400,000 in 2008; ~~and~~ $747,400,000 in 2009; and $732,550,000 in 2010 and in each year thereafter.

SECTION 1917m. 79.15 of the statutes is amended to read:

79.15 Improvements credit. ~~Beginning in 2009, the~~ The total amount paid each year to municipalities from the appropriation account under s. 20.835 (3) (b) for the payments under s. 79.10 (5m) is $75,000,000 in 2009, $145,000,000 in 2010, and $150,000,000 in 2011 and in each year thereafter.

SECTION 1918gp. 84.01 (33) of the statutes is created to read:

84.01 **(33)** HIGHWAY PROJECT DESIGN INVENTORY. By July 1, 2014, and continuously thereafter, the department shall maintain an inventory of completed designs for highway projects such that the estimated costs of the inventory of projects for each program is not less than 65 percent of the annual amount of funding provided to each program. The department shall maintain an inventory for each of the following:

(a) Major highway projects under s. 84.013 (2) (a).

(b) Reconditioning, reconstruction, and resurfacing projects under s. 84.013 (2) (b).

(c) Southeast Wisconsin freeway rehabilitation projects under s. 84.014 (2).

SECTION 1918gq. 84.01 (34) of the statutes is created to read:

84.01 **(34)** FARMLAND PRESERVATION EXEMPTION. Chapter 91 and ordinances adopted, rules promulgated, and agreements entered into under that chapter apply to the department only with respect to buildings, structures, and facilities to be used for administrative or operating functions, including buildings, land, and equipment to be used for the motor vehicle emission inspection and maintenance program under s. 110.20.

SECTION 1918gr. 84.01 (35) of the statutes is created to read:

84.01 **(35)** (a) In this subsection:

1. "Bikeway" has the meaning given in s. 84.60 (1) (a).

2. "Pedestrian way" has the meaning given in s. 346.02 (8) (a).

(b) Except as provided in par. (c), and notwithstanding any other provision of this chapter or ch. 82, 83, or 85, the department shall ensure that bikeways and pedestrian ways are established in all new highway construction and reconstruction projects funded in whole or in part from state funds or federal funds appropriated under s. 20.395 or 20.866.

(c) The department shall promulgate rules identifying exceptions to the requirement under par. (b), but these rules may provide for an exception only if any of the following apply:

1. Bicyclists or pedestrians are prohibited by law from using the highway that is the subject of the project.

2. The cost of establishing bikeways or pedestrian ways would be excessively disproportionate to the need or probable use of the bikeways or pedestrian ways. For purposes of this subdivision, cost is excessively disproportionate if it exceeds 20 percent of the total project cost. The rules may not allow an exception under this subdivision to be applied unless the secretary of transportation, or a designee of the secretary who has knowledge of the

purpose and value of bicycle and pedestrian accommodations, reviews the applicability of the exception under this subdivision to the particular project at issue.

3. Establishing bikeways or pedestrian ways would have excessive negative impacts in a constrained environment.

4. There is an absence of need for the bikeways or pedestrian ways, as indicated by sparsity of population, traffic volume, or other factors.

5. The community where pedestrian ways are to be located refuses to accept an agreement to maintain them.

SECTION 1918gs. 84.013 (2) (a) of the statutes is amended to read:

84.013 **(2)** (a) Subject to ss. 84.555 and 86.255, major highway projects shall be funded from the appropriations under ss. 20.395 (3) (bq) to (bx) and (t) and (4) (jq) and 20.866 (2) (ur) to (uum) and (uus).

SECTION 1918gt. 84.013 (2) (b) of the statutes is amended to read:

84.013 **(2)** (b) Except as provided in ss. 84.014, 84.03 (3), and 84.555, and subject to s. 86.255, reconditioning, reconstruction and resurfacing of highways shall be funded from the appropriations under ss. 20.395 (3) (cq) to (cx) and 20.866 (2) (uur) and (uut).

SECTION 1918h. 84.013 (3m) (f) of the statutes is created to read:

84.013 **(3m)** (f) The department shall construct an interchange on I 90/94/39 at Cuba Valley Road in Dane County if the federal highway administration approves the location of an interchange at that location and if the department receives a commitment for funding the full construction cost of the project from sources other than state funds.

Vetoed In Part

SECTION 1918i. 84.013 (3m) (g) of the statutes is created to read:

84.013 **(3m)** (g) Notwithstanding s. 13.489 (1m) (e), the department shall prepare an environmental impact statement, as defined in s. 13.489 (1c) (b), for a potential major highway project involving USH 12 from the city of Elkhorn to the city of Whitewater.

SECTION 1918j. 84.013 (3m) (h) of the statutes is created to read:

84.013 **(3m)** (h) The department shall prepare an environmental assessment, as defined in s. 13.489 (1c) (a), or an environmental impact statement, as defined in s. 13.489 (1c) (b), whichever is appropriate, for a highway project involving the construction of a new bridge across the Wisconsin River, connecting CTH "Z" south of the city of Wisconsin Rapids in Wood County to STH 54/73 in the village of Port Edwards in Wood County. This environmental assessment or environmental impact statement shall be funded from the appropriations under s. 20.395 (3) (cq), (cv), or (cx).

SECTION 1918L. 84.013 (3m) (i) of the statutes is created to read:

84.013 **(3m)** (i) In conjunction with the resurfacing project on STH 102, the department shall construct a bicycle and pedestrian path and bridge, including lighting, along STH 102 from State Road to Fayette Avenue in the village of Rib Lake in Taylor County if the village contributes at least $60,000 to the cost of the bicycle and pedestrian path project.

SECTION 1919. 84.014 (5m) (ag) 2. of the statutes is amended to read:

84.014 **(5m)** (ag) 2. "Zoo interchange" means all freeways, including related interchange ramps, roadways, and shoulders, and all adjacent frontage roads and collector road systems, encompassing I 94, I 894, and USH 45 in Milwaukee County within the area bordered by I 894/USH 45 at ~~the Union Pacific railroad underpass near Burnham Street in Milwaukee County~~ Lincoln Avenue to the south, I 94 at ~~76th~~ 70th Street to the east, I 94 at ~~116th~~ 124th Street to the west, and USH 45 at ~~Center~~ Burleigh Street to the north.

SECTION 1919g. 84.016 of the statutes is created to read:

84.016 Major interstate bridge projects. (1) In this section, "major interstate bridge project" means a project involving the construction or reconstruction of a bridge on the state trunk highway system, including approaches, that crosses a river forming a boundary of the state and for which this state's estimated cost share is at least $100,000,000.

(2) Notwithstanding ss. 84.013, 84.51, 84.52, 84.53, 84.555, and 84.95, but subject to sub. (3) and s. 86.255, this state's share of costs for any major interstate bridge project, including preliminary design work for the project, may be funded only from the appropriations under ss. 20.395 (3) (dq), (dv), and (dx) and 20.866 (2) (ugm).

(3) The department may not encumber or expend any funds from the appropriation under s. 20.866 (2) (ugm) for any major interstate bridge project unless this state receives federal funds that are designated by the federal government specifically for a major interstate bridge project covering at least $75,000,000 of the state's share of the cost of the project.

SECTION 1919m. 84.04 (2m) of the statutes is created to read: **Vetoed In Part**

84.04 **(2m)** (a) Notwithstanding s. 84.25 (11), the department may enter into agreements with private entities for the establishment of commercial enterprises at waysides or rest areas located along state trunk highways other than interstate highways designated under s. 84.29 (2). An agreement may allow the construction or remodeling of wayside or rest area facilities to allow commercial enterprises to serve travelers.

(b) An agreement may not permit the sale of alcohol beverages within the wayside or rest area facilities or the

Vetoed In Part

replacement of any existing vending machines located within the wayside or rest area.

(c) The department shall select each private entity with which it enters into an agreement under par. (a) on the basis of competitive bids.

(d) The department shall hold a public hearing for a proposed agreement under par. (a) for each affected wayside or rest area to allow public comments on the proposed agreement.

(e) 1. Except as provided in subd. 2., the department may enter into agreements under par. (a) establishing commercial enterprises at not more than a total of 6 waysides or rest areas.

2. If, after 2 years from the establishment of the first commercial enterprise under par. (a), the department finds that establishing commercial enterprises at waysides or rest areas under authority of this paragraph promotes public safety by keeping waysides and rest areas open and well−maintained, the limitation in subd. 1. does not apply.

(f) The state traffic patrol and other law enforcement agencies shall have the same enforcement authority and responsibilities within commercial areas of waysides or rest areas as they do on the state trunk highway system.

(g) Not later than one year from the establishment of the first commercial enterprise under par. (a), and annually thereafter, the department shall submit a report as to the status of the agreements, including revenues generated and the use of those revenues, to the standing committees dealing with transportation matters in each house of the legislature under s. 13.172 (3).

(h) All moneys received from a private entity in connection with the leasing of a commercial area of a wayside or rest area under this subsection shall be credited to the appropriation account under s. 20.395 (3) (ev) and shall be used for wayside or rest area maintenance.

SECTION 1921e. 84.06 (12) of the statutes is created to read:

84.06 **(12)** BORROW SITES. (a) In this subsection:

1. "Borrow" means soil or a mixture of soil and stone, gravel, or other material suitable for use in the construction of embankments or other similar earthworks constructed as part of a state highway construction project.

2. "Borrow site" means any site from which borrow is excavated for use in a specified state highway construction project.

3. "Political subdivision" means a city, village, town, or county.

(b) No zoning ordinance enacted under s. 59.69, 60.61, 60.62, 61.35, or 62.23 may apply to a borrow site if all of the following apply:

1. The borrow site is located on a property near the site of the state highway construction project on which the borrow is to be used.

2. The owner of the property has consented to the establishment of the borrow site on his or her property.

3. The borrow site is used solely for the specified state highway construction project and solely during the period of construction of the specified state highway construction project.

4. The owner of the property on which the borrow site is located agrees to any noise abatement or landscaping measures required by the governing body of the political subdivision during the period of use.

5. The owner of the property on which the borrow site is located agrees to reasonably restore the site after the period of use.

(c) This subsection does not apply to any borrow site opened for use after July 1, 2011.

Vetoed In Part

SECTION 1924c. 84.1051 of the statutes is created to read:

84.1051 Donald J. Schneider Highway. The department shall designate and mark the route of USH 8 between USH 53 and the village of Turtle Lake in Barron County as the "Donald J. Schneider Highway" in recognition of former Wisconsin Senate Chief Clerk Donald J. Schneider for his many years of service to the Wisconsin senate and the people of Wisconsin.

SECTION 1926g. 84.56 of the statutes is created to read:

84.56 Additional funding for major highway projects. Notwithstanding ss. 84.51, 84.53, 84.555, and 84.59, major highway projects, as defined under s. 84.013 (1) (a), for the purposes of ss. 84.06 and 84.09, may be funded with the proceeds of general obligation bonds issued under s. 20.866 (2) (uus).

SECTION 1926m. 84.57 of the statutes is created to read:

84.57 Additional funding for certain state highway rehabilitation projects. (1) Notwithstanding ss. 84.51, 84.53, 84.555, 84.59, and 84.95, and subject to sub. (2), state highway rehabilitation projects for the purposes specified in s. 20.395 (6) (aq) may be funded with the proceeds of general obligation bonds issued under s. 20.866 (2) (uut).

(2) Only state highway reconstruction projects, pavement replacement projects, and bridge replacement projects may be funded with the proceeds of general obligation bonds issued under s. 20.866 (2) (uut).

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 1927d. 84.59 (2) (b) of the statutes, as affected by 2009 Wisconsin Act .... (this act), 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), 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), 341.307 (4) (a), 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:

84.59 **(6)** The building commission may contract revenue obligations when it reasonably appears to the building commission that all obligations incurred under this section can be fully paid from moneys received or anticipated and pledged to be received on a timely basis. Except as provided in this subsection, the principal amount of revenue obligations issued under this section may not exceed ~~$2,708,341,000~~ $3,009,784,200, excluding any obligations that have been defeased under a cash optimization program administered by the building commission, to be used for transportation facilities under s. 84.01 (28) and major highway projects for the purposes under ss. 84.06 and 84.09. In addition to the foregoing limit on principal amount, the building commission may contract revenue obligations under this section as the building commission determines is desirable to refund outstanding revenue obligations contracted under this section, to make payments under agreements or ancillary arrangements entered into under s. 18.55 (6) with respect to revenue obligations issued under this section, and to pay expenses associated with revenue obligations contracted under this section.

SECTION 1928b. 85.022 (2) (c) of the statutes is created to read: **Vetoed In Part**

85.022 **(2)** (c) If the department considers a high−speed rail route between the cities of Milwaukee and Madison, the department shall include in its consideration a study of the feasibility of including a stop in the city of Waterloo in Jefferson County.

SECTION 1928c. 85.022 (3) of the statutes is amended to read:

85.022 **(3)** A recipient of funding under this section shall make the results of its study available to any interested city, village, town or county ~~and shall comply with the requirements of s. 59.58 (6) (dm), if applicable~~.

SECTION 1928g. 85.024 (2) of the statutes is amended to read:

85.024 **(2)** The department shall administer a bicycle and pedestrian facilities program to award grants of assistance to political subdivisions for the planning, development, or construction of bicycle and pedestrian facilities. For purposes of this subsection, "bicycle and pedestrian facilities" do not include sidewalks or street beautification measures. The department shall award from the appropriation under s. 20.395 (2) (ox) grants to political subdivisions under this section. The department may, from the appropriation under s. 20.395 (2) (oq), supplement the amount of these grants. A political subdivision that is awarded a grant under this section shall contribute matching funds equal to at least 20 percent of the amount awarded under this section. Any improvement project for which a political subdivision receives a grant under this section shall be let by contract based on bids and the contract shall be awarded to the lowest competent and responsible bidder.

SECTION 1928j. 85.026 (2) of the statutes is renumbered 85.026 (2) (a) and amended to read: **Vetoed In Part**

85.026 **(2)** PROGRAM. (a) The department may administer a program to award grants of assistance to any political subdivision or state agency, as defined in s. 20.001 (1), for transportation enhancement activities consistent with federal regulations promulgated under 23 USC 133 (b) (8). The grants shall be awarded from the appropriations under s. 20.395 (2) (nv) and (nx). The department may, from the appropriation under s. 20.395 (2) (oq), supplement the amount of these grants for grants awarded for transportation enhancement activities **Vetoed In Part**

involving bicycle and pedestrian facilities eligible for assistance under s. 85.024 (2).

Vetoed In Part

SECTION 1928k. 85.026 (2) (b) of the statutes is created to read:

85.026 **(2)** (b) The department shall allocate at least 70 percent of funds available from the appropriation under s. 20.395 (2) (nx) for grants awarded for transportation enhancement activities involving bicycle and pedestrian facilities eligible for assistance under s. 85.024 (2).

SECTION 1928m. 85.062 (3) (a) of the statutes is repealed and recreated to read:

85.062 **(3)** (a) The Dane County commuter rail project.

SECTION 1928p. 85.062 (3) (b) of the statutes is created to read:

85.062 **(3)** (b) Any project resulting from the Milwaukee Downtown Transit Connector Study of the Wisconsin Center District.

SECTION 1928t. 85.062 (3) (c) of the statutes is created to read:

85.062 **(3)** (c) The KRM commuter rail line, as defined in s. 59.58 (7) (a) 3.

SECTION 1929. 85.063 (3) (b) 1. of the statutes is amended to read:

85.063 **(3)** (b) 1. Upon completion of a planning study under sub. (2), or, to the satisfaction of the department, of a study under s. 85.022, a political subdivision in a county ~~which~~, or a transit authority created under s. 66.1039, that includes the urban area may apply to the department for a grant for property acquisition for an urban rail transit system.

SECTION 1930. 85.064 (1) (b) of the statutes is amended to read:

85.064 **(1)** (b) "Political subdivision" means any city, village, town, county, transit commission organized under s. 59.58 (2) or 66.1021 or recognized under s. 66.0301, or ~~regional~~ transit authority ~~organized~~ created under s. ~~59.58 (6)~~ 66.1039 within this state or the southeastern regional transit authority under s. 59.58 (7).

SECTION 1931. 85.064 (4) of the statutes is repealed.

SECTION 1931L. 85.077 of the statutes is created to read:

85.077 Railroad projects and competitive bidding. (1) Except as provided in subs. (2) and (4), if a project involving the construction, rehabilitation, improvement, demolition, or repair of rail property or rail property improvements is funded in any part with public funds, the department or the recipient of the public funds shall let the project by contract on the basis of competitive bids and shall award the contract to the lowest responsible bidder.

(2) The provisions of sub. (1) do not apply if any of the following applies:

(a) The project is in response to a public emergency.

(am) The project is for the installation or maintenance of warning devices at railroad highway crossings.

(b) The estimated cost of the project is less than $25,000.

(c) The project involves only rail property or rail property improvements owned or leased by a railroad and the project is to be performed by the railroad using its own employees.

(3) The department or the recipient of public funds may not subdivide a project into more than one contract, allocate work or workers in any manner, or transfer the jurisdiction of a project to avoid the requirements of sub. (1).

(4) If no responsible bid is received, the contract may be awarded without complying with sub. (1).

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) "Eligible applicant" means the Milwaukee Transit Authority under s. 66.1038 and the southeastern regional transit authority under s. 59.58 (7). Vetoed In Part

(ar) "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.

(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 eligible applicants 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 the project is a major transit capital improvement project and the project has not been enumerated under s. 85.062 (3).

(b) The department may not accept grant applications under this section after December 31, 2015.

(4) ELIGIBILITY. The department may not award a grant under this section to an eligible applicant unless all of the following apply:

(a) The eligible applicant is eligible under federal law to be a public sponsor for a project that receives federal funding.

(b) The eligible applicant receives funds from a dedicated local revenue source for capital and operating costs associated with providing transit services.

(5) GRANT AWARDS. (a) Subject to par. (b), the department may award grants to eligible applicants that satisfy the requirements under sub. (4). Any grant awarded under this section may not exceed $50,000,000, 25 per-

cent of the total project cost, or 50 percent of the portion of the total project cost not funded with federal aid, whichever is least.

(b) The department may award a grant under par. (a) only if all of the following apply:

1. Any project for which the grant is to be awarded has received any approval to proceed required by the appropriate federal agency. Approval to proceed under this subdivision is required by December 31, 2012, for any project utilizing federal interstate cost estimate substitute project funding and for any project resulting from the Milwaukee Downtown Transit Connector Study of the Wisconsin Center District.

2. The number of revenue hours of transit service provided in the area serviced by the grant applicant at the time of the grant application is not less than that provided in 2001, if transit services were provided in 2001 by the grant applicant or by any other local unit of government.

(6) ADMINISTRATION. In administering this section, the department shall do all of the following:

(a) Prescribe the form of grant applications and the nature and extent of information to be provided with these applications, and establish an annual application cycle for receiving and evaluating applications under the program.

(b) Establish criteria and standards for grant eligibility for transit capital improvement projects under the program.

(c) Establish criteria and standards for evaluating and ranking applications and for awarding grants under the program.

SECTION 1933. 85.14 (title) and (1) of the statutes are amended to read:

85.14 (title) **Payments of fees and deposits by credit card, debit card, or other electronic payment mechanism. (1)** (a) The department may accept payment by credit card, debit card, or any other electronic payment mechanism of a fee that is required to be paid to the department under ch. 194, 218, 341, 342, 343 or 348. The department shall determine which fees may be paid by credit card, debit card, or any other electronic payment mechanism and the manner in which the payments may be made. If the department permits the payment of a fee by credit card, debit card, or any other electronic payment mechanism, the department may charge a convenience fee for each transaction in an amount to be established by rule. The convenience fee shall approximate the cost to the department for providing this service to persons who request it. If the department permits the payment of a fee by credit card, debit card, or any other electronic payment mechanism, the department may charge a service fee of $2.50 for each transaction until a rule is promulgated under this paragraph.

(b) ~~Except for charges associated with a contract under par. (c), the~~ If the secretary of administration assesses any charges against the department relating to the payment of fees by credit cards, debit cards, or other electronic payment mechanisms, the department shall pay, from the appropriation under s. 20.395 (5) (cg), to the secretary of administration or to any person designated by the secretary of administration the amount of these assessed charges ~~associated with the use of credit cards under par. (a) that are assessed to the department~~.

(c) The department may contract for services relating to the payment of fees by credit cards, debit cards, or other electronic payment mechanisms under this subsection. Any charges associated with a contract under this paragraph shall be paid from the appropriations under s. 20.395 (5) (cg) and (cq).

SECTION 1933s. 85.20 (4m) (a) (intro.) of the statutes is amended to read:

85.20 **(4m)** (a) (intro.) The department shall pay annually to the eligible applicant described in subd. 6. cm. the amount of aid specified in subd. 6. cm. The department shall pay annually to the eligible applicant described in subd. 6. d. the amount of aid specified in subd. 6. d. The department shall allocate an amount to each eligible applicant described in subd. 6. e., 7., or 8. to ensure that the sum of state and federal aids for the projected operating expenses of each eligible applicant's urban mass transit system is equal to a uniform percentage, established by the department, of the projected operating expenses of the mass transit system for the calendar year. The department shall make allocations as follows:

SECTION 1934. 85.20 (4m) (a) 6. cm. of the statutes is amended to read:

85.20 **(4m)** (a) 6. cm. From the appropriation under s. 20.395 (1) (ht), the department shall pay ~~$57,948,000 for aid payable for calendar year 2006, $59,107,000 for aid payable for calendar year 2007,~~ $63,784,700 for aid payable for calendar year 2008, ~~and~~ $65,299,200 for aid payable for calendar year 2009, $66,585,600 for aid payable for calendar year 2010, and $68,583,200 for aid payable for calendar year 2011 and thereafter, to the eligible applicant that pays the local contribution required under par. (b) 1. for an urban mass transit system that has annual operating expenses ~~in excess~~ of $80,000,000 or more. If the eligible applicant that receives aid under this subd. 6. cm. is served by more than one urban mass transit system, the eligible applicant may allocate the aid between the urban mass transit systems in any manner the eligible applicant considers desirable.

SECTION 1935. 85.20 (4m) (a) 6. d. of the statutes is amended to read:

85.20 **(4m)** (a) 6. d. From the appropriation under s. 20.395 (1) (hu), the department shall pay ~~$15,470,200 for aid payable for calendar year 2006, $15,779,600 for aid payable for calendar year 2007,~~ $16,754,000 for aid payable for calendar year 2008, ~~and~~ $17,158,400 for aid payable for calendar year 2009, $17,496,400 for aid payable for calendar year 2010, and $18,021,300 for aid payable for calendar year 2011 and thereafter, to the eligible

applicant that pays the local contribution required under par. (b) 1. for an urban mass transit system that has annual operating expenses in excess of $20,000,000 but less than $80,000,000. If the eligible applicant that receives aid under this subd. 6. d. is served by more than one urban mass transit system, the eligible applicant may allocate the aid between the urban mass transit systems in any manner the eligible applicant considers desirable.

SECTION 1935d. 85.20 (4m) (a) 6. e. of the statutes is created to read:

85.20 **(4m)** (a) 6. e. From the appropriation under s. 20.395 (1) (hw), the department may pay the uniform percentage for each eligible applicant for a commuter or light rail system that has been enumerated under s. 85.062 (3). An eligible applicant may not receive aid under subd. 6. cm. or d., 7., or 8. for a commuter rail or light rail transit system.

SECTION 1936. 85.20 (4m) (a) 7. b. of the statutes is amended to read:

85.20 **(4m)** (a) 7. b. For the purpose of making allocations under subd. 7. a., the amounts for aids are ~~$22,192,800 in calendar year 2006, $22,636,700 in calendar year 2007,~~ $24,034,400 in calendar year 2008, ~~and~~ $24,614,500 in calendar year 2009, $25,099,500 in calendar year 2010, and $25,852,500 in calendar year 2011 and thereafter. These amounts, to the extent practicable, shall be used to determine the uniform percentage in the particular calendar year.

SECTION 1937. 85.20 (4m) (a) 8. b. of the statutes is amended to read:

85.20 **(4m)** (a) 8. b. For the purpose of making allocations under subd. 8. a., the amounts for aids are ~~$5,023,600 in calendar year 2006, $5,124,100 in calendar year 2007,~~ $5,440,500 in calendar year 2008, ~~and~~ $5,571,800 in calendar year 2009, $5,681,600 in calendar year 2010, and $5,852,200 in calendar year 2011 and thereafter. These amounts, to the extent practicable, shall be used to determine the uniform percentage in the particular calendar year.

SECTION 1937d. 85.20 (4s) of the statutes is amended to read:

85.20 **(4s)** PAYMENT OF AIDS UNDER THE CONTRACT. The contracts executed between the department and eligible applicants under this section shall provide that the payment of the state aid allocation under sub. (4m) (a) for the last quarter of the state's fiscal year shall be provided from the following fiscal year's appropriation under s. 20.395 (1) (hr), (hs), (ht), ~~or~~ (hu), or (hw).

SECTION 1937m. 85.205 of the statutes is repealed.

SECTION 1938. 85.215 of the statutes is created to read:

85.215 Tribal elderly transportation grant program. The department shall award grants to federally recognized American Indian tribes or bands to assist in providing transportation services for elderly persons. Grants awarded under this section shall be paid from the appropriation under s. 20.395 (1) (ck). The department shall prescribe the form, nature, and extent of the information that shall be contained in an application for a grant under this section. The department shall establish criteria for evaluating applications and for awarding grants under this section.

SECTION 1939. 85.26 of the statutes is created to read:

85.26 Intercity bus assistance program. (1) DEFINITIONS. In this section:

(a) "Intercity bus service" means regularly scheduled bus service for the general public that operates with limited stops over fixed routes connecting 2 or more urban areas not in close proximity, that has the capacity for transporting baggage carried by passengers, and that makes meaningful connections with scheduled intercity bus service to more distant points if service to more distant points is available.

(b) "Net operating loss" means the portion of the reasonable costs of operating an intercity bus service route that cannot reasonably be financed from revenues derived from the route.

(c) "Political subdivision" means a city, village, town, or county.

(2) ADMINISTRATION. (a) The department shall develop and administer an intercity bus assistance program to increase the availability of intercity bus service in this state. Under this program, the department may do any of the following:

1. Contract with private providers of intercity bus service to support intercity bus service routes of the provider.

2. Make grants to political subdivisions to support intercity bus service routes having an origin or destination in the political subdivision.

(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 1940m. 86.195 (3) (e) 2. of the statutes is amended to read:

86.195 **(3)** (e) 2. Regional significance. For purposes of this subdivision, an agricultural research station owned or managed by a university has regional significance regardless of the number of visitors to the station.

SECTION 1941. 86.30 (2) (a) 3. of the statutes is amended to read:

86.30 **(2)** (a) 3. For each mile of road or street under the jurisdiction of a municipality as determined under s. 86.302, the mileage aid payment shall be ~~$1,862 in calendar year 2006, $1,899 in calendar year 2007,~~ $1,956 in calendar year 2008, ~~and~~ $2,015 in calendar year 2009, $2,055 in calendar year 2010, and $2,117 in calendar year 2011 and thereafter.

SECTION 1942. 86.30 (9) (b) of the statutes is amended to read:

86.30 **(9)** (b) For the purpose of calculating and distributing aids under sub. (2), the amounts for aids to counties are ~~$91,845,500 in calendar year 2006, $93,682,400 in calendar year 2007,~~ $96,492,900 in calendar year 2008, ~~and~~ $99,387,700 in calendar year 2009, $101,375,500 in calendar year 2010, and $104,416,800 in calendar year 2011 and thereafter. These amounts, to the extent practicable, shall be used to determine the statewide county average cost−sharing percentage in the particular calendar year.

SECTION 1943. 86.30 (9) (c) of the statutes is amended to read:

86.30 **(9)** (c) For the purpose of calculating and distributing aids under sub. (2), the amounts for aids to municipalities are ~~$288,956,900 in calendar year 2006, $294,736,000 in calendar year 2007,~~ $303,578,100 in calendar year 2008, ~~and~~ $312,685,400 in calendar year 2009, $318,939,100 in calendar year 2010, and $328,507,300 in calendar year 2011 and thereafter. These amounts, to the extent practicable, shall be used to determine the statewide municipal average cost−sharing percentage in the particular calendar year.

SECTION 1944. 86.31 (3g) of the statutes is amended to read:

86.31 **(3g)** COUNTY TRUNK HIGHWAY IMPROVEMENTS — DISCRETIONARY GRANTS. From the appropriation under s. 20.395 (2) (ft), the department shall allocate ~~$5,250,000 in fiscal year 2005−06 and in fiscal year 2006−07,~~ $5,355,000 in fiscal year 2007−08, ~~and~~ $5,462,100 in fiscal year 2008−09, and $5,127,000 in fiscal year 2009−10 and each fiscal year thereafter, to fund county trunk highway improvements with eligible costs totaling more than $250,000. The funding of improvements under this subsection is in addition to the allocation of funds for entitlements under sub. (3).

SECTION 1945. 86.31 (3m) of the statutes is amended to read:

86.31 **(3m)** TOWN ROAD IMPROVEMENTS — DISCRETIONARY GRANTS. From the appropriation under s. 20.395 (2) (ft), the department shall allocate ~~$750,000 in fiscal year 2005−06 and in fiscal year 2006−07,~~ $765,000 in fiscal year 2007−08, ~~and~~ $780,300 in fiscal year 2008−09, and $732,500 in fiscal year 2009−10 and each fiscal year thereafter, to fund town road improvements with eligible costs totaling $100,000 or more. The funding of improvements under this subsection is in addition to the allocation of funds for entitlements under sub. (3).

SECTION 1946. 86.31 (3r) of the statutes is amended to read:

86.31 **(3r)** MUNICIPAL STREET IMPROVEMENTS — DISCRETIONARY GRANTS. From the appropriation under s. 20.395 (2) (ft), the department shall allocate ~~$1,000,000 in fiscal year 2005−06 and in fiscal year 2006−07,~~ $1,020,000 in fiscal year 2007−08, ~~and~~ $1,040,400 in fiscal year 2008−09, and $976,500 in fiscal year 2009−10 and each fiscal year thereafter, to fund municipal street improvement projects having total estimated costs of $250,000 or more. The funding of improvements under this subsection is in addition to the allocation of funds for entitlements under sub. (3).

SECTION 1947. Chapter 91 of the statutes is repealed and recreated to read:

CHAPTER 91
FARMLAND PRESERVATION

SUBCHAPTER I
DEFINITIONS AND GENERAL PROVISIONS

91.01 Definitions. In this chapter:

(1) "Accessory use" means any of the following land uses on a farm:

(a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.

(b) An activity or business operation that is an integral part of, or incidental to, an agricultural use.

(c) A farm residence.

(d) A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in par. (a) or (c), that employs no more than 4 full−time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

(e) Any other use that the department, by rule, identifies as an accessory use.

(1m) "Agricultural enterprise area" means an area designated in accordance with s. 91.84.

(2) "Agricultural use" means any of the following:

(a) Any of the following activities conducted for the purpose of producing an income or livelihood:

1. Crop or forage production.
2. Keeping livestock.
3. Beekeeping.
4. Nursery, sod, or Christmas tree production.
4m. Floriculture.
5. Aquaculture.
6. Fur farming.
7. Forest management.
8. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

(b) Any other use that the department, by rule, identifies as an agricultural use.

(3) "Agriculture−related use" means any of the following:

(a) An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.

(b) Any other use that the department, by rule, identifies as an agriculture−related use.

(5) "Base farm tract" means one of the following:

(a) All land, whether one parcel or 2 or more contiguous parcels, that is in a farmland preservation zoning district and that is part of a single farm on the date that the department under s. 91.36 (1) first certifies the farmland preservation zoning ordinance covering the land or on an earlier date specified in the farmland preservation zoning ordinance, regardless of any subsequent changes in the size of the farm.

(b) Any other tract that the department by rule defines as a base farm tract.

(6) "Certified farmland preservation plan" means a farmland preservation plan that is certified as determined under s. 91.12.

(7) "Certified farmland preservation zoning ordinance" means a zoning ordinance that is certified as determined under s. 91.32.

(8) "Chief elected official" means the mayor of a city or, if the city is organized under subch. I of ch. 64, the president of the council of that city, the village president of a village, the town board chairperson of a town, or the county executive of a county, or, if the county does not have a county executive, the chairperson of the county board of supervisors.

(9) "Comprehensive plan" has the meaning given in s. 66.1001 (1) (a).

(10) "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a political subdivision.

(11) "County land conservation committee" means a committee created under s. 92.06 (1).

(12) "Department" means the department of agriculture, trade and consumer protection.

(13) "Farm" means all land under common ownership that is primarily devoted to agricultural use.

(14) "Farm acreage" means size of a farm in acres.

(15) "Farmland preservation agreement" means any of the following agreements between an owner of land and the department under which the owner agrees to restrict the use of land in return for tax credits:

(a) A farmland preservation agreement or transition area agreement entered into under s. 91.13, 2007 stats., or s. 91.14, 2007 stats.

(b) An agreement entered into under s. 91.60 (1).

(16) "Farmland preservation area" means an area that is planned primarily for agricultural use or agriculture−related use, or both, and that is one of the following:

(a) Identified as an agricultural preservation area or transition area in a farmland preservation plan described in s. 91.12 (1).

(b) Identified under s. 91.10 (1) (d) in a farmland preservation plan described in s. 91.12 (2).

(17) "Farmland preservation plan" means a plan for the preservation of farmland in a county, including an agricultural preservation plan under subch. IV of ch. 91, 2007 stats.

(18) "Farmland preservation zoning district" means any of the following:

(a) An area zoned for exclusive agricultural use under an ordinance described in s. 91.32 (1).

(b) A farmland preservation zoning district designated under s. 91.38 (1) (c) in an ordinance described in s. 91.32 (2).

(19) "Farm residence" means any of the following structures that is located on a farm:

(a) A single−family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:

1. An owner or operator of the farm.

2. A parent or child of an owner or operator of the farm.

3. An individual who earns more than 50 percent of his or her gross income from the farm.

(b) A migrant labor camp that is certified under s. 103.92.

(20) "Gross farm revenues" has the meaning given in s. 71.613 (1) (g).

(20m) "Livestock" means bovine animals, equine animals, goats, poultry, sheep, swine, farm−raised deer, farm−raised game birds, camelids, ratites, and farm−raised fish.

(21) "Nonfarm residence" means a single−family or multi−family residence other than a farm residence.

(22) "Nonfarm residential acreage" means the total number of acres of all parcels on which nonfarm residences are located.

(22m) "Overlay district" means a zoning district that is superimposed on one or more other zoning districts and imposes additional restrictions on the underlying districts.

(23) "Owner" means a person who has an ownership interest in land.

(23m) "Permitted use" means a use that is allowed without a conditional use permit, special exception, or other special zoning permission.

(24) "Political subdivision" means a city, village, town, or county.

(25) "Prime farmland" means any of the following:

(a) An area with a class I or class II land capability classification as identified by the natural resources conservation service of the federal department of agriculture.

(b) Land, other than land described in par. (a), that is identified as prime farmland in a certified farmland preservation plan.

(26) "Prior nonconforming use" means a land use that does not conform with a farmland preservation zoning ordinance, but that existed lawfully before the farmland preservation zoning ordinance was enacted.

(27) "Protected farmland" means land that is located in a farmland preservation zoning district, is covered by a farmland preservation agreement, or is otherwise legally protected from nonagricultural development.

(28) "Taxable year" has the meaning given in s. 71.01 (12).

91.02 Rule making. (1) The department shall promulgate rules that set forth technical specifications for farmland preservation zoning maps under s. 91.38 (1) (d).

(2) The department may promulgate rules for the administration of this chapter, including rules that do any of the following:

(a) Identify accessory uses under s. 91.01 (1) (e).

(b) Identify agricultural uses under s. 91.01 (2) (b).

(c) Identify agriculture−related uses under s. 91.01 (3) (b).

(d) Identify base farm tracts under s. 91.01 (5) (b).

(e) Specify requirements for certification under s. 91.18 (1) (b).

(f) Require information in an application for certification of a farmland preservation plan or amendment under s. 91.20 (4).

(g) Specify types of ordinance amendments for which certification is required under s. 91.36 (8) (b) 3.

(h) Specify exceptions to the requirement that land in a farmland preservation zoning district be included in a farmland preservation area under s. 91.38 (1) (g).

(i) Specify requirements for certification of a farmland preservation zoning ordinance under s. 91.38 (1) (i).

(j) Require information in an application for certification of a farmland preservation zoning ordinance or amendment under s. 91.40 (5).

(k) Authorize additional uses in a farmland preservation zoning district under s. 91.42 (4).

(L) Authorize additional uses as permitted uses in a farmland preservation zoning district under s. 91.44 (1) (g).

(m) Authorize additional uses as conditional uses in a farmland preservation zoning district under s. 91.46 (1) (j).

(o) Designate agricultural enterprise areas and modify and terminate designations of those areas under s. 91.84.

(p) Require information in an application for a farmland preservation agreement under s. 91.64 (2) (h).

(r) Prescribe procedures for compliance monitoring under s. 91.82 (3).

91.03 Intergovernmental cooperation. State agencies shall cooperate with the department in the administration of this chapter and in other matters related to the preservation of farmland in this state. State agencies shall, to the extent feasible, cooperate in sharing and standardizing relevant information, identifying and mapping significant agricultural resources, and planning and evaluating the impact of state actions on agriculture.

91.04 Department to report. At least once every 2 years, beginning not later than December 31, 2011, the department shall submit a farmland preservation report to the board of agriculture, trade and consumer protection and provide copies of the report to the department of revenue and the department of administration. The department shall prepare the report in cooperation with the department of revenue and shall include all of the following in the report:

(1) A review and analysis of farmland availability, uses, and use trends in this state, including information related to farmland conversion statewide and by county.

(2) A review and analysis of relevant information related to the farmland preservation program under this chapter and associated tax credit claims under subch. IX of ch. 71, including information related to all of the following:

(a) Participation in the program by political subdivisions and landowners.

(b) Tax credit claims by landowners, including the number of claimants, the amount of credits claimed, acreage covered by tax credit claims, the amount of credits claimed under zoning ordinances and under farmland preservation agreements, and relevant projections and trends.

(c) The number, identity, and location of counties with certified farmland preservation plans.

(d) Trends and developments related to certification of farmland preservation plans.

(e) The number, identity, and location of political subdivisions with certified farmland preservation zoning ordinances.

(f) Trends and developments related to certification of farmland preservation zoning ordinances.

(g) The number, nature, and location of agricultural enterprise areas.

(h) The number and location of farms covered by farmland preservation agreements, including new farmland preservation agreements, and the number and location of farms for which farmland preservation agreements have expired.

(i) Conservation compliance by landowners under s. 91.80 and compliance activities by county land conservation committees under s. 91.82.

(j) Rezoning of land out of farmland preservation zoning districts under s. 91.48, including the amounts of

conversion fees paid to political subdivisions under s. 91.48 (1) (b).

(k) Program costs, cost trends, and cost projections.

(L) Key issues related to program performance and key recommendations, if any, for enhancing the program.

SUBCHAPTER II

FARMLAND PRESERVATION PLANNING

91.10 County plan required; planning grants. (1) By January 1, 2016, a county shall adopt a farmland preservation plan that does all of the following:

(a) States the county's policy related to farmland preservation and agricultural development, including the development of enterprises related to agriculture.

(b) Identifies, describes, and documents other development trends, plans, or needs, that may affect farmland preservation and agricultural development in the county, including trends, plans, or needs related to population and economic growth, housing, transportation, utilities, communications, business development, community facilities and services, energy, waste management, municipal expansion, and environmental preservation.

(c) Identifies, describes, and documents all of the following:

1. Agricultural uses of land in the county at the time that the farmland preservation plan is adopted, including key agricultural specialities, if any.

2. Key agricultural resources, including available land, soil, and water resources.

3. Key infrastructure for agriculture, including key processing, storage, transportation, and supply facilities.

4. Significant trends in the county related to agricultural land use, agricultural production, enterprises related to agriculture, and the conversion of agricultural lands to other uses.

5. Anticipated changes in the nature, scope, location, and focus of agricultural production, processing, supply, and distribution.

6. Goals for agricultural development in the county, including goals related to the development of enterprises related to agriculture.

7. Actions that the county will take to preserve farmland and to promote agricultural development.

7m. Policies, goals, strategies, and proposed actions to increase housing density in areas that are not identified under par. (d).

8. Key land use issues related to preserving farmland and to promoting agricultural development and plans for addressing those issues.

(d) Clearly identifies areas that the county plans to preserve for agricultural use and agriculture−related uses, which may include undeveloped natural resource and open space areas but may not include any area that is planned for nonagricultural development within 15 years after the date on which the plan is adopted.

(dm) Describes the rationale used to determine which areas to identify under par. (d).

(e) Includes maps that clearly delineate all areas identified under par. (d), so that a reader can easily determine whether a parcel is within an identified area.

(f) Clearly correlates the maps under par. (e) with text that describes the types of land uses planned for each area on a map.

(g) Identifies programs and other actions that the county and local governmental units within the county may use to preserve the areas identified under par. (d).

(2) If the county has a comprehensive plan, the county shall include the farmland preservation plan in its comprehensive plan and shall ensure that the farmland preservation plan is consistent with the comprehensive plan. The county may incorporate information contained in other parts of the comprehensive plan into the farmland preservation plan by reference.

(3) To adopt a farmland preservation plan under sub. (1), a county shall follow the procedures under s. 66.1001 (4) for the adoption of a comprehensive plan.

(4) The department may provide information and assistance to a county in developing a farmland preservation plan under sub. (1).

(5) A county shall notify the department before the county holds a public hearing on a proposed farmland preservation plan under sub. (1) or on any amendment to a farmland preservation plan. The county shall include a copy of the proposed farmland preservation plan or amendment in the notice. The department may review and comment on the plan or amendment.

(6) (a) From the appropriation under s. 20.115 (7) (dm) or (tm), the department may award a planning grant to a county to provide reimbursement for up to 50 percent of the county's cost of preparing a farmland preservation plan required under sub. (1). In determining priorities for awarding grants under this subsection, the department shall consider the expiration dates for plan certification under s. 91.14.

(b) The department shall enter into a contract with a county to which it awards a planning grant under par. (a) before the department distributes any grant funds to the county. In the contract, the department shall identify the costs that are eligible for reimbursement through the grant.

(c) The department may distribute grant funds under this subsection only after the county shows that it has incurred costs that are eligible for reimbursement under par. (b). The department may not distribute more than 50 percent of the amount of a grant under this subsection for a farmland preservation plan before the county submits the farmland preservation plan for certification under s. 91.16.

91.12 Certified plan. The following farmland preservation plans are certified, for the purposes of this chapter and s. 71.613:

(1) An agricultural preservation plan that was certified under s. 91.06, 2007 stats., if the certification has not expired.

(2) A farmland preservation plan that was certified under s. 91.16 if the certification has not expired or been withdrawn.

91.14 Expiration of plan certification. (1) Except as provided under sub. (4), the certification of a farmland preservation plan that was certified under s. 91.06, 2007 stats., expires on the date provided in the certification or, if the certification does not provide an expiration date, on the following date:

(a) December 31, 2011, for a county with an increase in population density of more than 9 persons per square mile.

(b) December 31, 2012, for a county with an increase in population density of more than 3.75 but not more than 9 persons per square mile.

(c) December 31, 2013, for a county with an increase in population density of more than 1.75 but not more than 3.75 persons per square mile.

(d) December 31, 2014, for a county with an increase in population density of more than 0.8 but not more than 1.75 persons per square mile.

(e) December 31, 2015, for a county with an increase in population density of not more than 0.8 person per square mile.

(2) The certification of a farmland preservation plan that the department certifies under s. 91.16 expires on the date specified under s. 91.16 (2).

(3) For the purposes of sub. (1), a county's increase in population density is the number by which the county's population per square mile based on the department of administration's 2007 population estimate under s. 16.96 exceeds the county's population per square mile based on the 2000 federal census.

(4) The secretary of agriculture, trade and consumer protection may delay the date for the expiration of a county's farmland preservation plan for up to 2 years beyond the date under sub. (1) upon a written request from the county demonstrating to the secretary's satisfaction that a delay would allow the county to concurrently develop a farmland preservation plan and a comprehensive plan or an update to a comprehensive plan.

91.16 Certification of plan by the department. (1) GENERAL. The department may certify a farmland preservation plan or an amendment to a farmland preservation plan as provided in this section.

(2) CERTIFICATION PERIOD. (a) The department may certify a farmland preservation plan for a period that does not exceed 10 years. The department shall specify the expiration date of the certification of the farmland preservation plan in the certification.

(b) The certification of an amendment to a certified farmland preservation plan expires on the date that the certification of the farmland preservation plan expires, except that the department may treat a comprehensive revision of a certified farmland preservation plan as a new farmland preservation plan and shall specify an expiration date for the certification of the revised farmland preservation plan as provided in par. (a).

(3) SCOPE OF DEPARTMENT REVIEW. (a) The department may certify a county's farmland preservation plan or an amendment to the farmland preservation plan based on the county's certification under s. 91.20 (3), without conducting any additional review or audit.

(b) The department may do any of the following before it certifies a county's farmland preservation plan or amendment:

1. Review the farmland preservation plan or amendment for compliance with s. 91.18.

2. Review and independently verify the application for certification, including the statement under s. 91.20 (3).

(4) DENIAL OF CERTIFICATION. The department shall deny a county's application for certification of a farmland preservation plan or amendment if the department finds any of the following:

(a) That the farmland preservation plan or amendment does not comply with the requirements in s. 91.18.

(b) That the application for certification does not comply with s. 91.20.

(5) WRITTEN DECISION; DEADLINE. The department shall grant or deny an application for certification under this section no more than 90 days after the day on which the county submits a complete application, unless the county agrees to an extension. The department shall issue its decision in the form required by s. 227.47 (1).

(6) CONDITIONAL CERTIFICATION. The department may grant an application for certification under this section subject to conditions specified by the department in its decision under sub. (5). The department may certify a farmland preservation plan or amendment contingent upon the county board adopting the farmland preservation plan or amendment as certified.

(7) EFFECTIVE DATE OF CERTIFICATION. A certification under this section takes effect on the day on which the department issues its decision, except that if the department specifies conditions under sub. (6), the certification takes effect on the day on which the department determines that the county has met the conditions.

(8) EFFECTIVENESS OF PLAN AMENDMENTS. For purposes of this chapter and s. 71.613, a certified farmland preservation plan does not include an amendment adopted after the effective date of this subsection .... [LRB inserts date], unless the department certifies the amendment.

(9) WITHDRAWAL OF CERTIFICATION. The department may withdraw a certification that it granted under sub. (3)

(a) if the department finds that the farmland preservation plan materially violates the requirements under s. 91.18.

91.18 Requirements for certification of plan. (1) A farmland preservation plan qualifies for certification under s. 91.16 if it complies with all of the following:

(a) The requirements in s. 91.10 (1) and (2).

(b) Any other requirements that the department specifies by rule.

(2) An amendment to a farmland preservation plan qualifies for certification under s. 91.16 if it complies with all of the requirements in sub. (1) that are relevant to the amendment and it does not cause the farmland preservation plan to violate any of the requirements in sub. (1).

91.20 Applying for certification of plan. A county seeking certification of a farmland preservation plan or amendment to a farmland preservation plan shall submit all of the following to the department in writing, along with any other relevant information that the county chooses to provide:

(1) The proposed farmland preservation plan or amendment.

(2) All of the following background information:

(a) A concise summary of the farmland preservation plan or amendment, including key changes from any previously certified farmland preservation plan.

(b) A concise summary of the process by which the farmland preservation plan or amendment was developed, including public hearings, notice to and involvement of other governmental units within the county, approval by the county, and identification of any key unresolved issues between the county and other governmental units within the county related to the farmland preservation plan or amendment.

(c) The relationship of the farmland preservation plan or amendment to any county comprehensive plan.

(3) A statement, signed by the county corporation counsel and the county planning director or chief elected official, certifying that the farmland preservation plan or amendment complies with all of the requirements in s. 91.18.

(4) Other relevant information that the department requires by rule.

SUBCHAPTER III

FARMLAND PRESERVATION ZONING

91.30 Authority to adopt. A political subdivision may adopt and administer a farmland preservation zoning ordinance in accordance with s. 59.69, 60.61, 60.62, or 62.23.

91.32 Certified ordinance. The following zoning ordinances are certified, for the purposes of this chapter and s. 71.613:

(1) An exclusive agricultural use zoning ordinance that was certified under s. 91.06, 2007 stats., if the certification has not expired or been withdrawn.

(2) A farmland preservation zoning ordinance that was certified under s. 91.36 if the certification has not expired or been withdrawn.

91.34 Expiration of zoning certification. (1) Except as provided under sub. (4), the certification of a farmland preservation zoning ordinance that was certified under s. 91.06, 2007 stats., expires on the date provided in the certification or, if the certification does not provide an expiration date, on the following date:

(a) December 31, 2012, for a county with an increase in population density of more than 9 persons per square mile or a city, village, or town in such a county.

(b) December 31, 2013, for a county with an increase in population density of more than 3.75 but not more than 9 persons per square mile or a city, village, or town in such a county.

(c) December 31, 2014, for a county with an increase in population density of more than 1.75 but not more than 3.75 persons per square mile or a city, village, or town in such a county.

(d) December 31, 2015, for a county with an increase in population density of more than 0.8 but not more than 1.75 persons per square mile or a city, village, or town in such a county.

(e) December 31, 2016, for a county with an increase in population density of not more than 0.8 person per square mile or a city, village, or town in such a county.

(2) The certification of a farmland preservation zoning ordinance that the department certifies under s. 91.36 expires on the date specified under s. 91.36 (2).

(3) For the purposes of sub. (1), a county's increase in population density is the number by which the county's population per square mile based on the department of administration's 2007 population estimate under s. 16.96 exceeds the county's population per square mile based on the 2000 federal census.

(4) The secretary of agriculture, trade and consumer protection may delay the date for the expiration of a political subdivision's farmland preservation zoning ordinance for up to 2 years beyond the date under sub. (1) upon a written request from the political subdivision demonstrating to the secretary's satisfaction that a delay would allow the political subdivision to concurrently develop a farmland preservation zoning ordinance and a comprehensive plan or an update to a comprehensive plan.

91.36 Certification of zoning ordinance by the department. (1) GENERAL. The department may certify a farmland preservation zoning ordinance or an amendment to a farmland preservation zoning ordinance as provided in this section.

(2) CERTIFICATION PERIOD. (a) The department may certify a farmland preservation zoning ordinance for a period that does not exceed 10 years. The department shall specify the expiration date of the certification of the

farmland preservation zoning ordinance in the certification.

(b) The certification of an amendment to a certified farmland preservation zoning ordinance expires on the date that the certification of the farmland preservation zoning ordinance expires, except that the department may treat a comprehensive revision of a certified farmland preservation zoning ordinance as a new farmland preservation zoning ordinance and specify an expiration date for the certification of the revised farmland preservation zoning ordinance as provided in par. (a).

(3) SCOPE OF DEPARTMENT REVIEW. (a) The department may certify a farmland preservation zoning ordinance or amendment to a farmland preservation zoning ordinance based on statements submitted under s. 91.40 (3) and (4), without conducting any additional review or audit.

(b) The department may do any of the following before it certifies a farmland preservation zoning ordinance or amendment:

1. Review the farmland preservation zoning ordinance or amendment for compliance with the requirements under s. 91.38.

2. Review and independently verify the application for certification, including the statements under s. 91.40 (3) and (4).

(4) DENIAL OF CERTIFICATION. The department shall deny an application for certification of a farmland preservation zoning ordinance or amendment if the department finds any of the following:

(a) That the farmland preservation zoning ordinance or amendment does not comply with the requirements in s. 91.38.

(b) That the application for certification does not comply with s. 91.40.

(5) WRITTEN DECISION; DEADLINE. The department shall grant or deny an application for certification under this section no more than 90 days after the day on which the political subdivision submits a complete application, unless the political subdivision agrees to an extension. The department shall issue its decision in the form required by s. 227.47 (1).

(6) CONDITIONAL CERTIFICATION. The department may grant an application for certification under this section subject to conditions specified by the department in its decision under sub. (5). The department may certify a farmland preservation zoning ordinance or amendment contingent upon the political subdivision adopting the farmland preservation zoning ordinance or amendment as certified.

(7) EFFECTIVE DATE OF CERTIFICATION. A certification under this section takes effect on the day on which the department issues the certification, except that if the department specifies conditions under sub. (6), the certification takes effect on the day on which the department determines that the political subdivision has met the conditions.

(8) AMENDMENTS TO ORDINANCES; CERTIFICATION. (a) Except as provided in par. (b), an amendment to a certified farmland preservation zoning ordinance is automatically considered to be certified as part of the certified farmland preservation zoning ordinance.

(b) An amendment to a certified farmland preservation zoning ordinance that is one of the following and that is adopted after the effective date of this paragraph .... [LRB inserts date], is not automatically considered to be certified:

1. An amendment that is a comprehensive revision of a certified farmland preservation zoning ordinance.

2. An amendment that extends coverage of a certified farmland preservation zoning ordinance to a town that was not previously covered.

3. An amendment of a type specified by the department by rule that may materially affect compliance of the certified farmland preservation zoning ordinance with the requirements under s. 91.38.

(c) The department may withdraw certification of a farmland preservation zoning ordinance if, as a result of an amendment adopted after the effective date of this paragraph .... [LRB inserts date], the amended farmland preservation zoning ordinance fails to comply with the requirements under s. 91.38. This paragraph applies regardless of whether the farmland preservation zoning ordinance was originally certified under s. 91.06, 2007 stats., or under this section.

(d) A political subdivision shall notify the department in writing whenever the political subdivision adopts an amendment that is described in par. (b) 1. to 3. to a certified farmland preservation zoning ordinance. The political subdivision shall include a copy of the amendment in the notice. This paragraph does not apply to an amendment that rezones land out of a farmland preservation zoning district.

91.38 Requirements for certification of ordinance. (1) A farmland preservation zoning ordinance does not qualify for certification under s. 91.36 unless all of the following apply:

(a) The farmland preservation zoning ordinance includes jurisdictional, organizational, and enforcement provisions that are necessary for proper administration.

(c) The farmland preservation zoning ordinance clearly designates farmland preservation zoning districts in which land uses are limited in compliance with s. 91.42.

(d) The farmland preservation zoning ordinance includes maps that clearly delineate each farmland preservation zoning district, so that a reader can easily determine whether a parcel is within a farmland preservation zoning district; that are correlated to the text under par.

(e); and that comply with technical specifications that the department establishes by rule.

(e) The text of the farmland preservation zoning ordinance clearly describes the types of land uses authorized in each farmland preservation zoning district.

(f) The farmland preservation zoning ordinance is substantially consistent with a certified farmland preservation plan.

(g) Except as provided by the department by rule, land is not included in a farmland preservation zoning district unless the land is included in a farmland preservation area identified in the county certified farmland preservation plan.

(h) If an overlay district, such as an environmental corridor, is superimposed on a farmland preservation zoning district, all of the following apply:

1. The farmland preservation zoning ordinance clearly identifies the overlay district as such.

2. The overlay district is shown on the maps under par. (d) in a way that allows a reader to easily identify the underlying farmland preservation zoning district and its boundaries.

3. The overlay district does not remove land use restrictions from the underlying farmland preservation zoning district.

(i) The farmland preservation zoning ordinance complies with any other requirements that the department specifies by rule.

(2) An amendment to a farmland preservation zoning ordinance qualifies for certification under s. 91.36 if it complies with all of the requirements in sub. (1) that are relevant to the amendment and it does not cause the farmland preservation zoning ordinance to violate any of the requirements in sub. (1).

(3) The limits on land uses in farmland preservation districts under s. 91.42 are minimum standards for certification of a farmland preservation zoning ordinance under s. 91.36.

91.40 Applying for certification of ordinance. A political subdivision seeking certification of a farmland preservation zoning ordinance or amendment to a farmland preservation zoning ordinance shall submit all of the following to the department in writing, along with any other relevant information that the political subdivision chooses to provide:

(1) The complete farmland preservation zoning ordinance or amendment proposed for certification.

(2) All of the following background information:

(a) A concise summary of the farmland preservation zoning ordinance or amendment, including key changes from any previously certified farmland preservation zoning ordinance.

(b) A concise summary of the process by which the farmland preservation zoning ordinance or amendment was developed, including public hearings, notice to and involvement of other governmental units, approval by the political subdivision, and identification of any key unresolved issues with other governmental units related to the farmland preservation zoning ordinance or amendment.

(c) A description of the relationship of the farmland preservation zoning ordinance or amendment to the county certified farmland preservation plan, including any material inconsistencies between the farmland preservation zoning ordinance or amendment and the county certified farmland preservation plan.

(3) A statement, signed by the county planning director or the chief elected official, certifying that the farmland preservation zoning ordinance or amendment complies with s. 91.38 (1) (g) and (h).

(4) A statement, signed by the applicant's attorney or chief elected official, certifying that the farmland preservation zoning ordinance or amendment complies with all applicable requirements in s. 91.38.

(5) Other relevant information that the department requires by rule.

91.42 Land use in farmland preservation zoning districts; general. A farmland preservation zoning ordinance does not qualify for certification under s. 91.36, if the farmland preservation zoning ordinance allows a land use in a farmland preservation zoning district other than the following land uses:

(1) Uses identified as permitted uses in s. 91.44.

(2) Uses identified as conditional uses in s. 91.46.

(3) Prior nonconforming uses, subject to s. 59.69 (10), 60.61 (5), or 62.23 (7) (h).

(4) Other uses allowed by the department by rule.

91.44 Permitted uses. (1) Except as provided in s. 84.01 (34), a farmland preservation zoning ordinance does not comply with s. 91.42 if the farmland preservation zoning ordinance allows as a permitted use in a farmland preservation zoning district a land use other than the following land uses:

(a) Agricultural uses.

(b) Accessory uses.

(c) Agriculture−related uses.

(d) Nonfarm residences constructed in a rural residential cluster in accordance with an approval of the cluster as a conditional use under s. 91.46 (1) (e).

(e) Undeveloped natural resource and open space areas.

(f) A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.

(g) Other uses identified by the department by rule.

(2) The department may promulgate rules imposing additional limits on the permitted uses that may be allowed in a farmland preservation zoning district in order for a farmland preservation zoning ordinance to comply with s. 91.42.

91.46 Conditional uses. (1) GENERAL. Except as provided in s. 84.01 (34), a farmland preservation zoning ordinance does not comply with s. 91.42 if the farmland preservation zoning ordinance allows as a conditional use in a farmland preservation zoning district a land use other than the following land uses:

(a) Agricultural uses.

(b) Accessory uses.

(c) Agriculture−related uses.

(d) Nonfarm residences that qualify under sub. (2) or that meet more restrictive standards in the farmland preservation zoning ordinance.

(e) Nonfarm residential clusters that qualify under sub. (3) or that meet more restrictive standards in the farmland preservation zoning ordinance.

(f) Transportation, communications, pipeline, electric transmission, utility, or drainage uses that qualify under sub. (4).

(g) Governmental, institutional, religious, or nonprofit community uses, other than uses covered by par. (f), that qualify under sub. (5).

(h) Nonmetallic mineral extraction that qualifies under sub. (6).

(i) Oil and gas exploration or production that is licensed by the department of natural resources under subch. II of ch. 295.

(j) Other uses allowed by the department by rule.

(1m) ADDITIONAL LIMITATIONS. The department may promulgate rules imposing additional limits on the conditional uses that may be allowed in a farmland preservation zoning district in order for a farmland preservation zoning ordinance to comply with s. 91.42.

(2) NONFARM RESIDENCES. A proposed new nonfarm residence or a proposal to convert a farm residence to a nonfarm residence through a change in occupancy qualifies for the purposes of sub. (1) (d) if the political subdivision determines that all of the following apply:

(a) The ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is or will be located will not be greater than 1 to 20 after the residence is constructed or converted to a nonfarm residence.

(b) There will not be more than 4 dwelling units in nonfarm residences, nor, for a new nonfarm residence, more than 5 dwelling units in residences of any kind, on the base farm tract after the residence is constructed or converted to a nonfarm residence.

(c) The location and size of the proposed nonfarm residential parcel, and, for a new nonfarm residence, the location of the nonfarm residence on that nonfarm residential parcel, will not do any of the following:

1. Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential parcel or nonfarm residence.

2. Significantly impair or limit the current or future agricultural use of other protected farmland.

(3) NONFARM RESIDENTIAL CLUSTER. A political subdivision may issue one conditional use permit that covers more than one nonfarm residence in a qualifying nonfarm residential cluster. A nonfarm residential cluster qualifies for the purposes of sub. (1) (e) if all of the following apply:

(a) The parcels on which the nonfarm residences would be located are contiguous.

(b) The political subdivision imposes legal restrictions on the construction of the nonfarm residences so that if all of the nonfarm residences were constructed, each would satisfy the requirements under sub. (2).

(4) TRANSPORTATION, COMMUNICATIONS, PIPELINE, ELECTRIC TRANSMISSION, UTILITY, OR DRAINAGE USE. A transportation, communications, pipeline, electric transmission, utility, or drainage use qualifies for the purposes of sub. (1) (f) if the political subdivision determines that all of the following apply:

(a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

(b) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(c) The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.

(d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

(5) GOVERNMENTAL, INSTITUTIONAL, RELIGIOUS, OR NONPROFIT COMMUNITY USE. A governmental, institutional, religious, or nonprofit community use qualifies for the purposes of sub. (1) (g) if the political subdivision determines that all of the following apply:

(a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

(b) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(c) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.

(d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

(6) NONMETALLIC MINERAL EXTRACTION. Nonmetallic mineral extraction qualifies for the purposes of sub. (1) (h) if the political subdivision determines that all of the following apply:

(a) The operation complies with subch. I of ch. 295 and rules promulgated under that subchapter, with applicable provisions of the local ordinance under s. 295.13 or 295.14, and with any applicable requirements of the department of transportation concerning the restoration of nonmetallic mining sites.

(b) The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

(c) The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.

(d) The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.

(e) The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(f) The farmland preservation zoning ordinance requires the owner to restore the land to agricultural use, consistent with any required locally approved reclamation plan, when extraction is completed.

91.48 Rezoning of land out of a farmland preservation zoning district. (1) A political subdivision with a certified farmland preservation zoning ordinance may rezone land out of a farmland preservation zoning district without having the rezoning certified under s. 91.36, if all of the following apply:

(a) The political subdivision finds all of the following, after public hearing:

1. The land is better suited for a use not allowed in the farmland preservation zoning district.

2. The rezoning is consistent with any applicable comprehensive plan.

3. The rezoning is substantially consistent with the county certified farmland preservation plan.

4. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(b) Beginning on January 1, 2010, the person who requests the rezoning pays to the political subdivision, for each rezoned acre or portion thereof, a conversion fee equal to the greater of the following:

1. Three times the per acre value, for the year in which the land is rezoned, of the highest value category of tillable cropland in the city, village, or town in which the rezoned land is located, as specified by the department of revenue under s. 73.03 (2a).

2. An amount specified in the certified farmland preservation zoning ordinance.

(2) A political subdivision shall by March of 1 each year provide all of the following to the department:

(a) A report of the number of acres that the political subdivision has rezoned out of a farmland preservation zoning district under sub. (1) during the previous year and a map that clearly shows the location of those acres.

(b) A report of the total amount of conversion fees that the political subdivision received as conversion fees under sub. (1) (b) for the rezoned acres under par. (a).

(c) A conversion fee equal to the amount under sub. (1) (b) 1. for each rezoned acre reported under par. (a).

(3) A political subdivision that is not a county shall by March 1 of each year submit a copy of the information that it reports to the department under sub. (2) (a) and (b) to the county in which the political subdivision is located.

(4) If a political subdivision fails to comply with sub. (2), the department may withdraw the certification granted under s. 91.06, 2007 stats, or under s. 91.36 for the political subdivision's farmland preservation zoning ordinance.

91.49 Use of conversion fee revenues. (1) All conversion fees received under s. 91.48 (2) (c) shall be deposited in the working lands fund.

(2) If a political subdivision specifies a conversion fee under s. 91.48 (1) (b) 2. that is higher than the amount that is specified in s. 91.48 (1) (b) 1. and required to be paid to the department under s. 91.48 (2) (c), the political subdivision shall use the difference for its costs related to farmland preservation planning, zoning, or compliance monitoring.

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.

(3) PRIOR AGREEMENTS. (a) Except as provided in par. (c) or s. 91.66, a farmland preservation agreement entered into before the effective date of this paragraph .... [LRB inserts date], remains in effect for the term specified in the agreement and under the terms that were agreed upon when the agreement was last created, extended, or renewed.

(b) The department may not extend or renew a farmland preservation agreement entered into before the effective date of this paragraph .... [LRB inserts date].

(c) The department and an owner of land who entered into a farmland preservation agreement before the effective date of this paragraph .... [LRB inserts date], may agree to modify the farmland preservation agreement in order to allow the owner to claim the tax credit under s. 71.613 rather than the tax credit for which the owner would otherwise be eligible.

91.62 Farmland preservation agreements; requirements. (1) CONTENTS. The department may not enter into a farmland preservation agreement unless the agreement does all of the following:

(a) Specifies a term of at least 15 years.

(b) Includes a correct legal description of the tract of land covered by the farmland preservation agreement.

(c) Includes provisions that restrict the tract of land to the following uses:

1. Agricultural uses and accessory uses.

2. Undeveloped natural resource and open space uses.

(2) FORM. The department shall specify a form for farmland preservation agreements that complies with s. 59.43 (2m).

(3) EFFECTIVENESS. A farmland preservation agreement takes effect when it is signed by all owners of the land covered by the farmland preservation agreement and by the department.

(4) RECORDING. The department shall provide a copy of a signed farmland preservation agreement to a person designated by the signing owners and shall promptly present the signed agreement to the register of deeds for the county in which the land is located for recording.

(5) CHANGE OF OWNERSHIP. A farmland preservation agreement is binding on a person who purchases land during the term of a farmland preservation agreement that covers the land.

91.64 Applying for a farmland preservation agreement. (1) SUBMITTING AN APPLICATION. An owner who wishes to enter into a farmland preservation agreement shall submit an application, on a form provided by the department, to the county clerk of the county in which the land is located.

(2) CONTENTS OF APPLICATION. A person submitting an application under sub. (1) shall include all of the following in the application:

(a) The name and address of each person who has an ownership interest in the land proposed for coverage by the agreement.

(b) The location of the land proposed for coverage, indicated by street address, global positioning system coordinates, or township, range, and section.

(c) The legal description of the land proposed for coverage.

(d) A map or aerial photograph of the land proposed for coverage, showing parcel boundaries, residences and other structures, and significant natural features.

(e) Information showing that the land proposed for coverage is eligible under s. 91.60 (2).

(f) A description of every existing mortgage, easement, and lien, other than liens on growing crops, on land proposed for coverage, including the name and address of the person holding the lien, mortgage, or easement.

(g) A signed agreement from each person required to be identified under par. (f) subordinating the person's lien, mortgage, or easement to the agreement.

(h) Any other information required by the department by rule.

(i) Any fee under sub. (2m).

(2m) COUNTY PROCESSING FEE. A county may charge a reasonable fee for processing an application for a farmland preservation agreement.

(3) COUNTY REVIEW. (a) A county shall review an application under sub. (2) to determine whether the land proposed for coverage meets the requirements under s. 91.60 (2) (b) and (c). The county shall provide its findings to the applicant in writing within 60 days after the day on which the county clerk receives a complete application.

(b) If the county finds under par. (a) that the land proposed for coverage meets the requirements under s. 91.60 (2) (b) and (c), the county shall promptly send all of the following to the department, along with any other comments that the county chooses to provide:

1. The original application, including all of the information provided with the application.

2. A copy of the county's findings.

(4) DEPARTMENT ACTION ON APPLICATION. (a) The department may prepare a farmland preservation agreement that complies with s. 91.62 and enter into the farmland preservation agreement under s. 91.60 (1) based on

a complete application and on county findings under sub. (3) (b).

(b) The department may decline to enter into a farmland preservation agreement for any of the following reasons:

1. The application is incomplete.

2. The land is not eligible land under s. 91.60 (2).

91.66 Terminating a farmland preservation agreement. (1) The department may terminate a farmland preservation agreement or release land from a farmland preservation agreement at any time if all of the following apply:

(a) All of the owners of land covered by the farmland preservation agreement consent to the termination or release, in writing.

(b) The department finds that the termination or release will not impair or limit agricultural use of other protected farmland.

(c) The owners of the land pay to the department, for each acre or portion thereof released from the farmland preservation agreement, a conversion fee equal to 3 times the per acre value, for the year in which the farmland preservation agreement is terminated or the land is released, of the highest value category of tillable cropland in the city, village, or town in which the land is located, as specified by the department of revenue under s. 73.03 (2a).

(1m) All conversion fees received under sub. (1) (c) shall be deposited in the working lands fund.

(2) The department shall provide a copy of its decision to terminate a farmland preservation agreement or release land from a farmland preservation agreement to a person designated by the owners of the land and shall present a copy of the decision to the register of deeds for the county in which the land is located for recording.

91.68 Violations of farmland preservation agreements. (1) The department may bring an action in circuit court to do any of the following:

(a) Enforce a farmland preservation agreement.

(b) Restrain, by temporary or permanent injunction, a change in land use that violates a farmland preservation agreement.

(c) Seek a civil forfeiture for a change in land use that violates a farmland preservation agreement.

(2) A forfeiture under sub. (1) (c) may not exceed twice the fair market value of the land covered by the agreement at the time of the violation.

91.70 Farmland preservation agreements; 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 covered by a farmland preservation agreement.

(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 V

SOIL AND WATER CONSERVATION

91.80 Soil and water conservation by persons claiming tax credits. An owner claiming farmland preservation tax credits under s. 71.613 shall comply with applicable land and water conservation standards promulgated by the department under ss. 92.05 (3) (c) and (k), 92.14 (8), and 281.16 (3) (b) and (c).

91.82 Compliance monitoring. (1) COUNTY RESPONSIBILITY. (a) A county land conservation committee shall monitor compliance with s. 91.80.

(b) For the purpose of par. (a), a county land conservation committee shall inspect each farm for which the owner claims farmland preservation tax credits under subch. IX of ch. 71 at least once every 4 years.

(c) For the purpose of par (a), a county land conservation committee may do any of the following:

1. Inspect land that is covered by a farmland preservation agreement or farmland preservation zoning and that is in agricultural use.

2. Require an owner to certify, not more than annually, that the owner complies with s. 91.80.

(d) At least once every 4 years, the department shall review each county land conservation committee's compliance with par. (b).

(2) NOTICE OF NONCOMPLIANCE. (a) A county land conservation committee shall issue a written notice of noncompliance to an owner if the committee finds that the owner has done any of the following:

1. Failed to comply with s. 91.80.

2. Failed to permit a reasonable inspection under sub. (1) (c) 1.

3. Failed to certify compliance as required under sub. (1) (c) 2.

(b) A county land conservation committee shall provide to the department of revenue a copy of each notice of noncompliance issued under par. (a).

(c) If a county land conservation committee determines that an owner has corrected the failure described in a notice of noncompliance under par. (a), it shall withdraw the notice of noncompliance and notify the owner and the department of revenue of the withdrawal.

(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 desig-

nate 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 15 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.

(f) In designating agricultural areas under this subsection, the department shall give preference to areas that include at least 1,000 acres of land.

(2) EMERGENCY RULES. The department may use the procedure under s. 227.24 to promulgate a rule designating an agricultural preservation area or modifying or terminating the designation of an agricultural preservation area. Notwithstanding s. 227.24 (1) (c) and (2), a rule promulgated under this subsection remains in effect until the department modifies or repeals the rule. Notwithstanding s. 227.24 (1) (a) and (3), the department is not required to determine that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(3) EFFECT OF DESIGNATION. The designation of an area under sub. (1) allows owners of eligible land within the area to enter into farmland preservation agreements with the department. If the department modifies or terminates the designation of an area under sub. (1) and that modification or termination results in land covered by a farmland preservation agreement no longer being located in a designated area, the farmland preservation agreement remains in effect for the remainder of its term, but the department may not extend or renew the farmland preservation agreement.

(4) MAP. In a rule designating an agricultural enterprise area, the department shall include a map that clearly shows the boundaries of the proposed agricultural enterprise area so that a reader can easily determine whether a parcel of land is located within the agricultural enterprise area.

(5) EFFECTIVE DATE OF DESIGNATION. The designation of an agricultural enterprise area takes effect on January 1 of the calendar year following the year in which the rule designating the area is published, unless the rule specifies a later effective date.

91.86 Agricultural enterprise area; petition. (1) DEFINITION. In this section, "eligible farm" means a farm that produced at least $6,000 in gross farm revenues during the taxable year preceding the year in which a petition is filed requesting the department to designate an area in which the farm is located as an agricultural enterprise area or a total of at least $18,000 in gross farm revenues during the 3 taxable years preceding the year in which a petition is filed.

(2) PETITIONERS. (a) The department may consider a petition requesting that it designate an area as an agricultural enterprise area if all of the following jointly file the petition:

1. Each political subdivision in which any part of the proposed agricultural enterprise area is located.

2. Owners of at least 5 eligible farms located in the area.

(b) Each petitioner under par. (a) who is an individual shall sign the petition. For a petitioner that is not an individual, an authorized officer or representative shall sign the petition.

(3) CONTENTS OF PETITION. (a) The department may not approve a petition requesting that it designate an area as an agricultural enterprising area unless the petition contains all of the following:

1. The correct legal name and principal address of each petitioner.

2. A summary of the petition that includes the purpose and rationale for the petition.

3. A map that clearly shows the boundaries of the proposed agricultural enterprise area so that a reader can easily determine whether a parcel of land is located within the proposed area.

4. Information showing that the proposed agricultural enterprise area meets the requirements under s. 91.84 (1) (e).

5. A clear description of current land uses in the proposed agricultural enterprise area, including current agricultural uses, agriculture−related uses, transportation, utility, energy, and communication uses, and undeveloped natural resource and open space uses.

6. A clear description of the agricultural land use and development goals for the proposed agricultural enterprise area, including proposed agricultural uses, agriculture−related uses, and relevant transportation, utility, energy, and communication uses.

7. A plan for achieving the goals under subd. 6., including any planned investments, grants, development incentives, cooperative agreements, land or easement purchases, land donations, and promotion and public outreach activities.

8. A description of any current or proposed land use controls in the proposed agricultural enterprise area, including farmland preservation agreements.

(b) Petitioners under sub. (2) may include in the petition the names and addresses of other persons who propose to cooperate in achieving the goals under par. (a) 6.

SECTION 1953. 92.05 (3) (L) of the statutes is amended to read:

92.05 **(3)** (L) *Technical assistance; performance standards.* The department shall provide technical assistance to county land conservation committees and local units of government for the development of ordinances that implement standards adopted under s. 92.07 (2), ~~92.105 (1),~~ 92.15 (2) or (3) or 281.16 (3). The department's technical assistance shall include preparing model ordinances, providing data concerning the standards and reviewing draft ordinances to determine whether the draft ordinances comply with applicable statutes and rules.

SECTION 1954g. 92.07 (15) of the statutes is amended to read:

92.07 **(15)** ADMINISTRATION AND ENFORCEMENT OF ORDINANCES. A land conservation committee may, if authorized by the county board, administer and enforce those provisions of an ordinance enacted under s. 101.65 (1) (a) related to construction site erosion, a zoning ordinance enacted under s. 59.693 or an ordinance enacted under authority granted under s. ~~101.1205~~ 281.33 (3m).

SECTION 1959. 92.104 of the statutes is repealed.

SECTION 1960. 92.105 of the statutes is repealed.

SECTION 1961. 92.106 of the statutes is repealed.

SECTION 1962. 92.14 (2) (e) of the statutes is amended to read:

92.14 **(2)** (e) Promoting ~~compliance with the requirements under ss. 92.104 and 92.105~~ soil and water conservation by persons claiming ~~a~~ farmland preservation ~~credit~~ tax credits under subch. IX of ch. 71.

SECTION 1962t. 92.14 (3) (intro.) of the statutes is amended to read:

92.14 **(3)** BASIC ALLOCATIONS TO COUNTIES. (intro.) To help counties fund their land and water conservation activities, the department shall award an annual grant from the appropriation under s. 20.115 (7) (c), (qe), or ~~(qd)~~ (qf) or s. 20.866 (2) (we) to any county land conservation committee that has a land and water resource management plan approved by the department under s. 92.10 (4) (d), and that, by county board action, has resolved to provide any matching funds required under sub. (5g). The county may use the grant for land and water resource management planning and for any of the following purposes, consistent with the approved land and water resource management plan:

SECTION 1963. 92.14 (3) (a) 1. of the statutes is amended to read:

92.14 **(3)** (a) 1. Compliance with soil and water conservation requirements ~~under ss. 92.104 and 92.105 by~~ applicable to persons claiming ~~a~~ farmland preservation ~~credit~~ tax credits under subch. IX of ch. 71.

SECTION 1964. 92.14 (3) (d) of the statutes is amended to read:

92.14 **(3)** (d) Implementing land and water resource management projects undertaken to comply with ~~the~~ soil and water conservation requirements ~~under ss. 92.104 and 92.105 by~~ applicable to persons claiming ~~a~~ farmland preservation ~~credit~~ tax credits under subch. IX of ch. 71.

SECTION 1970. 93.06 (10m) of the statutes is amended to read:

93.06 **(10m)** FARMLAND PRESERVATION COLLECTIONS. Enter into contracts to collect amounts owed to the state under ch. 91, 2007 stats., as the result of the relinquishment of, or the release of land from, a farmland preservation agreement or as the result of the rezoning of land zoned for exclusive agricultural use.

SECTION 1971. 93.20 (2) of the statutes is amended to read:

93.20 **(2)** ENFORCEMENT COSTS ORDER. If a court imposes costs under s. 814.04 or 973.06 against a defendant in an action, the court may order that defendant to ~~pay to~~ reimburse the department ~~any of the~~ for reasonable, documented enforcement costs ~~specified under sub. (3) that~~ incurred by the department ~~has incurred~~ to prepare and prosecute that action. The prosecutor shall present evidence of the enforcement costs and the defendant shall be given an opportunity to refute that evidence. If any cost that a court orders a defendant to pay under this section may also be recovered by the department under s. 814.04 or 973.06, the department may recover that cost only under this section, but that cost is not limited to the amounts specified in s. 814.04 or 973.06.

SECTION 1972. 93.20 (3) of the statutes is repealed.

SECTION 1973. 93.20 (4) of the statutes is repealed.

SECTION 1973e. 93.23 (1) (intro.) of the statutes is amended to read:

93.23 **(1)** STATE AID TO COUNTY FAIRS AND AGRICULTURAL SOCIETIES. (intro.) State aid appropriated by s. 20.115 (4) (b) and (t) to counties and agricultural societies, associations or boards shall be paid subject to the following conditions:

SECTION 1973f. 93.23 (1) (intro.) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

93.23 **(1)** STATE AID TO COUNTY FAIRS AND AGRICULTURAL SOCIETIES. (intro.) State aid appropriated by s. 20.115 (4) (b) ~~and (t)~~ to counties and agricultural societies, associations or boards shall be paid subject to the following conditions:

SECTION 1973i. 93.23 (1) (a) 1. (intro.) of the statutes is amended to read:

93.23 **(1)** (a) 1. (intro.) To each county, and any organized agricultural society, association, or board in the state that complies with the requirements of this section, 95 percent of the first $8,000 paid in net premiums and

70 percent of all net premiums paid in excess of $8,000 at its annual fair upon livestock, articles of production, educational exhibits, agricultural implements and tools, domestic manufactures, mechanical implements, and productions, but not more than $10,000 per fair, subject to equitable prorating if the total amount due exceeds the amount available and to all of the following:

SECTION 1974. 93.53 of the statutes is created to read:

93.53 Beginning farmer and farm asset owner tax credit eligibility. (1) DEFINITIONS. In this section:

(a) "Agricultural asset" means machinery, equipment, facilities, or livestock that is used in farming.

(b) "Beginning farmer" means an individual who meets the conditions specified in sub. (2).

(c) "Educational institution" means the Wisconsin Technical College System, the University of Wisconsin−Extension, the University of Wisconsin−Madison, or any other institution that is approved by the department under sub. (6) (a).

(d) "Established farmer" means a person who meets the conditions specified in sub. (3).

(e) "Farming" has the meaning given in section 464 (e) (1) of the Internal Revenue Code.

(f) "Financial management program" means a course in farm financial management that is offered by an educational institution.

(2) BEGINNING FARMER. An individual is a beginning farmer for the purposes of s. 71.07 (8r), 71.28 (8r), or 71.47 (8r) if, at the time that the individual submits an application under sub. (4), all of the following apply:

(a) The individual has a net worth of less than $200,000.

(b) The individual has farmed for fewer than 10 years out of the preceding 15 years.

(c) The individual has entered into a lease for a term of at least 3 years with an established farmer for the use of the established farmer's agricultural assets by the beginning farmer.

(d) The individual uses the leased agricultural assets for farming.

(3) ESTABLISHED FARMER. A person is an established farmer for the purposes of s. 71.07 (8r), 71.28 (8r), or 71.47 (8r) if, at the time that the person submits an application under sub. (4), all of the following apply:

(a) The person has engaged in farming for a total of at least 10 years.

(b) The person owns agricultural assets.

(c) The person has entered into a lease for a term of at least 3 years with a beginning farmer for the use of the person's agricultural assets by the beginning farmer.

(4) APPLICATIONS. (a) In order for an experienced farmer to claim the farm asset owner tax credit under s. 71.07 (8r) (b) 2., 71.28 (8r), or 71.47 (8r), the experienced farmer and the beginning farmer who is leasing agricultural assets from the experienced farmer shall each submit an application to the department.

(b) An established farmer shall include in the application under this subsection the established farmer's name and address, information showing that the established farmer satisfies the conditions in specified in sub. (3), a description of the leased agricultural assets and their location, a copy of the lease, and any other information required by the department.

(c) A beginning farmer shall include all of the following in an application under this subsection:

1. The beginning farmer's name and address.

2. Information showing that the beginning farmer satisfies the conditions in sub. (2).

3. A business plan that includes a current balance sheet and projected balance sheets for 3 years, cash flow statements, and income statements along with a detailed description of all significant accounting assumptions used in developing the financial projections.

4. A description of the beginning farmer's education, training, and experience in the type of farming in which the beginning farmer uses the leased agricultural assets.

5. A copy of the beginning farmer's completed federal profit or loss from farming form, schedule F, or other documentation approved by the department under sub. (6).

6. Any other information required by the department.

(d) If a beginning farmer wishes to claim the beginning farmer educational credit under s. 71.07 (8r) (b) 1., the beginning farmer shall also include in the application under this subsection a description of the financial management program completed by the beginning farmer and a statement of the amount that the beginning farmer paid the educational institution to enroll in the financial management program.

(5) EVALUATION AND CERTIFICATION. (a) The department shall review applications submitted under sub. (4) (a).

(b) The department shall provide an established farmer with a certificate of eligibility for the farm asset owner tax credit under s. 71.07 (8r) (b) 2., 71.28 (8r), or 71.47 (8r) if all of the following apply:

1. The established farmer's application complies with sub. (4) (b).

2. The beginning farmer's application complies with sub. (4) (c).

3. The department determines that the business plan submitted under sub. (4) (c) 3. and the education, training, or experience described under sub. (4) (c) 4. show that the beginning farmer has sufficient resources and education, training, or experience for the type of farming in which the beginning farmer uses the leased agricultural assets.

(c) The department shall provide a beginning farmer with a certificate of eligibility for the beginning farmer educational credit under s. 71.07 (8r) (b) 1. if the department has issued a certificate of eligibility under par. (b) for the experienced farmer from whom the beginning

farmer leases farm assets and the information provided under sub. (4) (d) shows that the beginning farmer has completed a financial management program.

(6) DEPARTMENT AUTHORITY. (a) The department may approve providers of courses in farm financial management for the purposes of the beginning farmer educational credit under s. 71.07 (8r) (b) 1.

(b) The department may approve alternative documentation for the purposes of sub. (4) (c) 5.

(c) The department may assist beginning farmers to develop business plans for the purposes of sub. (4) (c) 3. and may assist in the negotiation of leases of farm assets that may enable persons to qualify for tax credits under s. 71.07 (8r), 71.28 (8r), or 71.47 (8r).

SECTION 1977. 93.73 of the statutes is created to read:

93.73 Purchase of agricultural conservation easements.

(1) LEGISLATIVE FINDINGS. The legislature finds all of the following:

(a) That the preservation of farmland is important for current and future agricultural production in this state, including the production of food and other products needed to sustain the life, health, and welfare of the people of this state.

(b) That the preservation of farmland is important for the current and future state economy and for the current and future environment of this state.

(c) That purchases of agricultural conservation easements, as provided in this section, serve important public purposes of statewide significance.

(1m) DEFINITIONS. In this section:

(a) "Agricultural conservation easement" means a conservation easement, as defined in s. 700.40 (1) (a), the purpose of which is to assure the availability of land for agricultural use.

(b) "Agricultural use" means any of the following:

1. Any of the following activities conducted for the purpose of producing an income or livelihood:

a. Crop or forage production.

b. Keeping livestock.

c. Beekeeping.

d. Nursery, sod, or Christmas tree production.

e. Floriculture.

f. Aquaculture.

g. Fur farming.

h. Forest management.

i. Enrollment of land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

2. Any other use that the department, by rule, identifies as an agricultural use.

(c) "Cooperating entity" means a political subdivision or nonprofit conservation organization.

(d) "Fair market value" means value as determined by a professional appraisal that is approved by the department.

(dm) "Livestock" means bovine animals, equine animals, goats, poultry, sheep, swine, farm−raised deer, farm−raised game birds, camelids, ratites, and farm−raised fish.

(e) "Nonprofit conservation organization" means a nonstock corporation, charitable trust, or other entity whose purposes include the acquisition of property for conservation or agricultural preservation purposes, that is described in section 501 (c) (3) of the Internal Revenue Code, that is exempt from federal income tax under section 501 (a) of the Internal Revenue Code, and that is a qualified organization under section 170 (h) (3) of the Internal Revenue Code.

(f) "Political subdivision" means a city, village, town, or county.

(g) "Professional appraisal" means an appraisal conducted by a certified general appraiser, as defined in s. 458.01 (8).

(h) "Purchase cost" means the amount paid to a landowner to acquire an agricultural conservation easement from the landowner.

(i) "Transaction costs" means out−of−pocket expenses incurred in connection with the acquisition, processing, recording, and documentation of an agricultural conservation easement, including out−of−pocket expenses for land surveys, land descriptions, real estate appraisals, title verification, preparation of legal documents, reconciliation of conflicting property interests, documentation of existing land uses, and closing. "Transaction costs" does not include costs incurred by a cooperating entity for staffing, overhead, or operations.

(2) PROGRAM. (a) The department shall administer a program under which it, together with cooperating entities, purchases agricultural conservation easements from willing landowners. The department may pay as its share of the cost to purchase an agricultural conservation easement under this section an amount that does not exceed the sum of the following:

1. Fifty percent of the fair market value of the agricultural conservation easement.

2. The reasonable transaction costs related to the purchase of the agricultural conservation easement.

(am) The willingness of a landowner to convey an agricultural conservation easement for less than full market value does not reduce the amount that the department may pay as its share of the cost to purchase the agricultural conservation easement.

(b) The department, after consultation with the council under sub. (13), shall solicit applications under sub. (3) at least annually. The department shall issue each solicitation in writing and shall publish a notice announcing the solicitation. In soliciting applications, the department may specify the total amount of funds available, application deadlines, application requirements and procedures, preliminary criteria for evaluating applications, and other relevant information.

(3) APPLICATION. A cooperating entity may apply to participate in the program under this section by submitting an application that complies with requirements contained in the department's solicitation under sub. (2) (b) and that contains all of the following:

(a) Identifying information for the cooperating entity, including information showing that the cooperating entity is a political subdivision or nonprofit conservation organization.

(b) A description of the land that would be subject to the proposed agricultural conservation easement, including location, acreage, and current use.

(c) The name and address of each owner of land that would be subject to the proposed agricultural conservation easement.

(d) Evidence that all of the owners under par. (c) are willing to convey the proposed agricultural conservation easement.

(e) An indication that the cooperating entity is willing to arrange the purchase of the proposed agricultural conservation easement in accordance with this section and share in the purchase cost, subject to reimbursement under sub. (9) of the department's agreed upon share of the costs.

(f) The purpose of and rationale for the proposed agricultural conservation easement.

(g) Information needed to evaluate the application using the criteria in sub. (4) and in the department's solicitation under sub. (2) (b).

(4) APPLICATION EVALUATION CRITERIA. The department may not approve an application under sub. (3) unless all of the land that would be subject to the proposed agricultural conservation easement is in a farmland preservation area, as defined in s. 91.01 (16), and the department determines that purchase of the proposed agricultural conservation easement will serve a public purpose. In making this determination, the department shall consider all of the following criteria:

(a) The value of the proposed agricultural conservation easement in preserving or enhancing agricultural production capacity in this state.

(b) The importance of the proposed agricultural conservation easement in protecting or enhancing the waters of the state or in protecting or enhancing other public assets.

(c) The extent to which the proposed agricultural conservation easement would conserve important or unique agricultural resources, such as prime soils and soil resources that are of statewide importance or are unique.

(d) The extent to which the proposed agricultural conservation easement would be consistent with local land use plans and zoning ordinances, including any certified farmland preservation plans and zoning ordinances under ch. 91.

(e) The extent to which the proposed agricultural conservation easement would enhance an agricultural enterprise area designated under s. 91.84.

(f) The availability, practicality, and effectiveness of other methods to preserve the land that would be subject to the proposed agricultural conservation easement.

(h) The proximity of the land that would be subject to the proposed agricultural conservation easement to other land that is protected for agricultural use or conservation use and the extent to which the proposed agricultural conservation easement would enhance that protection.

(i) The likely cost−effectiveness of the proposed agricultural conservation easement in preserving land for agricultural use.

(j) The likelihood that the land that would be subject to the proposed agricultural conservation easement would be converted to nonagricultural use if the land is not protected by the proposed agricultural conservation easement.

(k) The apparent willingness of each landowner to convey the proposed agricultural conservation easement.

(5) PRELIMINARY APPROVAL OF APPLICATIONS. The department may give preliminary approval to an application under sub. (3) after evaluating the application under sub. (4) and consulting with the council under sub. (13). The department shall give its preliminary approval in writing. Approval of an application is contingent on the signing of a contract under sub. (6m).

(6) INFORMATION RELATED TO PROPOSED EASEMENT. A cooperating entity that receives a preliminary approval under sub. (5) shall submit all of the following to the department:

(a) A copy of the proposed instrument for conveying the agricultural conservation easement.

(b) A professional appraisal of the proposed agricultural conservation easement, other than an appraisal obtained by an owner of the land that would be subject to the proposed agricultural conservation easement.

(c) A statement of the purchase cost of the agricultural conservation easement.

(d) An estimate of the transaction costs that the cooperating entity will incur in connection with the purchase of the proposed agricultural conservation easement.

(e) The record of a complete search of title records that verifies ownership of the land that would be subject to the proposed agricultural conservation easement and identifies any potentially conflicting property interests, including any liens, mortgages, easements, or reservations of mineral rights.

(f) Documentation showing to the satisfaction of the department that any material title defects will be eliminated and any materially conflicting property interests

will be subordinated to the proposed agricultural conservation easement or eliminated.

(6d) SECOND APPRAISAL. The department shall obtain its own independent appraisal of a proposed agricultural conservation easement for which the department has given preliminary approval under sub. (5) if the fair market value of the proposed agricultural conservation easement is estimated by the department to be more than $350,000.

(6h) REVIEW BY JOINT COMMITTEE ON FINANCE. The department may not enter into a contract under sub. (6m) with respect to the purchase of a proposed conservation easement if the department's share of the purchase costs and transaction costs would exceed $750,000 unless it first notifies the joint committee on finance in writing of the proposal. If the cochairpersons of the committee do not notify the department within 14 working days after the date of the department's notification that the committee has scheduled a meeting to review the proposal, the department may enter into the contract. If, within 14 working days after the date of the notification by the department, the cochairpersons of the committee notify the department that the committee has scheduled a meeting to review the proposal, the department may enter into the contract only upon approval of the committee. A proposal as submitted by the department is approved unless a majority of the members of the committee who attend the meeting to review the proposal vote to modify or deny the proposal.

(6m) CONTRACT WITH COOPERATING ENTITY. Subject to subs. (6d) and (6h), after a cooperating entity complies with sub. (6) and the department determines that the proposed instrument of conveyance complies with sub. (7), the department and the cooperating entity may enter into a written contract that specifies the terms and conditions of the department's participation in the purchase of the proposed agricultural conservation easement. The cooperating entity shall agree to pay the full purchase cost and the transaction costs related to the purchase of the proposed agricultural conservation easement, subject to reimbursement under sub. (9) of the department's agreed upon share of the costs.

(7) PURCHASE OF EASEMENT. After a cooperating entity has entered into a contract under sub. (6m), the cooperating entity may, in accordance with the contract, purchase the agricultural conservation easement on behalf of the cooperating entity and the department if the agricultural conservation easement does all of the following:

(a) Prohibits the land subject to the agricultural conservation easement from being developed for a use that would make the land unavailable or unsuitable for agricultural use.

(b) Continues in perpetuity.

(c) Provides that the cooperating entity and the department, on behalf of this state, are both holders of the agricultural conservation easement.

(d) Prohibits any holder of the agricultural conservation easement other than the department from transferring or relinquishing the holder's interest without 60 days' prior notice to the department.

(e) Complies with any other conditions specified in the contract under sub. (6m).

(8) ACCEPTANCE AND RECORDING OF EASEMENT. A cooperating entity that purchases an agricultural conservation easement under sub. (7) shall submit the agricultural conservation easement to the department for its acceptance. Upon acceptance by the department, the cooperating entity shall promptly record the agricultural conservation easement and acceptance with the register of deeds of the county in which the land subject to the agricultural conservation easement is located and shall provide to the department a copy of the recorded instrument conveying the agricultural conservation easement, certified by the register of deeds under s. 59.43 (1) (i).

(9) PAYMENT. The department shall reimburse a cooperating entity for the department's agreed upon portion of the purchase cost and transaction costs related to the purchase of an agricultural conservation easement after the cooperating entity does all of the following:

(a) Complies with sub. (8).

(b) Submits documentation showing that any material title defects have been eliminated and any materially conflicting property interests have been eliminated or subordinated to the agricultural conservation easement, as required by the contract under sub. (6m).

(c) Submits proof of the amount of the purchase cost and transaction costs that the cooperating entity has paid, consistent with the contract under sub. (6m).

(10) TRANSFER OR RELINQUISHMENT OF HOLDER'S INTEREST. The transfer or relinquishment of another holder's interest does not affect the department's interest in an agricultural conservation easement.

(11) ENFORCEMENT OF EASEMENT. The department or any other holder of an agricultural conservation easement purchased under this section may enforce and defend the agricultural conservation easement.

(12) RECORD OF EASEMENTS. The department shall maintain a record of all agricultural conservation easements purchased under this section.

(13) COUNCIL. The department shall appoint a council under s. 15.04 (1) (c) to advise the department on the administration of this section.

(14) RULES. The department shall promulgate a rule, consistent with sub. (1m) (i), relating to allowable transaction costs for the program under this section.

SECTION 1978. 94.38 (3) of the statutes is repealed.

SECTION 1979. 94.38 (4) of the statutes is repealed.

SECTION 1980. 94.38 (4m) of the statutes is repealed.

SECTION 1981. 94.38 (5) of the statutes is repealed.

SECTION 1982. 94.38 (6) of the statutes is repealed.

SECTION 1983. 94.38 (8) of the statutes is amended to read:

94.38 **(8)** "Labeler" means any person who as grower, processor, jobber, distributor or seller labels ~~seed~~ or accepts responsibility for labeling information pertaining to any container or lot of agricultural seed or vegetable seed and whose name and address ~~is~~ are required by the department by rule to appear on the label ~~under s. 94.39~~.

SECTION 1984. 94.38 (9) of the statutes is repealed.

SECTION 1985. 94.38 (12) of the statutes is repealed.

SECTION 1986. 94.38 (13) of the statutes is repealed.

SECTION 1987. 94.38 (15) of the statutes is repealed.

SECTION 1988. 94.38 (19) of the statutes is repealed.

SECTION 1989. 94.38 (20) of the statutes is repealed.

SECTION 1990. 94.38 (21) of the statutes is repealed.

SECTION 1991. 94.38 (22) of the statutes is repealed.

SECTION 1992. 94.38 (23) of the statutes is repealed.

SECTION 1993. 94.38 (24) of the statutes is repealed.

SECTION 1994. 94.385 of the statutes is amended to read:

94.385 Seed label ~~locations~~ requirements. (1) ~~Each~~ No person may sell, distribute, or offer or expose for sale in this state a container of agricultural seed or vegetable seed ~~which is sold, distributed or offered or exposed for sale within this state~~ for seeding or sprouting purposes ~~shall bear or have~~ unless the container bears or has attached to it in a conspicuous place a label containing the information ~~specified in s. 94.39~~ required by the department by rule.

(2) Except as provided under s. 94.43 (2), ~~each~~ no person may sell in this state a bulk lot of agricultural or vegetable seed ~~sold within this state~~ for seeding or sprouting purposes ~~shall include~~ unless the person includes with the invoice or shipping document furnished the purchaser at time of delivery a label containing the information ~~specified in s. 94.39~~ required by the department by rule.

SECTION 1995. 94.39 of the statutes is repealed.

SECTION 1996. 94.40 (1) of the statutes is repealed.

SECTION 1997. 94.40 (2) of the statutes is amended to read:

94.40 **(2)** The Wisconsin Crop Improvement Association, a nonprofit organization incorporated under the laws of this state, in cooperation with the University of Wisconsin−Madison College of Agricultural and Life Sciences and the department, shall be the ~~seed~~ certifying agency for the certification of agricultural seed and vegetable seed in the state.

SECTION 1998. 94.40 (3) of the statutes is amended to read:

94.40 **(3)** The Wisconsin Crop Improvement Association, in cooperation with the University of Wisconsin−Madison College of Agricultural and Life Sciences and the department, shall establish standards and procedures for the certification of agricultural seed and vegetable seed, subject to approval of the department. Standards and procedures established under this subsection shall comply with rules promulgated by the department and be no less stringent than those prescribed by the ~~association of official seed certifying agencies~~ Association of Official Seed Certifying Agencies.

SECTION 1999. 94.40 (4) of the statutes is created to read:

94.40 **(4)** The Wisconsin Crop Improvement Association, in cooperation with the University of Wisconsin−Madison College of Agricultural and Life Sciences and the department, shall be the certifying agency for the certification of weed free mulch, hay, and straw, and shall base its certifications on the standards of the North American Weed Management Association.

SECTION 2000. 94.41 (1) (a) of the statutes is amended to read:

94.41 **(1)** (a) Unless the test to determine the percentage of germination required ~~under s. 94.39~~ by the department by rule is completed within a 12−month period immediately prior to the ~~date it~~ end of the month in which the seed is sold, distributed or offered or exposed for sale, ~~as shown by records, exclusive of the calendar month in which the test is completed,~~ except that ~~seeds~~ seed packaged in hermetically sealed containers may be sold, distributed or offered or exposed for sale under ~~such~~ any conditions ~~as~~ that the department ~~may prescribe~~ prescribes by rule, for a period of 36 months following the end of the month in which the ~~seeds are~~ seed is tested. No ~~seeds~~ seed in hermetically sealed containers ~~shall~~ may be sold, distributed or offered or exposed for sale beyond ~~such~~ that 36−month period unless it is retested within the ~~preceding~~ 9−month period~~, exclusive of the calendar month in which the retest is completed. Seed, for which the germination test date has expired, shall be relabeled by a licensed labeler prior to its being sold, distributed or offered or exposed for sale~~ immediately prior to the end of the month in which it is sold, distributed, or offered or exposed for sale and the retested seed is labeled with the extended expiration date.

SECTION 2001. 94.41 (1) (b) of the statutes is amended to read:

94.41 **(1)** (b) Not labeled in accordance with ~~s. 94.39~~ rules promulgated by the department, or containing any labeling statements which modify or deny label information required under ~~s. 94.39~~ rules promulgated by the department, or having any other false or misleading labeling.

SECTION 2002. 94.41 (1) (e) of the statutes is repealed.

SECTION 2003. 94.41 (1) (f) of the statutes is repealed.

SECTION 2004. 94.41 (1) (g) of the statutes is repealed.

SECTION 2005. 94.41 (2) (a) of the statutes is amended to read:

94.41 **(2)** (a) To detach, alter, deface or destroy any label attached to or accompanying seed, or to alter or substitute seed in a manner which would defeat the purposes of ~~s. 94.39~~ the rules of the department relating to the labeling of seed or result in the sale or distribution of seed in violation of ss. 94.38 to 94.46 or rules ~~thereunder~~ promulgated under those sections.

SECTION 2006. 94.41 (2) (e) of the statutes is amended to read:

94.41 **(2)** (e) To use the word "trace" as a substitute for any labeling required under ~~s. 94.39~~ rules of the department relating to the composition of seeds or seed mixtures.

SECTION 2007. 94.43 (1) of the statutes is amended to read:

94.43 **(1)** Every person whose name and address are required to appear on the label of any seed as the labeler or person responsible for the labeling ~~thereof~~ of the seed under ~~s. 94.39, or~~ the rules of the department relating to the labeling of seed, and every person who opens any bag or container of seed and sells any part of the seed contained therein, shall obtain a seed labeler's license from the department before selling, distributing or offering or exposing, ~~such~~ the seed for sale in this state.

SECTION 2008. 94.43 (3) (intro.) of the statutes is amended to read:

94.43 **(3)** (intro.) Application for a seed labeler's license shall be submitted on a form prescribed by the department and shall be accompanied by a fee based on the gross sales of seed within the state by the applicant under his or her own label during the previous 12 months prior to filing the application. Fees for a labeler's license shall be computed on gross sales according to the following schedule, except that the department may specify different fees by rule:

SECTION 2009. 94.43 (3) (b) of the statutes is amended to read:

94.43 **(3)** (b) For gross sales that are $10,000 or more but less than ~~$25,000~~ $50,000: $50.

SECTION 2010. 94.43 (3) (c) of the statutes is amended to read:

94.43 **(3)** (c) For gross sales that are ~~$25,000~~ $50,000 or more but less than ~~$75,000~~ $100,000: $100.

SECTION 2011. 94.43 (3) (d) of the statutes is amended to read:

94.43 **(3)** (d) For gross sales that are ~~$75,000~~ $100,000 or more but less than ~~$200,000: $150~~ $250,000: $300.

SECTION 2012. 94.43 (3) (e) of the statutes is amended to read:

94.43 **(3)** (e) For gross sales that are ~~$200,000~~ $250,000 or more~~: $200~~ but less than $500,000: $500.

SECTION 2013. 94.43 (3) (f) of the statutes is created to read:

94.43 **(3)** (f) For gross sales that are $500,000 or more but less than $1,000,000: $750.

SECTION 2014. 94.43 (3) (g) of the statutes is created to read:

94.43 **(3)** (g) For gross sales that are $1,000,000 or more but less than $10,000,000: $1,000.

SECTION 2015. 94.43 (3) (h) of the statutes is created to read:

94.43 **(3)** (h) For gross sales that are $10,000,000 or more but less than $100,000,000: $1,500.

SECTION 2016. 94.43 (3) (i) of the statutes is created to read:

94.43 **(3)** (i) For gross sales that are $100,000,000 or more: $2,500.

SECTION 2017. 94.44 of the statutes is amended to read:

94.44 Records. Each person whose name is required to appear on the label as the labeler of agricultural or vegetable seeds ~~pursuant to s. 94.39~~ under rules of the department shall maintain complete records of each lot of seed sold or labeled for a period of 2 years after final sale or disposition ~~thereof~~ of the seed, except that a file sample of ~~such~~ the seed need be kept for only one year~~. This~~ and except that this section ~~shall not be construed as requiring~~ does not require a record of the sale or disposal of each portion of a lot sold at retail in quantities of less than 40 pounds. All records and samples pertaining to any lot of seed shall be accessible for inspection by the department during customary business hours.

SECTION 2018. 94.45 (intro.) and (1) to (5) of the statutes are renumbered 94.45 (1) (intro.) and (a) to (e).

SECTION 2019. 94.45 (6) of the statutes is repealed and recreated to read:

94.45 **(6)** The department shall promulgate rules that do all of the following:

(a) Prescribe standards for the labeling, distribution, and sale of agricultural seed and vegetable seed.

(b) Govern methods of sampling, inspecting, analyzing, testing, and examining agricultural seed and vegetable seed.

(c) Prescribe tolerances for purity and rate of germination of agricultural seed and vegetable seed.

(d) Prescribe tolerances for the occurrence of noxious weed seeds in agricultural seed and vegetable seed.

(e) Identify noxious weeds and prohibited noxious weeds.

(f) Govern the issuance of seed labeler licenses.

(g) Govern the administration and enforcement of ss. 94.38 to 94.46.

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.

SECTION 2026. 95.60 (5) of the statutes is amended to read:

95.60 **(5)** The department shall, by rule, specify the fees for permits, certificates, registration and inspections under this section, including any reinspection fees required under sub. (5m).

SECTION 2027. 95.60 (5m) of the statutes is created to read:

95.60 **(5m)** (a) If the department reinspects a fish farm because the department has found a violation of this chapter or rules promulgated under this chapter, the department shall charge the fish farm operator the reinspection fee specified under par. (b).

(b) The department shall specify the reinspection fee to be charged under par. (a) by rule. The reinspection fee may not exceed the reasonable costs to reinspect the fish farm. The department may specify different reinspection fees for different fish farms.

(c) A reinspection fee under this subsection 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 fish farm operator.

SECTION 2028. 95.68 (4) of the statutes is repealed and recreated to read:

95.68 **(4)** LICENSE FEE; REINSPECTION FEE. (a) The department shall, by rule, specify the fee for an animal market license issued under this section.

(b) 1. If the department reinspects an animal market because the department has found a violation of this chapter or rules promulgated under this chapter, the department shall charge the animal market operator 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 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 under this chapter, the department shall charge the animal dealer 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 animal dealer operation. The department may specify different reinspection fees for different animal dealer operations.

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 dealer.

SECTION 2033. 95.69 (8) of the statutes is amended to read:

95.69 **(8)** RULES. The department may promulgate rules ~~to specify license fees under sub. (4) or~~ to regulate animal dealers, including rules related to animal dealer qualifications, 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 2034. 95.71 (5) of the statutes is amended to read:

95.71 **(5)** ~~FEES~~ LICENSE FEE; REGISTRATION FEE; REINSPECTION FEE. (a) ~~Unless the~~ The department ~~specifies different fees~~ shall, by rule, ~~an applicant for an animal trucker license shall pay a~~ specify the fee ~~in an amount equal to $20 plus $5 for each animal transport vehicle registered with the applicant's~~ for an animal trucker license ~~application under sub. (3)~~ issued under this section.

(b) The department shall, by rule, specify the fee to be paid for each animal transport vehicle registered under sub. (4). If during any license year an animal trucker registers an animal transport vehicle that was not registered with the animal trucker's annual license application under sub. (3), the animal trucker shall~~,~~ pay the fee required under this paragraph at the time of ~~the additional~~ registration~~, pay a registration fee of $5 for each animal transport vehicle registered~~.

SECTION 2035. 95.71 (5) (c) of the statutes is created to read:

95.71 **(5)** (c) 1. If the department reinspects an animal trucker operation because the department has found a violation of this chapter or rules promulgated under this chapter, the department shall charge the animal trucker 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 animal trucker operation. The department may specify different reinspection fees for different animal trucker operations.

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 trucker.

SECTION 2036. 95.71 (8) of the statutes is amended to read:

95.71 **(8)** RULES. The department may promulgate rules ~~to specify license fees under sub. (5) or~~ to regulate animal truckers, including rules related to animal trucker qualifications, 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 2037r. 97.60 of the statutes is created to read:

97.60 Meat and poultry inspection fee. The department shall promulgate a rule specifying a fee to be used to fund meat and poultry inspection under s. 97.42. In promulgating the rule, the department shall consult with representatives of industries and groups that would be affected by the fee. The department may not promulgate a rule under this section requiring a person operating a plant where animals are slaughtered to pay a fee based on the number of animals slaughtered. The department may not require payment of the fee under this section before July 1, 2010.

SECTION 2038. 98.16 (title) of the statutes is amended to read:

98.16 (title) **~~Licensing of vehicle~~ Vehicle scale operators; scale installation and testing.**

SECTION 2039. 98.16 (2) (title) of the statutes is amended to read:

98.16 **(2)** (title) LICENSE FOR OPERATOR.

SECTION 2040. 98.16 (2) (a) 1. of the statutes is renumbered 98.16 (2) (am) and amended to read:

98.16 **(2)** (am) Except as provided in ~~subd. 2., a~~ par. (dm), no person may ~~not~~ operate a vehicle scale without ~~a~~ an annual license from the department. A separate license is required for each scale. A license is not transferable between persons or scales. A license expires on March 31 annually.

(bm) The department shall provide a license application form for persons applying for a license. The form ~~may~~ shall require all of the following:

3. Other information reasonably required by the department for licensing purposes.

(cm) A license application shall be accompanied by ~~applicable fees under pars. (b) and (c).~~ all of the following fees and surcharges:

SECTION 2041. 98.16 (2) (a) 2. of the statutes is renumbered 98.16 (2) (dm) and amended to read:

98.16 **(2)** (dm) ~~Subdivision 1.~~ Paragraph (am) does not apply to a person who operates a vehicle scale only as an employee of a person who is required to hold a license to operate the scale under this ~~paragraph~~ subsection.

SECTION 2042. 98.16 (2) (b) of the statutes is renumbered 98.16 (2) (cm) 1. and amended to read:

98.16 **(2)** (cm) 1. A license fee. The fee for a license under ~~par. (a)~~ this subsection is ~~$60~~ $100, except that the department may establish a different fee by rule promulgated under sub. (4).

SECTION 2043. 98.16 (2) (bm) 1. of the statutes is created to read:

98.16 **(2)** (bm) 1. The applicant's correct legal name and business address and any trade name under which the applicant proposes to operate the vehicle scale.

SECTION 2044. 98.16 (2) (bm) 2. of the statutes is created to read:

98.16 **(2)** (bm) 2. A description of the nature and location of the vehicle scale.

SECTION 2045. 98.16 (2) (c) of the statutes is renumbered 98.16 (2) (cm) 2. and amended to read:

98.16 **(2)** (cm) 2. ~~An applicant for a license under par. (a) shall pay a~~ A license fee surcharge ~~of $200 in addition to the license fee~~, if the department determines that within one year prior to submitting the license application the applicant operated a vehicle scale without a license as required by par. ~~(a)~~ (am). The license fee surcharge is $200, except that the department may establish a different surcharge by rule promulgated under sub. (4). The department may not issue a license under this subsection to an operator if the operator has failed to pay a license fee surcharge assessed against the operator. Payment of the license fee surcharge does not relieve the applicant of any other civil or criminal liability for the operation of a vehicle scale without a license but shall not constitute evidence of violation of a law.

SECTION 2046. 98.16 (2) (d) of the statutes is repealed.

SECTION 2047. 98.16 (2m) of the statutes is created to read:

98.16 **(2m)** PERMIT FOR SCALE INSTALLATION OR CONSTRUCTION; VARIANCE. (a) No person may install or relocate a vehicle scale without a permit from the department. The department shall provide a permit application form for a person applying for a permit under this paragraph. An application for a permit under this paragraph shall be accompanied by a nonrefundable permit application fee in an amount established by the department by rule promulgated under sub. (4).

(b) A person who installs or relocates a vehicle scale shall comply with construction, operation, and maintenance standards and procedures established by the department by rule under sub. (4), except that the department may grant a variance from a construction standard if the department determines that the variance is justified by special circumstances. The department may impose conditions on the variance, including alternative construction standards, if the department determines the conditions are necessary. The department shall provide a variance application form for a person applying for a variance under this paragraph. An application for a variance under this paragraph shall be accompanied by a nonrefundable variance application fee in an amount established by the department by rule promulgated under sub. (4).

SECTION 2048. 98.16 (3) (intro.) of the statutes is renumbered 98.16 (4) and amended to read:

98.16 **(4)** RULES. The department ~~may~~ shall promulgate rules ~~to establish license fees under sub. (2) (b) and~~ to regulate the construction, operation, testing, and maintenance of vehicle scales. ~~The rules may include all of the following:~~ The department may promulgate rules to adjust fees and surcharges under subs. (2) (cm) 1. and 2. and (2m) (a) and (b) and to impose a testing surcharge upon a vehicle scale operator if the operator fails to file a vehicle scale test report as required by a rule promulgated by the department under this subsection.

SECTION 2049. 98.16 (3) (a) of the statutes is repealed.

SECTION 2050. 98.16 (3) (b) of the statutes is repealed.

SECTION 2051. 98.16 (3) (c) of the statutes is repealed.

SECTION 2052. 98.16 (3m) (b) 1. of the statutes is created to read:

98.16 **(3m)** (b) 1. Conduct the test and prepare a test report, according to rules promulgated by the department under sub. (4).

SECTION 2053. 98.16 (3m) (b) 2. of the statutes is created to read:

98.16 **(3m)** (b) 2. Provide a copy of the test report to the operator of the vehicle scale and, if required by rules promulgated by the department under sub. (4), to other persons.

SECTION 2054. 98.16 (3m) (c) of the statutes is created to read:

98.16 **(3m)** (c) An operator of a vehicle scale shall file with the department a copy of each test report prepared regarding the vehicle scale not more than 15 days after the operator receives the test report. If an operator fails to file a report as required in this paragraph, the department may assess a testing surcharge against the operator. The department may not issue a license under sub. (2) to an operator if the operator has failed to pay a testing surcharge assessed against the operator. If an operator fails to pay a testing surcharge assessed against the operator within 120 days after the department assessed the surcharge, the department may revoke the operator's license to operate the vehicle scale for which the operator has been assessed the surcharge.

SECTION 2055. 98.224 of the statutes is created to read:

98.224 Vehicle tank meters. (1) DEFINITION. In this section, "vehicle tank meter" means a commercial meter used to measure liquid fuel, as defined in s. 98.225 (1).

(2) OPERATOR LICENSED. (a) Except as provided in par. (e), no person may operate a vehicle tank meter without an annual license from the department. An annual license expires on October 31. A separate license is required for each vehicle tank meter. A license is not transferable between persons or vehicle tank meters.

(b) To obtain a license under par. (a), a person shall submit an application on a form provided by the department. The application shall include all of the following:

1. The applicant's correct legal name and business address, and any trade name under which the applicant proposes to operate the vehicle tank meter.

2. A description of the vehicle tank meter, including the serial number or other identifying marks that appear on the meter and the vehicle on which the meter is mounted.

3. The fees and surcharges required under par. (c).

4. Other relevant information reasonably required by the department for licensing purposes.

(c) An application under par. (b) shall include all of the following fees and surcharges:

1. A license fee established by the department by rule.

2. A surcharge established by the department by rule, if the department determines that within one year prior to submitting the application, the applicant operated the vehicle tank meter without a license required under par. (a). The department may not issue a license under this subsection to an operator if the operator has failed to pay a surcharge under this subdivision assessed against the operator.

3. A surcharge established by department rule if the department determines that, within one year prior to submitting the application, the applicant failed to comply with the reporting requirement under sub. (3). The department may not issue a license under this subsection to an operator if the operator has failed to pay a surcharge under this subdivision assessed against the operator.

4. Reinspection fees, if any, required under s. 98.255.

(d) Payment of a surcharge under par. (c) 2. or 3. does not relieve the applicant of any other civil or criminal liability for a law violation, but is not evidence of a violation of this section.

(e) Paragraph (a) does not apply to an individual who operates a vehicle tank meter only as an employee of a person who is required to hold a license under par. (a) to operate that vehicle tank meter.

(3) TESTING AND REPORTING. The operator of a vehicle tank meter shall have the meter tested for accuracy at least annually by a person who is licensed under s. 98.18 (1) to perform the testing. The operator, or the tester on behalf of the operator, shall report the results of each test to the department within 30 days after the testing is completed. The operator shall retain a test report for at least 3 years.

(4) RULES. (a) The department shall promulgate rules that establish all of the following:

1. License fee and surcharge amounts under sub. (2) (c).

2. Standards for the testing, reporting, and record keeping required under sub. (3).

(b) The department may promulgate rules that establish standards for the construction, operation, and maintenance of vehicle tank meters.

SECTION 2056. 98.245 (4) (a) of the statutes is amended to read:

98.245 **(4)** (a) When liquefied petroleum gas is sold or delivered to a consumer as a liquid and by liquid measurement the volume of liquid so sold and delivered shall be corrected to a temperature of 60 degrees Fahrenheit through use of an approved volume correction factor table, or through use of a meter that is equipped with a sealed automatic compensating mechanism and that ~~is in compliance with sub. (7)~~ has been tested as required under sub. (8). All sale tickets shall show the delivered gallons, the temperature at the time of delivery and the corrected gallonage, or shall state that temperature correction was automatically made.

SECTION 2057. 98.245 (4) (b) of the statutes is amended to read:

98.245 **(4)** (b) When liquefied petroleum gas is sold or delivered to a consumer in vapor form by vapor measurement, the volume of vapor so sold and delivered shall be corrected to a temperature of 60 degrees Fahrenheit through the use of a meter that is equipped with a sealed automatic temperature compensating mechanism. This paragraph shall apply to all meters installed for use in the vapor measurement of liquefied petroleum gas in vapor form after May 24, 1978. This paragraph does not prohibit the continued use of meters previously installed without a self−sealing automatic temperature compensating mechanism, but no such meter may be continued in use after January 1, 1986, unless brought into compliance with this paragraph. Subsection ~~(7)~~ (8) does not apply to meters used to sell or deliver liquefied petroleum gas that are subject to this paragraph.

SECTION 2058. 98.245 (6) (a) (intro.) of the statutes is amended to read:

98.245 **(6)** (a) (intro.) No person may sell liquefied petroleum gas and deliver it by a vehicle equipped with a pump and meter unless the meter is equipped with a delivery ticket printer and ~~is in compliance with sub. (7)~~ has been tested as required under sub. (8). Except as provided in par. (b), the seller shall, at the time of delivery, either provide a copy of the delivery ticket printed by the delivery ticket printer to the purchaser or leave a copy at the place of delivery. The delivery ticket shall contain all of the following information:

SECTION 2059. 98.245 (7) of the statutes is repealed.

SECTION 2060. 98.245 (7m) of the statutes is created to read:

98.245 **(7m)** METER OPERATORS LICENSED. (a) No person may operate a meter to determine the amount of liquefied petroleum gas sold or delivered under sub. (4) (a) unless the person holds an annual license from the department under this subsection. An annual license

expires on November 30. A separate license is required for each liquefied petroleum gas meter. A license is not transferable between persons or meters.

(b) To obtain a license under par. (a), a person shall submit an application on a form provided by the department. The application shall include all of the following:

1. The applicant's correct legal name and business address, and any trade name under which the applicant proposes to operate the liquefied petroleum gas meter.

2. A description of the liquefied petroleum gas meter, including the serial number or other identifying marks that appear on the meter, and if applicable, the vehicle on which the meter is mounted.

3. The fees and surcharges required under par. (c).

4. Other relevant information reasonably required by the department for licensing purposes.

(c) An application under par. (b) shall include the following fees and surcharges:

1. A license fee established by department rule.

2. A surcharge established by department rule, if the department determines that, within one year prior to submitting the application, the applicant operated the liquefied petroleum gas meter without a license required under par. (a). The department may not issue a license under this subsection to an operator if the operator has failed to pay a surcharge under this subdivision assessed against the operator.

3. A surcharge established by the department by rule if the department determines that, within one year prior to submitting the application, the applicant failed to comply with a test reporting requirement under sub. (8). The department may not issue a license under this subsection to an operator if the operator has failed to pay a surcharge under this subdivision assessed against the operator.

4. Reinspection fees, if any, required under s. 98.255.

(d) Payment of a surcharge under par. (c) 2. or 3. does not relieve the applicant of any other civil or criminal liability for a law violation, but is not evidence of a violation of this section.

(e) Paragraph (a) does not apply to an individual who operates a liquefied petroleum gas meter only as an employee of a person who is required to hold a license under par. (a) to operate that meter.

SECTION 2061. 98.245 (8) of the statutes is created to read:

98.245 **(8)** TESTING AND REPORTING. A person that is required to hold a license under sub. (7m) to operate a liquefied petroleum gas meter shall have the meter tested for accuracy, at least annually, by a person who is licensed under s. 98.18 (1) to perform the test. The meter operator, or the tester on behalf of the meter operator, shall report the results of each test to the department within 30 days after the testing is completed. The operator shall retain a record of each test for at least 3 years.

SECTION 2062. 98.245 (9) of the statutes is created to read:

98.245 **(9)** RULES. (a) The department shall promulgate rules that establish all of the following:

1. License fee and surcharge amounts under sub. (7m) (c).

2. Standards for the testing, reporting, and record keeping required under sub. (8).

(b) The department may promulgate rules that establish standards for the construction, operation, and maintenance of liquefied petroleum gas meters.

SECTION 2063. 98.25 (title) of the statutes is renumbered 98.16 (3m) (title) and amended to read:

98.16 **(3m)** (title) ~~VEHICLE SCALES: ANNUAL~~ ANNUAL TESTING.

SECTION 2064. 98.25 (1) of the statutes is renumbered 98.16 (3m) (a) and amended to read:

98.16 **(3m)** (a) The owner or operator of a scale with a weighing capacity of 5,000 pounds or more used for the commercial weighing of commodities shall cause the scales to be tested and inspected at least annually for accuracy by ~~an independent scale testing or service company in accordance with specifications, tolerances, standards and procedures established by the national institute of standards and technology and the department for the testing and examination of scales, using test weights approved by the department. The annual tests and inspections shall be at the expense of the owner or operator~~ a person licensed under s. 98.18 (1).

SECTION 2065. 98.25 (2) of the statutes is renumbered 98.16 (3m) (b) (intro.) and amended to read:

98.16 **(3m)** (b) (intro.) A ~~scale testing or service company~~ person conducting a test under ~~sub. (1)~~ par. (a) shall~~, at the time of testing and inspection, promptly furnish to the owner or operator of the scale a report showing the results of the test and inspection with an additional copy for the department. The owner and operator of a scale which is found to be inaccurate at the time of testing shall immediately withdraw the scale from further use until necessary corrections, adjustments or repairs are made and~~ do all of the following:

(d) If a test under this subsection shows that a vehicle scale is inaccurate, the scale may not be used until the inaccuracy is corrected and the scale is determined to be accurate by ~~the scale testing or service company. A copy of the report prepared by the scale testing or service company shall be filed with the department by the owner or operator of the scale within 15 days after the test and inspection has been completed. The department shall maintain a list open for public inspection of all scales tested and found to be accurate on the annual test~~ a subsequent test under this subsection.

SECTION 2066. 98.25 (3) of the statutes is renumbered 98.16 (3m) (e) and amended to read:

98.16 **(3m)** (e) No person may falsify a test ~~or determination of the accuracy of a vehicle scale tested under sub. (1) or file with the department a false report of a test~~

~~of a vehicle scale under sub. (1)~~, test result, or test report under this subsection.

SECTION 2067. 98.25 (4) of the statutes is renumbered 98.16 (3m) (f).

SECTION 2068. 98.255 of the statutes is created to read:

98.255 Reinspection; fee. (1) If the department reinspects a weight or measure because the department has found a violation of this chapter or a rule promulgated under this chapter, the department may charge the operator of the weight or measure a reinspection fee.

(2) The department shall establish the amount of the reinspection fee under sub. (1) by rule and may establish different reinspection fees for different types of weights and measures. The amount of a reinspection fee for a weight or measure may not exceed the department's average cost to reinspect that type of weight or measure.

(3) A reinspection fee under sub. (1) is payable after the reinspection is completed and is due upon written demand from the department. The department may issue a demand for payment when it issues an annual license application form to the operator of the weighing or measuring device.

SECTION 2073. 100.45 (1) (dm) of the statutes is amended to read:

100.45 **(1)** (dm) "State agency" means any office, department, agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law which is entitled to expend moneys appropriated by law, including the legislature and the courts, the Wisconsin Housing and Economic Development Authority, the Bradley Center Sports and Entertainment Corporation, the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care Authority, and the Fox River Navigational System Authority.

SECTION 2074f. 101.02 (20) (a) of the statutes, as affected by 2009 Wisconsin Act 16, is repealed and recreated to read:

101.02 **(20)** (a) For purposes of this subsection, "license" means a license, permit, or certificate of certification or registration issued by the department under ss. 101.09 (3) (c), 101.122 (2) (c), 101.136, 101.143 (2) (g), 101.147, 101.15 (2) (e), 101.16 (3g), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m).

SECTION 2074h. 101.02 (21) (a) of the statutes, as affected by 2009 Wisconsin Act 16, is repealed and recreated to read:

101.02 **(21)** (a) In this subsection, "license" means a license, permit, or certificate of certification or registration issued by the department under s. 101.09 (3) (c), 101.122 (2) (c), 101.136, 101.143 (2) (g), 101.147, 101.15 (2) (e), 101.16 (3g), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m).

SECTION 2075c. 101.1205 (title) of the statutes is repealed.

SECTION 2075d. 101.1205 (1) of the statutes is renumbered 281.33 (3m) (a) and amended to read:

281.33 **(3m)** (a) The department~~, in consultation with the department of natural resources,~~ shall establish statewide standards for erosion control at building sites for the construction of public buildings, as defined in s. 101.01 (12), and buildings that are places of employment, as defined in s. 101.02 (11).

SECTION 2075e. 101.1205 (2) of the statutes is renumbered 281.33 (3m) (b) and amended to read:

281.33 **(3m)** (b) The department shall require the submission of plans for erosion control at construction sites described in ~~sub. (1)~~ par. (a) to the department or to a county, city, village, or town to which the department has delegated authority under ~~sub. (4)~~ par. (d) and shall require approval of those plans by the department or the county, city, village, or town.

SECTION 2075f. 101.1205 (3) of the statutes is renumbered 281.33 (3m) (c) and amended to read:

281.33 **(3m)** (c) The department shall require inspection of erosion control activities and structures at construction sites described in ~~sub. (1)~~ par. (a) by the department or a county, city, village, or town to which the department has delegated authority under ~~sub. (4)~~ par. (d).

SECTION 2075g. 101.1205 (4) of the statutes is renumbered 281.33 (3m) (d).

SECTION 2075gm. 101.1205 (5) of the statutes is renumbered 281.33 (3m) (e) and amended to read:

281.33 **(3m)** (e) Except as provided in ~~sub. (5m)~~ par. (f), the authority of a county, city, village, or town with respect to erosion control at sites described in ~~sub. (1)~~ par. (a) is limited to that authority delegated under ~~sub. (4)~~ par. (d) and any other authority provided in rules promulgated under this ~~section~~ subsection.

SECTION 2075h. 101.1205 (5m) of the statutes is renumbered 281.33 (3m) (f) and amended to read:

281.33 **(3m)** (f) Notwithstanding ~~subs. (1)~~ pars. (a) and ~~(5)~~ (e), a county, city, village, or town that has in effect on January 1, 1994, an ordinance that establishes standards for erosion control at building sites for the construction of public buildings and buildings that are places of employment may continue to administer and enforce that ordinance if the standards in the ordinance are more stringent than the standards established under ~~sub. (1)~~ par. (a).

SECTION 2075i. 101.1205 (6) of the statutes is renumbered 281.33 (3m) (g) and amended to read:

281.33 **(3m)** (g) The department, or a county, city, village, or town to which the department delegates the authority to act under this ~~subsection~~ paragraph, may issue a special order directing the immediate cessation of work on a construction site described in ~~sub. (1)~~ par. (a) until any required plan approval is obtained or until the site complies with standards established by rules promulgated under this ~~section~~ subsection.

SECTION 2075j. 101.1205 (7) of the statutes is renumbered 281.33 (3m) (h).

SECTION 2153. 101.143 (4) (ei) 1m. a. of the statutes is amended to read:

101.143 **(4)** (ei) 1m. a. The owner or operator of the farm tank owns a parcel of 35 or more acres of contiguous land, on which the farm tank is located, which is devoted primarily to agricultural use, as defined in s. 91.01 ~~(1)~~ (2), including land designated by the department of natural resources as part of the ice age trail under s. 23.17, which during the year preceding submission of a first claim under sub. (3) produced gross farm profits, as defined in s. 71.58 (4), of not less than $6,000 or which, during the 3 years preceding that submission produced gross farm profits, as defined in s. 71.58 (4), of not less than $18,000, or a parcel of 35 or more acres, on which the farm tank is located, of which at least 35 acres, during part or all of the year preceding that submission, were enrolled in the conservation reserve program under 16 USC 3831 to 3836.

SECTION 2154. 101.143 (4) (ei) 1m. b. of the statutes is amended to read:

101.143 **(4)** (ei) 1m. b. The claim is submitted by a person who, at the time that the notification was made under sub. (3) (a) 3., was the owner of the farm tank and owned a parcel of 35 or more acres of contiguous land, on which the farm tank is or was located, which was devoted primarily to agricultural use, as defined in s. 91.01 ~~(1)~~ (2), including land designated by the department of natural resources as part of the ice age trail under s. 23.17, which during the year preceding that notification produced gross farm profits, as defined in s. 71.58 (4), of not less than $6,000 or which, during the 3 years preceding that notification, produced gross farm profits, as defined in s. 71.58 (4), of not less than $18,000, or a parcel of 35 or more acres, on which the farm tank is located, of which at least 35 acres, during part or all of the year preceding that notification, were enrolled in the conservation reserve program under 16 USC 3831 to 3836.

SECTION 2155. 101.1435 of the statutes is created to read:

101.1435 Removal of abandoned underground petroleum storage tanks. (1) In this section:

(a) "Backfill" does not include landscaping or replacing sidewalk, asphalt, fence, or sod or other vegetation.

(b) "Underground petroleum product storage tank system" has the meaning given in s. 101.143 (1) (i).

(2) The department may contract with a person registered or certified under s. 101.09 (3) to empty, clean, remove, and dispose of an underground petroleum product storage tank system; to assess the site on which the underground petroleum product storage tank system is located; and to backfill the excavation if all of the following apply:

(a) The department determines that the underground petroleum product storage tank system is abandoned.

(b) Using the method that the department uses to determine inability to pay under s. 101.143 (4) (ee), the department determines that the owner of the underground petroleum product storage tank system is unable to pay to empty, clean, remove, and dispose of the underground petroleum product storage tank system; to assess the site on which the underground petroleum product storage tank system is located; and to backfill the excavation.

(3) If the department incurs costs under sub. (2), the department shall record a statement of lien with the register of deeds of the county in which the underground petroleum product storage tank system was located. Upon recording the statement of lien, the department has a lien on the property on which the underground petroleum product storage tank system was located in the amount of the costs incurred. The property remains subject to the lien until that amount is paid in full to the department. The department shall deposit payments received under this subsection into the petroleum inspection fund.

SECTION 2155m. 101.147 of the statutes is created to read:

101.147 Contractor registration. (1) No person may hold himself or herself out or act as a construction contractor unless that person is registered as a construction contractor by the department.

(2) The department shall promulgate rules to administer and enforce this section.

(3) The department may directly assess a forfeiture by issuing an order against any person who violates this section.

(4) The registration requirement under sub. (1) does not apply to any of the following:

(a) A person who engages in construction on property owned or leased by that person.

(b) A state agency or local governmental unit.

(c) A person who engages in construction in the course of his or her employment by a state agency or local governmental unit.

SECTION 2156. 101.177 (1) (d) of the statutes is amended to read:

101.177 **(1)** (d) "State agency" means any office, department, agency, institution of higher education, association, society, or other body in state government

created or authorized to be created by the constitution or any law, that is entitled to expend moneys appropriated by law, including the legislature and the courts, the Wisconsin Housing and Economic Development Authority, the Bradley Center Sports and Entertainment Corporation, the University of Wisconsin Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Wisconsin Quality Home Care Authority, and the Wisconsin Health and Educational Facilities Authority, but excluding the Health Insurance Risk−Sharing Plan Authority and the Lower Fox River Remediation Authority.

SECTION 2156c. 101.19 (1) (m) of the statutes is created to read:

101.19 **(1)** (m) Registering construction contractors under s. 101.147.

Vetoed In Part

SECTION 2157r. 101.85 of the statutes is created to read:

101.85 Contracting for services. (1) In this section, "cost−benefit analysis" means a comprehensive study to identify and compare the total cost, quality, technical expertise, and timeliness of a service performed by department employees and resources with the total cost, quality, technical expertise, and timeliness of the same service obtained by means of a contract.

(2) The department may not engage any person who is not an employee of the department to perform services for the department under this subchapter unless the department finds, based upon a cost−benefit analysis, that those services can be performed more cost−effectively and efficiently by that person than by an employee of the department.

SECTION 2158. 101.9208 (4m) of the statutes is amended to read:

101.9208 **(4m)** Upon filing an application under sub. (1) or (4), a supplemental title fee to be paid by the owner of the manufactured home, except that this fee shall be waived with respect to an application under sub. (4) for transfer of a decedent's interest in a manufactured home to his or her surviving spouse or domestic partner under ch. 770. The fee required under this subsection shall be paid in addition to any other fee specified in this section.

SECTION 2158h. 102.07 (8) (d) of the statutes is created to read:

102.07 **(8)** (d) Any employer described in s. 108.18 (2) (c) who willfully and with intent to evade any requirement of this chapter misclassifies or attempts to misclassify an individual who is an employee of the employer as a nonemployee shall be fined $25,000 for each violation.

SECTION 2159. 102.475 (6) of the statutes is amended to read:

102.475 **(6)** PROOF. In administering this section the department may require reasonable proof of birth, marriage, domestic partnership under ch. 770, relationship, or dependency.

SECTION 2160. 102.49 (1) of the statutes is amended to read:

102.49 **(1)** ~~Where~~ When the beneficiary under s. 102.46 or 102.47 (1) is the ~~wife or husband~~ spouse or domestic partner under ch. 770 of the deceased employee and is wholly dependent for support, an additional death benefit shall be paid from the funds provided by sub. (5) for each child by their marriage or domestic partnership under ch. 770 who is living at the time of the death of the employee, and who is likewise wholly dependent upon the employee for support. ~~Such~~ That payment shall commence at the time that primary death benefit payments are completed~~,~~ or, if advancement of compensation has been paid, at the time when payments would normally have been completed. Payments shall continue at the rate of 10% of the surviving parent's weekly indemnity until the child's 18th birthday. If the child is physically or mentally incapacitated, ~~such~~ payments may be continued beyond the child's 18th birthday but the payments may not continue for more than a total of 15 years.

SECTION 2161. 102.49 (2) of the statutes is amended to read:

102.49 **(2)** A child lawfully adopted by the deceased employee and the surviving spouse or domestic partner under ch. 770, prior to the time of the injury, and a child not the deceased employee's own by birth or adoption but living with the deceased employee as a member of the deceased employee's family at the time of the injury shall for the purpose of this section be taken as a child by their marriage or domestic partnership under ch. 770.

SECTION 2162. 102.49 (3) of the statutes is amended to read:

102.49 **(3)** If the employee leaves a spouse or domestic partner under ch. 770 wholly dependent and also a child by a former marriage, domestic partnership under ch. 770, or adoption, likewise wholly dependent, aggregate benefits shall be the same in amount as if the child were the child of the surviving spouse or partner, and the entire benefit shall be apportioned to the dependents in the amounts that the department ~~shall determine~~ determines to be just, considering the ages of the dependents and other factors bearing on dependency. The benefit awarded to the surviving spouse or partner shall not exceed 4 times the average annual earnings of the deceased employee.

SECTION 2163. 102.51 (1) (a) 2m. of the statutes is created to read:

102.51 **(1)** (a) 2m. A domestic partner under ch. 770 upon his or her partner with whom he or she is living at the time of the partner's death.

SECTION 2164. 102.51 (2) (a) of the statutes is amended to read:

102.51 **(2)** (a) No person shall be considered a dependent unless that person is a spouse, a domestic partner under ch. 770, a divorced spouse who has not remarried, or a lineal descendant, lineal ancestor, brother, sister, or other member of the family, whether by blood or by adoption, of the deceased employee.

SECTION 2165. 102.51 (6) of the statutes is amended to read:

102.51 **(6)** DIVISION AMONG DEPENDENTS. Benefits accruing to a minor dependent child may be awarded to either parent in the discretion of the department. Notwithstanding sub. (1), the department may reassign the death benefit, in accordance with their respective needs ~~therefor~~ for the death benefit as between a surviving spouse or a domestic partner under ch. 770 and children designated in sub. (1) and s. 102.49.

SECTION 2166. 102.64 (1) of the statutes is amended to read:

102.64 **(1)** Upon request of the department of administration, a representative of the department of justice shall represent the state in cases involving payment into or out of the state treasury under s. 20.865 (1) (fm), (kr), or (ur) or 102.29. The department of justice, after giving notice to the department of administration, may compromise the amount of ~~such~~ those payments but such compromises shall be subject to review by the department of workforce development. If the spouse or domestic partner under ch. 770 of the deceased employee compromises his or her claim for a primary death benefit, the claim of the children of ~~such~~ the employee under s. 102.49 shall be compromised on the same proportional basis, subject to approval by the department. If the persons entitled to compensation on the basis of total dependency under s. 102.51 (1) compromise their claim, payments under s. 102.49 (5) (a) shall be compromised on the same proportional basis.

SECTION 2169. 103.10 (1) (a) (intro.) of the statutes is amended to read:

103.10 **(1)** (a) (intro.) "Child" means a natural, adopted, ~~foster or treatment~~ or foster child, a stepchild, or a legal ward to whom any of the following applies:

SECTION 2170. 103.10 (1) (ar) of the statutes is created to read:

103.10 **(1)** (ar) "Domestic partner" has the meaning given in s. 40.02 (21c) or 770.01 (1).

SECTION 2171. 103.10 (1) (b) of the statutes is amended to read:

103.10 **(1)** (b) "Employee" means an individual employed in this state by an employer, except the employer's parent, spouse, domestic partner, or child.

SECTION 2171r. 103.10 (1) (e) of the statutes is amended to read:

103.10 **(1)** (e) "Health care provider" means a person described under s. 146.81 (1) (a) to (p), but does not include a person described under s. 146.81 (1) (hp).

SECTION 2172. 103.10 (1) (f) of the statutes is amended to read:

103.10 **(1)** (f) "Parent" means a natural parent, foster parent, treatment foster parent, adoptive parent, stepparent, or legal guardian of an employee or of an employee's spouse or domestic partner.

SECTION 2173. 103.10 (1) (f) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

103.10 **(1)** (f) "Parent" means a natural parent, foster parent, ~~treatment foster parent,~~ adoptive parent, stepparent, or legal guardian of an employee or of an employee's spouse or domestic partner.

SECTION 2174. 103.10 (3) (b) 3. of the statutes is amended to read:

103.10 **(3)** (b) 3. To care for the employee's child, spouse, domestic partner, or parent, if the child, spouse, domestic partner, or parent has a serious health condition.

SECTION 2175. 103.10 (6) (b) (intro.) of the statutes is amended to read:

103.10 **(6)** (b) (intro.) If an employee intends to take family leave because of the planned medical treatment or supervision of a child, spouse, domestic partner, or parent or intends to take medical leave because of the planned medical treatment or supervision of the employee, the employee shall do all of the following:

SECTION 2176. 103.10 (6) (b) 1. of the statutes is amended to read:

103.10 **(6)** (b) 1. Make a reasonable effort to schedule the medical treatment or supervision so that it does not unduly disrupt the employer's operations, subject to the approval of the health care provider of the child, spouse, domestic partner, parent, or employee.

SECTION 2177. 103.10 (7) (a) of the statutes is amended to read:

103.10 **(7)** (a) If an employee requests family leave for a reason described in sub. (3) (b) 3. or requests medical leave, the employer may require the employee to provide certification, as described in par. (b), issued by the health care provider or Christian Science practitioner of the child, spouse, domestic partner, parent, or employee, whichever is appropriate.

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 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:

103.165 **(3)** (a) 3. The decedent's father or mother if the decedent ~~shall leave~~ leaves no surviving spouse, domestic partner under ch. 770, or children.

SECTION 2184. 103.165 (3) (a) 4. of the statutes is amended to read:

103.165 **(3)** (a) 4. The decedent's brother or sister if the decedent ~~shall leave~~ leaves no surviving spouse, domestic partner under ch. 770, children, or parent.

SECTION 2185. 103.165 (3) (c) of the statutes is amended to read:

103.165 **(3)** (c) The amount of the cash bond, together with principal and interest, to which the deceased employee would have been entitled had the deceased employee lived, shall, as soon as paid out by the depository, be turned over to the ~~relative of the deceased employee~~ person designated under par. (a) effecting the accounting and withdrawal with the employer. The turning over shall be a discharge and release of the employer to the amount of the payment.

SECTION 2186. 103.165 (3) (d) of the statutes is amended to read:

103.165 **(3)** (d) If no ~~relatives~~ persons designated under par. (a) survive, the employer may apply the cash bond, or so much of the cash bond as may be necessary, to paying creditors of the decedent in the order of preference prescribed in s. 859.25 for satisfaction of debts by personal representatives. The making of payment under this paragraph shall be a discharge and release of the employer to the amount of the payment.

Vetoed In Part

SECTION 2186f. 103.457 of the statutes is amended to read:

103.457 Listing deductions from wages. An employer shall state clearly on the employee's pay check, pay envelope, or paper accompanying the wage payment the amount of and reason for each deduction from the wages due or earned by the employee, except such miscellaneous deductions as may have been authorized by request of the individual employee for reasons personal to the employee. A reasonable coding system may be used by the employer. If the department finds that an employer has failed to state that information clearly as required under this section, the department may order the employer to pay the employee, as liquidated damages, not less than $50 nor more than $500 for each violation.

SECTION 2186t. 103.49 (1) (a) of the statutes is amended to read:

103.49 **(1)** (a) "Area" means the county in which a proposed project of public works that is subject to this section is located or, if the department determines that there is insufficient wage data in that county, "area" means those counties that are contiguous to that county or, if the department determines that there is insufficient wage data in those counties, "area" means those counties that are contiguous to those counties or, if the department determines that there is insufficient wage data in those counties, "area" means the entire state or, if the department is requested to review a determination under sub. (3) (c), "area" means the city, village, or town in which a proposed project of public works that is subject to this section is located.

SECTION 2186u. 103.49 (1) (am) of the statutes is created to read:

103.49 **(1)** (am) "Bona fide economic benefit" means an economic benefit for which an employer makes irrevocable contributions to a trust or fund created under 29 USC 186 (c) or to any other bona fide plan, trust, program, or fund no less often than quarterly or, if an employer makes annual contributions to such a bona fide plan, trust, program, or fund, for which the employer irrevocably escrows moneys at least quarterly based on the employer's expected annual contribution.

SECTION 2186v. 103.49 (1) (bg) of the statutes is amended to read:

103.49 **(1)** (bg) "Insufficient wage data" means less than 500 hours of work performed in a particular trade or occupation on projects that are similar to a proposed project of public works that is subject to this section.

SECTION 2186x. 103.49 (1) (bj) of the statutes is created to read:

103.49 **(1)** (bj) "Minor service and maintenance work" means a project of public works that is limited to minor crack filling, chip or slurry sealing, or other minor pavement patching, not including overlays, that has a projected life span of no longer than 5 years cleaning of drainage or sewer ditches or structures; or any other limited, minor work on public facilities or equipment that is routinely performed to prevent breakdown or deterioration.

SECTION 2187. 103.49 (1) (bm) of the statutes is repealed.

SECTION 2187f. 103.49 (1) (d) 1. of the statutes is amended to read: **Vetoed In Part**

103.49 **(1)** (d) 1. Except as provided in subd. 2., "prevailing wage rate" for any trade or occupation engaged in the erection, construction, remodeling, repairing ~~or~~, demolition, or improvement of any project of public works in any area means the hourly basic rate of pay, plus the hourly contribution for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefit, paid directly or

Vetoed In Part

indirectly for a majority of the hours worked in the trade or occupation on projects in the area.

SECTION 2187h. 103.49 (1) (d) 2. of the statutes is amended to read:

103.49 **(1)** (d) 2. If there is no rate at which a majority of the hours worked in the trade or occupation on projects in the area is paid, "prevailing wage rate" for any trade or occupation engaged in the erection, construction, remodeling, repairing ~~or~~, demolition, or improvement of any project of public works in any area means the average hourly basic rate of pay, weighted by the number of hours worked, plus the average hourly contribution, weighted by the number of hours worked, for health insurance benefits, vacation benefits, pension benefits, and any other bona fide economic benefit, paid directly or indirectly for all hours worked at the hourly basic rate of pay of the highest−paid 51% of hours worked in that trade or occupation on projects in that area.

SECTION 2187j. 103.49 (1) (dm) of the statutes is created to read:

103.49 **(1)** (dm) "Project of public works" means a project involving the erection, construction, repair, remodeling, demolition, or improvement, including any alteration, painting, decorating, or grading, of a public facility, including land, a building, or other infrastructure.

SECTION 2188. 103.49 (1) (e) of the statutes is repealed.

Vetoed In Part

SECTION 2188e. 103.49 (1) (f) of the statutes is amended to read:

103.49 **(1)** (f) "State agency" means any 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, including the legislature and the courts. "State agency" also includes a state public body and corporate created by constitution, statute, rule, or order, including specifically the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, and the Wisconsin Aerospace Authority.

SECTION 2188f. 103.49 (1) (fm) of the statutes is created to read:

103.49 **(1)** (fm) "Supply and installation contract" means a contract under which the material is installed by the supplier, the material is installed by means of simple fasteners or connectors such as screws or nuts and bolts and no other work is performed on the site of the project of public works, and the total labor cost to install the material does not exceed 20 percent of the total cost of the contract.

SECTION 2188g. 103.49 (1m) of the statutes is created to read:

Vetoed In Part

103.49 **(1m)** APPLICABILITY. Subject to sub. (3g), this section applies to any project of public works erected, constructed, repaired, remodeled, demolished, or improved for the state or a state agency, other than a highway, street, or bridge construction or maintenance project, including all of the following:

Vetoed In Part

(a) A project erected, constructed, repaired, remodeled, demolished, or improved by one state agency for another state agency under any contract or under any statute specifically authorizing cooperation between state agencies.

Vetoed In Part

(b) A project in which the completed facility is leased, purchased, lease purchased, or otherwise acquired by, or dedicated to, the state in lieu of the state or a state agency contracting for the erection, construction, repair, remodeling, demolition, or improvement of the facility.

Vetoed In Part

(c) A "sanitary sewer" or water main project in which the completed sanitary sewer or water main is acquired by, or dedicated to, the state for ownership or maintenance by the state.

SECTION 2188h. 103.49 (2) of the statutes is amended to read:

Vetoed In Part

103.49 **(2)** PREVAILING WAGE RATES AND HOURS OF LABOR. Any contract ~~hereafter~~ made for the erection, construction, remodeling, repairing, ~~or~~ demolition, or improvement of any project of public works~~, except contracts for the construction or maintenance of public highways, streets, and bridges,~~ to which the state or any state agency is a party shall contain a stipulation that no person performing the work described in sub. (2m) may be permitted to work a greater number of hours per day or per week than the prevailing hours of labor, except that any such person may be permitted or required to work more than such prevailing hours of labor per day and per week if he or she is paid for all hours worked in excess of the prevailing hours of labor at a rate of at least 1.5 times his or her hourly basic rate of pay; nor may he or she be paid less than the prevailing wage rate determined under sub. (3) in the same or most similar trade or occupation in the area ~~wherein such~~ in which the project of public works is situated. A reference to the prevailing wage rates determined under sub. (3) and the prevailing hours of labor shall be published in the notice issued for the purpose of securing bids for the project. If any contract or subcontract for a project of public works that is subject to this section is entered into, the prevailing wage rates determined under sub. (3) and the prevailing hours of labor shall be physically incorporated into and made a part of the contract or subcontract, except that for a minor subcontract, as determined by the department, the department shall prescribe by rule the method of notifying the minor subcontractor of the prevailing wage rates and prevailing hours of labor applicable to the minor subcontract. The prevailing wage rates and prevailing hours of labor applicable to a contract or subcontract may not be changed during the time that the contract or subcontract is in force.

SECTION 2188k. 103.49 (2m) (a) 1. of the statutes is amended to read:

103.49 **(2m)** (a) 1. All laborers, workers, mechanics, and truck drivers employed on the site of a project of public works that is subject to this section.

SECTION 2188m. 103.49 (2m) (a) 2. of the statutes is amended to read:

103.49 **(2m)** (a) 2. All laborers, workers, mechanics, and truck drivers employed in the manufacturing or furnishing of materials, articles, supplies, or equipment on the site of a project of public works that is subject to this section or from a facility dedicated exclusively, or nearly so, to a project of public works that is subject to this section by a contractor, subcontractor, agent, or other person performing any work on the site of the project.

SECTION 2188p. 103.49 (2m) (b) 1. of the statutes is amended to read:

103.49 **(2m)** (b) 1. The laborer, worker, mechanic, or truck driver is employed to go to the source of mineral aggregate such as sand, gravel, or stone that is to be immediately incorporated into the work, and not stockpiled or further transported by truck, pick up that mineral aggregate, and deliver that mineral aggregate to the site of a project of public works that is subject to this section by depositing the material substantially in place, directly or through spreaders from the transporting vehicle.

SECTION 2188r. 103.49 (2m) (b) 2. of the statutes is amended to read:

103.49 **(2m)** (b) 2. The laborer, worker, mechanic, or truck driver is employed to go to the site of a project that is subject to this section, pick up excavated material or spoil from the site of the project of public works and transport that excavated material or spoil away from the site of the project.

SECTION 2188v. 103.49 (3) (am) of the statutes is amended to read:

103.49 **(3)** (am) The department shall, by January 1 of each year, compile the prevailing wage rates for each trade or occupation in each area. The compilation shall, in addition to the current prevailing wage rates, include future prevailing wage rates when those prevailing wage rates can be determined for any trade or occupation in any area and shall specify the effective date of those future prevailing wage rates. If a ~~construction~~ project of public works extends into more than one area there shall be but one standard of prevailing wage rates for the entire project.

SECTION 2189. 103.49 (3) (ar) of the statutes is amended to read:

103.49 **(3)** (ar) In determining prevailing wage rates under par. (a) or (am), the department may not use data from projects that are subject to this section, s. 66.0903, 66.0904, 103.50, or 229.8275 or 40 USC ~~276a~~ 3142 unless the department determines that there is insufficient wage data in the area to determine those prevailing wage rates, in which case the department may use data from projects that are subject to this section, s. 66.0903, 66.0904, 103.50, or 229.8275 or 40 USC ~~276a~~ 3142.

SECTION 2189v. 103.49 (3) (c) of the statutes is amended to read:

103.49 **(3)** (c) In addition to the recalculation under par. (b), the state agency that requested the determination under this subsection may request a review of any portion of a determination within 30 days after the date of issuance of the determination if the state agency submits evidence with the request showing that the prevailing wage rate for any given trade or occupation included in the determination does not represent the prevailing wage rate for that trade or occupation in the city, village, or town in which the proposed project of public works is located. That evidence shall include wage rate information for the contested trade or occupation on at least 3 similar projects located in the city, village, or town where the proposed project of public works is located on which some work has been performed during the current survey period and which were considered by the department in issuing its most recent compilation under par. (am). The department shall affirm or modify the determination within 15 days after the date on which the department receives the request for review.

SECTION 2190d. 103.49 (3g) of the statutes is renumbered 103.49 (3g) (intro.) and amended to read:

103.49 **(3g)** NONAPPLICABILITY. (intro.) This section does not apply to any ~~single−trade public works project~~ of the following:

(a) A project of public works for which the estimated project cost of completion is less than ~~$30,000 or an amount determined by the department under s. 66.0903 (5) or to any multiple−trade public works project for which the estimated project cost of completion is less than $150,000 or an amount determined by the department under s. 66.0903 (5)~~ $25,000.

SECTION 2190f. 103.49 (3g) (b) of the statutes is created to read:

103.49 **(3g)** (b) A project of public works in which the labor for the project is provided by unpaid volunteers.

SECTION 2190j. 103.49 (3g) (c) of the statutes is created to read:

103.49 **(3g)** (c) Minor service or maintenance work, warranty work, or work under a supply and installation contract.

SECTION 2190n. 103.49 (4r) (b) of the statutes is amended to read:

103.49 **(4r)** (b) Upon completion of a project of public works and before receiving final payment for his or her work on the project, each agent or subcontractor shall furnish the contractor with an affidavit stating that the agent or subcontractor has complied fully with the requirements of this section. A contractor may not authorize final payment until the affidavit is filed in proper form and order.

SECTION 2190p. 103.49 (4r) (c) of the statutes is amended to read:

103.49 **(4r)** (c) Upon completion of a project of public works and before receiving final payment for his or her work on the project, each contractor shall file with the state agency authorizing the work an affidavit stating that the contractor has complied fully with the requirements of this section and that the contractor has received an affidavit under par. (b) from each of the contractor's agents and subcontractors. A state agency may not authorize a final payment until the affidavit is filed in proper form and order. If a state agency authorizes a final payment before an affidavit is filed in proper form and order or if the department determines, based on the greater weight of the credible evidence, that any person performing the work specified in sub. (2m) has been or may have been paid less than the prevailing wage rate or less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor and requests that the state agency withhold all or part of the final payment, but the state agency fails to do so, the state agency is liable for all back wages payable up to the amount of the final payment.

SECTION 2191d. 103.49 (5) (a) of the statutes is amended to read:

103.49 **(5)** (a) Each contractor, subcontractor, or contractor's or subcontractor's agent performing work on a project of public works that is subject to this section shall keep full and accurate records clearly indicating the name and trade or occupation of every person performing the work described in sub. (2m) and an accurate record of the number of hours worked by each of those persons and the actual wages paid for the hours worked.

SECTION 2191f. 103.49 (5) (am) of the statutes is created to read:

103.49 **(5)** (am) 1. Except as provided in this subdivision, by no later than the end of the first week of a month following a month in which a contractor, subcontractor, or contractor's or subcontractor's agent performs work on a project of public works that is subject to this section, the contractor, subcontractor, or agent shall submit to the department in an electronic format a certified record of the information specified in par. (a) for that preceding month. This requirement does not apply to a contractor, subcontractor, or agent if all persons employed by the contractor, subcontractor, or agent who are performing the work described in sub. (2m) are covered under a collective bargaining agreement and the wage rates for those persons under the collective bargaining agreement are not less than the prevailing wage rate. In that case, the contractor, subcontractor, or agent shall submit to the department in an electronic format a copy of all collective bargaining agreements that are pertinent to the project of public works by no later than the end of the first week of the first month in which the contractor, subcontractor, or agent performs work on the project of public works.

2. The department shall post on its Internet site all certified records and collective bargaining agreements submitted to the department under subd. 1., except that the department may not post on that site the name of or any other personally identifiable information relating to any employee of a contractor, subcontractor, or agent that submits information to the department under subd. 1. In this subdivision, "personally identifiable information" does not include an employee's trade or occupation, his or her hours of work, or the wages paid for those hours worked.

SECTION 2191h. 103.49 (5) (b) of the statutes is amended to read:

103.49 **(5)** (b) It shall be the duty of the department to enforce this section. To this end it may demand and examine, and every contractor, subcontractor, and contractor's and subcontractor's agent shall keep, and furnish upon request by the department, copies of payrolls and other records and information relating to the wages paid to persons performing the work described in sub. (2m) for work to which this section applies. The department may inspect records in the manner provided in this chapter. Every contractor, subcontractor, or agent performing work on a project of public works that is subject to this section is subject to the requirements of this chapter relating to the examination of records. Section 111.322 (2m) applies to discharge and other discriminatory acts arising in connection with any proceeding under this section.

SECTION 2192. 103.49 (5) (c) of the statutes is amended to read:

103.49 **(5)** (c) If requested by any person, the department shall inspect the payroll records of any contractor, subcontractor, or agent performing work on a project of public works that is subject to this section to ensure compliance with this section. ~~If~~ In the case of a request made by a person performing the work specified in sub. (2m), if the department finds that the contractor, subcontractor, or agent subject to the inspection is ~~found to be~~ in compliance and ~~if the person making the request is a person performing the work specified in sub. (2m)~~ that the request is frivolous, the department shall charge the person making the request the actual cost of the inspection. ~~If~~ In the case of a request made by a person not performing the work specified in sub. (2m), if the department finds that the contractor, subcontractor, or agent subject to the inspection is ~~found to be~~ in compliance and ~~if the person making the request is not a person performing the work specified in sub. (2m)~~ that the request is frivolous, the department shall charge the person making the request $250 or the actual cost of the inspection, whichever is greater. In order to find that a request is frivolous, the department must find that the person making the request made the request in bad faith, solely for the purpose of harassing or maliciously injuring the contractor, subcontractor, or agent subject to the inspection, or that

the person making the request knew, or should have known, that there was no reasonable basis for believing that a violation of this section had been committed.

SECTION 2192e. 103.49 (6m) (a) of the statutes is renumbered 103.49 (6m) (am).

SECTION 2192f. 103.49 (6m) (ag) of the statutes is created to read:

103.49 **(6m)** (ag) 1. Any contractor, subcontractor, or contractor's or subcontractor's agent who fails to pay the prevailing wage rate determined by the department under sub. (3) or who pays less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor is liable to any affected employee in the amount of his or her unpaid wages or his or her unpaid overtime compensation and in an additional amount as liquidated damages as provided in subd. 2., 3., or 4., whichever is applicable.

Vetoed In Part

2. If the department determines upon inspection under sub. (5) (b) or (c) that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (3) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the department shall order the contractor to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 100 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages within a period specified by the department in the order.

3. In addition to or in lieu of recovering the liability specified in subd. 1. as provided in subd. 2., any employee for and in behalf of that employee and other employees similarly situated may commence an action to recover that liability in any court of competent jurisdiction. In an action that is commenced before the end of any period specified by the department under subd. 2., if the court finds that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (3) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the court shall order the contractor, subcontractor, or agent to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 100 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages.

Vetoed In Part

4. In an action that is commenced after the end of any period specified by the department under subd. 2., if the court finds that a contractor, subcontractor, or contractor's or subcontractor's agent has failed to pay the prevailing wage rate determined by the department under sub. (3) or has paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor, the court shall order the contractor, subcontractor, or agent to pay to any affected employee the amount of his or her unpaid wages or his or her unpaid overtime compensation and an additional amount equal to 200 percent of the amount of those unpaid wages or that unpaid overtime compensation as liquidated damages.

Vetoed In Part

5. No employee may be a party plaintiff to an action under subd. 3. or 4. unless the employee consents in writing to become a party and the consent is filed in the court in which the action is brought. Notwithstanding s. 814.04 (1), the court shall, in addition to any judgment awarded to the plaintiff, allow reasonable attorney fees and costs to be paid by the defendant.

Vetoed In Part

SECTION 2192p. 103.49 (6m) (b) of the statutes is amended to read:

103.49 **(6m)** (b) Whoever induces any person who seeks to be or is employed on any project of public works that is subject to this section to give up, waive, or return any part of the wages to which the person is entitled under the contract governing the project, or who reduces the hourly basic rate of pay normally paid to a person for work on a project that is not subject to this section during a week in which the person works both on a project of public works that is subject to this section and on a project that is not subject to this section, by threat not to employ, by threat of dismissal from employment, or by any other means is guilty of an offense under s. 946.15 (1).

SECTION 2192r. 103.49 (6m) (c) of the statutes is amended to read:

103.49 **(6m)** (c) Any person employed on a project of public works that is subject to this section who knowingly permits a contractor, subcontractor, or contractor's or subcontractor's agent to pay him or her less than the prevailing wage rate set forth in the contract governing the project, who gives up, waives, or returns any part of the compensation to which he or she is entitled under the contract, or who gives up, waives, or returns any part of the compensation to which he or she is normally entitled for work on a project that is not subject to this section during a week in which the person works both on a project of public works that is subject to this section and on a project that is not subject to this section, is guilty of an offense under s. 946.15 (2).

SECTION 2193. 103.49 (6m) (d) of the statutes is amended to read:

103.49 **(6m)** (d) Whoever induces any person who seeks to be or is employed on any project of public works that is subject to this section to permit any part of the wages to which the person is entitled under the contract governing the project to be deducted from the person's pay is guilty of an offense under s. 946.15 (3), unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC ~~276c~~ 3142.

SECTION 2194. 103.49 (6m) (e) of the statutes is amended to read:

103.49 **(6m)** (e) Any person employed on a project of public works that is subject to this section who knowingly permits any part of the wages to which he or she is entitled under the contract governing the project to be deducted from his or her pay is guilty of an offense under s. 946.15 (4), unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC ~~276c~~ 3142.

SECTION 2194g. 103.49 (6m) (f) of the statutes is amended to read:

103.49 **(6m)** (f) Paragraph ~~(a)~~ (am) does not apply to any person who fails to provide any information to the department to assist the department in determining prevailing wage rates under sub. (3) (a) or (am).

SECTION 2194j. 103.49 (7) (d) of the statutes is amended to read:

103.49 **(7)** (d) Any person submitting a bid on a project of public works that is subject to this section shall, on the date the person submits the bid, identify any construction business in which the person, or a shareholder, officer, or partner of the person, if the person is a business, owns, or has owned at least a 25% interest on the date the person submits the bid or at any other time within 3 years preceding the date the person submits the bid, if the business has been found to have failed to pay the prevailing wage rate determined under sub. (3) or to have paid less than 1.5 times the hourly basic rate of pay for all hours worked in excess of the prevailing hours of labor.

SECTION 2196. 103.50 (4m) of the statutes is amended to read:

103.50 **(4m)** WAGE RATE DATA. In determining prevailing wage rates for projects that are subject to this section, the department shall use data from projects that are subject to this section, s. 66.0903, 66.0904, or 103.49 or 40 USC ~~276a~~ 3142.

SECTION 2197. 103.50 (7) (d) of the statutes is amended to read:

103.50 **(7)** (d) Whoever induces any person who seeks to be or is employed on any project that is subject to this section to permit any part of the wages to which the person is entitled under the contract governing the project to be deducted from the person's pay is guilty of an offense under s. 946.15 (3), unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC ~~276c~~ 3142.

SECTION 2198. 103.50 (7) (e) of the statutes is amended to read:

103.50 **(7)** (e) Any person employed on a project that is subject to this section who knowingly permits any part of the wages to which he or she is entitled under the contract governing the project to be deducted from his or her pay is guilty of an offense under s. 946.15 (4), unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC ~~276c~~ 3142.

SECTION 2199. 103.503 (title) of the statutes is amended to read:

103.503 (title) **Substance abuse prevention on public works and publicly funded projects.**

SECTION 2200. 103.503 (1) (a) of the statutes is amended to read:

103.503 **(1)** (a) "Accident" means an incident caused, contributed to, or otherwise involving an employee that resulted or could have resulted in death, personal injury, or property damage and that occurred while the employee was performing the work described in s. 66.0903 (4), 66.0904 (3), or 103.49 (2m) on a project.

SECTION 2201. 103.503 (1) (c) of the statutes is amended to read:

103.503 **(1)** (c) "Contracting agency" means a local governmental unit, as defined in s. 66.0903 (1) (d), ~~or~~ a state agency, as defined in s. 103.49 (1) (f), or an owner or developer under s. 66.0904 that has contracted for the performance of work on a project.

SECTION 2202. 103.503 (1) (e) of the statutes is amended to read:

103.503 **(1)** (e) "Employee" means a laborer, worker, mechanic, or truck driver who performs the work described in s. 66.0903 (4), 66.0904 (3), or 103.49 (2m) on a project.

SECTION 2203. 103.503 (1) (g) of the statutes is amended to read:

103.503 **(1)** (g) "Project" mean a project of public works that is subject to s. 66.0903 or 103.49 or a publicly funded private construction project that is subject to s. 66.0904.

SECTION 2204. 103.503 (2) of the statutes is amended to read:

103.503 **(2)** SUBSTANCE ABUSE PROHIBITED. No employee may use, possess, attempt to possess, distribute, deliver, or be under the influence of a drug, or use or be under the influence of alcohol, while performing the work described in s. 66.0903 (4), 66.0904 (3), or 103.49 (2m) on a project. An employee is considered to be under the influence of alcohol for purposes of this subsection if he or she has an alcohol concentration that is equal to or greater than the amount specified in s. 885.235 (1g) (d).

SECTION 2205. 103.503 (3) (a) 2. of the statutes is amended to read:

103.503 **(3)** (a) 2. A requirement that employees performing the work described in s. 66.0903 (4), 66.0904 (3), or 103.49 (2m) on a project submit to random, reasonable suspicion, and post−accident drug and alcohol testing and to drug and alcohol testing before commencing work on a project, except that testing of an employee before commencing work on a project is not required if the employee has been participating in a random testing

program during the 90 days preceding the date on which the employee commenced work on the project.

SECTION 2206d. 103.805 (1) of the statutes is amended to read:

103.805 **(1)** The department or a permit officer shall ~~fix and collect a reasonable fee based on the cost of issuance of~~ collect a fee in the amount of $10 for issuing permits under ss. 103.25 and 103.71 and certificates of age under s. 103.75. ~~The department may authorize the retention of the fees by the~~ A person designated to issue permits and certificates of age ~~as compensation for the person's services if the person~~ who is not on the payroll of the division administering this chapter may retain $2.50 of that fee as compensation for the person's services and shall forward $7.50 of that fee to the department, which shall deposit that amount forwarded in the general fund and credit $5 of that amount forwarded to the appropriation account under s. 20.445 (1) (gk). A person designated to issue permits and certificates of age who is on the payroll of the division administering this chapter shall forward that fee to the department, which shall deposit that fee in the general fund and credit $5 of that fee to the appropriation account under s. 20.445 (1) (gk). The permit officer shall account for all fees collected as the department prescribes.

SECTION 2207. 104.001 (3) (am) of the statutes is created to read:

104.001 **(3)** (am) The requirement that employees employed on a publicly funded private construction project for which a city, village, town, or county provides direct financial assistance, as defined in s. 66.0904 (1) (c), be paid at the prevailing wage rate, as defined in s. 66.0904 (1) (h), as required under s. 66.0904.

SECTION 2207n. 106.04 of the statutes is created to read:

106.04 Employment of apprentices on state public works projects. (1) DEFINITIONS. In this section:

Vetoed In Part

(b) "Employer" means a contractor, subcontractor, or agent of a contractor or subcontractor that employs 5 or more employees in trades that are apprenticeable under this subchapter.

(d) "Project" means a project of public works that is subject to s. 103.49 or 103.50 in which work is performed by employees employed in trades that are apprenticeable under this subchapter.

Vetoed In Part

(2) APPRENTICESHIP REPORTS. (a) By no later than 15 days after the end of a month in which an employer performs work on a project, the employer shall submit to the department in an electronic format a report of the daily number of employees employed by the employer on the project in trades that are apprenticeable under this subchapter, the daily number of apprentices employed on the project, the race, sex, and average age of those apprentices, and the daily number of hours worked by those apprentices. The department shall post on its Internet site a running summary of those reports summarizing for each month the total number of employees employed on projects in this state in trades that are apprenticeable under this subchapter, the total number of apprentices employed on those projects, the race, sex, and average age of those apprentices, and the total number of hours worked by those apprentices.

Vetoed In Part

(b) The department shall grant an employer a total grace period of not more than 10 days in each calendar year for submitting the reports under par. (a). All projects on which an employer performs work during a calendar year, whether as a contractor, subcontractor, or agent of a contractor or subcontractor, are subject to a single grace period under this paragraph. If an employer exceeds that grace period, the employer shall forfeit, for each project on which the employer performs work during the calendar year, $1,000 for each day by which the employer exceeds the grace period.

(3) WAIVER. If the department grants an exception or modification to any requirement in any contract for the performance of work on a project relating to the employment and training of apprentices, the department shall post that information on its Internet site, together with a detailed explanation of why the exception or modification was granted.

Vetoed In Part

(4) DEBARMENT. (a) Except as provided under pars. (b) and (c), the department shall distribute to all state agencies a list of all persons whom the department has found to have exceeded the grace period under sub. (2) (b) at any time in the preceding 3 years. The department shall include with any name the address of the person and shall specify when the person exceeded the grace period under sub. (2) (b). A state agency may not award any contract to the person unless otherwise recommended by the department or unless 3 years have elapsed from the date on which the department issued its findings or date of final determination by a court of competent jurisdiction, whichever is later.

(b) The department may not include in a notification under par. (a) the name of any person on the basis of having let work to a person whom the department has found to have exceeded the grace period under sub. (2) (b).

(c) This subsection does not apply to any contractor, subcontractor, or agent who in good faith on no more than 2 occasions in the same calendar year commits a minor violation of sub. (2) (b), as determined on a case−by−case basis through administrative hearings with all rights to due process afforded to all parties or who has not exhausted or waived all appeals.

(d) Any person submitting a bid on a project that is subject to this section shall, on the date on which the person submits the bid, identify any construction business in which the person, or a shareholder, officer, or partner of the person, if the person is a business, owns, or has owned at least a 25 percent interest on the date on which the person submits the bid or at any other time

Vetoed In Part

within 3 years preceding the date on which the person submits the bid, if the business has been found to have exceeded the grace period under sub. (2) (b).

(e) The department shall promulgate rules to administer this subsection.

SECTION 2207t. 106.30 of the statutes is created to read:

106.30 Nursing workforce survey and grant. (1) DEFINITION. In this section, "nurse" means a registered nurse licensed under s. 441.06 or permitted under s. 441.08, a licensed practical nurse licensed or permitted under s. 441.10, an advanced practice nurse prescriber certified under s. 441.16 (2), or a nurse−midwife licensed under s. 441.15.

Vetoed In Part

(2) SURVEY FORM. By October 1 of each odd−numbered year, the department of workforce development shall develop and submit to the department of regulation and licensing a survey form to gather data under s. 441.01 (7) (a) 1. to assist the department of workforce development in evaluating the supply of, demand for, and turnover among nurses in this state and in determining whether there are any regional shortages of nurses, shortages of nurses in any speciality areas, or impediments to entering the nursing profession in this state.

(3) SURVEY RESULTS. Beginning in 2011, by September 30 of each odd−numbered year, the department shall compile, process, and evaluate the survey results and submit a report of its findings to the speaker of the assembly and the president of the senate under s. 13.172 (3) and to the governor, the secretary of health services, and the nurse resource center described in sub. (5).

(4) COSTS OF SURVEY. The department may use no more than 12 percent of the amount received under s. 20.445 (1) (km) for costs incurred by the department under subs. (2) and (3).

(5) NURSING WORKFORCE GRANTS. (a) From the appropriation account under s. 20.445 (1) (km), the department of workforce development shall award grants equal to the amount appropriated under s. 20.445 (1) (km) minus the amount expended under sub. (4) to a nonprofit statewide nursing center that is comprised of and led by nurses and that has demonstrated coordination with constituent groups within the nursing community, including professional nursing organizations; organizations representing nurse educators, staff nurses, and nurse managers or executives; labor organizations representing nurses; the department of regulation and licensing; the department of health services; and legislators who are concerned with issues affecting the nursing profession.

(b) A statewide nursing center that receives a grant under par. (a) shall use the grant moneys to develop strategies to ensure that there is a nursing workforce that is adequate to meet the current and future health care needs of this state. The statewide nursing center may use those moneys to fund activities that are aimed at ensuring such a nursing workforce, including monitoring trends in the applicant pool for nursing education programs; evaluating the effectiveness of nursing education programs in increasing access to those programs and in enhancing career mobility for nurses, especially for populations that are underrepresented in the nursing profession; and facilitating partnerships between the nursing community and other health care providers, the department of regulation and licensing, the business community, the legislature, and educators to promote diversity within the nursing profession, enhance career mobility and leadership development for nurses, and achieve consensus regarding policies aimed at ensuring an adequate nursing workforce in this state.

SECTION 2210m. 108.24 (2) of the statutes is amended to read:

108.24 **(2)** Except as provided in sub. (2m) and s. 108.16 (8) (m), any person who knowingly makes a false statement or representation in connection with any report or as to any information duly required by the department under this chapter, or who knowingly refuses or fails to keep any records or to furnish any reports or information duly required by the department under this chapter, shall be fined not less than $100 nor more than $500, or imprisoned not more than 90 days or both; and each such false statement or representation and every day of such refusal or failure constitutes a separate offense.

SECTION 2210n. 108.24 (2m) of the statutes is created to read:

108.24 **(2m)** Any employer described in s. 108.18 (2) (c) who willfully provides false information to the department for the purpose of misclassifying or attempting to misclassify an individual who is an employee of the employer as a nonemployee shall be fined $25,000 for each violation.

SECTION 2211. 109.03 (3) (a) of the statutes is amended to read:

109.03 **(3)** (a) In case of the death of an employee to whom wages are due, the full amount of the wages due shall upon demand be paid by the employer to the spouse, domestic partner under ch. 770, children, or other dependent living with the employee at the time of death.

SECTION 2212. 109.03 (3) (b) of the statutes is amended to read:

109.03 **(3)** (b) An employer may, not less than 5 days after the death of an employee and before the filing of a petition or application for administration of the decedent's estate, make payments of the wage due the deceased employee to the spouse, domestic partner under ch. 770, children, parents, or siblings of the decedent, giving preference in the order listed.

SECTION 2213. 109.03 (3) (c) of the statutes is amended to read:

109.03 **(3)** (c) If none of the ~~relatives~~ persons listed in par. (b) survives, the employer may apply the payment

of the wage or so much of the wage as may be necessary to paying creditors of the decedent in the order of preference prescribed in s. 859.25 for satisfaction of debts by personal representatives.

SECTION 2214. 109.09 (1) of the statutes is amended to read:

109.09 **(1)** The department shall investigate and attempt equitably to adjust controversies between employers and employees as to alleged wage claims. The department may receive and investigate any wage claim which is filed with the department, or received by the department under s. 109.10 (4), no later than 2 years after the date the wages are due. The department may, after receiving a wage claim, investigate any wages due from the employer against whom the claim is filed to any employee during the period commencing 2 years before the date the claim is filed. The department shall enforce this chapter and ss. 66.0903, 66.0904, 103.02, 103.49, 103.82, 104.12, and 229.8275. In pursuance of this duty, the department may sue the employer on behalf of the employee to collect any wage claim or wage deficiency and ss. 109.03 (6) and 109.11 (2) and (3) shall apply to such actions. Except for actions under s. 109.10, the department may refer such an action to the district attorney of the county in which the violation occurs for prosecution and collection and the district attorney shall commence an action in the circuit court having appropriate jurisdiction. Any number of wage claims or wage deficiencies against the same employer may be joined in a single proceeding, but the court may order separate trials or hearings. In actions that are referred to a district attorney under this subsection, any taxable costs recovered by the district attorney shall be paid into the general fund of the county in which the violation occurs and used by that county to meet its financial responsibility under s. 978.13 (2) (b) for the operation of the office of the district attorney who prosecuted the action.

Vetoed In Part

SECTION 2216b. 110.072 of the statutes is created to read:

110.072 Contracts related to state traffic patrol vehicles. Notwithstanding s. 16.705, the department may not contract with any 3rd party for the 3rd party to provide services to the department related to the installation and maintenance of communications and other law enforcement equipment on state traffic patrol vehicles.

SECTION 2216e. 110.08 (2) of the statutes is amended to read:

110.08 **(2)** Except as provided under s. 343.16 (1) (b) ~~and~~ to (c), all examinations for operator's licenses and permits shall be given by state examiners.

SECTION 2216g. 111.02 (3) of the statutes is amended to read:

111.02 **(3)** "Collective bargaining unit" means all of the employees of one employer, employed within the state, except as provided in s. 111.05 (5) and (7) and except that where a majority of the employees engaged in a single craft, division, department or plant have voted by secret ballot as provided in s. 111.05 (2) to constitute such group a separate bargaining unit they shall be so considered, but, in appropriate cases, and to aid in the more efficient administration of ss. 111.01 to 111.19, the commission may find, where agreeable to all parties affected in any way thereby, an industry, trade or business comprising more than one employer in an association in any geographical area to be a "collective bargaining unit". A collective bargaining unit thus established by the commission shall be subject to all rights by termination or modification given by ss. 111.01 to 111.19 in reference to collective bargaining units otherwise established under ss. 111.01 to 111.19. Two or more collective bargaining units may bargain collectively through the same representative where a majority of the employees in each separate unit have voted by secret ballot as provided in s. 111.05 (2) so to do.

SECTION 2216j. 111.02 (6) (am) of the statutes is created to read:

111.02 **(6)** (am) "Employee" includes a day care provider certified under s. 48.651 and a day care provider licensed under s. 48.65 who provides care and supervision for not more than 8 children who are not related to the day care provider.

SECTION 2216L. 111.02 (7) of the statutes is renumbered 111.02 (7) (a) (intro.) and amended to read:

111.02 **(7)** (a) (intro.) ~~The term "employer"~~ "Employer" means a person who engages the services of an employee, and includes ~~any~~ all of the following:

1. A person acting on behalf of an employer within the scope of his or her authority, express or implied~~, but shall~~.

(b) "Employer" does not include ~~the~~ any of the following:

1. Except as provided in par. (a) 4., the state or any political subdivision thereof~~, or any~~.

2. Any labor organization or anyone acting in behalf of such organization other than when it is acting as an employer in fact. ~~For purposes of this subsection, a person who engages the services of an employee includes the~~

(a) 2. The University of Wisconsin Hospitals and Clinics Authority ~~and a~~ .

3. A local cultural arts district created under subch. V of ch. 229.

SECTION 2216n. 111.02 (7) (a) 4. of the statutes is created to read:

111.02 **(7)** (a) 4. With respect to an employee under sub. (6) (am), the state, counties, and other administrative entities involved in regulation and subsidization of employees under sub. (6) (am).

SECTION 2216p. 111.02 (7m) of the statutes is amended to read:

111.02 **(7m)** "Fair−share agreement" means an agreement between the University of Wisconsin Hospi-

tals and Clinics Authority and a labor organization representing employees of that authority, or between an employer defined under sub. (7) (a) 4. and a labor organization representing employees under sub. (6) (am), under which all of the employees in a collective bargaining unit are required to pay their proportionate share of the cost of the collective bargaining process and contract administration measured by the amount of dues uniformly required of all members.

SECTION 2216r. 111.02 (9m) of the statutes is renumbered 111.02 (9m) (intro.) and amended to read:

111.02 **(9m)** (intro.) "Maintenance of membership agreement" means ~~an~~ any of the following:

(a) An agreement between the University of Wisconsin Hospitals and Clinics Authority and a labor organization representing employees of that authority which requires that all of the employees whose dues are being deducted from earnings under s. 20.921 (1) or 111.06 (1) (i) at the time the agreement takes effect shall continue to have dues deducted for the duration of the agreement and that dues shall be deducted from the earnings of all employees who are hired on or after the effective date of the agreement.

SECTION 2216t. 111.02 (9m) (b) of the statutes is created to read:

111.02 **(9m)** (b) An agreement between an employer under sub. (7) (a) 4. and a labor organization representing employees under sub. (6) (am) which requires that all of the employees whose dues are being deducted from earnings under s. 111.06 (1) (i) at the time the agreement takes effect shall continue to have dues deducted for the duration of the agreement and that dues shall be deducted from the earnings of all employees who are hired on or after the effective date of the agreement.

SECTION 2216v. 111.02 (10m) of the statutes is amended to read:

111.02 **(10m)** "Referendum" means a proceeding conducted by the commission in which employees of the University of Wisconsin Hospitals and Clinics Authority in a collective bargaining unit or in which employees under sub. (6) (am) in a collective bargaining unit may cast a secret ballot on the question of directing the labor organization and the employer to enter into a fair−share or maintenance of membership agreement or to terminate such an agreement.

SECTION 2216w. 111.05 (2) of the statutes is amended to read:

111.05 **(2)** Except as provided in ~~sub.~~ subs. (5) and (7), whenever a question arises concerning the determination of a collective bargaining unit as defined in s. 111.02 (3), it shall be determined by secret ballot, and the commission, upon request, shall cause the ballot to be taken in such manner as to show separately the wishes of the employees in any craft, division, department or plant as to the determination of the collective bargaining unit.

SECTION 2216y. 111.05 (7) of the statutes is created to read:

111.05 **(7)** Employees under s. 111.02 (6) (am) shall comprise a single collective bargaining unit.

SECTION 2216ym. 111.322 (2m) (a) of the statutes, as affected by 2009 Wisconsin Act 3, is amended to read:

111.322 **(2m)** (a) The individual files a complaint or attempts to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.34, 103.455, 103.50, 104.12, 106.04, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.

SECTION 2216z. 111.322 (2m) (b) of the statutes, as affected by 2009 Wisconsin Act 3, is amended to read:

111.322 **(2m)** (b) The individual testifies or assists in any action or proceeding held under or to enforce any right under s. 103.02, 103.10, 103.13, 103.28, 103.32, 103.34, 103.455, 103.50, 104.12, 106.04, 109.03, 109.07, 109.075, or 146.997 or ss. 101.58 to 101.599 or 103.64 to 103.82.

SECTION 2217. 111.322 (2m) (c) of the statutes is amended to read:

111.322 **(2m)** (c) The individual files a complaint or attempts to enforce a right under s. 66.0903, 66.0904, 103.49, or 229.8275 or testifies or assists in any action or proceeding under s. 66.0903, 66.0904, 103.49, or 229.8275.

SECTION 2217h. 111.327 of the statutes is created to read:

111.327 Construction contractors. Any employer described in s. 108.18 (2) (c) who willfully and with intent to evade any requirement of this subchapter misclassifies or attempts to misclassify an individual who is an employee of the employer as a nonemployee shall be fined $25,000 for each violation. The department shall promulgate rules defining what constitutes a willful misclassification of an employee as a nonemployee for purposes of this section and of ss. 102.07 (8) (d) and 108.24 (2m).

SECTION 2220. 111.70 (1) (a) of the statutes, as affected by 2009 Wisconsin Act 15, is amended to read:

111.70 **(1)** (a) "Collective bargaining" means the performance of the mutual obligation of a municipal employer, through its officers and agents, and the representative of its municipal 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 subs. (3m), (3p), and (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:

111.70 **(1)** (b) "Collective bargaining unit" means a unit consisting of municipal employees who are school district ~~professional~~ employees or of municipal employees who are not school district ~~professional~~ employees that is determined by the commission to be appropriate for the purpose of collective bargaining.

SECTION 2222. 111.70 (1) (dm) of the statutes is repealed.

SECTION 2223. 111.70 (1) (fm) of the statutes is repealed.

SECTION 2223m. 111.70 (1) (j) of the statutes is amended to read:

111.70 **(1)** (j) "Municipal employer" means any city, county, village, town, metropolitan sewerage district, school district, long−term care district, transit authority under s. 59.58 (7), 66.1038, or 66.1039, or any other political subdivision of the state, or instrumentality of one or more political subdivisions of the state, that engages the services of an employee and includes any person acting on behalf of a municipal employer within the scope of the person's authority, express or implied, but specifically does not include a local cultural arts district created under subch. V of ch. 229.

Vetoed In Part

SECTION 2224. 111.70 (1) (nc) of the statutes is repealed.

SECTION 2225. 111.70 (1) (ne) of the statutes is amended to read:

111.70 **(1)** (ne) "School district ~~professional~~ employee" means a municipal employee ~~who is a professional employee and~~ who is employed to perform services for a school district.

SECTION 2225f. 111.70 (3) (a) 4. of the statutes is amended to read:

111.70 **(3)** (a) 4. To refuse to bargain collectively with a representative of a majority of its employees in an appropriate collective bargaining unit. Such refusal shall include action by the employer to issue or seek to obtain contracts, including those provided for by statute, with individuals in the collective bargaining unit while collective bargaining, mediation or fact−finding concerning the terms and conditions of a new collective bargaining agreement is in progress, unless such individual contracts contain express language providing that the contract is subject to amendment by a subsequent collective bargaining agreement. Where the employer has a good faith doubt as to whether a labor organization claiming the support of a majority of its employees in an appropriate bargaining unit does in fact have that support, it may file with the commission a petition requesting an election to that claim. An employer shall not be deemed to have refused to bargain until an election has been held and the results thereof certified to the employer by the commission. The violation shall include, though not be limited thereby, to the refusal to execute a collective bargaining agreement previously agreed upon. The term of any collective bargaining agreement covering municipal employees who are not school district employees shall not exceed 3 years, and the term of any collective bargaining agreement covering school district employees shall not exceed 4 years.

SECTION 2225p. 111.70 (3p) of the statutes is created to read:

111.70 **(3p)** CHILD CARE PROVIDER SERVICES UNIT. A collective bargaining agreement that covers municipal employees performing services for the child care provider services unit under s. 49.826 shall contain a provision that permits the terms of the agreement to be modified with respect to hours and conditions of employment by a memorandum of understanding under s. 49.826 (3) (b) 4.

SECTION 2226. 111.70 (4) (cm) 5. of the statutes is amended to read:

111.70 **(4)** (cm) 5. 'Voluntary impasse resolution procedures.' In addition to the other impasse resolution procedures provided in this paragraph, a municipal employer and labor organization may at any time, as a permissive subject of bargaining, agree in writing to a dispute settlement procedure, including authorization for a strike by municipal employees or binding interest arbitration, which is acceptable to the parties for resolving an impasse over terms of any collective bargaining agreement under this subchapter. A copy of such agreement shall be filed by the parties with the commission. If the parties agree to any form of binding interest arbitration, the arbitrator shall give weight to the factors enumerated under subds. 7.~~,~~ and 7g. for a collective bargaining unit consisting of municipal employees who are not school district employees and under subd. 7r. for a collective bargaining unit consisting of municipal employees.

SECTION 2227. 111.70 (4) (cm) 5s. of the statutes is repealed.

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 failure to comply with such procedures. Prior to the close of the investigation each party shall submit in writing to the commission its single final offer containing its final proposals on all issues in dispute that are subject to interest arbitration under this subdivision ~~or under subd. 5s. in collective bargaining units to which subd. 5s. applies~~. If a party fails to submit a single, ultimate final offer, the commission shall close the investigation based on the last written position of the party. ~~The municipal employer may not submit a qualified economic offer under subd. 5s. after the close of the investigation.~~ Such final offers may include only mandatory subjects of bargaining, except that a permissive subject of bargaining may be included by a party if the other party does not object and shall then be treated as a mandatory subject. No later than such time, the parties shall also submit to the commission a stipulation, in writing, with respect to all matters which are agreed upon for inclusion in the new or amended collective bargaining agreement. The commission, after receiving a report from its investigator and determining that arbitration should be commenced, shall issue an order requiring arbitration and immediately submit to the parties a list of 7 arbitrators. Upon receipt of such list, the parties shall alternately strike names until a single name is left, who shall be appointed as arbitrator. The petitioning party shall notify the commission in writing of the identity of the arbitrator selected. Upon receipt of such notice, the commission shall formally appoint the arbitrator and submit to him or her the final offers of the parties. The final offers shall be considered public documents and shall be available from the commission. In lieu of a single arbitrator and upon request of both parties, the commission shall appoint a tripartite arbitration panel consisting of one member selected by each of the parties and a neutral person designated by the commission who shall serve as a chairperson. An arbitration panel has the same powers and duties as provided in this section for any other appointed arbitrator, and all arbitration decisions by such panel shall be determined by majority vote. In lieu of selection of the arbitrator by the parties and upon request of both parties, the commission shall establish a procedure for randomly selecting names of arbitrators. Under the procedure, the commission shall submit a list of 7 arbitrators to the parties. Each party shall strike one name from the list. From the remaining 5 names, the commission shall randomly appoint an arbitrator. Unless both parties to an arbitration proceeding otherwise agree in writing, every individual whose name is submitted by the commission for appointment as an arbitrator shall be a resident of this state at the time of submission and every individual who is designated as an arbitration panel chairperson shall be a resident of this state at the time of designation.

SECTION 2230. 111.70 (4) (cm) 7. of the statutes is amended to read:

111.70 **(4)** (cm) 7. 'Factor given greatest weight.' In making any decision under the arbitration procedures authorized by this paragraph, <u>except for any decision involving a collective bargaining unit consisting of school district employees,</u> the arbitrator or arbitration panel shall consider and shall give the greatest weight to any state law or directive lawfully issued by a state legislative or administrative officer, body or agency which places limitations on expenditures that may be made or revenues that may be collected by a municipal employer. The arbitrator or arbitration panel shall give an accounting of the consideration of this factor in the arbitrator's or panel's decision.

SECTION 2231. 111.70 (4) (cm) 7g. of the statutes is amended to read:

111.70 **(4)** (cm) 7g. 'Factor given greater weight.' In making any decision under the arbitration procedures authorized by this paragraph, <u>except for any decision involving a collective bargaining unit consisting of</u>

school district employees, the arbitrator or arbitration panel shall consider and shall give greater weight to economic conditions in the jurisdiction of the municipal employer than to any of the factors specified in subd. 7r.

SECTION 2232. 111.70 (4) (cm) 7r. (intro.) of the statutes is amended to read:

111.70 **(4)** (cm) 7r. (intro.) 'Other factors considered.' In making any decision under the arbitration procedures authorized by this paragraph, the arbitrator or arbitration panel shall ~~also~~ give weight to the following factors:

SECTION 2233. 111.70 (4) (cm) 8m. a. and c. of the statutes are consolidated, renumbered 111.70 (4) (cm) 8m. and amended to read:

111.70 **(4)** (cm) 8m. 'Term of agreement; reopening of negotiations.' Except for the initial collective bargaining agreement between the parties and except as the parties otherwise agree, every collective bargaining agreement covering municipal employees subject to this paragraph ~~other than school district professional employees~~ shall be for a term of 2 years~~. No~~, but in no case may a collective bargaining agreement for any collective bargaining unit consisting of municipal employees subject to this paragraph other than school district ~~professional~~ employees ~~shall~~ be for a term exceeding 3 years~~. c.~~ nor may a collective bargaining agreement for any collective bargaining unit consisting of school district employees subject to this paragraph be for a term exceeding 4 years. No arbitration award may contain a provision for reopening of negotiations during the term of a collective bargaining agreement, unless both parties agree to such a provision. The requirement for agreement by both parties does not apply to a provision for reopening of negotiations with respect to any portion of an agreement that is declared invalid by a court or administrative agency or rendered invalid by the enactment of a law or promulgation of a federal regulation.

SECTION 2234. 111.70 (4) (cm) 8m. b. of the statutes is repealed.

SECTION 2235. 111.70 (4) (cm) 8p. of the statutes is repealed.

SECTION 2236. 111.70 (4) (cm) 8s. of the statutes is repealed.

SECTION 2237. 111.70 (4) (cn) of the statutes is repealed.

SECTION 2238. 111.70 (4) (d) 2. a. of the statutes is amended to read:

111.70 **(4)** (d) 2. a. The commission shall determine the appropriate collective bargaining unit for the purpose of collective bargaining and shall whenever possible, unless otherwise required under this subchapter, avoid fragmentation by maintaining as few collective bargaining units as practicable in keeping with the size of the total municipal ~~work force~~ workforce. In making such a determination, the commission may decide whether, in a particular case, the municipal employees in the same or several departments, divisions, institutions, crafts, professions, or other occupational groupings constitute a collective bargaining unit. Before making its determination, the commission may provide an opportunity for the municipal employees concerned to determine, by secret ballot, whether ~~or not~~ they desire to be established as a separate collective bargaining unit. ~~The commission shall not decide, however, that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both municipal employees who are school district professional employees and municipal employees who are not school district professional employees.~~ The commission shall not decide, however, that any ~~other~~ group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both professional employees and nonprofessional employees, unless a majority of the professional employees vote for inclusion in the unit. The commission shall not decide that any group of municipal employees constitutes an appropriate collective bargaining unit if the group includes both craft employees and noncraft employees unless a majority of the craft employees vote for inclusion in the unit. The commission shall place the professional employees who are assigned to perform any services at a charter school, as defined in s. 115.001 (1), in a separate collective bargaining unit from a unit that includes any other professional employees whenever at least 30% of those professional employees request an election to be held to determine that issue and a majority of the professional employees at the charter school who cast votes in the election decide to be represented in a separate collective bargaining unit. Upon the expiration of any collective bargaining agreement in force, the commission shall combine into a single collective bargaining unit 2 or more collective bargaining units consisting of school district employees if a majority of the employees voting in each collective bargaining unit vote to combine. Any vote taken under this subsection shall be by secret ballot.

SECTION 2239. 111.70 (4) (m) 6. of the statutes is amended to read:

111.70 **(4)** (m) 6. Solicitation of sealed bids for the provision of group health care benefits for school district ~~professional~~ employees as provided in s. 120.12 (24).

SECTION 2240. 111.81 (3h) of the statutes is created to read:

111.81 **(3h)** "Consumer" has the meaning given in s. 46.2898 (1) (cm).

SECTION 2241. 111.81 (7) (g) of the statutes is created to read:

111.81 **(7)** (g) For purposes of this subchapter only, home care providers. This paragraph does not make home care providers state employees for any other purpose except collective bargaining.

SECTION 2242. 111.81 (9k) of the statutes is created to read:

111.81 **(9k)** "Home care provider" means a qualified provider under s. 46.2898 (1) (f).

SECTION 2242s. 111.81 (17m) of the statutes is created to read:

111.81 **(17m)** "Research assistant" means a graduate student enrolled in the University of Wisconsin System who is receiving a stipend to conduct research that is primarily for the benefit of the student's own learning and research and which is independent or self−directed, but does not include students provided fellowships, scholarships, or traineeships which are distributed through other titles such as advanced opportunity fellow, fellow, scholar, or trainee, and does not include students with either an F−1 or a J−1 visa issued by the federal department of state.

SECTION 2243. 111.815 (1) and (2) of the statutes are amended to read:

111.815 **(1)** In the furtherance of this subchapter, the state shall be considered as a single employer and employment relations policies and practices throughout the state service shall be as consistent as practicable. The office shall negotiate and administer collective bargaining agreements except that the department of health services, subject to the approval of the federal centers for medicare and medicaid services to use collective bargaining as the method of setting rates for reimbursement of home care providers, shall negotiate and administer collective bargaining agreements entered into with the collective bargaining unit specified in s. 111.825 (2g). To coordinate the employer position in the negotiation of agreements, the office, or the department of health services with regard to collective bargaining agreements entered into with the collective bargaining unit specified in s. 111.825 (2g), shall maintain close liaison with the legislature relative to the negotiation of agreements and the fiscal ramifications of those agreements. Except with respect to the collective bargaining units specified in s. 111.825 (1m) ~~and~~, (2) (f), and (2g), the office is responsible for the employer functions of the executive branch under this subchapter, and shall coordinate its collective bargaining activities with operating state agencies on matters of agency concern. The legislative branch shall act upon those portions of tentative agreements negotiated by the office that require legislative action. With respect to the collective bargaining units specified in s. 111.825 (1m), the University of Wisconsin Hospitals and Clinics Board is responsible for the employer functions under this subchapter. With respect to the collective bargaining unit specified in s. 111.825 (2) (f), the governing board of the charter school established by contract under s. 118.40 (2r) (cm) is responsible for the employer functions under this subchapter. With respect to the collective bargaining unit specified in s. 111.825 (2g), the department of health services is responsible for the employer functions of the executive branch under this subchapter.

(2) In the furtherance of the policy under s. 111.80 (4), the director of the office shall, together with the appointing authorities or their representatives, represent the state in its responsibility as an employer under this subchapter except with respect to negotiations in the collective bargaining units specified in s. 111.825 (1m), ~~and~~ (2) (f), and (2g). The director of the office shall establish and maintain, wherever practicable, consistent employment relations policies and practices throughout the state service.

SECTION 2243d. 111.825 (2) (g) of the statutes is created to read:

111.825 **(2)** (g) Research assistants of the University of Wisconsin−Madison and University of Wisconsin−Extension.

SECTION 2243p. 111.825 (2) (h) of the statutes is created to read:

111.825 **(2)** (h) Research assistants of the University of Wisconsin−Milwaukee.

SECTION 2243t. 111.825 (2) (i) of the statutes is created to read:

111.825 **(2)** (i) Research assistants of the Universities of Wisconsin−Eau Claire, Green Bay, La Crosse, Oshkosh, Parkside, Platteville, River Falls, Stevens Point, Stout, Superior, and Whitewater.

SECTION 2244. 111.825 (2g) of the statutes is created to read:

111.825 **(2g)** A collective bargaining unit for employees who are home care providers shall be structured as a single statewide collective bargaining unit.

SECTION 2245. 111.825 (3) of the statutes is amended to read:

111.825 **(3)** The commission shall assign employees to the appropriate collective bargaining units set forth in subs. (1), (1m) ~~and~~, (2), and (2g).

SECTION 2246. 111.825 (4) of the statutes is amended to read:

111.825 **(4)** Any labor organization may petition for recognition as the exclusive representative of a collective bargaining unit specified in sub. (1), (1m) ~~or~~, (2), or (2g) in accordance with the election procedures set forth in s. 111.83, provided the petition is accompanied by a 30% showing of interest in the form of signed authorization cards. Each additional labor organization seeking to appear on the ballot shall file petitions within 60 days of the date of filing of the original petition and prove, through signed authorization cards, that at least 10% of the employees in the collective bargaining unit want it to be their representative.

SECTION 2247. 111.83 (1) of the statutes is amended to read:

111.83 **(1)** Except as provided in ~~sub.~~ subs. (5) and (5m), a representative chosen for the purposes of collec-

tive bargaining by a majority of the employees voting in a collective bargaining unit shall be the exclusive representative of all of the employees in such unit for the purposes of collective bargaining. Any individual employee, or any minority group of employees in any collective bargaining unit, may present grievances to the employer in person, or through representatives of their own choosing, and the employer shall confer with said employee or group of employees in relation thereto if the majority representative has been afforded the opportunity to be present at the conference. Any adjustment resulting from such a conference may not be inconsistent with the conditions of employment established by the majority representative and the employer.

SECTION 2248. 111.83 (5m) of the statutes is created to read:

111.83 **(5m)** (a) This subsection applies only to a collective bargaining unit specified in s. 111.825 (2g).

(am) 1. Subject to subd. 2., the department of health services shall provide a labor organization with the list of home care providers provided to the department of health services under s. 52.20 (5) if any of the following apply:

a. The labor organization demonstrates a showing of interest of at least 3 percent of home care providers included in the collective bargaining unit under s. 111.825 (2g) to be represented by that labor organization.

b. The labor organization is a certified representative of any home care providers in this state.

c. The labor organization was a certified representative of any home care providers in this state prior to the effective date of this subdivision paragraph .... [LRB inserts date].

2. A labor organization shall agree to use any list it receives under subd. 1. only for communicating with home care providers concerning the exercise of their rights under s. 111.82 and shall agree to keep the list confidential.

(b) Upon the filing of a petition with the commission indicating a showing of interest of at least 30 percent of the home care providers included in the collective bargaining unit under s. 111.825 (2g) to be represented by a labor organization or to change the existing representative, the commission shall hold an election in which the home care providers may vote on the question of representation. The labor organization named in the petition shall be included on the ballot. Within 60 days of the time that the petition is filed, another petition may be filed with the commission indicating a showing of interest of at least 10 percent of the home care providers who are included in the collective bargaining unit under s. 111.825 (2g) to be represented by another labor organization, in which case the name of that labor organization shall also be included on the ballot.

(c) If at an election held under par. (b), a majority of home care providers voting in the collective bargaining unit vote for a single labor organization, the labor organization shall be the exclusive representative for all home care providers in that collective bargaining unit. If no single labor organization receives a majority of the votes cast, the commission may hold one or more runoff elections under sub. (4) until one labor organization receives a majority of the votes cast.

SECTION 2249. 111.84 (2) (c) of the statutes is amended to read:

111.84 **(2)** (c) To refuse to bargain collectively on matters set forth in s. 111.91 (1) with the duly authorized officer or agent of the employer which is the recognized or certified exclusive collective bargaining representative of employees specified in s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified exclusive collective bargaining representative of employees specified in s. 111.81 (7) (b) to ~~(f)~~ (g) in an appropriate collective bargaining unit. Such refusal to bargain shall include, but not be limited to, the refusal to execute a collective bargaining agreement previously orally agreed upon.

SECTION 2250. 111.905 of the statutes is created to read:

111.905 Rights of consumer. (1) This subchapter does not interfere with the rights of the consumer to hire, discharge, suspend, promote, retain, lay off, supervise, or discipline home care providers or to set conditions and duties of employment.

(2) A home care provider is an at will provider of home care services to a consumer and this subchapter does not interfere with that relationship.

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 2251w. 111.91 (2) (n) of the statutes, as affected by 2009 Wisconsin Act 14, is amended to read:

111.91 **(2)** (n) The provision to employees of the health insurance coverage required under s. 632.895 (11) to (14) ~~and~~, (16), and (17).

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. 632.885 and to continuing coverage for a dependent student on a medical leave of absence under s. 632.895 (15).

SECTION 2252m. 111.91 (2) (t) of the statutes is created to read: **Vetoed In Part**

111.91 **(2)** (t) Retention payments to assistant state public defenders under s. 977.10 (2) and retention payments to assistant district attorneys under s. 978.12 (7) (b).

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 or referred to the appropriate scheduling committee of each house, that portion of the tentative agreement which requires legislative action for implementation, such as salary and wage adjustments, changes in fringe benefits, and any proposed amendments, deletions or additions to existing law. Such bill or companion bills are not subject to ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may, however, submit suitable portions of the tentative agreement to appropriate legislative committees for advisory recommendations on the proposed terms. The committee shall accompany the introduction of such proposed legislation with a message that informs the legislature of the committee's concurrence with the matters under consideration and which recommends the passage of such legislation without change. If the joint committee on employment relations does not approve the tentative agreement, it shall be returned to the parties for renegotiation. If the legislature does not adopt without change that portion of the tentative agreement introduced by the joint committee on employment relations, the tentative agreement shall be returned to the parties for renegotiation.

SECTION 2254g. 111.92 (2m) of the statutes is created to read:

111.92 **(2m)** A collective bargaining agreement entered into by a collective bargaining unit specified in s. 111.825 (2g) may not take effect before July 1, 2011.

SECTION 2254L. 111.935 of the statutes is created to read:

111.935 Representatives and elections for research assistants. (1) In this section, "authorization card" means a signed card that employees complete to indicate their preferences regarding collective bargaining.

(2) Notwithstanding s. 111.83 (2), the commission shall establish a procedure whereby research assistants may determine whether to form themselves into collective bargaining units under s. 111.825 (2) (g), (h), or (i) by authorization cards in lieu of secret ballot. The procedure shall provide that once a majority of research assistants have indicated their preference on the authorization cards to form themselves into a collective bargaining unit, the collective bargaining unit is established.

(3) Notwithstanding ss. 111.825 (4) and 111.83 (3), all of the following shall apply: **Vetoed In Part**

(a) The initial representative of the employees in the collective bargaining unit under s. 111.825 (2) (g) is the representative of the employees in the collective bargaining unit under s. 111.825 (2) (a).

(b) The initial representative of the employees in the collective bargaining unit under s. 111.825 (2) (h) is the representative of the employees in the collective bargaining unit under s. 111.825 (2) (b).

(c) The initial representative of the employees in the collective bargaining unit under s. 111.825 (2) (i) is either the representative of the employees in the collective bargaining unit under s. 111.825 (2) (a) or the representative of the employees in the collective bargaining unit under s. 111.825 (2) (b). The commission shall establish a procedure for selecting the representative by authorization cards in lieu of secret ballot.

SECTION 2255. Subchapter VI of chapter 111 [precedes 111.95] of the statutes is created to read:

CHAPTER 111

SUBCHAPTER VI

UNIVERSITY OF WISCONSIN SYSTEM FACULTY AND ACADEMIC STAFF LABOR RELATIONS

111.95 Declaration of policy. The public policy of the state as to labor relations and collective bargaining involving faculty and academic staff at the University of Wisconsin System, in furtherance of which this subchapter is enacted, is as follows:

(1) The people of the state of Wisconsin have a fundamental interest in developing harmonious and cooperative labor relations within the University of Wisconsin System.

(2) It recognizes that there are 3 major interests involved: that of the public, that of the employee, and that of the employer. These 3 interests are to a considerable extent interrelated. It is the policy of this state to protect and promote each of these interests with due regard to the rights of the others.

111.96 Definitions. In this subchapter:

(1) "Academic staff" has the meaning given under s. 36.05 (1), but does not include any individual holding an appointment under s. 36.13 or 36.15 (2m) or who is appointed to a visiting faculty position.

(2) "Board" means the Board of Regents of the University of Wisconsin System.

(3) "Collective bargaining" means the performance of the mutual obligation of the state as an employer, by its officers and agents, and the representatives of its employees, to meet and confer at reasonable times, in good faith, with respect to the subjects of bargaining provided in s. 111.998 with the intention of reaching an agreement, or to resolve questions arising under such an agreement. 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.

(4) "Collective bargaining unit" means a unit established under s. 111.98 (1).

(5) "Commission" means the employment relations commission.

(6) "Election" means a proceeding conducted by the commission in which the employees in a collective bargaining unit cast a secret ballot for collective bargaining representatives, or for any other purpose specified in this subchapter.

(7) "Employee" includes:

(a) All faculty, including specifically faculty who are supervisors or management employees, but not including faculty holding a limited appointment under s. 36.17 or deans.

(b) All academic staff, except for supervisors, management employees, and individuals who are privy to confidential matters affecting the employer−employee relationship.

(8) "Employer" means the state of Wisconsin.

(9) "Faculty" has the meaning given in s. 36.05 (8), except for an individual holding an appointment under s. 36.15.

(10) "Fair−share agreement" means an agreement between the employer and a labor organization representing employees under which all of the employees in a collective bargaining unit are required to pay their proportionate share of the cost of the collective bargaining process and contract administration measured by the amount of dues uniformly required of all members.

(11) "Institution" has the meaning given in s. 36.05 (9).

(12) "Labor dispute" means any controversy with respect to the subjects of bargaining provided in this subchapter.

(13) "Labor organization" means any employee organization whose purpose is to represent employees in collective bargaining with the employer, or its agents, on matters pertaining to terms and conditions of employment, but does not include any organization that does any of the following:

(a) Advocates the overthrow of the constitutional form of government in the United States.

(b) Discriminates with regard to the terms or conditions of membership because of race, color, creed, sex, age, sexual orientation, or national origin.

(14) "Maintenance of membership agreement" means an agreement between the employer and a labor organization representing employees that requires that all of the employees whose dues are being deducted from earnings under s. 20.921 (1) or 111.992 at or after the time the agreement takes effect shall continue to have dues deducted for the duration of the agreement and that dues shall be deducted from the earnings of all employees who are hired on or after the effective date of the agreement.

(15) "Management employees" include those personnel engaged predominately in executive and managerial functions.

(16) "Office" means the office of state employment relations in the department of administration.

(17) "Referendum" means a proceeding conducted by the commission in which employees, or supervisors specified in s. 111.98 (5), in a collective bargaining unit may cast a secret ballot on the question of directing the labor organization and the employer to enter into a fair−share agreement or to terminate a fair−share agreement.

(18) "Representative" includes any person chosen by an employee to represent the employee.

(19) "Strike" includes any strike or other concerted stoppage of work by employees, any concerted slowdown or other concerted interruption of operations or services by employees, or any concerted refusal to work or perform their usual duties as employees of the state.

(20) "Supervisor" means any individual whose principal work is different from that of the individual's subordinates and who has authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline employees, or to adjust their grievances, or to authoritatively recommend such action, if the individual's exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(21) "Unfair labor practice" means any unfair labor practice specified in s. 111.991.

111.965 Duties of the state. (1) In the furtherance of this subchapter, the state shall be considered as a single employer. The board shall negotiate and administer collective bargaining agreements. To coordinate the employer position in the negotiation of agreements, the board shall maintain close liaison with the office relative to the negotiation of agreements and the fiscal ramifications of those agreements. The board shall coordinate its collective bargaining activities with the office. The legislative branch shall act upon those portions of tentative agreements negotiated by the board that require legislative action.

(2) The board shall establish a collective bargaining capacity and shall represent the state in its responsibility

as an employer under this subchapter. The board shall coordinate its actions with the director of the office.

111.97 Rights of employees. Employees shall have the right of self−organization and the right to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing under this subchapter, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection. Employees shall also have the right to refrain from any such activities.

111.98 Collective bargaining units. (1) Collective bargaining units for faculty and staff in the unclassified service of the state shall be structured with a collective bargaining unit for each of the following groups:

(a) Faculty of the University of Wisconsin−Madison.

(b) Faculty of the University of Wisconsin−Milwaukee.

(c) Faculty of the University of Wisconsin−Extension.

(cm) Faculty of the University of Wisconsin−Eau Claire.

(d) Faculty of the University of Wisconsin−Green Bay.

(dm) Faculty of the University of Wisconsin−La Crosse.

(e) Faculty of the University of Wisconsin−Oshkosh.

(em) Faculty of the University of Wisconsin−Parkside.

(f) Faculty of the University of Wisconsin−Platteville.

(fm) Faculty of the University of Wisconsin−River Falls.

(g) Faculty of the University of Wisconsin−Stevens Point.

(gm) Faculty of the University of Wisconsin−Stout.

(h) Faculty of the University of Wisconsin−Superior.

(hm) Faculty of the University of Wisconsin−Whitewater.

(i) Faculty of the University of Wisconsin Colleges.

(j) Academic staff of the University of Wisconsin−Madison and academic staff employed at the University of Wisconsin System administration.

(jm) Academic staff of the University of Wisconsin−Milwaukee.

(k) Academic staff of the University of Wisconsin−Extension.

(km) Academic staff of the University of Wisconsin−Eau Claire.

(L) Academic staff of the University of Wisconsin−Green Bay.

(Lm) Academic staff of the University of Wisconsin−La Crosse.

(n) Academic staff of the University of Wisconsin−Oshkosh.

(nm) Academic staff of the University of Wisconsin−Parkside.

(o) Academic staff of the University of Wisconsin−Platteville.

(om) Academic staff of the University of Wisconsin−River Falls.

(p) Academic staff of the University of Wisconsin−Stevens Point.

(pm) Academic staff of the University of Wisconsin−Stout.

(q) Academic staff of the University of Wisconsin−Superior.

(qm) Academic staff of the University of Wisconsin−Whitewater.

(r) Academic staff of the University of Wisconsin Colleges.

(2) (a) Notwithstanding sub. (1), 2 or more collective bargaining units described under sub. (1) (a) to (r) may be combined into a single unit. If 2 or more collective bargaining units seek to combine into a single collective bargaining unit, the commission shall, upon the petition of at least 30 percent of the employees in each unit, hold an election, or include on any ballot for an election held under s. 111.990 (2) the question of whether to combine units, to determine whether a majority of those employees voting in each unit desire to combine into a single unit. A combined collective bargaining unit shall be formed including all employees from each of those units in which a majority of the employees voting in the election approve a combined unit. The combined collective bargaining unit shall be formed immediately if there is no existing collective bargaining agreement in force in any of the units to be combined. If there is a collective bargaining agreement in force at the time of the election in any of the collective bargaining units to be combined, the combined unit shall be formed upon expiration of the last agreement for the units concerned.

(b) If 2 or more collective bargaining units have combined under par. (a), the commission shall, upon petition of at least 30 percent of the employees in any of the original units, hold an election of the employees in the original unit to determine whether the employees in that unit desire to withdraw from the combined collective bargaining unit. If a majority of the employees voting desire to withdraw from the combined collective bargaining unit, separate units consisting of the unit in which the election was held and a unit composed of the remainder of the combined unit shall be formed. The new collective bargaining units shall be formed immediately if there is no collective bargaining agreement in force for the combined unit. If there is a collective bargaining agreement in force for the combined collective bargaining unit, the new units shall be formed upon the expiration of the agreement. While there is a collective bargaining agreement in force for the combined collective bargaining unit, a petition for an election under this paragraph may be filed only during October in the calendar year prior to the expiration of the agreement.

Vetoed In Part

(3) The commission shall assign employees to the appropriate collective bargaining units described under sub. (1) or (2) or under s. 111.825 (1) or (2).

(4) Any labor organization may petition for recognition as the exclusive representative of a collective bargaining unit described under sub. (1) or (2) in accordance with the election procedures under s. 111.990 if the petition is accompanied by a 30 percent showing of interest in the form of signed authorization cards. Any additional labor organization seeking to appear on the ballot shall file a petition within 60 days of the date of filing of the original petition and prove, through signed authorization cards, that at least 10 percent of the employees in the collective bargaining unit want it to be their representative.

(5) Although academic staff supervisors are not considered employees for the purpose of this subchapter, the commission may consider a petition for a statewide collective bargaining unit consisting of academic staff supervisors, but the representative of the supervisors may not be affiliated with any labor organization representing employees. For purposes of this subsection, affiliation does not include membership in a national, state, county, or municipal federation of national or international labor organizations. The certified representative of the supervisors may not bargain collectively with respect to any matter other than wages and fringe benefits.

111.990 Representatives and elections. (1) A representative chosen for the purposes of collective bargaining by a majority of the employees voting in a collective bargaining unit shall be the exclusive representative of all of the employees in such unit for the purposes of collective bargaining. Any individual employee, or any minority group of employees in any collective bargaining unit, may present any grievance to the employer in person, or through representatives of their own choosing, and the employer shall confer with the individual employee or group of employees with respect to the grievance if the majority representative has been afforded the opportunity to be present at the conference. Any adjustment resulting from such a conference may not be inconsistent with the conditions of employment established by the majority representative and the employer.

(2) (a) Whenever a question arises concerning the representation of employees in a collective bargaining unit, the commission shall determine the representation by taking a secret ballot of the employees and certifying in writing the results to the interested parties and to the board. There shall be included on any ballot for the election of representatives the names of all labor organizations having an interest in representing the employees participating in the election as indicated in petitions filed with the commission. The name of any existing representative shall be included on the ballot without the necessity of filing a petition. The commission may exclude from the ballot one who, at the time of the election, stands deprived of his or her rights under this subchapter by reason of a prior adjudication of his or her having engaged in an unfair labor practice. The ballot shall be so prepared as to permit a vote against representation by anyone named on the ballot.

(b) 1. Except as provided in subd. 2., for elections in a collective bargaining unit composed of employees who are members of the faculty or academic staff, whenever more than one representative qualifies to appear on the ballot, the ballot shall be so prepared as to provide separate votes on 2 questions. The first question shall be: "Shall the employees of the .... (name of collective bargaining unit) participate in collective bargaining?". The 2nd question shall be: "If the employees of the .... (name of collective bargaining unit) elect to participate in collective bargaining, which labor organization do you favor to act as representative of the employees?". The 2nd question shall not include a choice for no representative. All employees in the collective bargaining unit may vote on both questions. Unless a majority of those employees voting in the election vote to participate in collective bargaining, no votes for a particular representative may be counted. If a majority of those employees voting in the election vote to participate in collective bargaining, the ballots for representatives shall be counted.

2. For elections in a collective bargaining unit composed of employees who are members of the faculty or academic staff, whenever more than one representative qualifies to appear on the ballot and a question of whether to combine collective bargaining units as permitted under s. 111.98 (2) (a) qualifies to appear on the ballot, the ballot shall be so prepared as to provide separate votes on 3 questions and each ballot shall identify the collective bargaining unit to which each voter currently belongs. The first question shall be: "Shall the employees of the .... (name of the voter's current collective bargaining unit) participate in collective bargaining?". The 2nd question shall be "Shall the employees of the .... (names of all of the collective bargaining units that qualify to appear on the ballot, including the name of the voter's current collective bargaining unit) combine to participate in collective bargaining?". The 3rd question shall be: "If the employees of the .... (name of the voter's current collective bargaining unit) elect to participate in collective bargaining, which labor organization do you favor to act as representative of the employees?". The 3rd question shall not include a choice for no representative. All employees in the collective bargaining unit may vote on all questions. Unless a majority of those employees voting in the election vote to participate in collective bargaining, no votes for combination or for a particular representative may be counted. If a majority of those employees voting in the election vote to participate in collective bargaining, the ballots for combination shall be counted. If the ballots for combination are counted and a majority of those employees voting from each collective bargaining unit listed in the 2nd question on the

ballot vote to combine, then the ballots for representatives of the combined collective bargaining unit shall be counted. If the ballots for combination are counted and a majority of those employees voting from each collective bargaining unit listed in the 2nd question on the ballot do not vote to combine, then the ballots for representatives of each current collective bargaining unit shall be counted.

(c) The commission's certification of the results of any election is conclusive as to the findings included therein unless reviewed under s. 111.07 (8).

(3) Whenever an election has been conducted under sub. (2) in which the ballots for representatives have been counted but in which no named representative is favored by a majority of the employees voting, the commission may, if requested by a party to the proceeding within 30 days from the date of the certification of the results of the election, conduct a runoff election. In that runoff election, the commission shall drop from the ballot the name of the representative who received the least number of votes at the original election.

(4) While a collective bargaining agreement between a labor organization and an employer is in force under this subchapter, a petition for an election in the collective bargaining unit to which the agreement applies may be filed only during October in the calendar year prior to the expiration of that agreement. An election held under that petition may be held only if the petition is supported by proof that at least 30 percent of the employees in the collective bargaining unit desire a change or discontinuance of existing representation. Within 60 days of the time that an original petition is filed, another petition may be filed supported by proof that at least 10 percent of the employees in the same collective bargaining unit desire a different representative. If a majority of the employees in the collective bargaining unit vote for a change or discontinuance of representation by any named representative, the decision takes effect upon expiration of any existing collective bargaining agreement between the employer and the existing representative.

111.991 Unfair labor practices. (1) It is an unfair labor practice for an employer individually or in concert with others:

(a) To interfere with, restrain, or coerce employees in the exercise of their rights guaranteed under s. 111.97.

(b) Except as otherwise provided in this paragraph, to initiate, create, dominate, or interfere with the formation or administration of any labor or employee organization or contribute financial support to it. Except as provided in ss. 40.02 (22) (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin Retirement System under ch. 40 and no action by the employer that is authorized by such a law is a violation of this paragraph unless an applicable collective bargaining agreement specifically prohibits the change or action. No such change or action affects the continuing duty to bargain collectively regarding the Wisconsin Retirement System under ch. 40 to the extent required by s. 111.998. It is not an unfair labor practice for the employer to reimburse an employee at his or her prevailing wage rate for the time spent during the employee's regularly scheduled hours conferring with the employer's officers or agents and for attendance at commission or court hearings necessary for the administration of this subchapter.

(c) To encourage or discourage membership in any labor organization by discrimination in regard to hiring, tenure, or other terms or conditions of employment. This paragraph does not apply to fair−share or maintenance of membership agreements.

(d) To refuse to bargain collectively on matters set forth in s. 111.998 with a representative of a majority of its employees in an appropriate collective bargaining unit. Whenever the employer has a good faith doubt as to whether a labor organization claiming the support of a majority of its employees in an appropriate collective bargaining unit does in fact have that support, it may file with the commission a petition requesting an election as to that claim. The employer is not considered to have refused to bargain until an election has been held and the results of the election are certified to the employer by the commission. A violation of this paragraph includes the refusal to execute a collective bargaining agreement previously orally agreed upon.

(e) To violate any collective bargaining agreement previously agreed upon by the parties with respect to wages, hours, and conditions of employment affecting the employees, including an agreement to arbitrate or to accept the terms of an arbitration award, when previously the parties have agreed to accept such award as final and binding upon them.

(f) To deduct labor organization dues from an employee's earnings, unless the employer has been presented with an individual order therefor, signed by the employee personally, and terminable by at least the end of any year of its life or earlier by the employee giving at least 30 but not more than 120 days' written notice of such termination to the employer and to the representative labor organization, except if there is a fair−share or maintenance of membership agreement in effect. The employer shall give notice to the labor organization of receipt of such notice of termination.

(1m) Notwithstanding sub. (1), it is not an unfair labor practice for the board to implement changes in salaries or conditions of employment for members of the faculty or academic staff at one institution, and not for other members of the faculty or academic staff at another institution, but this may be done only if the differential treatment is based on comparisons with the compensation and working conditions of employees performing similar services for comparable higher education institutions or based upon other competitive factors.

(2) It is unfair practice for an employee individually or in concert with others:

(a) To coerce or intimidate an employee in the enjoyment of the employee's legal rights, including those guaranteed under s. 111.97.

(b) To coerce, intimidate, or induce any officer or agent of the employer to interfere with any of the employer's employees in the enjoyment of their legal rights including those guaranteed under s. 111.97 or to engage in any practice with regard to its employees which would constitute an unfair labor practice if undertaken by the officer or agent on the officer's or agent's own initiative.

(c) To refuse to bargain collectively on matters specified in s. 111.998 with the authorized officer or agent of the employer that is the recognized or certified exclusive collective bargaining representative of employees in an appropriate collective bargaining unit. Such refusal to bargain shall include a refusal to execute a collective bargaining agreement previously orally agreed upon.

(d) To violate the provisions of any written agreement with respect to terms and conditions of employment affecting employees, including an agreement to arbitrate or to accept the terms of an arbitration award, when previously the parties have agreed to accept such awards as final and binding upon them.

(e) To engage in, induce, or encourage any employees to engage in a strike or a concerted refusal to work or perform their usual duties as employees.

(f) To coerce or intimidate a supervisory employee, officer, or agent of the employer, working at the same trade or profession as the employer's employees, to induce the person to become a member of or act in concert with the labor organization of which the employee is a member

(3) It is an unfair labor practice for any person to do or cause to be done on behalf of or in the interest of employers or employees, or in connection with or to influence the outcome of any controversy as to employment relations, any act prohibited by subs. (1) and (2).

(4) Any controversy concerning unfair labor practices may be submitted to the commission as provided in s. 111.07, except that the commission shall schedule a hearing on complaints involving alleged violations of sub. (2) (e) within 3 days after filing of a complaint, and notice shall be given to each party interested by service on the party personally, or by telegram, advising the party of the nature of the complaint and of the date, time, and place of hearing. The commission may appoint a substitute tribunal to hear unfair labor practice charges by either appointing a 3−member panel or submitting a 7−member panel to the parties and allowing each to strike 2 names. Any such panel shall report its finding to the commission for appropriate action.

111.992 Fair−share and maintenance of membership agreements. (1) (a) 1. No fair−share agreement may become effective unless authorized by a referendum. The commission shall order a referendum whenever it receives a petition supported by proof that at least 30 percent of the employees or supervisors specified in s. 111.98 (5) in a collective bargaining unit desire that a fair−share agreement be entered into between the employer and a labor organization.

2. For a fair−share agreement to be authorized, at least a majority of the eligible employees or supervisors voting in a referendum shall vote in favor of the agreement.

(b) No maintenance of membership agreement may be effective unless authorized. For a maintenance of membership agreement to be authorized, the employer and the labor organization representing the employees must voluntarily agree to establish the maintenance of membership agreement.

(c) If a fair−share agreement is authorized in a referendum, the employer shall enter into a fair−share agreement with the labor organization named on the ballot in the referendum. If a maintenance of membership agreement is authorized under par. (b), the employer shall enter into the maintenance of membership agreement with the labor union that voluntarily agreed to establish the agreement. Each fair−share or maintenance of membership agreement shall contain a provision requiring the employer to deduct the amount of dues as certified by the labor organization from the earnings of the employees or supervisors affected by the agreement and to pay the amount so deducted to the labor organization. Unless the parties agree to an earlier date, a fair−share agreement shall take effect 60 days after the commission certifies that the referendum vote authorized the fair−share agreement and a maintenance of membership agreement shall take effect 60 days after the commission certifies that the parties have voluntarily agreed to establish the maintenance of membership agreement. The employer shall be held harmless against any claims, demands, suits, and other forms of liability made by employees or supervisors or local labor organizations which may arise for actions taken by the employer in compliance with this section. All such lawful claims, demands, suits, and other forms of liability are the responsibility of the labor organization entering into the agreement.

(d) Under each fair−share or maintenance of membership agreement, an employee or supervisor who has religious convictions against dues payments to a labor organization based on teachings or tenets of a church or religious body of which he or she is a member shall, on request to the labor organization, have his or her dues paid to a charity mutually agreed upon by the employee or supervisor and the labor organization. Any dispute concerning this paragraph may be submitted to the commission for adjudication.

(2) (a) 1. Once authorized, a fair−share agreement shall continue in effect, subject to the right of the employer or labor organization concerned to petition the

commission to conduct a new referendum. Such a petition must be supported by proof that at least 30 percent of the employees or supervisors in the collective bargaining unit desire that the fair−share agreement be discontinued. Upon so finding, the commission shall conduct a new referendum. If the continuance of the fair−share agreement is approved in the referendum by at least the percentage of eligible voting employees or supervisors required for its initial authorization, it shall be continued in effect, subject to the right of the employer or labor organization to later initiate a further vote following the procedure prescribed in this subsection. If the continuance of the fair−share agreement is not supported in any referendum, it is considered terminated at the termination of the collective bargaining agreement, or one year from the date of the certification of the result of the referendum, whichever is earlier.

2. Once authorized, a maintenance of membership agreement shall continue in effect, subject to the right of the employer or the labor organization concerned to notify the commission that it no longer voluntarily agrees to continue the agreement. After the commission is notified, the maintenance of membership agreement is terminated at the termination of the collective bargaining agreement or one year from the notification, whichever is earlier.

(b) The commission shall declare any fair−share or maintenance of membership agreement suspended upon such conditions and for such time as the commission decides whenever it finds that the labor organization involved has refused on the basis of race, color, sexual orientation, or creed to receive as a member any employee or supervisor in the collective bargaining unit involved, and the agreement shall be made subject to the findings and orders of the commission. Any of the parties to the agreement, or any employee or supervisor covered under the agreement, may come before the commission, as provided in s. 111.07, and petition the commission to make such a finding.

(3) A stipulation for a referendum executed by an employer and a labor organization may not be filed until after the representation election has been held and the results certified.

(4) The commission may, under rules adopted for that purpose, appoint as its agent an official of a state agency whose employees are entitled to vote in a referendum to conduct a referendum under this section.

111.993 Grievance arbitration. (1) Parties to the dispute pertaining to the interpretation of a collective bargaining agreement may agree in writing to have the commission or any other appointing state agency serve as arbitrator or may designate any other competent, impartial, and disinterested persons to so serve. Such arbitration proceedings shall be governed by ch. 788.

(2) The board shall charge an institution for the employer's share of the cost related to grievance arbitration under sub. (1) for any arbitration that involves one or more employees of the institution. Each institution so charged shall pay the amount that the board charges from the appropriation account or accounts used to pay the salary of the grievant. Funds received under this subsection shall be credited to the appropriation account under s. 20.545 (1) (km).

111.994 Mediation. The commission may appoint any competent, impartial, disinterested person to act as mediator in any labor dispute either upon its own initiative or upon the joint request of both parties to the dispute. It is the function of a mediator to bring the parties together voluntarily under such favorable auspices as will tend to effectuate settlement of the dispute, but neither the mediator nor the commission shall have any power of compulsion in mediation proceedings.

111.995 Fact−finding. (1) If a dispute has not been settled after a reasonable period of negotiation and after the settlement procedures, if any, established by the parties have been exhausted, the representative that has been certified by the commission after an election, as the exclusive representative of employees in an appropriate bargaining unit, and the employer, its officers, and agents, after a reasonable period of negotiation, are deadlocked with respect to any dispute between them arising in the collective bargaining process, either party, or the parties jointly, may petition the commission, in writing, to initiate fact−finding under this section, and to make recommendations to resolve the deadlock.

(2) Upon receipt of a petition to initiate fact−finding, the commission shall make an investigation with or without a formal hearing, to determine whether a deadlock in fact exists. The commission shall certify the results of the investigation. If the commission decides that fact−finding should be initiated, it shall appoint a qualified, disinterested person or, when jointly requested by the parties, a 3−member panel to function as a fact finder.

(3) The fact finder may establish dates and place of hearings and shall conduct the hearings under rules established by the commission. Upon request, the commission shall issue subpoenas for hearings conducted by the fact finder. The fact finder may administer oaths. Upon completion of the hearing, the fact finder shall make written findings of fact and recommendations for solution of the dispute and shall cause the same to be served on the parties and the commission. In making findings and recommendations, the fact finder shall take into consideration among other pertinent factors the principles vital to the public interest in efficient and economical governmental administration. Upon the request of either party, the fact finder may orally present the recommendations in advance of service of the written findings and recommendations. Cost of fact−finding proceedings shall be divided equally between the parties. At the time the fact finder submits a statement of his or her costs to the par-

ties, the fact finder shall submit a copy thereof to the commission at its Madison office.

(4) A fact finder may mediate a dispute at any time prior to the issuance of the fact finder's recommendations.

(5) Within 30 days of the receipt of the fact finder's recommendations or within a time period mutually agreed upon by the parties, each party shall advise the other, in writing, as to the party's acceptance or rejection, in whole or in part, of the fact finder's recommendations and, at the same time, send a copy of the notification to the commission at its Madison office. Failure to comply with this subsection, by the employer or employee representative, is a violation of s. 111.991 (1) (d) or (2) (c).

111.996 Strike prohibited. (1) Upon establishing that a strike is in progress, the employer may either seek an injunction or file an unfair labor practice charge with the commission under s. 111.991 (2) (e) or both. It is the responsibility of the board to decide whether to seek an injunction or file an unfair labor practice charge. The existence of an administrative remedy does not constitute grounds for denial of injunctive relief.

(2) The occurrence of a strike and the participation in the strike by an employee do not affect the rights of the employer, in law or in equity, to deal with the strike, including all of the following:

(a) The right to impose discipline, including discharge, or suspension without pay, of any employee participating in the strike.

(b) The right to cancel the reinstatement eligibility of any employee engaging in the strike.

(c) The right of the employer to request the imposition of fines, either against the labor organization or the employee engaging in the strike, or to sue for damages because of such strike activity.

111.997 Management rights. Nothing in this subchapter shall interfere with the right of the board, in accordance with this subchapter, to do any of the following:

(1) Carry out the statutory mandate and goals assigned to the board by the most appropriate and efficient methods and means and utilize personnel in the most appropriate and efficient manner possible.

(2) Suspend, demote, discharge, or take other appropriate disciplinary action against the employee; or to lay off employees in the event of lack of work or funds or under conditions where continuation of such work would be inefficient and nonproductive.

111.998 Subjects of bargaining. (1) (a) Except as provided in pars. (b) to (f), matters subject to collective bargaining to the point of impasse are salaries; fringe benefits consistent with sub. (2); and hours and conditions of employment.

(b) The board is not required to bargain on management rights under s. 111.997, except that procedures for the adjustment or settlement of grievances or disputes arising out of any type of disciplinary action in s. 111.997 (2) is a subject of bargaining.

(c) The board is prohibited from bargaining on matters contained in sub. (2).

(d) Except as provided in sub. (2) (d) and (e) and ss. 40.02 (22) (e) and 40.23 (1) (f) 4., all laws governing the Wisconsin Retirement System under ch. 40 and all actions of the board that are authorized under any such law which apply to nonrepresented individuals employed by the state shall apply to similarly situated employees, unless otherwise specifically provided in a collective bargaining agreement that applies to those employees.

(e) Demands relating to retirement and group insurance shall be submitted to the board at least one year prior to commencement of negotiations.

(f) The board is not required to bargain on matters related to employee occupancy of houses or other lodging provided by the state.

(2) The board is prohibited from bargaining on:

(a) The mission and goals of the board as set forth in the statutes; the diminution of the right of tenure provided the faculty under s. 36.13, the rights granted faculty under s. 36.09 (4) and academic staff under s. 36.09 (4m), or the rights of appointment provided academic staff under s. 36.15; or academic freedom.

(b) Amendments to this subchapter.

(c) Family leave and medical leave rights below the minimum afforded under s. 103.10. Nothing in this paragraph prohibits the board from bargaining on rights to family leave or medical leave which are more generous to the employee than the rights provided under s. 103.10.

(d) An increase in benefit adjustment contribution rates under s. 40.05 (2n) (a) 3.

(e) The rights of employees to have retirement benefits computed under s. 40.30.

(f) Honesty testing requirements that provide fewer rights and remedies to employees than are provided under s. 111.37.

(h) Creditable service to which s. 40.285 (2) (b) 4. applies.

(i) Compliance with the health benefit plan requirements under ss. 632.746 (1) to (8) and (10), 632.747, and 632.748.

(j) Compliance with the insurance requirements under s. 631.95.

(k) The definition of earnings under s. 40.02 (22).

(L) The maximum benefit limitations under s. 40.31

(m) The limitations on contributions under s. 40.32.

(n) The provision to employees of the health insurance coverage required under s. 632.895 (11) to (14).

(o) The requirements related to coverage of and prior authorization for treatment of an emergency medical condition under s. 632.85.

(p) The requirements related to coverage of drugs and devices under s. 632.853.

(q) The requirements related to experimental treatment under s. 632.855.

(r) The requirements under s. 609.10 related to offering a point−of−service option plan.

(s) The requirements related to internal grievance procedures under s. 632.83 and independent review of certain health benefit plan determinations under s. 632.835.

(3) Upon request, the chancellor at each institution, or his or her designee, shall meet and confer with the collective bargaining representative, if any, with regard to any issue that is a permissive subject of bargaining, except when the issue is under active consideration by a governance organization under s. 36.09 (4) or (4m).

111.999 Labor proposals. The board shall notify and consult with the joint committee on employment relations, in such form and detail as the committee requests, regarding substantial changes in wages, employee benefits, personnel management, and program policy contract provisions to be included in any contract proposal to be offered to any labor organization by the state or to be agreed to by the state before such proposal is actually offered or accepted.

111.9991 Agreements. (1) Any tentative agreement reached between the board, acting for the state, and any labor organization representing a collective bargaining unit specified in s. 111.98 shall, after official ratification by the labor organization, be submitted by the board 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 or referred to the appropriate scheduling committee of each house, that portion of the tentative agreement which requires legislative action for implementation, such as salary and wage adjustments, changes in fringe benefits, and any proposed amendments, deletions, or additions to existing law. Such bill or companion bills are not subject to ss. 13.093 (1), 13.50 (6) (a) and (b), and 16.47 (2). The committee may, however, submit suitable portions of the tentative agreement to appropriate legislative committees for advisory recommendations on the proposed terms. The committee shall accompany the introduction of such proposed legislation with a message that informs the legislature of the committee's concurrence with the matters under consideration and that recommends the passage of such legislation without change. If the joint committee on employment relations does not approve the tentative agreement, it shall be returned to the parties for renegotiation. If the legislature does not adopt without change that portion of the tentative agreement introduced by the joint committee on employment relations, the tentative agreement shall be returned to the parties for renegotiation.

(2) No portion of any tentative agreement shall become effective separately.

(3) Agreements shall coincide with the fiscal year or biennium.

(4) The negotiation of collective bargaining agreements and their approval by the parties should coincide with the overall fiscal planning and processes of the state.

(5) All compensation adjustments for employees shall be effective on the beginning date of the pay period nearest the statutory or administrative date.

111.9992 Status of existing benefits and rights. Unless a prohibited subject of bargaining under s. 111.998 (2), and except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.998 (1) (d), and 230.35 (2d) and (3) (e) 6., all statutes and rules governing the salaries, fringe benefits, hours, and conditions of employment apply to each employee, unless otherwise provided in a collective bargaining agreement.

111.9993 Rules, transcripts, fees. (1) The commission may adopt reasonable and proper rules relative to the exercise of its powers and authority and proper rules to govern its proceedings and to regulate the conduct of all elections and hearings under this subchapter. The commission shall, upon request, provide a transcript of a proceeding to any party to the proceeding for a fee, established by rule, by the commission at a uniform rate per page. All transcript fees shall be credited to the appropriation account under s. 20.425 (1) (i).

(2) The commission shall assess and collect a filing fee for filing a complaint alleging that an unfair labor practice has been committed under s. 111.991. The commission shall assess and collect a filing fee for filing a request that the commission act as an arbitrator to resolve a dispute involving the interpretation or application of a collective bargaining agreement under s. 111.993. The commission shall assess and collect a filing fee for filing a request that the commission initiate fact−finding under s. 111.995. The commission shall assess and collect a filing fee for filing a request that the commission act as a mediator under s. 111.994. For the performance of commission actions under ss. 111.993, 111.994, and 111.995, the commission shall require that the parties to the dispute equally share in the payment of the fee and, for the performance of commission actions involving a complaint alleging that an unfair labor practice has been committed under s. 111.991, the commission shall require that the party filing the complaint pay the entire fee. If any party has paid a filing fee requesting the commission to act as a mediator for a labor dispute and the parties do not enter into a voluntary settlement of the labor dispute, the commission may not subsequently assess or collect a filing fee to initiate fact−finding to resolve the same labor dispute. If any request concerns issues arising as a result of more than one unrelated event or occurrence, each such separate event or occurrence shall be treated as a

separate request. The commission shall promulgate rules establishing a schedule of filing fees to be paid under this subsection. Fees required to be paid under this subsection shall be paid at the time of filing the complaint or the request for fact−finding, mediation, or arbitration. A complaint or request for fact−finding, mediation, or arbitration is not filed until the date such fee or fees are paid. Fees collected under this subsection shall be credited to the appropriation account under s. 20.425 (1) (i).

SECTION 2255m. 115.28 (52) of the statutes is amended to read:

115.28 **(52)** ADULT LITERACY GRANTS. From the appropriation under s. 20.255 (3) (b), award grants to nonprofit organizations, as defined in s. 108.02 (19), to support programs that train community−based adult literacy staff and to establish new volunteer−based programs in areas of this state that have a demonstrated need for adult literacy services. No ~~grant may exceed $10,000, and no~~ organization may receive more than one grant in any fiscal year.

SECTION 2256g. 115.38 (2) of the statutes is renumbered 115.38 (2) (a) and amended to read:

115.38 **(2)** (a) Annually by January 1, each school board shall notify the parent or guardian of each pupil enrolled in the school district of the right to request a school and school district performance report under this subsection. ~~Annually~~ Except as provided in par. (b), annually by May 1, each school board shall, upon request, distribute to the parent or guardian of each pupil enrolled in the school district, including pupils enrolled in charter schools located in the school district, or give to each pupil to bring home to his or her parent or guardian, a school and school district performance report that includes the information specified by the state superintendent under sub. (1). The report shall also include a comparison of the school district's performance under sub. (1) (a) and (b) with the performance of other school districts in the same athletic conference under sub. (1) (a) and (b). If the school district maintains an Internet site, the report shall be made available to the public at that site.

SECTION 2256r. 115.38 (2) (b) of the statutes is created to read:

115.38 **(2)** (b) If a school board enters into an agreement with a federally recognized American Indian tribe or band in this state to establish a charter school, that school board shall, upon request, distribute to the parent or guardian of each pupil enrolled in the charter school a school and school district performance report that includes the information specified by the state superintendent under sub. (1), regardless of the location of the charter school.

SECTION 2256t. 115.436 (3) (a) (intro.), 1. and 2. of the statutes are consolidated, renumbered 115.436 (3) (a) and amended to read:

115.436 **(3)** (a) Beginning in the ~~2008−09~~ 2009−10 school year, from the appropriation under s. 20.255 (2) (ae) and subject to par. (b), the department shall pay to each school district eligible for sparsity aid ~~the following amount from the appropriation under s. 20.255 (2) (ae), subject to par. (b): 1. If less than 50 percent of the school district's membership in the previous school year was eligible for a free or reduced−price lunch under 42 USC 1758 (b), $150 multiplied by the membership in the previous school year. 2. If 50 percent or more of the school district's membership in the previous school year was eligible for a free or reduced−price lunch under 42 USC 1758 (b),~~ $300 multiplied by the membership in the previous school year.

SECTION 2257. 115.745 of the statutes is created to read:

115.745 Tribal language revitalization grants. (1) A school board or cooperative educational service agency, in conjunction with a tribal education authority, may apply to the department for a grant for the purpose of supporting innovative, effective instruction in one or more American Indian languages.

(2) The department shall award grants under sub. (1) from the appropriation under s. 20.255 (2) (km).

(3) The department shall promulgate rules to implement and administer this section.

SECTION 2258m. 118.07 (4) (a) 2. of the statutes is created to read:

118.07 **(4)** (a) 2. If a school district is created or a public or private school opens after the effective date of this paragraph .... [LRB inserts date], the school board or governing body of the private school shall have in effect a school safety plan for each public or private school within 3 years of its creation or opening.

SECTION 2258n. 118.07 (4) (b) to (d) of the statutes are created to read:

118.07 **(4)** (b) A school safety plan shall be created with the active participation of appropriate parties, as specified by the school board or governing body of the private school. The appropriate parties may include local law enforcement officers, fire fighters, school administrators, teachers, pupil services professionals, as defined in s. 118.257 (1) (c), and mental health professionals. A school safety plan shall include general guidelines specifying procedures for emergency prevention and mitigation, preparedness, response, and recovery. The plan shall also specify the process for reviewing the methods for conducting drills required to comply with the plan.

(c) The school board or governing body of the private school shall determine which persons are required to receive school safety plan training and the frequency of the training. The training shall be based upon the school district's or private school's prioritized needs, risks, and vulnerabilities.

(d) Each school board and the governing body of each private school shall review the school safety plan at least once every 3 years after the plan goes into effect.

SECTION 2259. 118.125 (4) of the statutes is amended to read:

118.125 **(4)** TRANSFER OF RECORDS. Within 5 working days, a school district and a private school participating in the program under s. 119.23 shall transfer to another school or school district all pupil records relating to a specific pupil if the transferring school district or private school has received written notice from the pupil if he or she is an adult or his or her parent or guardian if the pupil is a minor that the pupil intends to enroll in the other school or school district or written notice from the other school or school district that the pupil has enrolled or from a court that the pupil has been placed in a juvenile correctional facility, as defined in s. 938.02 (10p), or a secured residential care center for children and youth, as defined in s. 938.02 (15g). In this subsection, "school" and "school district" include any juvenile correctional facility, secured residential care center for children and youth, adult correctional institution, mental health institute, or center for the developmentally disabled~~,~~ that provides an educational program for its residents instead of or in addition to that which is provided by public and private schools.

SECTION 2264. 118.245 of the statutes is repealed.

SECTION 2265. 118.30 (1g) (a) 1. of the statutes is amended to read:

118.30 **(1g)** (a) 1. By August 1, 1998, each school board shall adopt pupil academic standards in mathematics, science, reading and writing, geography, and history. ~~If the governor has issued~~ The school board may adopt the pupil academic standards issued by the governor as ~~an~~ executive order ~~under s. 14.23, the school board may adopt those standards~~ no. 326, dated January 13, 1998.

SECTION 2266. 118.30 (1g) (a) 3. of the statutes is created to read:

118.30 **(1g)** (a) 3. The governing body of each private school participating in the program under s. 119.23 shall adopt pupil academic standards in mathematics, science, reading and writing, geography, and history. The governing body of the private school may adopt the pupil academic standards issued by the governor as executive order no. 326, dated January 13, 1998.

SECTION 2266d. 118.30 (1m) (a) of the statutes is amended to read:

118.30 **(1m)** (a) 1. Except as provided in ~~sub.~~ subs. (6) and (7), administer the 4th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 4th grade.

2. ~~Beginning on July 1, 2002, if~~ Except as provided in sub. (7), if the school board has developed or adopted its own 4th grade examination, administer that examination to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 4th grade.

SECTION 2266h. 118.30 (1m) (am) of the statutes is amended to read:

118.30 **(1m)** (am) 1. Except as provided in ~~sub.~~ subs. (6) and (7), administer the 8th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 8th grade.

2. ~~Beginning on July 1, 2002, if~~ Except as provided in sub. (7), if the school board has developed or adopted its own 8th grade examination, administer that examination to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 8th grade.

SECTION 2266p. 118.30 (1m) (b) of the statutes is amended to read:

118.30 **(1m)** (b) ~~Administer~~ Except as provided in sub. (7), administer the 10th grade examination to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 10th grade.

SECTION 2267. 118.30 (1s) of the statutes is created to read:

118.30 **(1s)** (a) Except as provided in par. (b), annually, the governing body of each private school participating in the program under s. 119.23 shall do all of the following:

1. Administer the 4th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils attending the 4th grade in the private school under s. 119.23.

2. Administer the 8th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils attending the 8th grade in the private school under s. 119.23.

3. Administer the 10th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils attending the 10th grade in the private school under s. 119.23.

4. Administer to pupils attending the private school under s. 119.23 all other examinations in reading, mathematics, and science that are required to be administered to public school pupils under 20 USC 6311 (b) (3).

(b) If, before January 1, 2010, the state superintendent notifies in writing the cochairpersons of the joint committee on finance and the chairpersons of the appropriate standing committees in each house of the legislature that the department will adopt or approve substantially redesigned examinations under sub. (1) to be initially administered to pupils in the 2011−12 school year, then, in the 2010−11 school year, the governing body of each private school participating in the program under s. 119.23 shall administer nationally normed standardized tests in reading, mathematics, and science to pupils attending the school under s. 119.23 in the 4th, 8th,

and 10th grades instead of administering the examinations under par. (a).

SECTION 2268. 118.30 (2) (b) 1. and 2. of the statutes are amended to read:

118.30 **(2)** (b) 1. If a pupil is enrolled in a special education program under subch. V of ch. 115, the school board ~~or~~, operator of the charter school under s. 118.40 (2r), or governing body of the private school participating in the program under s. 119.23 shall comply with s. 115.77 (1m) (bg).

2. According to criteria established by the state superintendent by rule, the school board ~~or~~, operator of the charter school under s. 118.40 (2r), or governing body of the private school participating in the program under s. 119.23 may determine not to administer an examination under this section to a limited−English speaking pupil, as defined under s. 115.955 (7), may permit the pupil to be examined in his or her native language or may modify the format and administration of an examination for such pupils.

SECTION 2269. 118.30 (2) (b) 5. of the statutes is created to read:

118.30 **(2)** (b) 5. Upon the request of a pupil's parent or guardian, the governing body of a private school participating in the program under s. 119.23 shall excuse the pupil from taking an examination administered under sub. (1s) (a) 1. to 3.

SECTION 2269f. 118.30 (7) of the statutes is created to read:

118.30 **(7)** If a school board enters into an agreement with a federally recognized American Indian tribe or band in this state to establish a charter school, that school board shall administer the examinations under sub. (1m) regardless of the location of the charter school.

SECTION 2270m. 118.33 (1) (f) 1. of the statutes is amended to read:

118.33 **(1)** (f) 1. By September 1, 2004, each school board operating high school grades shall develop a written policy specifying criteria for granting a high school diploma that are in addition to the requirements under par. (a). The criteria shall include the pupil's academic performance, and the recommendations of teachers. Except as provided in ~~subd.~~ subds. 2. and 4., the criteria apply to pupils enrolled in charter schools located in the school district.

SECTION 2271. 118.33 (1) (f) 2m. of the statutes is created to read:

118.33 **(1)** (f) 2m. The governing body of each private school participating in the program under s. 119.23 shall develop a policy specifying criteria for granting a high school diploma to pupils attending the private school under s. 119.23. The criteria shall include the pupil's academic performance and the recommendations of teachers.

SECTION 2272. 118.33 (1) (f) 3. of the statutes is amended to read:

118.33 **(1)** (f) 3. Beginning on September 1, 2005, neither a school board nor an operator of a charter school under s. 118.40 (2r) may grant a high school diploma to any pupil unless the pupil has satisfied the criteria specified in the school board's or charter school's policy under subd. 1. or 2. Beginning on September 1, 2010, the governing body of a private school participating in the program under s. 119.23 may not grant a high school diploma to any pupil attending the private school under s. 119.23 unless the pupil has satisfied the criteria specified in the governing body's policy under subd. 2m.

SECTION 2272e. 118.33 (1) (f) 4. of the statutes is created to read:

118.33 **(1)** (f) 4. If a school board enters into an agreement with a federally recognized American Indian tribe or band in this state to establish a charter school, the criteria specified in the policy developed by that school board under subd. 1. apply to pupils enrolled in the charter school, regardless of the location of the charter school.

SECTION 2272m. 118.33 (6) (a) of the statutes is amended to read:

118.33 **(6)** (a) 1. Each school board shall adopt a written policy specifying the criteria for promoting a pupil from the 4th grade to the 5th grade and from the 8th grade to the 9th grade. The criteria shall include the pupil's score on the examination administered under s. 118.30 (1m) (a) or (am), unless the pupil has been excused from taking the examination under s. 118.30 (2) (b); the pupil's academic performance; the recommendations of teachers, which shall be based solely on the pupil's academic performance; and any other academic criteria specified by the school board. Except as provided in par. (b) 1. and 3., the criteria apply to pupils enrolled in charter schools located in the school district.

2. Except as provided in par. (b) 2.~~, beginning on September 1, 2002~~ and 3., a school board may not promote a 4th grade pupil enrolled in the school district, including a pupil enrolled in a charter school located in the school district, to the 5th grade, and may not promote an 8th grade pupil enrolled in the school district, including a pupil enrolled in a charter school located in the school district, to the 9th grade, unless the pupil satisfies the criteria for promotion specified in the school board's policy adopted under subd. 1.

SECTION 2272s. 118.33 (6) (b) 3. of the statutes is created to read:

118.33 **(6)** (b) 3. If a school board enters into an agreement with a federally recognized American Indian tribe or band in this state to establish a charter school, the criteria specified in the policy adopted by that school board under par. (a) 1. apply to pupils enrolled in the charter school and that school board is subject to the prohibitions in par. (a) 2. with respect to pupils enrolled in the charter school, regardless of the location of the charter school.

SECTION 2273. 118.33 (6) (c) of the statutes is created to read:

118.33 **(6)** (c) 1. The governing body of each private school participating in the program under s. 119.23 shall adopt a written policy specifying criteria for promoting a pupil who is attending the private school under s. 119.23 from the 4th grade to the 5th grade and from the 8th grade to the 9th grade. The criteria shall include the pupil's score on the examination administered under s. 118.30 (1s) (a) 1. or 2., unless the pupil has been excused from taking the examination under s. 118.30 (2) (b); the pupil's academic performance; the recommendations of teachers, which shall be based solely on the pupil's academic performance; and any other academic criteria specified by the governing body of the private school.

2. Beginning on September 1, 2010, the governing body of a private school participating in the program under s. 119.23 may not promote a 4th grade pupil who is attending the private school under s. 119.23 to the 5th grade, and may not promote an 8th grade pupil who is attending the private school under s. 119.23 to the 9th grade, unless the pupil satisfies the criteria for promotion specified in the governing body's policy under subd. 1.

SECTION 2273bd. 118.40 (2r) (e) 1. of the statutes is renumbered 118.40 (2r) (e) 1. a. and amended to read:

118.40 **(2r)** (e) 1. a. ~~From~~ In the 2009−10 and 2010−11 school years, from the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to the sum of the amount paid per pupil under this subdivision in the previous school year and the increase in the per pupil amount paid to private schools under s. 119.23 (4) (b) 2. or (bg) in the current school year as compared to the previous school year, multiplied by the number of pupils attending the charter school.

c. The amount paid per pupil under this subdivision may not be less than the amount paid per pupil under this subdivision in the previous school year. The department shall pay 25% of the total amount in September, 25% in December, 25% in February, and 25% in June. The department shall send the check to the operator of the charter school.

SECTION 2273be. 118.40 (2r) (e) 1. b. of the statutes is created to read:

118.40 **(2r)** (e) 1. b. In the 2011−12 school year and in each school year thereafter, from the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to the sum of the amount paid per pupil under this subdivision in the previous school year and the per pupil revenue limit adjustment under s. 121.91 (2m) in the current school year, multiplied by the number of pupils attending the charter school.

SECTION 2273bf. 118.40 (2r) (f) of the statutes is created to read:

118.40 **(2r)** (f) When establishing or contracting for the establishment of a charter school under this subsection, an entity specified under par. (b) shall consider the principles and standards for quality charter schools established by the National Association of Charter School Authorizers.

SECTION 2273d. 118.40 (3) (c) 1. of the statutes is renumbered 118.40 (3) (c) 1. (intro.) and amended to read:

118.40 **(3)** (c) 1. (intro.) A school board may not enter into a contract for the establishment of a charter school located outside the school district, except ~~that if~~ as follows:

a. If 2 or more school boards enter into an agreement under s. 66.0301 to establish a charter school, the charter school shall be located within one of the school districts~~, and if~~.

b. If one or more school boards enter into an agreement with the board of control of a cooperative educational service agency to establish a charter school, the charter school shall be located within the boundaries of the cooperative educational service agency. ~~This subdivision~~

1m. Subdivision 1. does not apply to the establishment of a virtual charter school.

SECTION 2273h. 118.40 (3) (c) 1. c. of the statutes is created to read:

118.40 **(3)** (c) 1. c. If a school board enters into an agreement with a federally recognized American Indian tribe or band in this state to establish a charter school, the charter school shall be located within the school district or within the boundaries of the tribe's or band's reservation.

SECTION 2273p. 118.40 (7) (am) 4. of the statutes is created to read:

118.40 **(7)** (am) 4. If a school board enters into an agreement with a federally recognized American Indian tribe or band in this state to establish a charter school under sub. (3) (c) 1. c., that school board shall determine whether the charter school is an instrumentality of the school district regardless of the location of the charter school.

SECTION 2273t. 118.40 (7) (ar) of the statutes is amended to read:

118.40 **(7)** (ar) Nothing in this subsection affects the rights of personnel of a charter school that is an instrumentality of ~~the~~ a school district ~~in which it is located~~ to engage in collective bargaining pursuant to subch. IV of ch. 111.

SECTION 2274t. 118.51 (16) (e) of the statutes is created to read: **Vetoed In Part**

118.51 **(16)** (e) If in any school year the number determined in par. (a) 2. less the number determined in par. (a) 1. is greater than 10 percent of the school district's membership used to calculate general school aids in that

Vetoed In Part

school year, in the following school year the department shall pay to the school district, from the appropriation account under s. 20.255 (2) (ch), the amount determined as follows:

1. Subtract the number of pupils determined in par. (a) 1. for the calculation under par. (e) (intro.) from the number of pupils determined in par. (a) 2 for the calculation under par. (e) (intro.).

2. Multiply the school district's membership used for the calculation under par. (e) (intro.) by 0.10.

3. Subtract the result under subd. 2. from the result in subd. 1.

4. Multiply the difference under subd. 3. by the amount under par. (a) 3. in the previous school year.

SECTION 2276m. 119.04 (1) of the statutes is amended to read:

119.04 **(1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, ~~115.445,~~ 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), ~~118.245,~~ 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to ~~(26)~~ (25), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st class city school district and board.

SECTION 2276v. 119.23 (1) (a) of the statutes is renumbered 119.23 (1) (ah).

SECTION 2276w. 119.23 (1) (ae) of the statutes is created to read:

119.23 **(1)** (ae) "Administrator" means the superintendent, supervising principal, executive director, or other person who acts as the administrative head of a private school participating in the program under this section.

SECTION 2276y. 119.23 (1) (am) of the statutes is created to read:

119.23 **(1)** (am) "Preaccreditation" means the review and approval of an educational plan. Review of an education plan includes consideration of whether the school submitting the plan meets the requirements under s. 118.165 (1). The fact that a private school has obtained preaccreditation does not require an accreditation organization to accredit the private school.

SECTION 2277. 119.23 (1) (as) of the statutes is created to read:

119.23 **(1)** (as) "Progress records" has the meaning given in s. 118.125 (1) (c).

SECTION 2278. 119.23 (2) (a) 3. of the statutes is amended to read:

119.23 **(2)** (a) 3. The private school notified the state superintendent of its intent to participate in the program under this section, and paid a nonrefundable fee set by the department, by February 1 of the previous school year. The notice shall specify the number of pupils participating in the program under this section for which the school has space. The department shall by rule set the fee charged under this subdivision at an amount such that the total fee revenue covers the costs of employing one full−time auditor to evaluate the financial information submitted by the private schools under sub. (7) (am) and (d) 2. and 3.

SECTION 2279. 119.23 (2) (a) 6. of the statutes is renumbered 119.23 (2) (a) 6. a. and amended to read:

119.23 **(2)** (a) 6. a. ~~All~~ Except as provided in subd. 6. c., all of the private school's teachers have ~~graduated from high school or been granted a declaration of equivalency of high school graduation~~ a bachelor's degree from an accredited institution of higher education.

SECTION 2279d. 119.23 (2) (a) 6. b. and c. of the statutes are created to read:

119.23 **(2)** (a) 6. b. All of the private school's administrators have at least a bachelor's degree from an accredited institution of higher education.

c. Any teacher employed by the private school on July 1, 2010, who has been teaching for at least the 5 consecutive years immediately preceding July 1, 2010, and who does not satisfy the requirements under subd. 6. a. on July 1, 2010, applies to the department on a form prepared by the department for a temporary, nonrenewable waiver from the requirements under subd. 6. a. The department shall promulgate rules to implement this subd. 6. c., including the form of the application and the process by which the waiver application will be reviewed. The application form shall require the applicant to submit a plan for satisfying the requirements under subd. 6. a., including the name of the accredited institution of higher education at which the teacher is pursuing or will pursue the bachelor's degree and the anticipated date on which the teacher expects to complete the bachelor's degree. No waiver granted under this subd. 6. c. is valid after July 31, 2015.

SECTION 2280b. 119.23 (2) (a) 7. of the statutes is renumbered 119.23 (2) (a) 7. a. and amended to read:

119.23 **(2)** (a) 7. a. ~~The~~ Subject to subd. 7. c., for a private school participating in the program under this section on the effective date of this subd. 7. a. .... [LRB inserts date], the private school achieves accreditation by the Wisconsin North Central Association, the Wisconsin Religious and Independent Schools Accreditation, the Independent Schools Association of the Central States, the Archdiocese of Milwaukee, ~~the Institute for the Transformation of Learning at Marquette University,~~ or any other organization recognized by the National Council for Private School Accreditation, by December 31 of the 3rd school year following the first school year that begins after June 30, 2006, in which it participates in the program under this section, or the private school was

approved for scholarship funding for the 2005−06 school year by Partners Advancing Values in Education. If the private school is accredited as provided under this subd. 7. a., the private school is not required to obtain preaccreditation from the Institute for the Transformation of Learning at Marquette University under subd. 7. b. as a prerequisite to providing instruction under this section in additional grades or in an additional or new school.

SECTION 2280c. 119.23 (2) (a) 7. b. of the statutes is created to read:

119.23 **(2)** (a) 7. b. Subject to subd. 7. c., for a private school that is a first−time participant in the program under this section on the effective date of this subd. 7. b. .... [LRB inserts date], and that is not accredited as provided under subd. 7. a., the private school obtains preaccreditation from the Institute for the Transformation of Learning at Marquette University by August 1 before the first school term of participation in the program under this section that begins after the effective date of this subd. 7. b. .... [LRB inserts date], or by May 1 if the private school begins participating in the program during summer school, and achieves accreditation by the Wisconsin North Central Association, the Wisconsin Religious and Independent Schools Accreditation, the Independent Schools Association of the Central States, the Archdiocese of Milwaukee, or any other organization recognized by the National Council for Private School Accreditation, by December 31 of the 3rd school year following the first school year that begins after the effective date of this subd. 7. b. .... [LRB inserts date], in which it participates in the program under this section. If the private school is accredited under this subd. 7. b., the private school is not required to obtain preaccreditation from the Institute for the Transformation of Learning at Marquette University as a prerequisite to providing instruction under this section in additional grades or in an additional or new school.

SECTION 2280d. 119.23 (2) (a) 7. c. of the statutes is created to read:

119.23 **(2)** (a) 7. c. On or after the effective date of this subd. 7. c. .... [LRB inserts date], a private school participating or seeking to participate in the program under this section may not apply for accreditation by the Institute for the Transformation of Learning at Marquette University, except that a private school that has applied for accreditation to the Institute for the Transformation of Learning at Marquette University before the effective date of this subd. 7. c. .... [LRB inserts date], may complete the accreditation process with the Institute for the Transformation of Learning at Marquette University, and may seek renewal of accreditation from the Institute for the Transformation of Learning at Marquette University.

SECTION 2281. 119.23 (2) (a) 8. of the statutes is created to read:

119.23 **(2)** (a) 8. Notwithstanding s. 118.165 (1) (c), the private school annually provides at least 1,050 hours of direct pupil instruction in grades 1 to 6 and at least 1,137 hours of direct pupil instruction in grades 7 to 12. Hours provided under this subdivision include recess and time for pupils to transfer between classes but do not include the lunch periods.

SECTION 2282. 119.23 (2) (b) of the statutes is renumbered 119.23 (2) (b) (intro.) and amended to read:

119.23 **(2)** (b) (intro.) No more than 22,500 pupils, as counted under s. 121.004 (7), may attend private schools under this section. Whenever the state superintendent determines that the limit is reached, he or she shall issue an order prohibiting the participating private schools from accepting additional pupils until he or she determines that the number of pupils attending private schools under this section has fallen below the limit. If the number of pupils attending private schools under this section falls below the limit under this paragraph, the state superintendent shall issue an order notifying participating private schools that they may begin accepting additional pupils, and, notwithstanding sub. (3) (a), participating private schools that wish to accept additional pupils under this section shall accept pupils as follows:

SECTION 2283. 119.23 (2) (b) 1. of the statutes is created to read:

119.23 **(2)** (b) 1. The private school shall give first priority to pupils who are attending a private school under this section.

SECTION 2284. 119.23 (2) (b) 2. of the statutes is created to read:

119.23 **(2)** (b) 2. The private school shall give 2nd priority to the siblings of pupils who are attending a private school under this section.

SECTION 2285. 119.23 (2) (b) 3. of the statutes is created to read:

119.23 **(2)** (b) 3. The private school shall give 3rd priority to pupils selected at random under a procedure established by the department by rule.

SECTION 2285b. 119.23 (2) (c) of the statutes is created to read:

119.23 **(2)** (c) 1. Notwithstanding par. (a) 6., a teacher employed by a private school participating in the program under this section who teaches only courses in rabbinical studies is not required to have a bachelor's degree.

2. Notwithstanding par. (a) 6., an administrator of a private school participating in the program under this section that prepares and trains pupils attending the school in rabbinical studies is not required to have a bachelor's degree.

SECTION 2285c. 119.23 (3) (a) of the statutes is amended to read:

119.23 **(3)** (a) The pupil or the pupil's parent or guardian shall submit an application, on a form provided by the state superintendent, to the participating private school that the pupil wishes to attend. Within 60 days after receiving the application, the private school shall notify the applicant, in writing, whether the application

has been accepted. If the private school rejects an application, the notice shall include the reason. A private school may reject an applicant only if it has reached its maximum general capacity or seating capacity. The state superintendent shall ensure that the private school determines which pupils to accept on a random basis, except that the private school may give preference in accepting applications to siblings of pupils accepted on a random basis.

SECTION 2285d. 119.23 (4) (b) (intro.) of the statutes is amended to read:

119.23 **(4)** (b) (intro.) ~~Upon~~ Except as provided in par. (bg), upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in the private school during a school term, the state superintendent shall pay to the parent or guardian, from the appropriation under s. 20.255 (2) (fu), an amount equal to the lesser of the following:

SECTION 2285h. 119.23 (4) (b) 2. of the statutes is amended to read:

119.23 **(4)** (b) 2. The amount paid per pupil under this ~~paragraph~~ subsection in the previous school year multiplied by the sum of 1.0 plus the percentage change from the previous school year to the current school year in the total amount appropriated under s. 20.255 (2) (ac) expressed as a decimal, but not less than zero.

SECTION 2285p. 119.23 (4) (bg) of the statutes is created to read:

119.23 **(4)** (bg) In the 2009−10 and 2010−11 school years, upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in the private school during a school term, the state superintendent shall pay to the parent or guardian, from the appropriation under s. 20.255 (2) (fu), an amount equal to the private school's operating and debt service cost per pupil that is related to educational programming, as determined by the department, or $6,442, whichever is less.

SECTION 2285s. 119.23 (4) (c) of the statutes is amended to read:

119.23 **(4)** (c) The state superintendent shall pay 25% of the total amount under ~~par. (b)~~ this subsection in September, 25% in November, 25% in February and 25% in May. The state superintendent may include the entire amount under sub. (4m) in one of those installments or apportion the entire amount among one or more of those installments. ~~The~~ Except as provided in sub. (4r), the department shall send the check to the private school. ~~The~~ Except as provided in sub. (4r), the parent or guardian shall restrictively endorse the check for the use of the private school.

SECTION 2285x. 119.23 (4r) of the statutes is created to read:

119.23 **(4r)** If, after the 3rd Friday in September in any school year, a private school participating in the program under this section closes, for each installment under sub. (4) (c) that was not paid to the private school in that school year, the state superintendent shall pay to the board, from the appropriation under s. 20.255 (2) (fv), the amount determined as follows for each pupil who had been attending the private school under this section in that school year and who enrolls in the school district operating under this chapter in that school year:

(a) 1. In the 2009−10 school year, multiply the amount determined under sub. (4) (b) or (bg) by 0.584.

2. In the 2010−11 school year and in any school year thereafter, multiply the amount determined under sub. (4) (b) or (bg) by 0.616.

(b) Multiply the product under par. (a) by 0.25.

SECTION 2286. 119.23 (6m) of the statutes is created to read:

119.23 **(6m)** Each private school participating in the program under this section shall do all of the following:

(a) Provide to each pupil, or the parent or guardian of each minor pupil, who applies to attend the private school all of the following:

1. The name, address, and telephone number of the private school and the name of one or more contact persons at the school.

2. A list of the names of the members of the private school's governing body and of the private school's shareholders, if any.

3. A notice stating whether the private school is an organization operated for profit or not for profit. If the private school is a nonprofit organization, the private school shall also provide the applicant with a copy of the certificate issued under section 501 (c) (3) of the Internal Revenue Code verifying that the private school is a nonprofit organization that is exempt from federal income tax.

4. A copy of the appeals process used if the private school rejects the applicant.

5. A copy of the policy developed by the private school under s. 118.33 (1) (f) 2m.

6. A copy of the non−harassment policy used by the private school, together with the procedures for reporting and obtaining relief from harassment.

7. A copy of the suspension and expulsion policies and procedures, including procedures for appealing a suspension or expulsion, used by the private school.

8. A copy of the policy used by the private school for accepting or denying the transfer of credits earned by a pupil attending the private school under this section for the satisfactory completion of coursework at another school.

9. A copy of the policy governing visitors and visits to the private school, developed as required under sub. (7) (b) 2m.

(b) Annually, by August 1st, provide to the department the material specified in par. (a) and all of the following information:

1. The number of pupils attending the private school under this section in the previous school year.

2. The number of pupils attending the private school other than under this section in the previous school year.

3. For each of the previous 5 school years in which the private school has participated in the program under this section, all of the following information:

a. The number of pupils who attended the private school under this section and other than under this section in the 12th grade and the number of those pupils who graduated from the private school.

b. The number of pupils who attended the private school under this section and other than under this section in the 8th grade and the number of those pupils who advanced from grade 8 to grade 9.

c. The number of pupils who attended the private school under this section and other than under this section in the 4th grade and the number of those pupils who advanced from grade 4 to grade 5.

d. To the extent permitted under 20 USC 1232g and 43 CFR part 99, pupil scores on all standardized tests administered under sub. (7) (e) 1.

4. A copy of the academic standards adopted under sub. (7) (b) 2.

(c) Provide to the department a signed statement from each individual who is a member of the private school's governing body verifying that the individual is a member of the governing body.

(d) Upon request by any pupil, or the parent or guardian of any minor pupil, who is attending or who applies to attend the private school, provide the material specified in pars. (a) and (b).

SECTION 2289. 119.23 (7) (b) of the statutes is created to read:

119.23 **(7)** (b) Each private school participating in the program under this section shall do all of the following:

1. Administer to any pupils attending the 3rd grade in the private school under this section a standardized reading test developed by the department.

2. Adopt the pupil academic standards required under s. 118.30 (1g) (a) 3.

2m. Develop a written policy governing visitors and visits to the private school.

3. Ensure that any teacher's aide employed by the private school has graduated from high school, been granted a declaration of equivalency of high school graduation, or been issued a general educational development certificate of high school equivalency.

3m. Annually, schedule two meetings at which members of the governing body of the private school will be present and at which pupils, and the parents or guardians of pupils, applying to attend the private school or attending the private school may meet and communicate with the members of the governing body. The private school shall, within 30 days after the start of the school term, notify the department in writing of the scheduled meeting dates and shall, at least 30 days before the scheduled meeting date, notify in writing each pupil, or the parent or guardian of each minor pupil, applying to attend the private school or attending the private school of the meeting date, time, and place.

4. Maintain progress records for each pupil attending the private school under this section while the pupil attends the school and, except as provided under subd. 7., for at least 5 years after the pupil ceases to attend the school.

5. Upon request, provide a pupil or the parent or guardian of a minor pupil who is attending the private school under this section with a copy of the pupil's progress records.

6. Issue a high school diploma or certificate to each pupil who attends the private school under this section and satisfactorily completes the course of instruction and any other requirements necessary for high school graduation.

7. a. Except as provided in subd. 7. b., if the private school ceases operating as a private school, immediately transfer all of the progress records of the pupils who attended the school under this section to the board. The private school shall send written notice to each pupil, or to the parent or guardian of a minor pupil, of the transfer of progress records under this subd. 7. a.

b. If the private school is affiliated with an organization that will maintain the progress records of each pupil who attended the school under this section for at least 5 years after the private school ceases operation as a private school, the private school may transfer a pupil's records to the organization if the pupil, or the parent or guardian of a minor pupil, consents in writing to the release of the progress records to the affiliated organization. The private school shall send to the department a copy of the consent form for each pupil who consents to the transfer of progress records under this subd. 7. b. The written notice shall be signed by the pupil, or the parent or guardian of a minor pupil, and shall include the name, phone number, mailing address, and other relevant contact information of the organization that will maintain the progress records, and a declaration by the affiliated organization that the organization agrees to maintain the progress records for at least 5 years after the private school ceases operation as a private school.

8. Ensure that an accrediting agency reviews and reports to the department on the private school's compliance with subds. 4. and 6. as provided under sub. (9) (b). The accrediting agency may determine compliance by examining an appropriate sample of pupil records.

SECTION 2290. 119.23 (7) (e) 1. of the statutes is amended to read:

119.23 **(7)** (e) 1. ~~Annually~~ In the 2009−10 school year, each private school participating in the program under this section shall administer a nationally normed standardized test in reading, mathematics, and science to pupils attending the school under the program in the 4th, 8th, and 10th grades. Beginning in the 2010−11 school

year and annually thereafter, each private school participating in the program under this section shall administer the examinations required under s. 118.30 (1s) to pupils attending the school under the program. The private school may administer additional standardized tests to such pupils. Beginning in 2006 and annually thereafter until 2011, the private school shall provide the scores of all standardized tests and examinations that it administers under this subdivision to the School Choice Demonstration Project.

SECTION 2290j. 119.23 (9) of the statutes is renumbered 119.23 (9) (a) and amended to read:

119.23 **(9)** (a) If any accrediting agency specified under sub. (2) (a) 7. a. or b. determines during the accrediting process that a private school does not meet all of the requirements under s. 118.165 (1), or if the Institute for the Transformation of Learning at Marquette University determines during the preaccreditation process that a private school does not meet all of the requirements under s. 118.165 (1), it shall report that failure to the department.

SECTION 2290k. 119.23 (9) (b) of the statutes is created to read:

119.23 **(9)** (b) An accrediting agency specified under sub. (2) (a) 7. a. and b. shall review and report to the department on a private school's compliance with sub. (7) (b) 4. and 6. The accrediting agency may determine compliance by examining an appropriate sample of pupil records.

SECTION 2291. 119.23 (10) (a) 2. of the statutes is amended to read:

119.23 **(10)** (a) 2. Failed to provide the notice or pay the fee required under sub. (2) (a) 3., or provide the information required under sub. (7) (am) or (d), by the date or within the period specified.

SECTION 2291d. 119.23 (10) (a) 3. of the statutes is amended to read:

119.23 **(10)** (a) 3. Failed to refund to the state any overpayment made under sub. (4) (b) or (bg) or (4m) by the date specified by department rule.

SECTION 2292. 119.23 (10) (a) 5. of the statutes is created to read:

119.23 **(10)** (a) 5. Failed to provide the information required under sub. (6m).

SECTION 2293. 119.23 (10) (a) 6. of the statutes is created to read:

119.23 **(10)** (a) 6. Failed to comply with the requirements under sub. (7) (b) or (c).

SECTION 2294. 119.23 (10) (a) 7. of the statutes is created to read:

119.23 **(10)** (a) 7. Violated sub. (7) (b) 4., 5., or 6.

Vetoed In Part

SECTION 2295g. 119.23 (10) (d) of the statutes is amended to read:

119.23 **(10)** (d) ~~The~~ Except as provided in par. (e), 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.

Vetoed In Part

SECTION 2295h. 119.23 (10) (e) of the statutes is created to read:

119.23 **(10)** (e) 1. Notwithstanding subs. (4) and (4m), and except as provided in subd. 2., if the state superintendent issues an order under par. (a) or (b) barring the private school from participating in the program under this section in the school year in which the order is issued, the department shall pay to the parent or guardian of a pupil who attended the private school in that school year, from the appropriation under s. 20.255 (2) (fu), an amount determined as follows, which payment shall be sent to the private school to be restrictively endorsed by the parent or guardian of the pupil for the use of the private school:

a. Divide the number of instructional hours provided to the pupil in that school year before the order was issued under par. (a) or (b) by the number of instructional hours scheduled for the grade the pupil was attending in that school year.

b. Multiply the quotient under subd. 1. a. by the amount under sub. (4) (b) or (bg).

c. Subtract from the product under subd. 1. b. any amount already paid to the parent or guardian under subs. (4) and (4m) for that pupil in that school year.

2. This paragraph does not apply to a private school barred from participating in the program under this section under par. (a) or (b) as a result of committing an act of fraud.

3. A private school who receives a payment under this paragraph shall use the payment received in the following order:

a. If the private school owes money to the state, the private school shall reimburse the state.

b. The private school shall use any portion of the payment remaining after satisfying the requirement under subd. 3. a. to pay the salaries of teachers employed by the school.

SECTION 2295m. 119.46 (1) of the statutes is amended to read:

119.46 **(1)** As part of the budget transmitted annually to the common council under s. 119.16 (8) (b), the board shall report the amount of money required for the ensuing school year to operate all public schools in the city under this chapter, to repair and keep in order school buildings and equipment, to make material improvements to school property and to purchase necessary additions to school sites. The amount included in the report for the purpose of supporting the Milwaukee Parental Choice Program under s. 119.23 shall be reduced by the amount of aid received by the board under s. 121.136 and by the amount specified in the notice received by the board under s. 121.137 (2). The common council shall levy and collect a tax upon all the property subject to taxation in the city, which shall be equal to the amount of money required by

the board for the purposes set forth in this subsection, at the same time and in the same manner as other taxes are levied and collected. Such taxes shall be in addition to all other taxes which the city is authorized to levy. The taxes so levied and collected, any other funds provided by law and placed at the disposal of the city for the same purposes, and the moneys deposited in the school operations fund under s. 119.60 (1), shall constitute the school operations fund.

SECTION 2296b. 119.82 (1m) (c) of the statutes is amended to read:

119.82 **(1m)** (c) Has been or is being sanctioned under s. 49.26 (1) (h) ~~or is subject to the monthly attendance requirement under s. DWD 11.195 (4) (b) 2., Wis. Adm. Code~~.

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 2297m. 120.12 (26) (title) of the statutes is repealed.

SECTION 2297n. 120.12 (26) of the statutes is renumbered 118.07 (4) (a) 1. and amended to read:

118.07 **(4)** (a) 1. ~~Have~~ Each school board and the governing body of each private school shall have in effect a school safety plan for each public or private school in the school district within 3 years of the effective date of this paragraph .... [LRB inserts date].

SECTION 2297q. 120.13 (2) (g) of the statutes, as affected by 2009 Wisconsin Act 14, is amended to read:

120.13 **(2)** (g) Every self−insured plan under par. (b) shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4), (5), and (6), 632.885, 632.895 (9) to ~~(16)~~ (17), 632.896, and 767.513 (4).

SECTION 2297t. 121.004 (5) of the statutes is amended to read:

121.004 **(5)** MEMBERSHIP. "Membership" for any school district is the sum of pupils enrolled as reported under s. 121.05 (1) or (2), as appropriate, and the summer average daily membership equivalent for classes approved under s. 121.14.

SECTION 2298g. 121.02 (1) (a) 2. of the statutes is amended to read:

121.02 **(1)** (a) 2. Subject to s. 118.40 (8) (b) 2., ensure that all instructional staff of charter schools located in the school district hold a license or permit to teach issued by the department. For purposes of this subdivision, a virtual charter school is located in the school district specified in s. 118.40 (8) (a) and a charter school established under s. 118.40 (3) (c) 1. c. is located in the school district specified in s. 118.40 (3) (c) 1. c. The state superintendent shall promulgate rules defining "instructional staff" for purposes of this subdivision.

SECTION 2298i. 121.02 (1) (r) of the statutes is amended to read:

121.02 **(1)** (r) Except as provided in s. 118.40 (2r) (d) 2., annually administer a standardized reading test developed by the department to all pupils enrolled in the school district in grade 3, including pupils enrolled in charter schools located in the school district, except that if a charter school is established under s. 118.40 (3) (c) 1. c., the school board specified in s. 118.40 (3) (c) 1. c. shall administer the test to pupils enrolled in the charter school regardless of the location of the charter school.

SECTION 2298k. 121.05 (2) of the statutes is created to read:

121.05 **(2)** Notwithstanding sub. (1), the school district clerk of the school district operating under ch. 119 shall include, as part of the annual report under s. 119.44 (2), the number of pupils enrolled on the 3rd Friday of September, the 2nd Friday of January, or the first Friday of May, whichever is highest, including the pupils specified in sub. (1) (a), and the information described in sub. (1) (b) to (d).

SECTION 2298m. 121.05 (3) of the statutes is amended to read:

121.05 **(3)** If a school district is unable to hold school on ~~either~~ any of the ~~2~~ dates specified in sub. (1) (a) or (2), the state superintendent shall designate alternative membership counting dates.

SECTION 2298s. 121.05 (4) of the statutes is amended to read:

121.05 **(4)** The school board of a school district in which a foster or group home that is not exempt under s. 70.11 is located may submit a report to the state superintendent. If the school board submits a report, it shall submit it by June 30. The report shall indicate, on a full−time equivalent basis, the number of pupils residing in such foster or group homes who were provided educational services by the school district during the current school year but were not included in the September ~~or~~, January, or May membership count under sub. (1) (a) or (2). The state superintendent shall adjust the school district's membership based on the report. The state superintendent shall make proportional adjustments to the memberships of the school districts in which the pupil was previously enrolled during that school year. The state superintendent shall obtain from such school districts the information necessary to make such adjustments. The state superintendent shall promulgate rules to implement and administer this subsection.

SECTION 2299g. 121.07 (6) (e) 1. of the statutes is amended to read:

121.07 **(6)** (e) 1. For a school district created by a consolidation under s. 117.08 or 117.09, in the school year in which the consolidation takes effect and in each of the subsequent 4 school years, the amounts under pars. (b)

and (d) shall be multiplied by ~~1.1~~ 1.15 and rounded to the next lowest dollar.

SECTION 2299r. 121.07 (7) (e) 1. of the statutes is amended to read:

121.07 **(7)** (e) 1. For a school district created by a consolidation under s. 117.08 or 117.09, in the school year in which the consolidation takes effect and in each of the subsequent 4 school years, the amounts under pars. (a) to (bm) shall be multiplied by ~~1.1~~ 1.15 and rounded to the next lower dollar.

SECTION 2300m. 121.08 (4) (a) 1. of the statutes is amended to read:

121.08 **(4)** (a) 1. ~~Add~~ In the 2009−10 and 2010−11 school year, add the amounts paid under s. 118.40 (2r) in the current school year, and in the 2011−12 school year and each school year thereafter, add the amounts paid under s. 118.40 (2r) in the 2010−11 school year.

SECTION 2301g. 121.08 (4) (b) of the statutes is renumbered 121.08 (4) (b) (intro.) and amended to read:

121.08 **(4)** (b) (intro.) The amount of state aid that the school district operating under ch. 119 is eligible to be paid from the appropriation under s. 20.255 (2) (ac) shall also be reduced by ~~45% of~~ the amount calculated as follows:

1. Multiply the amounts paid under s. 119.23 (4) and (4m) in the ~~current~~ 2009−10 school year by 41.6 percent, and multiply the amounts paid under s. 119.23 (4) and (4m) in the 2010−11 school year and in each school year thereafter by 38.4 percent.

SECTION 2301j. 121.08 (4) (b) 2. and 3. of the statutes are created to read:

121.08 **(4)** (b) 2. Multiply the amounts paid under s. 119.23 (4) and (4m) in the 2009−10 school year by 3.4 percent, and multiply the amounts paid under s. 119.23 (4) and (4m) in the 2010−11 school year and in each school year thereafter by 6.6 percent.

3. Add the amounts determined under subds. 1. and 2.

SECTION 2301p. 121.136 (1) of the statutes is repealed and recreated to read:

121.136 **(1)** In this section, "membership" means the membership used by the department to calculate state aid to the school district under s. 121.08 in the first school year of a fiscal biennium.

SECTION 2301q. 121.136 (2) (b) (intro.) of the statutes is amended to read:

121.136 **(2)** (b) (intro.) ~~Except as provided in par. (c), the~~ The amount paid to each eligible school district in the 2009−10 school year and annually thereafter shall be determined as follows:

SECTION 2301r. 121.136 (2) (b) 1. of the statutes is amended to read:

121.136 **(2)** (b) 1. Divide the amount appropriated under s. 20.255 (2) (bb) by the total ~~number of pupils enrolled~~ membership in all eligible school districts.

SECTION 2301s. 121.136 (2) (b) 2. of the statutes is repealed.

SECTION 2301t. 121.136 (2) (b) 3. of the statutes is repealed.

SECTION 2301u. 121.136 (2) (b) 4. of the statutes is amended to read:

121.136 **(2)** (b) 4. Multiply the ~~amount determined~~ result under subd. ~~3.~~ 1. by the school district's ~~enrollment on the 3rd Friday of September in the current school year~~ membership.

SECTION 2301v. 121.136 (2) (c) of the statutes is repealed.

SECTION 2301x. 121.137 of the statutes is created to read:

121.137 First class city school levy aid. (1) In this section:

(a) "Board" has the meaning given in s. 119.02 (1).

(b) "City" has the meaning given in s. 119.02 (2).

(2) Annually, the department shall calculate the amount of the state aid reduction under s. 121.08 (4) (b) 2. in the current school year and shall notify the board, in writing, of the result.

(3) From the appropriation under s. 20.255 (2) (ac), annually the department shall pay the amount calculated under sub. (2) to the city in installments according to the schedule used by the board for the distribution of state aid under s. 121.15 (1) or (1g). The city shall pay an amount equal to the amount received under this subsection to the board.

SECTION 2302p. 121.55 (3) of the statutes is renumbered 121.55 (3) (a) and amended to read:

121.55 **(3)** (a) If the estimated cost of transporting a pupil under s. 121.54 (2) (b) 1. is more than 1.5 times the school district's average cost per pupil for bus transportation in the previous year, exclusive of transportation for kindergarten pupils during the noon hour and for pupils with disabilities, the school board may fulfill its obligation to transport a pupil under s. 121.54 (2) (b) 1. by offering to contract with the parent or guardian of the pupil. ~~The~~ Except as provided in pars. (b) and (c), the contract shall provide for an annual payment for each pupil of not less than $5 times the distance in miles between the pupil's residence and the private school he or she attends, or the school district's average cost per pupil for bus transportation in the previous year exclusive of transportation for kindergarten pupils during the noon hour and for pupils with disabilities, whichever is greater~~, but the~~.

(c) The payment under this subsection shall not exceed the actual cost nor may the aids paid under s. 121.58 (2) (a) for the pupil exceed the cost thereof. A school board which intends to offer a contract under ~~this subsection~~ par. (a) shall notify the parent or guardian of the private school pupil of its intention at least 30 days

before the commencement of the school term of the public school district.

SECTION 2302t. 121.55 (3) (b) of the statutes is created to read:

121.55 **(3)** (b) Except as provided in par. (c), if 2 or more pupils reside in the same household and attend the same private school, the contract under par. (a) may, at the discretion of the school board of the school district operating under ch. 119, provide for a total annual payment for all such pupils of not less than $5 times the distance in miles between the pupils' residence and the private school they attend, or the school district's average cost per pupil for bus transportation in the previous year exclusive of transportation for kindergarten pupils during the noon hour and for pupils with disabilities, whichever is greater.

SECTION 2303. 121.555 (2) (a) of the statutes is amended to read:

121.555 **(2)** (a) *Insurance*. If the vehicle is owned or leased by a school or a school bus contractor, or is a vehicle authorized under sub. (1) (b), it shall comply with s. 121.53. If the vehicle is transporting 9 or less persons in addition to the operator and is not owned or leased by a school or by a school bus contractor, it shall be insured by a policy providing property damage ~~coverage with a limit of not less than $10,000~~ and bodily injury liability coverage with limits ~~of not less than $25,000 for each person, and, subject to the limit for each person, a total limit of not less than $50,000 for each accident~~, as of the policy's effective date, equal to or greater than the minimum liability limits, as defined in s. 344.01 (2) (am).

SECTION 2306. 121.79 (1) (d) (intro.) of the statutes is amended to read:

121.79 **(1)** (d) (intro.) For pupils in foster homes~~, treatment foster homes,~~ or group homes, if the foster home~~, treatment foster home,~~ or group home is located outside the school district in which the pupil's parent or guardian resides and either of the following applies:

SECTION 2307. 121.79 (1) (d) 2. of the statutes is amended to read:

121.79 **(1)** (d) 2. The foster~~, treatment foster~~ or group home is exempted under s. 70.11.

SECTION 2308. 121.79 (1) (d) 3. of the statutes is amended to read:

121.79 **(1)** (d) 3. The pupil is a child with a disability, as defined in s. 115.76 (5), and at least 4% of the pupils enrolled in the school district reside in foster homes~~, treatment foster homes,~~ or group homes that are not exempt under s. 70.11. Notwithstanding s. 121.83 (1) (d), the annual tuition rate for pupils under this subdivision is the special annual tuition rate only, as described in s. 121.83 (1) (c).

SECTION 2308m. 121.83 (1) (a) 2. of the statutes is amended to read:

121.83 **(1)** (a) 2. If the agency of service counts the pupil under s. 121.05 (1) (a) or (2), state general aid shall be subtracted.

SECTION 2309. 121.90 (2) (intro.) of the statutes is renumbered 121.90 (2) (am) (intro.) and amended to read:

121.90 **(2)** (am) (intro.) "State aid" means ~~aid~~ all of the following:

1. Aid under ss. 118.51 (16) (e), 121.08, 121.09, 121.105, and 121.136 and subch. VI, as calculated for the current school year on October 15 under s. 121.15 (4) and including adjustments made under s. 121.15 (4)~~, and amounts~~. **Vetoed In Part**

2. Amounts under s. 79.095 (4) for the current school year~~, except that "state aid" excludes all of the following:~~.

SECTION 2310. 121.90 (2) (a) to (c) of the statutes are renumbered 121.90 (2) (bm) 1. to 3.

SECTION 2311. 121.90 (2) (am) 3. of the statutes is created to read:

121.90 **(2)** (am) 3. All federal moneys received from allocations from the state fiscal stabilization fund that are distributed to school districts as general equalization aid.

SECTION 2311d. 121.90 (2) (am) 4. of the statutes is created to read:

121.90 **(2)** (am) 4. For the school district operating under ch. 119, the amount received under s. 121.137 (3), as specified in the notice received under s. 121.137 (2).

SECTION 2312. 121.90 (2) (bm) (intro.) of the statutes is created to read:

121.90 **(2)** (bm) (intro.) "State aid" excludes all of the following:

SECTION 2312d. 121.905 (1) of the statutes is amended to read:

121.905 **(1)** In this section, "revenue ceiling" means ~~$8,700 in the 2007−08 school year and~~ $9,000 in the 2009−10 school year and in the 2010−11 school year and $9,800 in any subsequent school year.

SECTION 2313b. 121.905 (3) (c) 3g. and 3r. of the statutes are created to read:

121.905 **(3)** (c) 3g. For the limit for the 2009−10 or 2010−11 school year, add $200 to the result under par. (b).

3r. For the limit for the 2011−12 school year, add $275 to the result under par. (b).

SECTION 2313c. 121.905 (3) (c) 4. of the statutes is amended to read:

121.905 **(3)** (c) 4. For the limit for the ~~1998−99~~ 2012−13 school year or for any school year thereafter, add the result under s. 121.91 (2m) ~~(d)~~ (h) 2. to the result under par. (b).

SECTION 2313d. 121.91 (2m) (e) (intro.) of the statutes is amended to read:

121.91 **(2m)** (e) (intro.) Except as provided in subs. (3), (4), and (8), no school district may increase its revenues for the ~~1999−2000 school year or for any~~ 2008−09

school year ~~thereafter~~ to an amount that exceeds the amount calculated as follows:

SECTION 2313h. 121.91 (2m) (f) of the statutes is created to read:

121.91 **(2m)** (f) Except as provided in subs. (3), (4), and (8), no school district may increase its revenues for the 2009−10 school year or for the 2010−11 school year to an amount that exceeds the amount calculated as follows:

1. Divide the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding property taxes levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4) (c), by the average of the number of pupils enrolled in the 3 previous school years.

2. Add $200 to the result under subd. 1.

3. Multiply the result under subd. 2. by the average of the number of pupils enrolled in the current and the 2 preceding school years.

SECTION 2313p. 121.91 (2m) (g) of the statutes is created to read:

121.91 **(2m)** (g) Except as provided in subs. (3), (4), and (8), no school district may increase its revenues for the 2011−12 school year to an amount that exceeds the amount calculated as follows:

1. Divide the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding property taxes levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4) (c), by the average of the number of pupils enrolled in the 3 previous school years.

2. Add $275 to the result under subd. 1.

3. Multiply the result under subd. 2. by the average of the number of pupils enrolled in the current and the 2 preceding school years.

SECTION 2313t. 121.91 (2m) (h) of the statutes is created to read:

121.91 **(2m)** (h) Except as provided in subs. (3), (4), and (8), no school district may increase its revenues for the 2012−13 school year or for any school year thereafter to an amount that exceeds the amount calculated as follows:

1. Divide the sum of the amount of state aid received in the previous school year and property taxes levied for the previous school year, excluding property taxes levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4) (c), by the average of the number of pupils enrolled in the 3 previous school years.

2. Multiply the amount of the revenue increase per pupil allowed under this subsection for the previous school year by the sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal.

3. Add the result under subd. 1. to the result under subd. 2.

4. Multiply the result under subd. 3. by the average of the number of pupils enrolled in the current and the 2 preceding school years.

SECTION 2315b. 121.91 (2m) (r) 1. (intro.) of the statutes is amended to read:

121.91 **(2m)** (r) 1. (intro.) Notwithstanding pars. (c)~~, (d) and (e)~~ to (h), if a school district is created under s. 117.105, its revenue limit under this section for the school year beginning with the effective date of the reorganization shall be determined as follows except as provided under subs. (3) and (4):

SECTION 2315d. 121.91 (2m) (r) 1. b. of the statutes is amended to read:

121.91 **(2m)** (r) 1. b. Add an amount equal to the amount of revenue increase per pupil allowed under this subsection for the previous school year multiplied by the sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal to the result under subd. 1. a., except that in calculating the limit for the 2009−10 or 2010−11 school year, add $200 to the result under subd. 1. a., and in calculating the limit for the 2011−12 school year, add $275 to the result under subd. 1. a.

SECTION 2315e. 121.91 (2m) (r) 2. (intro.) of the statutes is amended to read:

121.91 **(2m)** (r) 2. (intro.) If a school district is created under s. 117.105, the following adjustments to the calculations under pars. (c)~~, (d) and (e)~~ to (h) apply for the 2 school years beginning on the July 1 following the effective date of the reorganization:

SECTION 2315h. 121.91 (2m) (s) 1. (intro.) of the statutes is amended to read:

121.91 **(2m)** (s) 1. (intro.) Notwithstanding ~~par. (e)~~ pars. (e) to (h), if territory is detached from a school district to create a new school district under s. 117.105, the revenue limit under this section of the school district from which territory is detached for the school year beginning with the effective date of the reorganization shall be determined as follows except as provided in subs. (3) and (4):

SECTION 2315j. 121.91 (2m) (s) 1. b. of the statutes is amended to read:

121.91 **(2m)** (s) 1. b. Add an amount equal to the amount of revenue increase per pupil allowed under this subsection for the previous school year multiplied by the sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal to the result under subd. 1. a., except that in calculating the limit for the 2009−10 or 2010−11 school year, add $200 to the result under subd. 1. a., and in calculating the limit for the 2011−12 school year, add $275 to the result under subd. 1. a.

SECTION 2315L. 121.91 (2m) (s) 2. (intro.) of the statutes is amended to read:

121.91 **(2m)** (s) 2. (intro.) If territory is detached from a school district to create a new school district under

s. 117.105, the following adjustments to the calculations under ~~par. (e)~~ pars. (e) to (h) apply to the school district from which territory is detached for the 2 school years beginning on the July 1 following the effective date of the reorganization:

SECTION 2315m. 121.91 (2m) (t) of the statutes is created to read:

121.91 **(2m)** (t) 1. If 2 or more school districts are consolidated under s. 117.08 or 117.09, the consolidated school district's revenue limit shall be determined as provided under par. (e) except as follows:

a. For the school year beginning with the effective date of the consolidation, the state aid received in the previous school year by the consolidated school district is the sum of the state aid amounts received in the previous school year by all of the affected school districts.

b. For the school year beginning with the effective date of the consolidation, the property taxes levied for the previous school year for the consolidated school district is the sum of the property taxes levied for the previous school year by all of the affected school districts.

c. For the school year beginning with the effective date of the consolidation and the 2 succeeding school years, the number of pupils enrolled in the consolidated school district in any school year previous to the effective date of the consolidation is the sum of the number of pupils enrolled in all of the affected school districts in that school year.

2. If 2 or more school districts are consolidated under s. 117.08 or 117.09, and an excess revenue has been approved under sub. (3) for one or more of the affected school districts for school years beginning on or after the effective date of the consolidation, the approval for those school years expires on the effective date of the consolidation.

SECTION 2315o. 121.91 (4) (f) 1. of the statutes is amended to read:

121.91 **(4)** (f) 1. Except as provided in subd. 1m., for the 2007−08 school year or any school year thereafter, if the average of the number of pupils enrolled in the current and the 2 preceding school years is less than the average of the number of pupils enrolled in the 3 previous school years, the limit otherwise applicable under sub. (2m) ~~(e)~~ is increased by the additional amount that would have been calculated had there been no decline in average enrollment.

SECTION 2315r. 121.91 (4) (f) 1m. b. of the statutes is amended to read:

121.91 **(4)** (f) 1m. b. For the school year beginning on the first July 1 following the effective date of the school district reorganization, if the number of pupils enrolled in that school year is less than the number of pupils enrolled in the previous school year, the limit otherwise applicable under sub. (2m) ~~(e)~~ is increased by the additional amount that would have been calculated had there been no decline in enrollment.

SECTION 2315v. 121.91 (4) (f) 1m. c. of the statutes is amended to read:

121.91 **(4)** (f) 1m. c. For the school year beginning on the 2nd July 1 following the effective date of the school district reorganization, if the average of the number of pupils enrolled in that school year and the previous school year is less than the average of the number of pupils enrolled in the 2 previous school years, the limit otherwise applicable under sub. (2m) ~~(e)~~ is increased by the additional amount that would have been calculated had there been no decline in average enrollment.

SECTION 2315y. 121.91 (4) (f) 2. of the statutes is amended to read:

121.91 **(4)** (f) 2. Any additional revenue received by a school district as a result of subds. 1. and 1m. shall not be included in the base for determining the school district's limit under sub. (2m) ~~(e)~~ for the following school year.

SECTION 2315z. 121.91 (4) (L) of the statutes is created to read:

121.91 **(4)** (L) 1. In this paragraph, "local law enforcement agency" means a governmental unit of one or more persons employed full time by a city, town, village, or county in this state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.

2. The limit otherwise applicable to a school district under sub. (2m) in any school year is increased by an amount equal to $100 times the number of pupils enrolled in the school district or $40,000, whichever is greater, if the school board adopts a resolution to do so, the school board and a local law enforcement agency jointly develop a school safety plan that specifies the purposes of the additional revenue, the school safety plan is consistent with the school safety plan required under s. 118.07 (4), and the school board submits the school safety plan to the department.

3. A school district may use the excess revenue under this paragraph to purchase school safety equipment, fund the compensation costs of security officers, or for school safety expenditures consistent with the school safety plan required under s. 118.07 (4). Any additional revenue received by a school district under this paragraph shall not be included in the base for determining the school district's limit under sub. (2m) for the following school year.

SECTION 2316. 121.91 (4) (m) of the statutes is created to read:

121.91 **(4)** (m) 1. If a school board adopts a resolution to do so, the limit otherwise applicable to the school district under sub. (2m) in any school year is increased by the amount spent by the school district in the 2nd previous school year to pay the salary and fringe benefit costs of school nurses employed by the school board and school

nurses providing nursing services in the school district under a contract with the school board.

2. Any additional revenue received by a school district under this paragraph shall not be included in the base for determining the school district's limit under sub. (2m) for the following school year.

SECTION 2317. 121.91 (4) (n) of the statutes is created to read:

121.91 **(4)** (n) 1. If the school board adopts a resolution to do so, the limit otherwise applicable to the school district under sub. (2m) in any school year is increased by the portion, specified in subd. 2., of the amount determined as follows, if a positive number:

a. Determine the average amount spent by the school district on transportation per pupil in the 2nd previous school year.

b. Determine the statewide average amount spent on transportation per pupil in the 2nd previous school year.

c. Subtract the result in subd. 1. b. from the result in subd. 1. a. and multiply the difference by the school district membership in the 2nd previous school year.

2. b. In the 2011−12 school year, 50 percent of the amount determined in subd. 1. c.

c. In the 2012−13 school year or any subsequent year, 100 percent of the amount determined in subd. 1. c.

3. Any additional revenue received by a school district under this paragraph shall not be included in the base for determining the school district's limit under sub. (2m) for the following school year.

SECTION 2317m. 121.91 (4) (o) of the statutes is created to read:

121.91 **(4)** (o) 1. If a school board adopts a resolution to do so, the limit otherwise applicable to a school district under sub. (2m) in any school year is increased by the amount spent by the school district in that school year on energy efficiency measures, and renewable energy products, that result in the avoidance of, or reduction in, energy costs. The department shall promulgate rules to implement this subdivision, including eligibility standards for school districts.

2. Any additional revenue received by a school district under this paragraph shall not be included in the base for determining the school district's limit under sub. (2m) for the following school year.

SECTION 2318. 121.91 (7) of the statutes is amended to read:

121.91 **(7)** Except as provided in sub. (4) (f) 2. <u>and (L) to (o)</u> and (8), if an excess revenue is approved under sub. (3) for a recurring purpose or allowed under sub. (4), the excess revenue shall be included in the base for determining the limit for the next school year for purposes of this section. If an excess revenue is approved under sub. (3) for a nonrecurring purpose, the excess revenue shall not be included in the base for determining the limit for the next school year for purposes of this section.

SECTION 2318b. 121.91 (8) of the statutes is amended to read:

121.91 **(8)** If a school district's initial revenue limit for the current school year, as calculated under s. 121.905 or sub. (2m) ~~(e)~~, whichever is appropriate, before making any adjustments under sub. (3) or (4), is less than the amount determined by multiplying the amount under sub. (2m) ~~(e) 1.~~ <u>(g) 1. or (h) 1.</u> by the average of the number of pupils enrolled in the 3 preceding school years, the school district's initial revenue limit for the current school year, before making any adjustments under sub. (3) or (4), is the amount determined by multiplying the amount under sub. (2m) ~~(e) 1.~~ <u>(g) 1. or (h) 1.</u> by the average of the number of pupils enrolled in the 3 preceding school years. Any additional revenue received by a school district as a result of this subsection shall not be included in the base for determining the school district's limit under sub. (2m) for the following school year.

SECTION 2318e. 125.26 (2w) of the statutes is created to read:

125.26 **(2w)** Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in sub. (1), a Class "B" license issued under this section to a caterer also authorizes the caterer to provide fermented malt beverages, including their retail sale, at the Heritage Hill state park during special events held at this park. Notwithstanding sub. (1), a caterer may provide fermented malt beverages under this subsection at any location at the Heritage Hill state park even though the Heritage Hill state park is not part of the caterer's licensed premises, as described under sub. (3) in the caterer's Class "B" license, and even if the Heritage Hill state park is not located within the municipality that issued the caterer's Class "B" license. A caterer that provides fermented malt beverages under this subsection is subject to s. 125.32 (2) as if the fermented malt beverages were provided on the caterer's Class "B" licensed premises. This subsection does not authorize the Heritage Hill state park to sell fermented malt beverages at retail or to procure or stock fermented malt beverages for purposes of retail sale. This subsection does not apply if, at any time, the Heritage Hill state park holds a Class "B" license.".

SECTION 2318em. 125.27 (3) of the statutes is created to read:

125.27 **(3)** PERMITS FOR CERTAIN TRIBES. (a) In this subsection, "tribe" means a federally recognized American Indian tribe in this state having a reservation created pursuant to treaty with the United States encompassing not less than 60,000 acres nor more than 70,000 acres or any business entity that is wholly owned and operated by such a tribe.

(b) Upon application, the department shall issue a Class "B" permit to a tribe that holds a valid certificate issued under s. 73.03 (50) and that is qualified under s.

125.04 (5) and (6). The permit authorizes the retail sale of fermented malt beverages for consumption on or off the premises where sold.

(c) A tribe holding a permit under par. (a) may sell beverages containing less than 0.5% of alcohol by volume without obtaining a license under s. 66.0433 (1).

(d) Except as provided in this subsection, all sections of this chapter applying to Class "B" licenses apply to Class "B" permits issued under this subsection.

SECTION 2318f. 125.51 (3) (bw) of the statutes is created to read:

125.51 **(3)** (bw) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in par. (a) or (b) and in sub. (1) (a), a "Class B" license issued under sub. (1) to a caterer also authorizes the caterer to provide intoxicating liquor, including its retail sale, at the Heritage Hill state park during special events held at this park. Notwithstanding pars. (a) and (b) and sub. (1) (a), a caterer may provide intoxicating liquor under this paragraph at any location at the Heritage Hill state park even though the Heritage Hill state park is not part of the caterer's licensed premises, as described under par. (d) in the caterer's "Class B" license, and even if the Heritage Hill state park is not located within the municipality that issued the caterer's "Class B" license. A caterer that provides intoxicating liquor under this paragraph is subject to s. 125.68 (2) as if the intoxicating liquor were provided on the caterer's "Class B" licensed premises. This paragraph does not authorize the Heritage Hill state park to sell intoxicating liquor at retail or to procure or stock intoxicating liquor for purposes of retail sale. This paragraph does not apply if, at any time, the Heritage Hill state park holds a "Class B" license.

SECTION 2318fm. 125.51 (3) (e) 2. of the statutes is amended to read:

125.51 **(3)** (e) 2. Each municipal governing body shall establish the fee, in an amount not less than $10,000, for an initial issuance of a reserve "Class B" license, as defined in sub. (4) (a) 4., and, if the municipality contains a capital improvement area enumerated under sub. (4) (x) 2. a., for an initial issuance of a "Class B" license under sub. (4) (x) 3. and 4., except that the fee for an initial issuance of a reserve "Class B" license to a bona fide club or lodge situated and incorporated in the state for at least 6 years is the fee established under subd. 1. for such a club or lodge. The fee under this subdivision is in addition to any other fee required under this chapter. The annual fee for renewal of a reserve "Class B" license, as defined in sub. (4) (a) 1., and a "Class B" license issued under sub. (4) (x) 3. or 4. is the fee established under subd. 1.

SECTION 2318g. 125.51 (4) (w) of the statutes is renumbered 125.51 (4) (w) 1. and amended to read.

125.51 **(4)** (w) 1. Notwithstanding pars. (am) to (d) and s. 125.185 (5), the village board of any village in the northern geographical half of Ozaukee County having a population of more than 4,000 may issue, to any applicant designated by the village board, one "Class B" license in addition to the number of licenses determined for the village's quota under pars. (b) to (d). No "Class B" license may be issued under this ~~paragraph~~ subdivision after August 1, 2008. If a "Class B" license issued under this ~~paragraph~~ subdivision is surrendered to the issuing village, not renewed, or revoked, the village may not reissue the license, but a "Class B" license issued under this ~~paragraph~~ subdivision may be transferred in the same manner as other licenses as provided under s. 125.04 (12) (b) 4.

SECTION 2318h. 125.51 (4) (w) 2. of the statutes is created to read:

125.51 **(4)** (w) 2. Notwithstanding pars. (am) to (d) and s. 125.185 (5), a city that is immediately adjacent to the southern border of the city of Milwaukee and that has an eastern boundary of Lake Michigan may issue 3 "Class B" licenses in addition to the number of licenses determined for the city's quota under pars. (b) to (d).

SECTION 2318i. 125.51 (4) (w) 3. of the statutes is created to read:

125.51 **(4)** (w) 3. Notwithstanding pars. (am) to (d) and s. 125.185 (5), a 4th class city located in Dane County having a population as shown in the 2000 federal decennial census of at least 8,000 but not more than 9,000 may issue one "Class B" license in addition to the number of licenses determined for the city's quota under pars. (b) to (d).

SECTION 2318im. 125.51 (4) (w) 4. of the statutes is created to read:

125.51 **(4)** (w) 4. Notwithstanding pars. (am) to (d) and s. 125.185 (5), a 3rd class city located in Dane County having a population as shown in the 2000 federal decennial census of at least 15,000 but not more than 16,000 may issue 2 "Class B" licenses in addition to the number of licenses determined for the city's quota under pars. (b) to (d).

SECTION 2318ip. 125.51 (4) (x) of the statutes is created to read:

125.51 **(4)** (x) 1. In this paragraph:

a. "Area base value" means the aggregate assessed value of all taxable property located within the geographic bounds of a capital improvement area on January 1 of the year that is 5 years prior to the year in which such capital improvement area is enumerated under subd. 2.

b. "Capital improvement area" means a geographic area that is enumerated under subd. 2. as having an improvement increment exceeding $50,000,000 in the year in which the area is enumerated and as being located within a municipality with insufficient reserve "Class B" licenses to issue a "Class B" license for each business or proposed business that would reasonably require one.

c. "Good faith," with respect to an applicant's attempt to purchase a "Class B" licensed business, includes an applicant making an offer to purchase the business for an amount exceeding $25,000 in total value,

without additional significant conditions placed on the purchase by either party, after having given notice to all current "Class B" license holders within the municipality where the business is located, by U.S. mail addressed to either the licensee's last−known address or to the licensed premises, of the applicant's interest in purchasing a licensed business, except that an offer in an amount of $25,000 or less may also be considered to be in a good faith for purposes of this subd. 1. c. depending on the fair market value of the business, the availability of other licensed businesses for purchase, and any conditions attached to the sale.

d. "Improvement increment" means the aggregate assessed value of all taxable property in a capital improvement area as of January 1 of any year minus the area base value.

e. "Qualified applicant" means an applicant that complies with all requirements under s. 125.04 (5) and (6) and any applicable ordinance, that certifies by affidavit that the applicant has made a good faith attempt to purchase the business of a person holding a "Class B" license within the municipality and have that license transferred to the applicant under s. 125.04 (12) (b) 4., and for whom the issuing municipality has determined that these requirements have been met.

2. The legislature hereby enumerates the following areas, with the geographic boundaries described in this subdivision, as capital improvement areas:

a. The geographic area composed of all land within the Tax Incremental District Number 3 within the city of Oconomowoc in Waukesha County that lies south of Valley Road and east of STH 67 or that lies south of I 94 and west of STH 67.

3. Notwithstanding pars. (am) to (d) and s. 125.185 (5), upon application by a qualified applicant, the governing body of any municipality containing a capital improvement area enumerated under subd. 2. a. shall issue to the qualified applicant one "Class B" license in addition to the number of licenses determined for the municipality's quota under pars. (b) to (d) and in addition to any license under par. (v).

4. Notwithstanding pars. (am) to (d) and s. 125.185 (5), after a qualified applicant has filed an application under subd. 3. and upon application by an initial qualified applicant under this subdivision, the governing body of any municipality containing a capital improvement area enumerated under subd. 2. a. shall determine the improvement increment within the capital improvement area for the calendar year in which the application under this subdivision is filed. If the improvement increment is at least $10,000,000 above $50,000,000, the governing body of the municipality shall issue to the initial qualified applicant a "Class B" license. For each $10,000,000 of improvement increment above $50,000,000, the governing body of the municipality is authorized to issue under this subdivision one "Class B" license and, upon each application by a qualified applicant subsequent to that of the initial qualified applicant, the governing body of the municipality shall issue a "Class B" license to the qualified applicant until all licenses authorized under this subdivision have been issued. If the governing body of any municipality receives an application by a qualified applicant in a calendar year subsequent to the calendar year in which it received the application of the initial qualified applicant, the governing body of the municipality shall redetermine the improvement increment for that year for the purpose of determining the number of "Class B" licenses authorized under this subdivision. The "Class B" licenses that a municipality is authorized to issue under this subdivision are in addition to the number of licenses determined for the municipality's quota under pars. (b) to (d), any license under par. (v), and the license under subd. 3.

5. Notwithstanding subds. 3. and 4., not more than 8 "Class B" licenses may be issued under this paragraph for premises within the same capital improvement area.

6. Notwithstanding subd. 7., any "Class B" license issued under this paragraph may be transferred as provided under s. 125.04 (12) (b) 4. Notwithstanding subds. 5. and 7., if a "Class B" license issued under this paragraph is surrendered to the issuing municipality, revoked, or not renewed, the municipality may reissue the license to a qualified applicant for a premises located within the same capital improvement area for which the license was originally issued.

7. No "Class B" license may be issued under this paragraph after July 1, 2017.

SECTION 2318it. 125.51 (5) (d) of the statutes is created to read:

125.51 **(5)** (d) PERMITS FOR CERTAIN TRIBES. 1. In this paragraph, "tribe" has the meaning given in s. 125.27 (3) (a).

2. Upon application, the department shall issue a "Class B" permit to a tribe that holds a valid certificate issued under s. 73.03 (50) and that is qualified under s. 125.04 (5) and (6). The permit authorizes the retail sale of intoxicating liquor for consumption on the premises where sold by the glass and not in the original package or container. The permit also authorizes the sale of intoxicating liquor in the original package or container, in multiples not to exceed 4 liters at any one time, to be consumed off the premises where sold, except that wine is not subject to the 4−liter limitation.

3. Except as provided in this paragraph, all sections of this chapter applying to "Class B" licenses apply to "Class B" permits issued under this paragraph.

SECTION 2318j. 125.52 (1) of the statutes is amended to read:

125.52 **(1)** AUTHORIZED ACTIVITIES. (a) The department shall issue manufacturers' and rectifiers' permits which authorize the manufacture or rectification, respectively, of intoxicating liquor on the premises covered by

the permit. A person holding a manufacturer's or rectifier's permit may manufacture and bottle wine, pursuant to the terms of the permit, without procuring a winery permit.

(b) 1. A manufacturer's or rectifier's permit entitles the permittee to sell intoxicating liquor to wholesalers holding a permit under s. 125.54, to wineries holding a permit under s. 125.53, and to other manufacturers and rectifiers holding a permit under this section, from the premises described in the permit. ~~No~~ Except as provided in subd. 2., no sales may be made for consumption on the premises of the permittee.

(c) Possession of a permit under this section does not authorize the permittee to sell tax−free intoxicating liquor and wines brought into this state under s. 139.03 (5).

SECTION 2318k. 125.52 (1) (b) 2. of the statutes is created to read:

125.52 **(1)** (b) 2. Notwithstanding s. 125.09 (1), a manufacturer's or rectifier's permit authorizes the retail sale of intoxicating liquor that is manufactured or rectified on the premises, for consumption on or off the premises. A manufacturer's or rectifier's permit also authorizes the provision of taste samples, free of charge and in an amount not exceeding a total of 1.5 fluid ounces to any one person, of intoxicating liquor that is manufactured or rectified on the premises, for consumption on the premises. The department may prescribe additional regulations for the sale of intoxicating liquor under this subdivision, if the additional regulations do not conflict with the requirements applicable to holders of "Class B" licenses. Notwithstanding any other provision of this chapter, the authorization under this subdivision applies with respect to a person who holds any permit under this section, a winery permit under s. 125.53, and either a "Class A" license or a "Class B" license issued under s. 125.51 (3) (am), all issued for the same premises or portions of the same premises.

SECTION 2318L. 125.68 (2) of the statutes is amended to read:

125.68 **(2)** OPERATORS' LICENSES; "CLASS A~~",~~," "CLASS B~~" OR,~~" "CLASS C~~",~~" AND OTHER PREMISES. Except as provided under s. 125.07 (3) (a) 10., no premises operated under a "Class A" or "Class C" license or under a "Class B" license or permit may be open for business, and no person who holds a manufacturer's or rectifier's permit may allow the sale or provision of taste samples of intoxicating liquor on the manufacturing or rectifying premises as provided in s. 125.52 (1) (b) 2., unless there is upon the premises either the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation or limited liability company, or some person who has an operator's license and who is responsible for the acts of all persons selling or serving any intoxicating liquor to customers. An operator's license issued in respect to a vessel under s. 125.51 (5) (c) is valid outside the municipality that issues it. For the purpose of this subsection, any person holding a manager's license issued under s. 125.18 or any member of the licensee's or permittee's immediate family who has attained the age of 18 shall be considered the holder of an operator's license. No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent may serve or sell alcohol beverages in any place operated under a "Class A" or "Class C" license or under a "Class B" license or permit unless he or she has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee, permittee or agent or a person holding an operator's license, who is on the premises at the time of the service.

SECTION 2318p. 125.69 (1) (a) of the statutes is amended to read:

125.69 **(1)** (a) No intoxicating liquor manufacturer, rectifier, winery, out−of−state shipper permittee, or wholesaler may hold any direct or indirect interest in any "Class A" license or establishment and no "Class A" licensee may hold any direct or indirect interest in a wholesale permit or establishment, except that a winery that has a permit under s. 125.53 may have an ownership interest in a "Class A" license and a person may hold a "Class A" license and both a winery permit under s. 125.53 and a manufacturer's or rectifier's permit under s. 125.52 and may make retail sales and provide taste samples as authorized under the "Class A" license and ss. 125.06 (13) and 125.52 (1) (b) 2.

SECTION 2318t. 125.69 (1) (b) 4. of the statutes is amended to read:

125.69 **(1)** (b) 4. A winery that has a permit under s. 125.53 may have an ownership interest in a "Class B" license issued under s. 125.51 (3) (am) and a person may hold a "Class B" license and both a winery permit under s. 125.53 and a manufacturer's or rectifier's permit under s. 125.52 and may make retail sales and provide taste samples as authorized under the "Class B" license and s. 125.52 (1) (b) 2.

SECTION 2318x. 125.69 (1) (c) of the statutes is amended to read:

125.69 **(1)** (c) No manufacturer, rectifier, winery, or out−of−state shipper permittee, whether located within or without this state, may hold any direct or indirect interest in any wholesale permit or establishment. Except as provided in pars. (a) and (b) 4. and s. 125.53, no retail licensee may hold any direct or indirect interest in any manufacturer, rectifier, winery, or out−of−state shipper permittee.

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 2338. 139.323 (3) of the statutes is amended to read:

139.323 **(3)** The land on which the sale occurred was designated a reservation or trust land on or before January 1, 1983, or on a later date as determined by an agreement between the department and the tribal council.

SECTION 2392. 139.76 (1) of the statutes is amended to read:

139.76 **(1)** An excise tax is imposed upon the sale, offering or exposing for sale, possession with intent to sell or removal for consumption or sale or other disposition for any purpose of tobacco products by any person engaged as a distributor of them at the rate, for tobacco products, not including moist snuff, of ~~50~~ 71 percent of the manufacturer's established list price to distributors without diminution by volume or other discounts on domestic products and, for moist snuff, at the rate of ~~$1.31 per ounce, and at a proportionate rate for any other quantity or fractional part thereof, of the moist snuff's net weight, as listed by the manufacturer~~ 100 percent of the manufacturer's established list price to distributors without diminution by volume or other discounts on domestic products. The tax imposed under this subsection on cigars shall not exceed an amount equal to 50 cents for each cigar. On products imported from another country, not including moist snuff, the rate of tax is ~~50~~ 71 percent of the amount obtained by adding the manufacturer's list price to the federal tax, duties and transportation costs to the United States. On moist snuff imported from another country, the rate of the tax is 100 percent of the amount obtained by adding the manufacturer's list price to the federal tax, duties, and transportation costs to the United States. The tax attaches at the time the tobacco products are received by the distributor in this state. The tax shall be passed on to the ultimate consumer of the tobacco products. All tobacco products received in this state for sale or distribution within this state, except tobacco products actually sold as provided in sub. (2), shall be subject to such tax. ~~The weight−based tax imposed under this subsection on moist snuff does apply to moist snuff that is the inventory of a distributor on January 1, 2008, and for which the tax levied under this subsection, 2005, stats., has been paid.~~

SECTION 2395. 139.78 (1) of the statutes is amended to read:

139.78 **(1)** A tax is imposed upon the use or storage by consumers of tobacco products in this state at the rate, for tobacco products, not including moist snuff, of ~~50~~ 71 percent of the cost of the tobacco products and, for moist snuff, at the rate of ~~$1.31 per ounce, and at a proportionate rate for any other quantity or fractional part thereof, of the moist snuff's net weight, as listed by the manufacturer~~ 100 percent of the manufacturer's established list price to distributors without diminution by volume or other discounts on domestic products. The tax imposed under this subsection on cigars shall not exceed an amount equal to 50 cents for each cigar. The tax does not apply if the tax imposed by s. 139.76 (1) on the tobacco products has been paid or if the tobacco products are exempt from the tobacco products tax under s. 139.76 (2).

SECTION 2401. 139.803 (3) of the statutes is amended to read:

139.803 **(3)** The land on which the sale occurred was designated a reservation or trust land on or before January 1, 1983, or on a later date as determined by an agreement between the department and the tribal council.

SECTION 2406. 145.08 (1) (intro.) of the statutes is amended to read:

145.08 **(1)** (intro.) The department shall ~~fix, by rule, the amount of the~~ establish fees by rule for the examinations, licenses, and registrations specified in this section. The fees ~~specified in this section are not returnable and may not exceed the amounts stated in this section as follows~~ established by the department shall as closely as possible equal the cost of providing the following services:

SECTION 2407. 145.08 (1) (a) of the statutes is amended to read:

145.08 **(1)** (a) ~~For~~ Administering a master plumber's examination~~, $50. For each subsequent examination, $30~~.

SECTION 2408. 145.08 (1) (b) of the statutes is amended to read:

145.08 **(1)** (b) ~~For~~ Issuing a master plumber's license~~, $500, and $500 for each renewal of the 4−year license if application is made prior to the date of expiration; after that date an additional fee of $20~~.

SECTION 2409. 145.08 (1) (c) of the statutes is amended to read:

145.08 **(1)** (c) ~~For~~ Administering a journeyman plumber's examination~~, $30. For each subsequent examination, $20~~.

SECTION 2410. 145.08 (1) (d) of the statutes is amended to read:

145.08 **(1)** (d) ~~For~~ Issuing a journeyman plumber's license~~, $180, and $180 for each renewal of the 4−year license if application is made prior to the date of expiration; after that date an additional fee of $10~~.

SECTION 2411. 145.08 (1) (e) of the statutes is amended to read:

145.08 **(1)** (e) ~~For~~ Issuing a temporary permit pending examination and issuance of a license for master plumber~~, $400; for~~ or journeyman ~~$150 and which shall also cover the examination fee prescribed and the license fee for the 4−year period in which issued~~ plumber.

SECTION 2412. 145.08 (1) (f) of the statutes is amended to read:

145.08 **(1)** (f) ~~For~~ Administering a master plumber's (restricted) examination~~, $50. For each subsequent examination, $30~~.

SECTION 2413. 145.08 (1) (g) of the statutes is amended to read:

145.08 **(1)** (g) ~~For~~ Issuing a master plumber's license (restricted)~~, $500, and $500 for each renewal of the 4−year license if application is made prior to the date of expiration; after that date an additional fee of $20~~.

SECTION 2414. 145.08 (1) (h) of the statutes is amended to read:

145.08 **(1)** (h) ~~For~~ Administering a journeyman plumber's (restricted) examination~~, $30. For each subsequent examination, $20~~.

SECTION 2415. 145.08 (1) (i) of the statutes is amended to read:

145.08 **(1)** (i) ~~For~~ Issuing a journeyman plumber's license (restricted)~~, $180, and $180 for each renewal of the 4−year license if application is made prior to the date of expiration; after that date an additional fee of $10~~.

SECTION 2416. 145.08 (1) (k) of the statutes is amended to read:

145.08 **(1)** (k) ~~For~~ Administering an automatic fire sprinkler contractor's examination~~, $100~~.

SECTION 2417. 145.08 (1) (L) of the statutes is amended to read:

145.08 **(1)** (L) ~~For~~ Issuing an automatic fire sprinkler contractor's license~~, $2,000, and $2,000 for each renewal of the 4−year license if application is made prior to the date of expiration; after that date an additional fee of $25~~.

SECTION 2418. 145.08 (1) (Lm) of the statutes is amended to read:

145.08 **(1)** (Lm) ~~For~~ Issuing an automatic fire sprinkler − maintenance only registration~~, $400, and $400 for each renewal of the 4−year registration if application is made prior to the date of expiration; after that date an additional fee of $25~~.

SECTION 2419. 145.08 (1) (m) of the statutes is amended to read:

145.08 **(1)** (m) ~~For~~ Administering a journeyman automatic fire sprinkler fitter's examination~~, $20 and $20 for each subsequent examination~~.

SECTION 2420. 145.08 (1) (n) of the statutes is amended to read:

145.08 **(1)** (n) ~~For~~ Issuing a journeyman automatic fire sprinkler fitter's license~~, $180, and $180 for each renewal of the 4−year license if application is made prior to the date of expiration; after that date an additional fee of $10~~.

SECTION 2421. 145.08 (1) (nm) of the statutes is amended to read:

145.08 **(1)** (nm) ~~For~~ Issuing an automatic fire sprinkler fitter − maintenance only registration certificate~~, $60, and $60 for each renewal of the 4−year registration if application is made prior to the date of expiration; after that date an additional fee of $10~~.

SECTION 2422. 145.08 (1) (o) of the statutes is amended to read:

145.08 **(1)** (o) ~~For~~ Issuing a utility contractor's license~~, $500 and $500 for each renewal of the 4−year license if application is made prior to the date of expiration; after that date an additional fee of $10~~.

SECTION 2423. 145.08 (1) (p) of the statutes is renumbered 145.08 (1g) and amended to read:

145.08 **(1g)** ~~For~~ The department may not charge a plumbing supervisor employed by the department in accord with s. 145.02 (3) (a)~~, no cost~~ a fee for the appropriate 4−year license for which the plumbing supervisor has previously qualified.

SECTION 2424. 145.08 (1) (q) of the statutes is amended to read:

145.08 **(1)** (q) ~~For~~ Issuing a pipelayer's registration~~, $180 at the time of registration and $180 for each subsequent 4−year period of registration~~.

SECTION 2425. 145.08 (3) of the statutes is amended to read:

145.08 **(3)** To establish a record of beginning an apprenticeship, as a plumber, as an automatic fire sprinkler system apprentice, or as a plumber learner (restricted), every plumbing and automatic fire sprinkler system apprentice and every plumbing learner (restricted) shall within 30 days after beginning an apprenticeship or learnership register with the department. A fee ~~of $15~~ established by the department by rule shall be paid at the time of registration and before January 1 of each subsequent calendar year during which the apprentice is engaged in the apprenticeship or learnership.

SECTION 2426. 146.19 (2) (intro.) of the statutes is amended to read:

146.19 **(2)** AMERICAN INDIAN HEALTH PROJECT GRANTS. (intro.) From the appropriation account under s. 20.435 ~~(5)~~ (1) (ke), the department shall award grants for American Indian health projects in order to address specific problem areas in the field of American Indian health. A tribe, tribal agency, or inter−tribal organization may apply, in the manner specified by the department, for a grant of up to $10,000 to conduct an American Indian health project that is designed to do any of the following:

SECTION 2427. 146.45 (4) of the statutes is created to read:

146.45 **(4)** In each fiscal year, there is transferred from the appropriation account under s. 20.435 (4) (jz) to the appropriation account under s. 20.435 (4) (jw) an amount, determined by the secretary, that is sufficient for the department to administer a contract with an entity to operate the purchasing pool established under sub. (2), but not more than 5 percent of the total amount paid by persons to purchase prescription drugs as members of the purchasing pool in the fiscal year.

SECTION 2428. 146.65 (1) (intro.) of the statutes is amended to read:

146.65 **(1)** (intro.) From the appropriation account under s. 20.435 ~~(5)~~ (1) (dm), the department shall distribute moneys as follows:

SECTION 2429. 146.68 (intro.) of the statutes is amended to read:

146.68 Grant for colposcopies and other services. (intro.) From the appropriation account under s. 20.435 ~~(5)~~ (1) (dg), the department shall provide ~~$100,000 in fiscal year 2007–08 and~~ $75,000 in each ~~subsequent~~ fiscal year to an entity that satisfies the following criteria to provide colposcopic examinations and to provide services to medical assistance recipients or persons who are eligible for medical assistance:

SECTION 2429b. 146.81 (1) (q) of the statutes is created to read:

146.81 **(1)** (q) An ambulance service provider, as defined in s. 256.01 (3).

SECTION 2429c. 146.81 (1) (r) of the statutes is created to read:

146.81 **(1)** (r) An emergency medical technician, as defined in s. 256.01 (5).

SECTION 2429d. 146.81 (1) (s) of the statutes is created to read:

146.81 **(1)** (s) A first responder, as defined in s. 256.01 (9).

SECTION 2429e. 146.81 (4) of the statutes is amended to read:

146.81 **(4)** "Patient health care records" means all records related to the health of a patient prepared by or under the supervision of a health care provider~~, but~~; and all records made by an ambulance service provider, as defined in s. 256.01 (3), an emergency medical technician, as defined in s. 256.01 (5), or a first responder, as defined in s. 256.01 (9), in administering emergency care procedures to and handling and transporting sick, disabled, or injured individuals. "Patient health care records" includes billing statements and invoices for treatment or services provided by a health care provider and includes health summary forms prepared under s. 302.388 (2). "Patient health care records" does not include those records subject to s. 51.30, reports collected under s. 69.186, records of tests administered under s. 252.15 (2) (a) 7., 343.305, 938.296 (4) or (5) or 968.38 (4) or (5), records related to sales of pseudoephedrine products, as defined in s. 961.01 (20c), that are maintained by pharmacies under s. 961.235, fetal monitor tracings, as defined under s. 146.817 (1), or a pupil's physical health records maintained by a school under s. 118.125. ~~"Patient health care records" also includes health summary forms prepared under s. 302.388 (2).~~

SECTION 2430. 146.81 (5) of the statutes is amended to read:

146.81 **(5)** "Person authorized by the patient" means the parent, guardian, or legal custodian of a minor patient, as defined in s. 48.02 (8) and (11), the person vested with supervision of the child under s. 938.183 or 938.34 (4d), (4h), (4m), or (4n), the guardian of a patient adjudicated incompetent in this state, the personal representative ~~or~~, spouse, or domestic partner under ch. 770 of a deceased patient, any person authorized in writing by the patient or a health care agent designated by the patient as a principal under ch. 155 if the patient has been found to be incapacitated under s. 155.05 (2), except as limited by the power of attorney for health care instrument. If no spouse or domestic partner survives a deceased patient, "person authorized by the patient" also means an adult member of the deceased patient's immediate family, as defined in s. 632.895 (1) (d). A court may appoint a temporary guardian for a patient believed incompetent to consent to the release of records under this section as the person authorized by the patient to decide upon the release of records, if no guardian has been appointed for the patient.

SECTION 2431. 146.82 (2) (a) 8. of the statutes is amended to read:

146.82 **(2)** (a) 8. To the department under s. 255.04 and to the persons specified under s. 255.04 (3). The release of a patient health care record under this subdivision shall be limited to the information prescribed by the department under s. 255.04 (2).

SECTION 2432. 146.82 (2) (a) 18m. of the statutes is amended to read:

146.82 **(2)** (a) 18m. If the subject of the patient health care records is a child or juvenile who has been placed in a foster home~~, treatment foster home~~, group home, residential care center for children and youth, or juvenile correctional facility, including a placement under s. 48.205, 48.21, 938.205, or 938.21, or for whom placement in a foster home~~, treatment foster home~~, group home, residential care center for children and youth, or juvenile correctional facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the child or juvenile, or to an agency that placed the child or juvenile or arranged for the placement of the child or juvenile in any of those placements and, by any of those agencies, to any other of those agencies and, by the agency that placed the child or juvenile or arranged for the placement of the child or juvenile in any of those placements, to the foster parent ~~or treatment foster parent~~ of the child or juvenile or the operator of the group home, residential care center for children and youth, or juvenile correctional facility in which the child or juvenile is placed, as provided in s. 48.371 or 938.371.

SECTION 2433b. 146.83 (1) (intro.) and (a) of the statutes are consolidated, renumbered 146.83 (1d) and amended to read:

146.83 **(1d)** Except as provided in s. 51.30 or 146.82 (2), any patient or ~~other~~ person authorized by the patient

may, upon submitting a statement of informed consent~~:~~ ~~(a) Inspect~~, inspect the health care records of a health care provider pertaining to that patient ~~at any time~~. Except as provided in sub. (1g), the health care provider shall make the records available for inspection by the patient or person authorized by the patient during regular business hours~~, upon reasonable~~ within 21 days after the health care provider receives notice from the patient or person authorized by the patient. A health care provider may not charge a fee for inspection under this subsection.

Vetoed In Part

SECTION 2433c. 146.83 (1) (b) and (c) of the statutes are repealed.

SECTION 2433d. 146.83 (1f) of the statutes is created to read:

146.83 **(1f)** (a) Except as provided in par. (b), sub. (1g), or s. 51.30 or 146.82 (2), if a patient or a person authorized by the patient requests copies of the patient's health care records, provides informed consent, and pays the applicable fees under par. (c) or (d), the health care provider shall, subject to sub. (1k), provide the patient or person authorized by the patient copies of the requested records within 21 days after receiving the request.

Vetoed In Part

(b) Except as provided in sub. (1g) or s. 51.30 or 146.82 (2), if a patient or a person authorized by the patient requests a copy of a health care provider's report regarding an X−ray of the patient, provides informed consent, and pays the applicable fees under par. (c) or (d), the health care provider shall, subject to sub. (1k), provide the patient or person authorized by the patient a copy of the report or provide the X−ray to another health care provider of the patient's choice within 30 days after receiving the request.

(c) Except as provided in par. (d), a health care provider may charge no more than the total of all of the following that apply for providing copies requested under par. (a) or (b):

1. For paper copies, 35 cents per page.

2. For microfiche or microfilm copies, $1.25 per page.

3. For a print of an X−ray, $10 per image.

3m. For providing copies in digital or electronic format, a single charge of $5 for all copies requested. A health care provider may not charge a fee for the disc or other storage medium on which copies are provided in a digital or electronic format.

Vetoed In Part

4. Actual shipping costs.

5. If the patient or person authorized by the patient requests delivery of the copies within 7 or fewer days after making a request for copies, and the health care provider delivers the copies within that time, a fee equal to 10 percent of the total fees that may be charged under subds. 1. to 4.

(d) 1. If a patient or person authorized by the patient requests copies of the patient's health care records under this subsection for use in appealing a denial of social security disability insurance, under 42 USC 401 to 433, or supplemental security income, under 42 USC 1381 to 1385, the health care provider may charge the patient or person authorized by the patient no more than the amount that the federal social security administration reimburses the department for copies of patient health care records.

2. Except as provided in sub. (1g), a health care provider may not charge a fee for providing one set of copies of a patient's health care records under this subsection if the patient is eligible for medical assistance, as defined in s. 49.43 (8). A health care provider may require that a patient or person authorized by the patient provide proof that the patient is eligible for medical assistance before providing copies under this subdivision without charge. A health care provider may charge the fees under par. (c) for providing a 2nd or additional set of copies of patient health care records for a patient who is eligible for medical assistance.

SECTION 2433e. 146.83 (1g) of the statutes is created to read:

146.83 **(1g)** The time limit for making records available for inspection under sub. (1d), the time limits for providing copies of records under sub. (1f) (a) and (b), and the requirement under sub. (1f) (d) 2. to provide one set of copies of records without charge if the patient is eligible for medical assistance do not apply if the health care provider is the department or the department of corrections.

SECTION 2433f. 146.83 (1h) of the statutes is created to read:

146.83 **(1h)** (a) Except as provided in s. 51.30 or 146.82 (2), if a person other than a patient and other than a person authorized by the patient requests copies of a patient's health care records, provides informed consent, and pays the applicable fees under par. (b) or (c), the health care provider shall, subject to sub. (1k), provide the person making the request copies of the requested records.

(b) Except as provided in par. (c), a health care provider may charge no more than the total of all of the following that apply for providing copies requested under par. (a):

1. For paper copies, 35 cents per page.

2. For microfiche or microfilm copies, $1.25 per page.

3. For a print of an X−ray, $10 per image.

3m. For providing copies in digital or electronic format, a single charge of $5 for all copies requested. A health care provider may not charge a fee for the disc or other storage medium on which copies are provided in a digital or electronic format.

Vetoed In Part

4. For certification of copies, $5.

5. For processing and handling, a single $15 charge for all copies requested.

6. Actual shipping costs.

7. If the requester requests delivery of the copies within 7 or fewer days after making a request for copies,

and the health care provider delivers the copies within that time, a fee equal to 10 percent of the total fees that may be charged under subds. 1. to 6.

(c) If the department requests copies of a patient's health care records for use in determining eligibility for social security disability insurance, under 42 USC 401 to 433, or supplemental security income, under 42 USC 1381 to 1385, the health care provider may charge no more than the amount that the federal social security administration reimburses the department for copies of patient health care records.

SECTION 2433h. 146.83 (1k) of the statutes is created to read:

146.83 **(1k)** Upon the request of the person requesting copies of patient health care records under sub. (1f) or (1h), the health care provider shall provide the copies in a digital or electronic format unless the health care provider's record system does not provide for the creation or transmission of records in a digital or electronic format, in which case the health care provider shall provide the person a written explanation for why the copies cannot be provided in a digital or electronic format. The health care provider may include the written explanation with the production of paper copies of the records if the person chooses to receive paper copies.

SECTION 2433j. 146.83 (1m) (a) of the statutes is renumbered 146.83 (1m).

SECTION 2433L. 146.83 (1m) (b) of the statutes is repealed.

SECTION 2433n. 146.83 (3m) of the statutes is repealed.

SECTION 2433p. 146.84 (2) (a) 1. of the statutes is amended to read:

146.84 **(2)** (a) 1. Requests or obtains confidential information under s. 146.82 or 146.83 ~~(1)~~ (1d), (1f), or (1h) under false pretenses.

Vetoed In Part

SECTION 2433r. 146.84 (2) (d), (e) and (f) of the statutes are created to read:

146.84 **(2)** (d) Any health care provider who does not allow inspection of patient health care records under s. 146.83 (1d) within 21 days after receiving notice from a patient or person authorized by the patient is subject to a forfeiture of $100, plus $10 for each day after 21 days that the health care provider does not allow inspection.

(e) Any health care provider who does not provide copies of patient health records requested under s. 146.83 (1f) (a) within 21 days after receiving the request is subject to a forfeiture of $100, plus $10 for each day after 21 days that the health care provider does not provide the copies.

(f) Any health care provider who does not provide a copy of an X−ray report or provide a copy of an X−ray to another health care provider within 30 days after a patient or person authorized by the patient makes a request for the X−ray report under s. 146.83 (1f) (b) is subject to a forfeiture of $100, plus $10 for each day after 30 days that the health care provider does not provide the copy of the report or provide the X−ray.

Vetoed In Part

SECTION 2433t. 146.905 (1) of the statutes is amended to read:

146.905 **(1)** Except as provided in sub. (2), a health care provider, as defined in s. 146.81 (1) (a) to (p), that provides a service or a product to an individual with coverage under a disability insurance policy, as defined in s. 632.895 (1) (a), may not reduce or eliminate or offer to reduce or eliminate coinsurance or a deductible required under the terms of the disability insurance policy.

SECTION 2433v. 146.96 of the statutes is amended to read:

146.96 Uniform claim processing form. Beginning no later than July 1, 2004, every health care provider, as defined in s. 146.81 (1) (a) to (p), shall use the uniform claim processing form developed by the commissioner of insurance under s. 601.41 (9) (b) when submitting a claim to an insurer.

SECTION 2433x. 146.98 of the statutes is created to read:

146.98 Ambulatory surgical center assessment. (1) In this section, "ambulatory surgical center" has the meaning given in 42 CFR 416.2.

(2) The department of revenue may impose an assessment on ambulatory surgical centers in this state that satisfies the requirements under 42 CFR 433.68 for collecting an assessment without incurring a reduction in federal financial participation under the federal Medicaid program. The department shall allocate any assessment imposed under this section among ambulatory surgical centers in proportion to their gross patient revenue.

(3) The department of revenue may do all of the following:

(a) Subject to sub. (2), determine the amount of assessment under this section.

(b) Collect assessments imposed under this section from ambulatory surgical centers.

(c) Require ambulatory surgical centers to provide the department of revenue any data that is required by the department of revenue to determine assessment amounts under this section.

(d) Establish deadlines by which ambulatory surgical centers shall pay assessments required under this section and provide data required under par. (c).

(e) Impose penalties on ambulatory surgical centers that do not comply with requirements under this section or rules promulgated under sub. (5).

(4) The department of revenue shall transfer 99.5 percent of the moneys collected under this section to the Medical Assistance trust fund.

(5) The department of revenue shall promulgate rules for the administration of the assessment under this section.

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 2436n. 153.01 (4t) of the statutes is amended to read:

153.01 **(4t)** "Health care provider" has the meaning given in s. 146.81 (1) (a) to (p) and includes an ambulatory surgery center.

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.

BECAUSE YOUR HEALTH CARE PROVIDERS IN SOME CASES MAY NOT HAVE HAD THE OPPORTUNITY TO ESTABLISH A LONG−TERM RELATIONSHIP WITH YOU, THEY ARE OFTEN UNFAMILIAR WITH YOUR BELIEFS AND VALUES AND THE DETAILS OF YOUR FAMILY RELATIONSHIPS. THIS POSES A PROBLEM IF YOU BECOME PHYSICALLY OR MENTALLY UNABLE TO MAKE DECISIONS ABOUT YOUR HEALTH CARE.

IN ORDER TO AVOID THIS PROBLEM, YOU MAY SIGN THIS LEGAL DOCUMENT TO SPECIFY THE PERSON WHOM YOU WANT TO MAKE HEALTH CARE DECISIONS FOR YOU IF YOU ARE UNABLE TO MAKE THOSE DECISIONS PERSONALLY. THAT PERSON IS KNOWN AS YOUR HEALTH CARE AGENT. YOU SHOULD TAKE SOME TIME TO DISCUSS YOUR THOUGHTS AND BELIEFS ABOUT MEDICAL TREATMENT WITH THE PERSON OR PERSONS WHOM YOU HAVE SPECIFIED. YOU MAY STATE IN THIS DOCUMENT ANY TYPES OF HEALTH CARE THAT YOU DO OR DO NOT DESIRE, AND YOU MAY LIMIT THE AUTHORITY OF YOUR HEALTH CARE AGENT. IF YOUR HEALTH CARE AGENT IS UNAWARE OF YOUR DESIRES WITH RESPECT TO A PARTICULAR HEALTH CARE DECISION, HE OR SHE IS REQUIRED TO DETERMINE WHAT WOULD BE IN YOUR BEST INTERESTS IN MAKING THE DECISION.

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT GIVES YOUR AGENT BROAD POWERS TO MAKE HEALTH CARE DECISIONS FOR YOU. IT REVOKES ANY PRIOR POWER OF ATTORNEY FOR HEALTH CARE THAT YOU MAY HAVE MADE. IF YOU WISH TO CHANGE YOUR POWER OF ATTORNEY FOR HEALTH CARE, YOU MAY REVOKE THIS DOCUMENT AT ANY TIME BY DESTROYING IT, BY DIRECTING ANOTHER PERSON TO DESTROY IT IN YOUR PRESENCE, BY SIGNING A WRITTEN AND DATED STATEMENT OR BY STATING THAT IT IS REVOKED IN THE PRESENCE OF TWO WITNESSES. IF YOU REVOKE, YOU SHOULD NOTIFY YOUR AGENT, YOUR HEALTH CARE PROVIDERS AND ANY OTHER PERSON TO WHOM YOU HAVE GIVEN A COPY. IF YOUR AGENT IS YOUR SPOUSE OR DOMESTIC PARTNER AND YOUR MARRIAGE IS ANNULLED OR YOU ARE DIVORCED OR THE DOMESTIC PARTNERSHIP IS TERMINATED AFTER SIGNING THIS DOCUMENT, THE DOCUMENT IS INVALID.

YOU MAY ALSO USE THIS DOCUMENT TO MAKE OR REFUSE TO MAKE AN ANATOMICAL GIFT UPON YOUR DEATH. IF YOU USE THIS DOCUMENT TO MAKE OR REFUSE TO MAKE AN ANATOMICAL GIFT, THIS DOCUMENT REVOKES ANY PRIOR RECORD OF GIFT THAT YOU MAY HAVE MADE. YOU MAY REVOKE OR CHANGE ANY ANATOMICAL GIFT THAT YOU MAKE BY THIS DOCUMENT BY CROSSING OUT THE ANATOMICAL GIFTS PROVISION IN THIS DOCUMENT.

DO NOT SIGN THIS DOCUMENT UNLESS YOU CLEARLY UNDERSTAND IT.

IT IS SUGGESTED THAT YOU KEEP THE ORIGINAL OF THIS DOCUMENT ON FILE WITH YOUR PHYSICIAN."

SECTION 2440. 155.30 (3) (form) of the statutes is amended to read:

155.30 **(3)** (form)

POWER OF ATTORNEY FOR HEALTH CARE

Document made this.... day of.... (month),.... (year).

CREATION OF POWER OF ATTORNEY FOR HEALTH CARE

I,.... (print name, address and date of birth), being of sound mind, intend by this document to create a power of attorney for health care. My executing this power of attorney for health care is voluntary. Despite the creation of this power of attorney for health care, I expect to be fully informed about and allowed to participate in any

health care decision for me, to the extent that I am able. For the purposes of this document, "health care decision" means an informed decision to accept, maintain, discontinue or refuse any care, treatment, service or procedure to maintain, diagnose or treat my physical or mental condition.

In addition, I may, by this document, specify my wishes with respect to making an anatomical gift upon my death.

DESIGNATION OF HEALTH CARE AGENT

If I am no longer able to make health care decisions for myself, due to my incapacity, I hereby designate.... (print name, address and telephone number) to be my health care agent for the purpose of making health care decisions on my behalf. If he or she is ever unable or unwilling to do so, I hereby designate.... (print name, address and telephone number) to be my alternate health care agent for the purpose of making health care decisions on my behalf. Neither my health care agent nor my alternate health care agent whom I have designated is my health care provider, an employee of my health care provider, an employee of a health care facility in which I am a patient or a spouse of any of those persons, unless he or she is also my relative. For purposes of this document, "incapacity" exists if 2 physicians or a physician and a psychologist who have personally examined me sign a statement that specifically expresses their opinion that I have a condition that means that I am unable to receive and evaluate information effectively or to communicate decisions to such an extent that I lack the capacity to manage my health care decisions. A copy of that statement must be attached to this document.

GENERAL STATEMENT OF AUTHORITY GRANTED

Unless I have specified otherwise in this document, if I ever have incapacity I instruct my health care provider to obtain the health care decision of my health care agent, if I need treatment, for all of my health care and treatment. I have discussed my desires thoroughly with my health care agent and believe that he or she understands my philosophy regarding the health care decisions I would make if I were able. I desire that my wishes be carried out through the authority given to my health care agent under this document.

If I am unable, due to my incapacity, to make a health care decision, my health care agent is instructed to make the health care decision for me, but my health care agent should try to discuss with me any specific proposed health care if I am able to communicate in any manner, including by blinking my eyes. If this communication cannot be made, my health care agent shall base his or her decision on any health care choices that I have expressed prior to the time of the decision. If I have not expressed a health care choice about the health care in question and communication cannot be made, my health care agent shall base his or her health care decision on what he or she believes to be in my best interest.

LIMITATIONS ON MENTAL HEALTH TREATMENT

My health care agent may not admit or commit me on an inpatient basis to an institution for mental diseases, an intermediate care facility for persons with mental retardation, a state treatment facility or a treatment facility. My health care agent may not consent to experimental mental health research or psychosurgery, electroconvulsive treatment or drastic mental health treatment procedures for me.

ADMISSION TO NURSING HOMES OR COMMUNITY−BASED RESIDENTIAL FACILITIES

My health care agent may admit me to a nursing home or community−based residential facility for short−term stays for recuperative care or respite care.

If I have checked "Yes" to the following, my health care agent may admit me for a purpose other than recuperative care or respite care, but if I have checked "No" to the following, my health care agent may not so admit me:

1. A nursing home — Yes.... No....

2. A community−based residential facility — Yes.... No....

If I have not checked either "Yes" or "No" immediately above, my health care agent may admit me only for short−term stays for recuperative care or respite care.

PROVISION OF A FEEDING TUBE

If I have checked "Yes" to the following, my health care agent may have a feeding tube withheld or withdrawn from me, unless my physician has advised that, in his or her professional judgment, this will cause me pain or will reduce my comfort. If I have checked "No" to the following, my health care agent may not have a feeding tube withheld or withdrawn from me.

My health care agent may not have orally ingested nutrition or hydration withheld or withdrawn from me unless provision of the nutrition or hydration is medically contraindicated.

Withhold or withdraw a feeding tube — Yes.... No....

If I have not checked either "Yes" or "No" immediately above, my health care agent may not have a feeding tube withdrawn from me.

HEALTH CARE DECISIONS FOR PREGNANT WOMEN

If I have checked "Yes" to the following, my health care agent may make health care decisions for me even if my agent knows I am pregnant. If I have checked "No" to the following, my health care agent may not make health care decisions for me if my health care agent knows I am pregnant.

Health care decision if I am pregnant — Yes.... No....

If I have not checked either "Yes" or "No" immediately above, my health care agent may not make health

care decisions for me if my health care agent knows I am pregnant.

STATEMENT OF DESIRES,
SPECIAL PROVISIONS OR LIMITATIONS

In exercising authority under this document, my health care agent shall act consistently with my following stated desires, if any, and is subject to any special provisions or limitations that I specify. The following are specific desires, provisions or limitations that I wish to state (add more items if needed):

1) −

2) −

3) −

INSPECTION AND DISCLOSURE OF
INFORMATION RELATING TO MY PHYSICAL
OR MENTAL HEALTH

Subject to any limitations in this document, my health care agent has the authority to do all of the following:

(a) Request, review and receive any information, oral or written, regarding my physical or mental health, including medical and hospital records.

(b) Execute on my behalf any documents that may be required in order to obtain this information.

(c) Consent to the disclosure of this information.

(The principal and the witnesses all must sign the document at the same time.)

SIGNATURE OF PRINCIPAL

(person creating the power of attorney for health care)

Signature.... Date....

(The signing of this document by the principal revokes all previous powers of attorney for health care documents.)

STATEMENT OF WITNESSES

I know the principal personally and I believe him or her to be of sound mind and at least 18 years of age. I believe that his or her execution of this power of attorney for health care is voluntary. I am at least 18 years of age, am not related to the principal by blood, marriage, or adoption, am not the domestic partner under ch. 770 of the principal, and am not directly financially responsible for the principal's health care. I am not a health care provider who is serving the principal at this time, an employee of the health care provider, other than a chaplain or a social worker, or an employee, other than a chaplain or a social worker, of an inpatient health care facility in which the declarant is a patient. I am not the principal's health care agent. To the best of my knowledge, I am not entitled to and do not have a claim on the principal's estate.

Witness No. 1:

(print) Name.... Date....

Address....

Signature....

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.

.... 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 2443d. 165.018 of the statutes is repealed.

Vetoed In Part

SECTION 2443m. 165.03 of the statutes is created to read:

165.03 Funding for assistant district attorney and public defender retention pay. (1) Notwithstanding the purposes for which appropriations are made under s. 20.455, in each fiscal year, the attorney general may transfer to the appropriation account under s. 20.455 (3) (kb) a total of up to $1,000,000 from appropriation accounts under s. 20.455, except all of the following, for retention pay for assistant district attorneys and assistant state public defenders:

(a) A sum sufficient appropriation.

(b) An appropriation of federal moneys.

(c) An appropriation from which transfer of moneys under this subsection is prohibited under the constitution.

(2) (a) In this subsection:

1. "District attorney percentage" means the percentage of total assistant attorney positions that are assistant district attorney positions.

2. "Public defender percentage" means the percentage of total assistant attorney positions that are assistant state public defender positions.

3. "Total assistant attorney positions" means the total full−time equivalent assistant district attorney positions filled as of June 30th of a fiscal year plus the total full−time equivalent assistant state public defender positions filled on that date.

(b) If the attorney general transfers moneys under sub. (1) in a fiscal year, the attorney general shall on June 30 of that fiscal year transfer from the appropriation account under s. 20.455 (3) (kb) to the appropriation account under s. 20.475 (1) (kb) an amount equal to the amount transferred under sub. (1) multiplied by the district attorney percentage.

(c) If the attorney general transfers moneys under sub. (1) in a fiscal year, the attorney general shall on June 30 of that fiscal year transfer from the appropriation account under s. 20.455 (3) (kb) to the appropriation account under s. 20.550 (1) (kb) an amount equal to the amount transferred under sub. (1) multiplied by the public defender percentage.

SECTION 2444b. 165.25 (4) (ar) of the statutes, as affected by 2009 Wisconsin Act 2, 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 to the enforcement of ss. 91.68, 93.73, 100.171, 100.173, 100.174, 100.175, 100.177, 100.18, 100.182, 100.195, 100.20, 100.205, 100.207, 100.209, 100.21, 100.28, 100.37, 100.42, 100.50, 100.51, 100.55, and 846.45 and chs. 126, 136, 344, 704, 707, and 779, together with any other services as are necessarily connected to the legal services.

SECTION 2446. 165.755 (1) (a) of the statutes is amended to read:

165.755 **(1)** (a) Except as provided in par. (b), a court shall impose under ch. 814 a crime laboratories and drug law enforcement surcharge of ~~$8~~ $13 if the court imposes a sentence, places a person on probation, or imposes a forfeiture for a violation of state law or for a violation of a municipal or county ordinance.

SECTION 2446m. 165.755 (1) (b) of the statutes is amended to read:

165.755 **(1)** (b) A court may not impose the crime laboratories and drug law enforcement surcharge under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5) (b), for a financial responsibility violation under s. 344.62 (2), 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 of a state law or municipal or county ordinance involving a nonmoving traffic violation, a violation under s. 343.51 (1m) (b), or a safety belt use violation under s. 347.48 (2m).

SECTION 2447m. 165.785 of the statutes is created to read: **Vetoed In Part**

165.785 Crime alert network. (1) In addition to its duties under ss. 165.50 and 165.78, the department may develop, administer, and maintain an integrated crime alert network to provide information regarding known or suspected criminal activity, crime prevention, and missing or endangered children or adults to state agencies, law enforcement officers, and members of the private sector.

(2) The department may charge a fee to members of the private sector who receive information under sub. (1).

SECTION 2448. 165.82 (1) (a) and (ag) of the statutes are consolidated, renumbered 165.82 (1) (a) and amended to read:

165.82 **(1)** (a) For each record check, except a fingerprint card record check, requested by a nonprofit organization, ~~$2. (ag) For each record check, except a fingerprint card record check, requested~~ or by a governmental agency, ~~$5~~ $7.

SECTION 2448d. 165.82 (1) (a) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

165.82 **(1)** (a) For each record check, except a fingerprint card record check, requested by a nonprofit organization, ~~or by a governmental agency, $7~~ $2.

SECTION 2448s. 165.82 (1) (am) of the statutes is created to read:

165.82 **(1)** (am) For each record check, except a fingerprint card record check, requested by a governmental agency, $7.

SECTION 2450. 165.85 (4) (b) 1d. f. of the statutes is created to read:

165.85 **(4)** (b) 1d. f. Training concerning cultural diversity, including sensitivity toward racial and ethnic differences. The training shall be designed to prevent the use of race, racial profiling, racial stereotyping, or other race−based discrimination or selection as a basis for detaining, searching, or arresting a person or for otherwise treating a person differently from persons of other races and shall emphasize the fact that the primary purposes of enforcement of traffic regulations are safety and equal and uniform enforcement under the law.

SECTION 2450b. 167.10 (1) (p) of the statutes is created to read:

167.10 **(1)** (p) A novelty device that spins or moves on the ground.

SECTION 2450c. 167.10 (2) (intro.) of the statutes is amended to read:

167.10 **(2)** SALE. (intro.) No person may sell or possess with intent to sell fireworks, ~~except~~ unless any of the following apply:

SECTION 2450d. 167.10 (2) (a) of the statutes is amended to read:

167.10 **(2)** (a) ~~To a~~ The person sells the fireworks, or possesses the fireworks with intent to sell them, to a person holding a permit under sub. (3) (c)~~;~~.

SECTION 2450dm. 167.10 (2) (b) of the statutes is amended to read:

167.10 **(2)** (b) ~~To~~ The person sells the fireworks, or possesses the fireworks with intent to sell them, to a city, village or town~~; or~~.

SECTION 2450e. 167.10 (2) (bg) of the statutes is created to read:

167.10 **(2)** (bg) The person sells the fireworks, or possesses the fireworks with intent to sell them, to a person who is not a resident of this state.

SECTION 2450f. 167.10 (2) (c) of the statutes is amended to read:

167.10 **(2)** (c) ~~For~~ The person sells the fireworks, or possesses the fireworks with intent to sell them, for a purpose specified under sub. (3) (b) 2. to 6.

SECTION 2450g. 167.10 (3) (a) of the statutes is amended to read:

167.10 **(3)** (a) No person may possess or use fireworks without a user's permit from the mayor of the city, president of the village or chairperson of the town in which the possession or use is to occur or from ~~an official or employee of that municipality~~ a person designated by the mayor, president or chairperson to issue a user's permit. No person may use fireworks or a device listed under sub. (1) (e) to (g) or (i) to (n) while attending a fireworks display for which a permit has been issued to a person listed under par. (c) 1. to 5. or under par. (c) 6. if the display is open to the general public.

SECTION 2450h. 167.10 (3) (f) 3. of the statutes is amended to read:

167.10 **(3)** (f) 3. The general kind and approximate quantity of fireworks which may be purchased.

SECTION 2450j. 167.10 (3) (fm) of the statutes is created to read:

167.10 **(3)** (fm) If a city, village, or town requires that a user's permit be signed or stamped, a person who is authorized to issue the permit under par. (a) may sign or stamp the permit before the permit is issued rather than signing or stamping the permit at the time that it is issued.

SECTION 2450k. 167.10 (3) (g) of the statutes is amended to read:

167.10 **(3)** (g) A copy of a permit under this subsection shall be given to the municipal fire or law enforcement official at least 2 days before the date of authorized use. This paragraph does not apply to a permit authorizing only the sale or possession of fireworks that are classified by the federal department of transportation as Division 1.4 explosives, as defined in 49 CFR 173.50.

SECTION 2450m. 167.10 (4) of the statutes is amended to read:

167.10 **(4)** OUT−OF−STATE AND IN−STATE SHIPPING. This section does not prohibit a ~~resident wholesaler or jobber~~ vendor from selling fireworks to a nonresident person or to a person or group granted a permit under sub. (3) (c) 1. to 7. A ~~resident wholesaler or jobber~~ vendor that ships fireworks sold under this subsection shall package and ship the fireworks in accordance with applicable state and federal law ~~by, as defined in s. 194.01 (1), (2) and (11), common motor carrier, contract motor carrier or private motor carrier~~.

SECTION 2451. 167.10 (7) of the statutes is amended to read:

167.10 **(7)** PARENTAL LIABILITY. A parent, foster parent, ~~treatment foster parent,~~ family−operated group home parent, or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

SECTION 2453. 175.35 (2i) of the statutes is amended to read:

175.35 **(2i)** The department shall charge a firearms dealer ~~an $8~~ a $13 fee for each firearms restrictions record search that the firearms dealer requests under sub. (2) (c). The firearms dealer may collect the fee from the transferee. The department may refuse to conduct firearms restrictions record searches for any firearms dealer who fails to pay any fee under this subsection within 30 days after billing by the department.

SECTION 2453tm. 185.981 (4t) of the statutes, as affected by 2009 Wisconsin Act 14, is amended to read:

185.981 **(4t)** A sickness care plan operated by a cooperative association is subject to ss. 252.14, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749, 632.85, 632.853, 632.855, 632.87 (2m), (3), (4), (5), and (6), 632.885, 632.895 (10) to ~~(16)~~ (17), and 632.897 (10) and chs. 149 and 155.

SECTION 2453u. 185.983 (1) (intro.) of the statutes, as affected by 2009 Wisconsin Act 14, is amended to read:

185.983 **(1)** (intro.) Every such voluntary nonprofit sickness care plan shall be exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93, 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853, 632.855, 632.87 (2m), (3), (4), (5), and (6), 632.885, 632.895 (5) and (9) to ~~(16)~~ (17), 632.896, and 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring association shall:

Vetoed In Part

SECTION 2453um. 186.11 (4) (b) 17. of the statutes is created to read:

186.11 **(4)** (b) 17. Services related to the sale or leasing of motor vehicles, but only if the credit union service organization provided the services prior to January 1, 2009, and only if the credit union service organization provides the services at the specific location at which the services were provided prior to January 1, 2009.

SECTION 2453v. 186.11 (4) (bd) of the statutes is amended to read:

186.11 **(4)** (bd) The office of credit unions may expand the list of services under par. (b) that are related to the routine daily operations of credit unions, except for the services described in par. (b) 17. Any service approved under this paragraph shall be authorized for all credit union service organizations under par. (a). A credit union may file a written request with the office of credit unions to exercise its authority under this paragraph and may include, along with the request, a description of any proposed service and an explanation of how that service is related to the routine daily operations of credit unions. Within 60 days after receiving a request under this paragraph, the office of credit unions shall approve or disapprove the request.

Vetoed In Part

SECTION 2453w. 186.314 (intro.) (except 186.314 (title)) of the statutes is renumbered 186.314 (1m).

SECTION 2453x. 186.314 (1m) (title) of the statutes is created to read:

186.314 **(1m)** (title) TO FEDERAL CREDIT UNION.

SECTION 2453y. 186.314 (2) of the statutes is created to read:

186.314 **(2)** TO MUTUAL SAVINGS BANK. (a) A credit union may convert to a mutual savings bank by complying with pars. (b) to (d).

(b) The proposition for a conversion shall first be approved by a majority recommendation of the directors of the credit union. The directors shall, by a majority vote of the directors, set a date for a meeting of credit union members to vote on the conversion. Credit union members may also vote by written ballot to be filed on or before the meeting date. Written notice specifying the purpose and subject matter of the meeting and the date that is set for the meeting and for voting by submission of a written ballot shall be sent to each member eligible to vote at the member's address appearing on the records of the credit union. This notice shall be sent to each credit union member 3 times, once not more than 95 days nor less than 90 days before the date of the meeting to vote on the conversion, once not more than 65 days nor less than 60 days before the date of the meeting to vote on the conversion, and once not more than 35 days nor less than 30 days before the date of the meeting to vote on the conversion. The 3rd such notice shall be accompanied by a written ballot, shall clearly inform the member that the member may vote at the meeting or by submitting the written ballot, and shall state the time and place of the meeting in addition to the date of the meeting. Approval of the proposition for conversion shall be by affirmative vote, in person or in writing, of a majority of the credit union members voting at the meeting or by written ballot.

Vetoed In Part

(c) A credit union that proposes to convert to a mutual savings bank under this subsection shall file with the office of credit unions a notice of its intent to convert and, within 10 days after the member vote on the conversion under par. (b), a statement of the results of the member vote. If the credit union members vote to approve the proposition for conversion, the member vote shall be verified by the office of credit unions and, if the office of credit unions disapproves of the methods or procedures used in relation to that member vote, the member vote shall be taken again in the manner directed by the office of credit unions and consistent with the requirements under par. (b).

(d) Upon approval by the credit union members of the proposition for conversion under par. (b), the credit union shall take all necessary action under ch. 214 to complete the conversion to a mutual savings bank. Within 10 days after receipt from the division of banking of a certificate of incorporation as a mutual savings bank, the credit union shall file a copy of the certificate with the office of credit unions. The office of credit unions shall issue to a converting credit union a certificate of conversion to a mutual savings bank if the office determines that the conversion complies with this subsection and all requirements under ch. 214. The date specified in the certificate of conversion is the effective date of the conversion.

(e) Upon conversion, the credit union shall cease to be a credit union, shall be a mutual savings bank, shall no longer be subject to this chapter, and shall be subject to ch. 214 and all other provisions of law governing mutual savings banks. Upon conversion, the legal existence of the mutual savings bank shall be a continuation of the credit union, and all property and every right, privilege, interest, and asset of the credit union immediately, without any conveyance, transfer, or further act of the mutual savings bank, vests in the mutual savings bank. The resulting mutual savings bank shall succeed to and

Vetoed In Part

be vested with all the rights, assets, obligations, and relations of the credit union, and all actions and other judicial proceedings to which the credit union is a party may be prosecuted and defended, to the same extent as though the conversion had not taken place.

(f) 1. In this paragraph, "senior management official" means a chief executive officer, an assistant chief executive officer, a chief financial officer, and any other senior executive officer as defined by the appropriate federal banking agency as directed under 12 USC 1831i(f).

2. No director or senior management official of a credit union may receive any economic benefit in connection with a conversion of the credit union to a mutual savings bank except that a director or senior management official may receive director fees as well as compensation and other benefits paid to directors and senior management officials of the converted mutual savings bank in the ordinary course of business.

SECTION 2454k. 196.025 (6) of the statutes is created to read:

196.025 **(6)** POLICE AND FIRE PROTECTION FEE. (a) In this subsection:

1. "Communications provider" means a person that provides communications service.

2. "Communications service" means active retail voice communications service.

3. "Department" means the department of revenue.

(b) 1. Except as provided in subd. 2., a communications provider shall impose a monthly fee of $0.75 on each communications service connection with an assigned telephone number, including a communication service provided via a voice over Internet protocol connection. If a communications provider provides multiple communications service connections to a subscriber, the communications provider shall impose a separate fee under this subdivision on each of the first 10 connections and one additional fee for each 10 additional connections per billed account. A communications provider may list the fee separately from other charges on a subscriber's bill, and if a communications provider does so, the communications provider shall identify the fee as "police and fire protection fee," or, if the communications provider combines the fee with a charge imposed under s. 256.35 (3), the communications provider shall identify the combined fee and charge as "charge for funding countywide 911 systems plus police and fire protection fee." Any partial payment of a fee by a subscriber shall first be applied to any amount the subscriber owes the communications provider for communications service.

2. A communications provider that offers a prepaid wireless telecommunications plan, or a retailer that offers such a plan on behalf of a communications provider, shall impose a fee equal to $0.38 on each retail transaction for such a plan that occurs in this state. A communications provider or retailer may state the amount of the fee separately on a bill for the retail transaction, and if a communications provider or retailer does so, the communications provider or retailer shall identify the fee as "police and fire protection fee."

(c) 1. Except as provided in subd. 2., no later than the first calendar month following the calendar month in which a communications provider or retailer receives from a subscriber a fee imposed under par. (b), the communications provider or retailer shall remit the fee to the commission.

2. The commission may contract with the department for the collection of fees imposed under par. (b) 2. If the commission and department enter into such a contract, no later than the first calendar month following the calendar month in which a communications provider or retailer receives from a subscriber a fee imposed under par. (b) 2., the communications provider or retailer shall remit the fee to the department.

3. The commission and department shall deposit all fees remitted under subds. 1. and 2. into the police and fire protection fund.

(d) The commission may do any of the following:

1. Promulgate rules for administering this subsection.

2. Bring an action to collect any amount that is required to be remitted under par. (c).

Vetoed In Part

SECTION 2454L. 196.025 (6) of the statutes, as created by 2009 Wisconsin Act .... (this act), is repealed.

SECTION 2460d. 196.202 (2) of the statutes is amended to read:

196.202 **(2)** SCOPE OF REGULATION. A commercial mobile radio service provider is not subject to ch. 201 or this chapter, except as provided in sub. (5), and except that a commercial mobile radio service provider is subject to ~~s.~~ ss. 196.025 (6), 196.218 (3) ~~if the commission promulgates rules that designate commercial mobile radio service providers as eligible to receive universal service funding under both the federal and state universal service fund programs. If the commission promulgates such rules, a commercial mobile radio service provider~~, and 196.859, and shall respond, subject to the protection of the commercial mobile radio service provider's competitive information, to all reasonable requests for information about its operations in this state from the commission necessary to administer ~~the universal service fund~~ ss. 196.025 (6), 196.218 (3), and 196.859.

Vetoed In Part

SECTION 2460f. 196.202 (2) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

196.202 **(2)** SCOPE OF REGULATION. A commercial mobile radio service provider is not subject to ch. 201 or this chapter, except as provided in sub. (5), and except that a commercial mobile radio service provider is subject to ss. 196.218 (3) and 196.859, and shall respond, subject to the protection of the commercial mobile radio service provider's competitive information, to all

Vetoed In Part

reasonable requests for information about its operations in this state from the commission necessary to administer ss. 196.218 (3) and 196.859.

SECTION 2460r. 196.203 (1) of the statutes is amended to read:

196.203 **(1)** Alternative telecommunications utilities are exempt from all provisions of ch. 201 and this chapter, except as provided in this section, and except that an alternative telecommunications utility is subject to s. 196.025 (6), and except that an alternative telecommunications utility that is a local government telecommunications utility, as defined in s. 196.204 (5) (ag) 1., is subject to s. 196.204 (5).

Vetoed In Part

SECTION 2460t. 196.203 (1) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

196.203 **(1)** Alternative telecommunications utilities are exempt from all provisions of ch. 201 and this chapter, except as provided in this section and except that an alternative telecommunications utility that is a local government telecommunications utility, as defined in s. 196.204 (5) (ag) 1., is subject to s. 196.204 (5).

SECTION 2461. 196.218 (3) (a) 3. b. of the statutes is amended to read:

196.218 **(3)** (a) 3. b. The amounts appropriated under ss. 20.255 (3) (q) ~~and~~, (qm), and (r), 20.285 (1) (q), and 20.505 (4) (s), (t), (tm), (tu), and (tw).

SECTION 2463. 196.218 (5) (a) 13. of the statutes is created to read:

196.218 **(5)** (a) 13. To pay the costs of library service contracts under s. 43.03 (6) and (7).

Vetoed In Part

SECTION 2463m. 196.31 (2m) of the statutes is created to read:

196.31 **(2m)** From the appropriation under s. 20.155 (1) (j), the commission shall make an annual grant of $300,000 to a nonstock, nonprofit corporation that is described under section 501 (c) (3) of the Internal Revenue Code, and that has a history of advocating on behalf of residential ratepayers for affordable rates, for the purpose of offsetting the general expenses of the corporation, including salary, benefit, rent, and utility expenses.

SECTION 2475k. 196.499 (1) (intro.) of the statutes is amended to read:

196.499 **(1)** SCOPE. (intro.) Notwithstanding any other provisions of this chapter, a telecommunications carrier is not subject to regulation under this chapter, except for s. 196.025 (6), and except under each of the following provisions:

Vetoed In Part

SECTION 2475L. 196.499 (1) (intro.) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

196.499 **(1)** SCOPE. (intro.) Notwithstanding any other provisions of this chapter, a telecommunications carrier is not subject to regulation under this chapter, except under each of the following provisions:

SECTION 2476. 196.859 of the statutes is created to read:

196.859 Assessment for telecommunications utility trade practices. (1) The commission shall annually assess against telecommunications utilities the total of the amount appropriated under s. 20.115 (1) (jm).

(2) The commission shall assess a sum equal to the annual total amount under sub. (1) to telecommunications utilities in proportion to their gross operating revenues during the last calendar year. A telecommunications utility shall pay the assessment within 30 days after the bill has been mailed to the assessed telecommunications utility. The bill constitutes notice of the assessment and demand of payment. Payments shall be credited to the appropriation account under s. 20.115 (1) (jm).

(3) Section 196.85 (3) to (8), as it applies to assessments under s. 196.85 (1) or (2), applies to assessments under this section.

(4) A telecommunications utility may not recover the assessment under this section by billing a customer for the assessment on a separate line in a billing statement.

SECTION 2476m. 213.107 of the statutes is created to read:

213.107 State−sanctioned fire fighter service medal. If the board of directors of the State Fire Fighters Memorial submits to the secretary of administration a recommended design for a state−sanctioned medal honoring the service of the fire fighters of this state, the secretary shall review and may approve the design. If the secretary approves the design, the medal shall become the only state−sanctioned fire fighter service medal and the board of directors of the State Fire Fighters Memorial has the exclusive right to sell or authorize sale of the medal.

Vetoed In Part

SECTION 2476nm. 214.40 (3) of the statutes is amended to read:

214.40 **(3)** A stock financial institution seeking to convert to a savings bank under s. 214.66 (1m) shall, before declaring a dividend on its capital stock, transfer not less than 50% of its net profits of the preceding half year to its paid−in surplus until it has paid−in surplus equal to 20% of capital stock.

SECTION 2476o. 214.66 (intro.) (except 214.66 (title)) of the statutes is renumbered 214.66 (1m) (intro.).

SECTION 2476p. 214.66 (1m) (title) of the statutes is created to read:

214.66 **(1m)** (title) FROM SAVINGS AND LOAN ASSOCIATION OR FEDERAL SAVINGS BANK.

SECTION 2476t. 214.66 (2) of the statutes is created to read:

214.66 **(2)** FROM CREDIT UNION. A credit union under ch. 186 may become a mutual savings bank by doing all of the following:

(a) Applying to the division for authority to organize as a mutual savings bank and satisfying all requirements under this chapter for organizing as a mutual savings bank.

Vetoed In Part

(b) Satisfying all requirements under s. 186.314 (2) for conversion to a mutual savings bank.

(c) Recording the mutual savings bank's articles of incorporation in the county in which its home office is located.

SECTION 2477. 227.01 (13) (t) of the statutes is amended to read:

227.01 **(13)** (t) Ascertains and determines prevailing wage rates under ss. 66.0903, 66.0904, 103.49, 103.50, and 229.8275, except that any action or inaction which ascertains and determines prevailing wage rates under ss. 66.0903, 66.0904, 103.49, 103.50, and 229.8275 is subject to judicial review under s. 227.40.

SECTION 2478. 227.01 (13) (yL) of the statutes is created to read:

227.01 **(13)** (yL) Relates to administration of the southeast Wisconsin transit capital assistance program under s. 85.11.

Vetoed In Part

SECTION 2478c. 227.01 (13) (zx) of the statutes is repealed.

SECTION 2478e. 227.01 (13) (zz) of the statutes is created to read:

227.01 **(13)** (zz) Adjusts motor vehicle liability limit amounts under s. 344.11.

SECTION 2480. 227.54 of the statutes is amended to read:

227.54 Stay of proceedings. The institution of the proceeding for review shall not stay enforcement of the agency decision. The reviewing court may order a stay upon such terms as it deems proper, except as otherwise provided in ss. ~~49.17 (7), 96.43~~ 196.43, 253.06, and 448.02 (9).

SECTION 2481. 230.01 (3) of the statutes is amended to read:

230.01 **(3)** Nothing in this chapter shall be construed to either infringe upon or supersede the rights guaranteed state employees under subch. V or VI of ch. 111.

SECTION 2482. 230.03 (3) of the statutes is amended to read:

230.03 **(3)** "Agency" means any board, commission, committee, council, or department in state government or a unit thereof created by the constitution or statutes if such board, commission, committee, council, department, unit, or the head thereof, is authorized to appoint subordinate staff by the constitution or statute, except a legislative or judicial board, commission, committee, council, department, or unit thereof or an authority created under subch. II of ch. 114 or subch. III of ch. 149 or under ch. 52, 231, 232, 233, 234, 235, 237, or 279. "Agency" does not mean any local unit of government or body within one or more local units of government that is created by law or by action of one or more local units of government.

Vetoed In Part

SECTION 2482m. 230.04 (17m) of the statutes is created to read:

Vetoed In Part

230.04 **(17m)** Upon receiving notice from the department of corrections that a unit supervisor position in the division of adult institutions in the department of corrections has become vacant, the director shall reclassify the position under s. 230.09 as a teacher position.

SECTION 2483. 230.04 (18) of the statutes is created to read:

230.04 **(18)** The director may provide any services and materials to agencies and may charge the agencies for providing the services and materials. The director shall establish by rule a methodology for determining the costs of services and materials charged to state agencies under this subsection. All moneys received from the charges shall be deposited in the appropriation account under s. 20.545 (1) (k).

Vetoed In Part

SECTION 2484. 230.046 (10) (a) of the statutes is amended to read:

230.046 **(10)** (a) Conduct off−the−job employee development and training programs relating to functions under this chapter or subch. V or VI of ch. 111.

SECTION 2485. 230.05 (9) of the statutes is created to read:

230.05 **(9)** The administrator may provide any services and materials to agencies and may charge the agencies for providing the services and materials. All moneys received from the charges shall be deposited in the appropriation account under s. 20.545 (1) (k).

SECTION 2487. 230.08 (2) (pd) of the statutes is amended to read:

230.08 **(2)** (pd) The chairperson of the ~~parole~~ earned release review commission.

SECTION 2488. 230.12 (3) (e) 1. of the statutes is amended to read:

230.12 **(3)** (e) 1. The director, after receiving recommendations from the board of regents, shall submit to the joint committee on employment relations a proposal for adjusting compensation and employee benefits for employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included in a collective bargaining unit under subch. V or VI of ch. 111 for which a representative is certified. The proposal shall include the salary ranges and adjustments to the salary ranges for the university senior executive salary groups 1 and 2 established under s. 20.923 (4g). The proposal shall be based upon the competitive ability of the board of regents to recruit and retain qualified faculty and academic staff, data collected as to rates of pay for comparable work in other public services, universities and commercial and industrial establishments, recommendations of the board of regents and any special studies carried on as to the need for any changes in compensation and employee benefits to cover each year of the biennium. The proposal shall also take proper account of prevailing pay rates, costs and standards of living and the state's employment policies.

The proposal for such pay adjustments may contain recommendations for across−the−board pay adjustments, merit or other adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf) shall apply to the process for approval of all pay adjustments for such employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The proposal as approved by the joint committee on employment relations and the governor shall be based upon a percentage of the budgeted salary base for such employees under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit and adjustments other than across−the−board pay adjustments is available for discretionary use by the board of regents.

SECTION 2489. 230.35 (2d) (e) of the statutes is amended to read:

230.35 **(2d)** (e) For employees who are included in a collective bargaining unit for which a representative is recognized or certified under subch. V or VI of ch. 111, this subsection shall apply unless otherwise provided in a collective bargaining agreement.

SECTION 2490. 230.35 (3) (e) 6. of the statutes is amended to read:

230.35 **(3)** (e) 6. For employees who are included in a collective bargaining unit for which a representative is recognized or certified under subch. V or VI of ch. 111, this paragraph shall apply unless otherwise provided in a collective bargaining agreement.

SECTION 2490h. 230.44 (1) (i) of the statutes is created to read:

230.44 **(1)** (i) *Decisions affecting certain county employees by the department of children and families.* A decision of the department of children and families relating to a county employee under s. 49.826 (3) (b).

SECTION 2493. 230.88 (2) (b) of the statutes is amended to read:

230.88 **(2)** (b) No collective bargaining agreement supersedes the rights of an employee under this subchapter. However, nothing in this subchapter affects any right of an employee to pursue a grievance procedure under a collective bargaining agreement under subch. V or VI of ch. 111, and if the division of equal rights determines that a grievance arising under such a collective bargaining agreement involves the same parties and matters as a complaint under s. 230.85, it shall order the arbitrator's final award on the merits conclusive as to the rights of the parties to the complaint, on those matters determined in the arbitration which were at issue and upon which the determination necessarily depended.

SECTION 2505. 243.10 (1) (form) of the statutes is amended to read:

243.10 **(1)** (form)

WISCONSIN BASIC POWER OF ATTORNEY FOR FINANCES AND PROPERTY

NOTICE: THIS IS AN IMPORTANT DOCUMENT. BEFORE SIGNING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS. BY SIGNING THIS DOCUMENT, YOU ARE NOT GIVING UP ANY POWERS OR RIGHTS TO CONTROL YOUR FINANCES AND PROPERTY YOURSELF. IN ADDITION TO YOUR OWN POWERS AND RIGHTS, YOU ARE GIVING ANOTHER PERSON, YOUR AGENT, BROAD POWERS TO HANDLE YOUR FINANCES AND PROPERTY. THIS BASIC POWER OF ATTORNEY FOR FINANCES AND PROPERTY MAY GIVE THE PERSON WHOM YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR FINANCES AND PROPERTY, WHICH MAY INCLUDE POWERS TO ENCUMBER, SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU. THE POWERS WILL EXIST AFTER YOU BECOME DISABLED, OR INCAPACITATED, IF YOU CHOOSE THAT PROVISION. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL OR OTHER HEALTH CARE DECISIONS FOR YOU. IF YOU OWN COMPLEX OR SPECIAL ASSETS SUCH AS A BUSINESS, OR IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN THIS FORM TO YOU BEFORE YOU SIGN IT.

IF YOU WISH TO CHANGE YOUR BASIC POWER OF ATTORNEY FOR FINANCES AND PROPERTY, YOU MUST COMPLETE A NEW DOCUMENT AND REVOKE THIS ONE. YOU MAY REVOKE THIS DOCUMENT AT ANY TIME BY DESTROYING IT, BY DIRECTING ANOTHER PERSON TO DESTROY IT IN YOUR PRESENCE OR BY SIGNING A WRITTEN AND DATED STATEMENT EXPRESSING YOUR INTENT TO REVOKE THIS DOCUMENT. IF YOU REVOKE THIS DOCUMENT, YOU SHOULD NOTIFY YOUR AGENT AND ANY OTHER PERSON TO WHOM YOU HAVE GIVEN A COPY OF THE FORM. YOU ALSO SHOULD NOTIFY ALL PARTIES HAVING CUSTODY OF YOUR ASSETS. THESE PARTIES HAVE NO RESPONSIBILITY TO YOU UNLESS YOU ACTUALLY NOTIFY THEM OF THE REVOCATION. IF YOUR AGENT IS YOUR SPOUSE OR DOMESTIC PARTNER AND YOUR MARRIAGE IS ANNULLED, ~~OR~~ YOU ARE DIVORCED, OR THE DOMESTIC PARTNERSHIP IS TERMINATED AFTER SIGNING THIS DOCUMENT, THIS DOCUMENT IS INVALID.

SINCE SOME 3RD PARTIES OR SOME TRANSACTIONS MAY NOT PERMIT USE OF THIS DOCUMENT, IT IS ADVISABLE TO CHECK IN ADVANCE, IF POSSIBLE, FOR ANY SPECIAL REQUIREMENTS THAT MAY BE IMPOSED.

YOU SHOULD SIGN THIS FORM ONLY IF THE AGENT YOU NAME IS RELIABLE, TRUST-

WORTHY AND COMPETENT TO MANAGE YOUR AFFAIRS.

I .... (insert your name and address) appoint .... (insert the name and address of the person appointed) as my agent to act for me in any lawful way with respect to the powers initialed below. If the person appointed is unable or unwilling to act as my agent, I appoint .... (insert name and address of alternate person appointed) to act for me in any lawful way with respect to the powers initialed below.

TO GRANT ONE OR MORE OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF EACH POWER YOU ARE GRANTING.

TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF IT. YOU MAY, BUT NEED NOT, CROSS OUT EACH POWER WITHHELD.

HANDLING MY MONEY AND PROPERTY

Initials

_____ 1. *PAYMENTS OF BILLS:* My agent may make payments that are necessary or appropriate in connection with the administration of my affairs.

_____ 2. *BANKING:* My agent may conduct business with financial institutions, including endorsing all checks and drafts made payable to my order and collecting the proceeds; signing in my name checks or orders on all accounts in my name or for my benefit; withdrawing funds from accounts in my name; opening accounts in my name; and entering into and removing articles from my safe deposit box.

_____ 3. *INSURANCE:* My agent may obtain insurance of all types, as considered necessary or appropriate, settle and adjust insurance claims and borrow from insurers and 3rd parties using insurance policies as collateral.

_____ 4. *ACCOUNTS:* My agent may ask for, collect and receive money, dividends, interest, legacies and property due or that may become due and owing to me and give receipt for those payments.

_____ 5. *REAL ESTATE:* My agent may manage real property; sell, convey and mortgage realty for prices and on terms as considered advisable; foreclose mortgages and take title to property in my name; and execute deeds, mortgages, releases, satisfactions and other instruments relating to realty.

_____ 6. *BORROWING:* My agent may borrow money and encumber my assets for loans as considered necessary.

_____ 7. *SECURITIES:* My agent may buy, sell, pledge and exchange securities of all kinds in my name; sign and deliver in my name transfers and assignments of securities; and consent in my name to reorganizations, mergers or exchange of securities for new securities.

_____ 8. *INCOME TAXES:* My agent may make and sign tax returns; represent me in all income tax matters before any federal, state, or local tax collecting agency; and receive confidential information and perform any acts that I may perform, including receiving refund checks and the signing of returns.

_____ 9. *TRUSTS:* My agent may transfer at any time any of my property to a living trust that has been established by me before the execution of this document.

PROFESSIONAL AND TECHNICAL ASSISTANCE

Initials

_____ 10. *LEGAL ACTIONS:* My agent may retain attorneys on my behalf; appear for me in all actions and proceedings to which I may be a party; commence actions and proceedings in my name; and sign in my name all documents or pleadings of every description.

_____ 11. *PROFESSIONAL ASSISTANCE:* My agent may hire accountants, attorneys, clerks, workers and others for the management, preservation and protection of my property and estate.

GENERAL AUTHORITY

Initials

_____ 12. *GENERAL:* My agent may do any act or thing that I could do in my own proper person if personally present, including managing or selling tangible assets, disclaiming a probate or nonprobate inheritance and providing support for a minor child or dependent adult. The specifically enumerated powers of the basic power of attorney for finances and property are not a limitation of this intended broad general power except that my agent may not take any action prohibited by law and my agent under this document may not:

a. Make medical or health care decisions for me.

b. Make, modify or revoke a will for me.

c. Other than a burial trust agreement under section 445.125, Wisconsin Statutes, enter into a trust agreement on my behalf or amend or revoke a trust agreement, entered into by me.

d. Change any beneficiary designation of any life insurance policy, qualified retirement plan, individual retirement account or payable on death account or the like whether directly or by canceling and replacing the policy or rollover to another plan or account.

e. Forgive debts owed to me or disclaim or waive benefits payable to me, except a probate or nonprobate inheritance.

f. Appoint a substitute or successor agent for me.

g. Make gifts.

COMPENSATION TO AGENT FROM PRINCIPAL'S FUNDS

Initials

_____ 13. *COMPENSATION.* My agent may receive compensation only in an amount not greater than that usual for the services to be performed if expressly authorized in the special instructions portion of this document.

ACCOUNTING

Initials

_____ 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.

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TO ESTABLISH WHEN, AND FOR HOW LONG, THE BASIC POWER OF ATTORNEY FOR FINANCES AND PROPERTY IS IN EFFECT, YOU MUST INITIAL ONLY ONE OF THE FOLLOWING 3 OPTIONS. IF YOU DO NOT INITIAL ONE, OR IF YOU INITIAL MORE THAN ONE, THIS BASIC POWER OF ATTORNEY FOR FINANCES AND PROPERTY WILL NOT TAKE EFFECT.

Initials

_____ This basic power of attorney for finances and property becomes effective when I sign it and will continue in effect as a durable power of attorney under section 243.07, Wisconsin Statutes, if I become disabled or incapacitated.

_____ This basic power of attorney for finances and property becomes effective only when both of the following apply:

a. I have signed it; and

b. I become disabled or incapacitated.

_____ This basic power of attorney for finances and property becomes effective when I sign it BUT WILL CEASE TO BE EFFECTIVE IF I BECOME DISABLED OR INCAPACITATED.

I agree that any 3rd party who receives a copy of this document may act under it. Revocation of this basic power of attorney is not effective as to a 3rd party until the 3rd party learns of the revocation. I agree to reimburse the 3rd party for any loss resulting from claims that arise against the 3rd party because of reliance on this basic power of attorney.

Signed this .... day of ...., (year)

....
(Your Signature)

....
(Your Social Security Number)

By signing as a witness, I am acknowledging the signature of the principal who signed in my presence and the presence of the other witness, and the fact that he or she has stated that this power of attorney reflects his or her wishes and is being executed voluntarily. I believe him or her to be of sound mind and capable of creating this power of attorney. I am not related to him or her by blood, marriage or adoption, and, to the best of my knowledge, I am not entitled to any portion of his or her estate under his or her will.

Witness	**Witness**
Dated:	Dated: ....
Signature:	Signature: ....
Print Name:	Print Name: ....
Address:	Address: ....
State of	
County of	

This document was acknowledged before me on .... (date) by .... (name of principal).

....
(Signature of Notarial Officer)

(Seal, if any)

(Title)

[My commission is permanent or expires: ....]

BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, THE AGENT ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES AND LIABILITIES OF AN AGENT.

....
(Name of Agent)

....
(Signature of Agent)

This document was drafted by .... (signature of person preparing the document).

SECTION 2506. 243.10 (7) (b) of the statutes is amended to read:

243.10 **(7)** (b) A principal may revoke a Wisconsin basic power of attorney for finances and property and invalidate it at any time by destroying it, by directing another person to destroy it in the principal's presence or by signing a written and dated statement expressing the principal's intent to revoke. If the agent under the Wisconsin basic power of attorney for finances and property is the principal's spouse and the marriage is annulled, or

the agent and principal are divorced, or the agent is the principal's domestic partner under ch. 770 and the domestic partnership is terminated under s. 770.12, after signing the document, the Wisconsin basic power of attorney for finances and property is invalid.

SECTION 2506r. 250.03 (3) (b) of the statutes is amended to read:

250.03 **(3)** (b) Biennially, after first consulting with the adjutant general, local health departments, health care providers, as defined in s. 146.81 (1) (a) to (p), and law enforcement agencies, as defined in s. 165.77 (1) (b), the department shall submit to the legislature under s. 13.172 (2) and to the governor a report on the preparedness of the public health system to address public health emergencies.

SECTION 2507. 250.10 (title) of the statutes is amended to read:

250.10 (title) ~~**Grant for dental**~~ **Dental services.**

SECTION 2508. 250.10 (intro.) of the statutes is repealed.

SECTION 2509. 250.10 (1) of the statutes is renumbered 250.10 (1m) (a) and amended to read:

250.10 **(1m)** (a) ~~The department shall provide~~ Provide funding in each fiscal year to the Marquette University School of Dentistry for clinical education of Marquette University School of Dentistry students through the provision of dental services by the students and faculty of the Marquette University School of Dentistry in underserved areas and to underserved populations in the state, as determined by the department in conjunction with the Marquette University School of Dentistry; to inmates of correctional centers in Milwaukee County; and in clinics in the city of Milwaukee.

SECTION 2510. 250.10 (1m) (intro.) of the statutes is created to read:

250.10 **(1m)** (intro.) The department shall do all of the following:

SECTION 2511. 250.10 (2) of the statutes is renumbered 250.10 (1m) (b) and amended to read:

250.10 **(1m)** (b) ~~The department shall distribute~~ Award in each fiscal year to qualified applicants grants totaling $25,000 for fluoride supplements, $25,000 for a fluoride mouth−rinse program, and $120,000 for a school−based dental sealant program.

SECTION 2512. 250.15 (2) (intro.) of the statutes is created to read:

250.15 **(2)** (intro.) From the appropriation account under s. 20.435 (1) (fh), the department shall, in each fiscal year, award all of the following as grants:

SECTION 2513. 250.15 (2) (a) of the statutes is amended to read:

250.15 **(2)** (a) ~~From the appropriation under s. 20.435 (5) (fh), the department shall award $50,000 in each fiscal year as a grant to~~ To a community health center in a 1st class city, $50,000.

SECTION 2514. 250.15 (2) (b) of the statutes is amended to read:

250.15 **(2)** (b) ~~From the appropriation under s. 20.435 (5) (fh), the department shall award grants in each fiscal year to~~ To community health centers that receive federal grants under 42 USC 254b (e), (g) or (h). Each grant shall equal the amount that results from multiplying the total amount available for grants under this paragraph in the fiscal year in which the grants are to be awarded by the quotient obtained by dividing the amount that the community health center received under 42 USC 254b (e), (g) or (h) in the most recently concluded federal fiscal year in which those grants were made by the total amount of federal grants under 42 USC 254b (e), (g) and (h) made in that federal fiscal year to community health centers in this state.

SECTION 2515. 250.15 (2) (c) of the statutes is amended to read:

250.15 **(2)** (c) ~~From the appropriation under s. 20.435 (5) (fh), the department shall award $50,000 in each fiscal year as a grant to~~ To HealthNet of Janesville, Inc., $50,000.

SECTION 2516. 250.16 (1) of the statutes is amended to read:

250.16 **(1)** ~~The~~ From the appropriation account under s. 20.435 (1) (gi), the department shall ~~enter into an agreement with the Wisconsin Women's Health Foundation, Inc., to~~ make payments ~~from the appropriation under s. 20.435 (5) (fi)~~ to the Wisconsin Women's Health Foundation, Inc., to ~~be used by the Wisconsin Women's Health Foundation, Inc., to fund its efforts to~~ provide women's health outreach and education programs and support for women's health research that improves the quality of life for women and families in this state.

SECTION 2517. 250.17 (1) of the statutes is amended to read:

250.17 **(1)** ~~The~~ From the appropriation account under s. 20.435 (1) (g), the department shall ~~enter into an agreement with Donate Life Wisconsin to~~ make payments ~~from the appropriation under s. 20.435 (5) (g)~~ to Donate Life Wisconsin, ~~to be used to fund its efforts~~ to encourage organ and tissue donation by providing educational programs, promoting or advancing research and patient services, and, at ~~its~~ the discretion of Donate Life Wisconsin, distributing portions of these payments to any other organ and tissue procurement and donation organization in this state that is exempt from taxation under section 501 (a) of the Internal Revenue Code, to be used for these same purposes.

SECTION 2518. 250.20 (3) of the statutes is amended to read:

250.20 **(3)** From the appropriation account under s. 20.435 ~~(5)~~ (1) (kb), the department shall annually award grants for activities to improve the health status of economically disadvantaged minority group members. A

person may apply, in the manner specified by the department, for a grant of up to $50,000 in each fiscal year to conduct these activities. An awardee of a grant under this subsection shall provide, for at least 50% of the grant amount, matching funds that may consist of funding or an in−kind contribution. An applicant that is not a federally qualified health center, as defined under 42 CFR 405.2401 (b) shall receive priority for grants awarded under this subsection.

SECTION 2519. 250.20 (4) of the statutes is amended to read:

250.20 **(4)** From the appropriation account under s. 20.435 ~~(5)~~ (1) (kb), the department shall award a grant of up to $50,000 in each fiscal year to a private nonprofit corporation that applies, in the manner specified by the department, to conduct a public information campaign on minority health.

SECTION 2520. 250.20 (5) (intro.) of the statutes is amended to read:

250.20 **(5)** AMERICAN INDIAN HEALTH PROJECT GRANTS. (intro.) From the appropriation under s. 20.435 ~~(5)~~ (1) (ke), the department shall award grants for American Indian health projects in order to address specific problem areas in the field of American Indian health. A tribe, tribal agency, or inter−tribal organization may apply, in the manner specified by the department, for a grant of up to $10,000 to conduct an American Indian health project that is designed to do any of the following:

SECTION 2520d. 250.20 (6) of the statutes is created to read:

250.20 **(6)** AMERICAN INDIAN DIABETES PREVENTION AND CONTROL. From the appropriation under s. 20.435 (1) (kf), the department shall fund activities to prevent and control diabetes among American Indians.

SECTION 2521n. 252.05 (1) of the statutes is amended to read:

252.05 **(1)** Any health care provider, as defined in s. 146.81 (1) (a) to (p), who knows or has reason to believe that a person treated or visited by him or her has a communicable disease, or having a communicable disease, has died, shall report the appearance of the communicable disease or the death to the local health officer. The health agency of a federally recognized American Indian tribe or band may report this information to the local health officer. The local health officer shall report this information to the department or shall direct the person reporting to report to the department. Any person directed to report shall submit this information to the department.

SECTION 2523d. 252.07 (12) of the statutes is created to read:

252.07 **(12)** From the appropriation account under s. 20.435 (1) (e), the department may expend not more than $81,100 annually to fund targeted prevention activities for populations at high risk for tuberculosis infection.

SECTION 2524. 252.10 (6) (g) of the statutes is amended to read:

252.10 **(6)** (g) The reimbursement by the state under pars. (a) and (b) shall apply only to funds that the department allocates for the reimbursement under the appropriation account under s. 20.435 ~~(5)~~ (1) (e).

SECTION 2525. 252.10 (7) of the statutes is amended to read:

252.10 **(7)** Drugs necessary for the treatment of mycobacterium tuberculosis shall be purchased by the department from the appropriation account under s. 20.435 ~~(5)~~ (1) (e) and dispensed to patients through the public health dispensaries, local health departments, physicians or advanced practice nurse prescribers.

SECTION 2526. 252.12 (2) (a) (intro.) of the statutes is amended to read:

252.12 **(2)** (a) *HIV and related infections, including hepatitis C virus infections; services.* (intro.) From the ~~appropriations~~ appropriation accounts under s. 20.435 (1) (a) and ~~(5)~~ (am), the department shall distribute funds for the provision of services to individuals with or at risk of contracting HIV infection, as follows:

SECTION 2527. 252.12 (2) (a) 8. (intro.) of the statutes is amended to read:

252.12 **(2)** (a) 8. 'Mike Johnson life care and early intervention services grants.' (intro.) The department shall award not more than ~~$2,969,900 in fiscal year 2007−08 and not more than~~ $3,569,900 in ~~fiscal year 2008−09 and~~ each fiscal year ~~thereafter~~ in grants to applying organizations for the provision of needs assessments; assistance in procuring financial, medical, legal, social and pastoral services; counseling and therapy; homecare services and supplies; advocacy; and case management services. These services shall include early intervention services. The department shall also award not more than $74,000 in each year from the appropriation account under s. 20.435 ~~(7)~~ (5) (md) for the services under this subdivision. The state share of payment for case management services that are provided under s. 49.45 (25) (be) to recipients of medical assistance shall be paid from the appropriation account under s. 20.435 ~~(5)~~ (1) (am). All of the following apply to grants awarded under this subdivision:

SECTION 2528. 252.12 (2) (c) 1. (intro.) of the statutes is amended to read:

252.12 **(2)** (c) 1. (intro.) From the appropriation account under s. 20.435 ~~(5)~~ (1) (md), the department shall award to applying nonprofit corporations or public agencies up to $75,000 in each fiscal year, on a competitive basis, as grants for services to prevent HIV. Criteria for award of the grants shall include all of the following:

SECTION 2529. 252.12 (2) (c) 2. of the statutes is amended to read:

252.12 **(2)** (c) 2. From the appropriation account under s. 20.435 ~~(5)~~ (1) (am), the department shall award

$75,000 in each fiscal year as grants for services to prevent HIV infection and related infections, including hepatitis C virus infection. Criteria for award of the grants shall include the criteria specified under subd. 1. The department shall award 60% of the funding to applying organizations that receive funding under par. (a) 8. and 40% of the funding to applying community−based organizations that are operated by minority group members, as defined in s. 560.036 (1) (f).

SECTION 2530. 252.12 (2) (c) 3. of the statutes is amended to read:

252.12 **(2)** (c) 3. From the appropriation account under s. 20.435 ~~(5)~~ (1) (am), the department shall award to the African American AIDS task force of the Black Health Coalition of Wisconsin, Inc., $25,000 in each fiscal year as grants for services to prevent HIV infection and related infections, including hepatitis C infection.

SECTION 2530r. 252.15 (1) (ar) 1. of the statutes is amended to read:

252.15 **(1)** (ar) 1. A person or entity that is specified in s. 146.81 (1) (a) to (p), but does not include a massage therapist or bodyworker issued a certificate under ch. 460.

SECTION 2531. 252.15 (5) (a) 19. of the statutes is amended to read:

252.15 **(5)** (a) 19. If the test was administered to a child who has been placed in a foster home, ~~treatment foster home,~~ group home, residential care center for children and youth, or juvenile correctional facility, as defined in s. 938.02 (10p), including a placement under s. 48.205, 48.21, 938.205, or 938.21, or for whom placement in a foster home, ~~treatment foster home,~~ group home, residential care center for children and youth, or juvenile correctional facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the child, or to an agency that placed the child or arranged for the placement of the child in any of those placements and, by any of those agencies, to any other of those agencies and, by the agency that placed the child or arranged for the placement of the child in any of those placements, to the child's foster parent ~~or treatment foster 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 his or her employment because of an illness or medical condition arising from or related to HIV infection.

SECTION 2536. 252.17 (3) (d) of the statutes is amended to read:

252.17 **(3)** (d) Is covered under a group health plan through his or her employment and pays part or all of the premium for that coverage, including any premium for coverage of the individual's spouse or domestic partner under ch. 770 and dependents.

SECTION 2537. 252.17 (4) (a) of the statutes is amended to read:

252.17 **(4)** (a) Except as provided in pars. (b), (c), and (d), if an individual satisfies sub. (3), the department shall pay the amount of each premium payment for coverage under the group health plan under sub. (3) (d) that is due from the individual on or after the date on which the individual becomes eligible for a subsidy under sub. (3). The department may not refuse to pay the full amount of the individual's contribution to each premium payment because the coverage that is provided to the individual who satisfies sub. (3) includes coverage of the individual's spouse or domestic partner under ch. 770 and dependents. Except as provided in par. (b), the department shall

terminate the payments under this section when the individual's unpaid medical leave ends, when the individual no longer satisfies sub. (3) or upon the expiration of 29 months after the unpaid medical leave began, whichever occurs first.

SECTION 2538. 252.17 (4) (b) of the statutes is amended to read:

252.17 **(4)** (b) The obligation of the department to make payments under this section is subject to the availability of funds in the appropriation account under s. 20.435 ~~(5)~~ (1) (am).

SECTION 2539. 252.17 (4) (d) of the statutes is amended to read:

252.17 **(4)** (d) For an individual who satisfies sub. (3) and who has a family income, as defined by rule under sub. (6) (a), that exceeds 200% but does not exceed 300% of the federal poverty line, as defined under 42 USC 9902 (2), for a family the size of the individual's family, the department shall pay a portion of the amount of each premium payment for the individual's coverage under the group health plan under sub. (3) (d). The portion that the department pays shall be determined according to a schedule established by the department by rule under sub. (6) (c). The department shall pay the portion of the premium determined according to the schedule regardless of whether the individual's coverage under the group health plan under sub. (3) (d) includes coverage of the individual's spouse or domestic partner under ch. 770 and dependents.

SECTION 2540. 253.07 (4) (intro.) of the statutes is amended to read:

253.07 **(4)** FAMILY PLANNING SERVICES. (intro.) From the appropriation account under s. 20.435 ~~(5)~~ (1) (f), the department shall ~~allocate~~ distribute funds in the following amounts, for the following services:

SECTION 2541. 253.08 of the statutes is amended to read:

253.08 Pregnancy counseling services. The department shall ~~make~~ award grants from the appropriation account under s. 20.435 ~~(5)~~ (1) (eg) to individuals and organizations to provide pregnancy counseling services. For a program to be eligible under this section, an applicant must demonstrate that moneys provided in a grant under ~~s. 20.435 (5) (eg)~~ this section will not be used to engage in any activity specified in s. 20.9275 (2) (a) 1. to 3.

SECTION 2542. 253.085 (2) of the statutes is amended to read:

253.085 **(2)** In addition to the amounts appropriated under s. 20.435 ~~(5)~~ (1) (ev), the department shall ~~allocate~~ distribute $250,000 for each fiscal year from moneys received under the maternal and child health services block grant program, 42 USC 701 to 709, for the outreach program under this section.

SECTION 2543. 253.10 (3) (c) 2. c. of the statutes is amended to read:

253.10 **(3)** (c) 2. c. That the woman has a legal right to continue her pregnancy and to keep the child; to place the child in a foster home ~~or treatment foster home~~ for 6 months or to petition a court for placement of the child in a foster home~~, treatment foster home~~ or group home or with a relative; or to place the child for adoption under a process that involves court approval both of the voluntary termination of parental rights and of the adoption.

SECTION 2545d. 253.12 (7) of the statutes is created to read:

253.12 **(7)** FUNDING. From the appropriation account under s. 20.435 (1) (gm), the department shall allocate $95,000 annually for the birth defect prevention and surveillance system under this section.

SECTION 2546. 253.13 (2) of the statutes is amended to read:

253.13 **(2)** TESTS; DIAGNOSTIC, DIETARY AND FOLLOW−UP COUNSELING PROGRAM; FEES. The department shall contract with the state laboratory of hygiene to perform the tests specified under this section and to furnish materials for use in the tests. The department shall provide necessary diagnostic services, special dietary treatment as prescribed by a physician for a patient with a congenital disorder as identified by tests under sub. (1) or (1m) and follow−up counseling for the patient and his or her family. The state laboratory of hygiene board, on behalf of the department, shall impose a fee for tests performed under this section sufficient to pay for services provided under the contract. The state laboratory of hygiene board shall include as part of this fee amounts the department determines are sufficient to fund the provision of diagnostic and counseling services, special dietary treatment, and periodic evaluation of infant screening programs, the costs of consulting with experts under sub. (5), and the costs of administering the congenital disorder program under this section and shall credit these amounts to the ~~appropriations~~ appropriation accounts under s. 20.435 (1) (ja) and (jb) ~~and (5) (ja)~~.

SECTION 2547. 253.15 (2) of the statutes is amended to read:

253.15 **(2)** INFORMATIONAL MATERIALS. The board shall purchase or prepare or arrange with a nonprofit organization to prepare printed and audiovisual materials relating to shaken baby syndrome and impacted babies. The materials shall include information regarding the identification and prevention of shaken baby syndrome and impacted babies, the grave effects of shaking or throwing on an infant or young child, appropriate ways to manage crying, fussing, or other causes that can lead a person to shake or throw an infant or young child, and a discussion of ways to reduce the risks that can lead a person to shake or throw an infant or young child. The materials shall be prepared in English, Spanish, and other languages spoken by a significant number of state residents, as determined by the board. The board shall make those written and audiovisual materials available to all

hospitals, maternity homes, and nurse−midwives licensed under s. 441.15 that are required to provide or make available materials to parents under sub. (3) (a) 1., to the department and to all county departments and nonprofit organizations that are required to provide the materials to day care providers under sub. (4), and to all school boards and nonprofit organizations that are permitted to provide the materials to pupils in one of grades 5 to 8 and in one of grades 10 to 12 under sub. (5). The board shall also make those written materials available to all county departments and Indian tribes that are providing home visitation services under s. 48.983 (4) (b) 1. ~~or 2.~~ and to all providers of prenatal, postpartum, and young child care coordination services under s. 49.45 (44). The board may make available the materials required under this subsection to be made available by making those materials available at no charge on the board's Internet site.

SECTION 2548d. 253.15 (4) of the statutes is amended to read:

253.15 **(4)** TRAINING FOR DAY CARE PROVIDERS. Before an individual may obtain a license to operate a day care center under s. 48.65 for the care and supervision of children under 5 years of age or enter into a contract to provide a day care program under s. 120.13 (14) for the care and supervision of children under 5 years of age, the individual shall receive training relating to shaken baby syndrome and impacted babies that is approved or provided by the department or that is provided by a nonprofit organization arranged by the department to provide that training. Before an individual may be certified under s. 48.651 as a day care provider of children under 5 years of age, the individual shall receive training relating to shaken baby syndrome and impacted babies that is approved or provided by the certifying department in a county having a population of 500,000 or more, county department, or agency contracted with under s. 48.651 (2) or that is provided by a nonprofit organization arranged by that department, county department, or contracted agency to provide that training. Before an employee or volunteer of a day care center licensed under s. 48.65, a day care provider certified under s. 48.651, or a day care program established under s. 120.13 (14) may provide care and supervision for children under 5 years of age, the employee or volunteer shall receive training relating to shaken baby syndrome and impacted babies that is approved or provided by the department or the certifying county department or agency contracted with under s. 48.651 (2) or that is provided by a nonprofit organization arranged by the department or that county department or contracted agency to provide that training. The person conducting the training shall provide to the individual receiving the training, without cost to the individual, a copy of the written materials purchased or prepared under sub. (2), a presentation of the audiovisual materials purchased or prepared under sub. (2), and an oral explanation of those written and audiovisual materials.

SECTION 2549. 253.15 (6) of the statutes is amended to read:

253.15 **(6)** INFORMATION TO HOME VISITATION OR CARE COORDINATION SERVICES RECIPIENTS. A county department or Indian tribe that is providing home visitation services under s. 48.983 (4) (b) 1. ~~or 2.~~ and a provider of prenatal, postpartum, and young child care coordination services under s. 49.45 (44) shall provide to a recipient of those services, without cost, a copy of the written materials purchased or prepared under sub. (2) and an oral explanation of those materials.

SECTION 2550. 253.15 (7) (e) of the statutes is amended to read:

253.15 **(7)** (e) A county department or Indian tribe that is providing home visitation services under s. 48.983 (4) (b) 1. ~~or 2.~~ and a provider of prenatal, postpartum, and young child care coordination services under s. 49.45 (44) is immune from liability for any damages resulting from any good faith act or omission in providing or failing to provide the written materials and oral explanation specified in sub. (6).

SECTION 2550d. 253.16 (2m) of the statutes is created to read:

253.16 **(2m)** (a) At least 90 percent of the moneys awarded under sub. (2) and distributed under 2009 Wisconsin Act .... (this act), section 9122 (5v) (j), shall be used for direct services provided to families participating in the program under sub. (2).

(b) The moneys referenced in par. (a) may be used as the state share of Medical Assistance for case management services provided under s. 49.45 (25).

SECTION 2550f. 253.16 (3) (f) of the statutes is created to read:

253.16 **(3)** (f) Maximize and leverage additional resources, including the maximum allowable Medical Assistance reimbursement for services provided under the program under sub. (2).

SECTION 2550h. 253.16 (5) of the statutes is created to read:

253.16 **(5)** The department shall do all of the following:

(a) Work with the city and the city health department by providing oversight and approval of the program under sub. (2).

(b) Explore ways to maximize the use of federally qualified health centers for the program under sub. (2).

SECTION 2551. 254.151 (intro.) of the statutes is amended to read:

254.151 Lead poisoning or lead exposure prevention grants. (intro.) From the appropriation account under s. 20.435 ~~(5)~~ (1) (ef), the department shall award the following grants under criteria that the department shall establish in rules promulgated under this section:

SECTION 2552. 254.34 (1) (h) 5. of the statutes is amended to read:

254.34 **(1)** (h) 5. Develop standards of performance for the regional radon centers and, from the appropriation account under s. 20.435 ~~(5)~~ (1) (ed), ~~allocate~~ distribute funds based on compliance with the standards to provide radon protection information dissemination from the regional radon centers.

SECTION 2552g. 254.47 (7) of the statutes is created to read:

254.47 **(7)** The department may not require that a swimming pool be staffed by a lifeguard as a condition of receiving a permit under this section if the swimming pool is less than 2,500 square feet, the swimming pool is located in a private club in the city of Milwaukee, and the club has a policy that prohibits a minor from using the swimming pool when not accompanied by an adult.

SECTION 2553. 255.01 (2m) of the statutes is created to read:

255.01 **(2m)** "Research" means a systematic investigation through scientific inquiry, including development, testing, and evaluation, that is designed to develop or contribute to generalizable knowledge.

SECTION 2554. 255.01 (2n) of the statutes is created to read:

255.01 **(2n)** "Researcher" means a person who performs research.

SECTION 2555. 255.04 (3) (c) of the statutes is created to read:

255.04 **(3)** (c) A researcher who proposes to conduct research, if all of the following conditions are met:

1. The researcher applies in writing to the department for approval of access to individually identifiable information under sub. (1) or (5) that is necessary for performance of the proposed research, and the department approves the application. An application under this subdivision shall include all of the following:

a. A written protocol to perform research.

b. The researcher's professional qualifications to perform the proposed research.

c. Documentation of approval of the research protocol by an institutional review board of a domestic institution that has a federalwide assurance approved by the office for human research protections of the federal department of health and human services.

d. Any other information requested by the department.

2. The proposed research is for the purpose of studying cancer, cancer prevention, or cancer control.

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.

(b) Any person who violates sub. (8) (a), (b), or (c) may be required to forfeit not more than $100 for each violation. Each day of continued violation constitutes a separate offense, except that no day in the period between the date on which a request for a hearing is filed under s. 227.44 and the date of the conclusion of all administrative and judicial proceedings arising out of a decision under this paragraph constitutes a violation.

(c) The department may directly assess forfeitures under par. (b). If the department determines that a forfeiture should be assessed for a particular violation or for failure to correct the violation, the department shall send a notice of assessment to the alleged violator. The notice shall specify the alleged violation of the statute and the amount of the forfeiture assessed and shall inform the alleged violator of the right to contest the assessment under s. 227.44.

SECTION 2561. 255.05 (2) of the statutes is amended to read:

255.05 **(2)** From the appropriation account under s. 20.435 ~~(5)~~ (1) (cc), the department shall ~~allocate~~ award up to $400,000 in each fiscal year ~~to provide~~ as grants to applying individuals, institutions or organizations for the conduct of projects on cancer control and prevention. Funds shall be awarded on a matching basis, under which, for each grant awarded, the department shall provide 50%, and the grantee 50%, of the total grant funding.

SECTION 2562. 255.06 (2) (intro.) of the statutes is amended to read:

255.06 **(2)** (intro.) From the appropriation account under s. 20.435 ~~(5)~~ (1) (cb), the department shall administer a well−woman program to provide reimbursement for health care screenings, referrals, follow−ups, case management, and patient education provided to low−income, underinsured, and uninsured women. Reimbursement to service providers under this section shall be at the rate of reimbursement for identical services provided under medicare, except that, if projected costs under this section exceed the amounts appropriated under s. 20.435 ~~(5)~~ (1) (cb), the department shall modify services or reimbursement accordingly. Within this limitation, the department shall implement the well−woman program to do all of the following:

SECTION 2563. 255.15 (3) (b) (intro.) of the statutes is amended to read:

255.15 **(3)** (b) (intro.) From the appropriation account under s. 20.435 ~~(5)~~ (1) (fm), the department may ~~distribute~~ award grants for any of the following:

SECTION 2564. 255.15 (3) (bm) of the statutes is amended to read:

255.15 **(3)** (bm) From the appropriation account under s. 20.435 ~~(5)~~ (1) (fm), the department shall distribute $96,000 annually for programs to discourage use of smokeless tobacco.

SECTION 2567. 255.35 (3) (a) of the statutes is amended to read:

255.35 **(3)** (a) The department shall implement a statewide poison control system, which shall provide poison control services that are available statewide, on a 24−hour per day and 365−day per year basis and shall provide poison information and education to health care professionals and the public. From the appropriation account under s. 20.435 ~~(5)~~ (1) (ds), the department shall, if the requirement under par. (b) is met, distribute total funding of not more than $425,000 in each fiscal year to supplement the operation of the system and to provide for the statewide collection and reporting of poison control data. The department may, but need not, distribute all of the funds in each fiscal year to a single poison control center.

SECTION 2568. 256.04 (8) of the statutes is amended to read:

256.04 **(8)** Review the annual budget prepared by the department for the expenditures under s. 20.435 ~~(5)~~ (1) (ch).

SECTION 2570. 256.12 (2m) (a) of the statutes is amended to read:

256.12 **(2m)** (a) The department shall contract with a physician to direct the state emergency medical services program. The department may expend from the funding under the federal preventive health services project grant program under 42 USC 2476 under the appropriation account under s. 20.435 (1) (mc), $25,000 in each fiscal year for this purpose.

SECTION 2571. 256.12 (4) (a) of the statutes is amended to read:

256.12 **(4)** (a) From the appropriation account under s. 20.435 ~~(5)~~ (1) (ch), the department shall annually distribute funds for ambulance service vehicles or vehicle equipment, emergency medical services supplies or equipment or emergency medical training for personnel to an ambulance service provider that is a public agency, a volunteer fire department or a nonprofit corporation, under a funding formula consisting of an identical base amount for each ambulance service provider plus a supplemental amount based on the population of the ambulance service provider's primary service or contract area, as established under s. 256.15 (5).

SECTION 2572. 256.12 (5) (a) of the statutes is amended to read:

256.12 **(5)** (a) From the appropriation account under s. 20.435 ~~(5)~~ (1) (ch), the department shall annually distribute funds to ambulance service providers that are public agencies, volunteer fire departments, or nonprofit corporations to purchase the training required for licensure and renewal of licensure as an emergency medical technician − basic under s. 256.15 (6), and to pay for administration of the examination required for licensure or renewal of licensure as an emergency medical technician − basic under s. 256.15 (6) (a) 3. and (b) 1.

SECTION 2572g. 256.15 (12) (a) of the statutes is amended to read:

256.15 **(12)** (a) All records made by an ambulance service provider, an emergency medical technician or a first responder in administering emergency care procedures to and handling and transporting sick, disabled or injured individuals shall be maintained as confidential patient health care records subject to ~~ss. 146.81 to 146.84 and, if applicable,~~ s. 252.15 (5) (a) (intro.), (6), (8) and (9)~~. For the purposes of this paragraph, an ambulance service provider, an emergency medical technician or a first responder shall be considered to be a health care provider under s. 146.81 (1)~~, if applicable. Nothing in this paragraph or ss. 146.81 to 146.84 permits disclosure to an ambulance service provider, an emergency medical technician or a first responder under s. 252.15 (5) (a), except under s. 252.15 (5) (a) 11.

SECTION 2572h. 256.15 (12) (b) of the statutes is amended to read:

256.15 **(12)** (b) ~~Notwithstanding par. (a)~~ Notwithstanding s. 146.82, an ambulance service provider, who is an authority, as defined in s. 19.32 (1), may make available, to any requester, information contained on a record of an ambulance run which identifies the ambulance service provider and emergency medical technicians involved; date of the call; dispatch and response times of the ambulance; reason for the dispatch; location to which

the ambulance was dispatched; destination, if any, to which the patient was transported by ambulance; and name, age and gender of the patient. No information disclosed under this paragraph may contain details of the medical history, condition or emergency treatment of any patient.

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SECTION 2572hb. 256.35 (1) (cs) of the statutes is created to read:

256.35 **(1)** (cs) "Communications provider" means a person that provides active voice or nonvoice communications service that is capable of accessing a public safety answering point.

SECTION 2572he. 256.35 (1) (ee) of the statutes is created to read:

256.35 **(1)** (ee) "Enhanced 911 service" means delivering 911 calls with automatic number identification and automatic location identification to an appropriate public safety answering point by selective routing based on the geographical location from which the call originated and providing either a specific street address or information defining the approximate geographic location, in accordance with orders promulgated by the federal communications commission.

SECTION 2572hh. 256.35 (1) (gm) of the statutes is amended to read:

256.35 **(1)** (gm) "Public safety answering point" means a facility to which a call on a basic or sophisticated system is initially routed for response, and on which a public agency directly dispatches the appropriate emergency service provider, relays a message to the appropriate emergency service provider or transfers the call to the appropriate emergency services provider. "Public safety answering point" includes a wireless public safety answering point, as defined in sub. (3m) (a) 7.

SECTION 2572hL. 256.35 (3) of the statutes is repealed.

SECTION 2572ho. 256.35 (3g) of the statutes is created to read:

256.35 **(3g)** ENHANCED 911 GRANTS. (a) *Surcharges.* 1. 'In general.' Except as provided in subd. 2., each communications provider shall impose on subscriber bills a monthly surcharge of 75 cents, subject to any adjustment under subd. 3. A communications provider may list the surcharge separately from other charges on a subscriber's bill. Any partial payment of a surcharge by a subscriber shall be applied first to any amount the subscriber owes the communications provider for communications service.

2. 'Prepaid wireless.' a. A communications provider that offers prepaid wireless service, or a seller that offers prepaid wireless service on behalf of a communications provider, shall impose a surcharge equal to one−half of the surcharge required under subd. 1., as adjusted under subd. 3., on subscribers with respect to each retail transaction for prepaid wireless service that occurs in this state. The communications provider or seller may state the amount of the surcharge separately on an invoice, receipt, or similar document provided to a subscriber, or may otherwise disclose the surcharge to the subscriber. The surcharge is the liability of the subscriber, and not of the communications provider or seller, except that a communications provider or seller is liable to remit all surcharges that the communications provider or seller collects from subscribers, including all such surcharges that the communications provider or seller is considered to collect where the amount of the surcharge is not separately stated on an invoice, receipt, or other similar document provided to the subscriber by the communications provider or seller.

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b. The commission shall promulgate rules exempting from the surcharge required under subd. 2. a. a transaction that is not considered to be a sale at retail under subch. III of ch. 77.

c. For purposes of subd. 2. a., a retail transaction effected in person by a subscriber at a business location of the communications provider occurs in this state if the business location is in this state and any other retail transaction occurs in this state if the location of the retail transaction is in this state as determined under s. 77.522.

d. Except for the surcharge authorized under this subdivision, no local government or state agency, as defined in s. 560.9810 (1), may impose a fee with respect to prepaid wireless on any communications provider, seller, or consumer, for the purpose of funding wireless emergency telephone service.

e. The commission shall promulgate rules establishing requirements and procedures for auditing sellers to determine compliance with this subdivision, including requirements and procedures for appealing determinations of the commission. To the extent practicable, the rules shall incorporate the audit and appeal provisions under ss. 77.59 and 77.61.

3. 'Adjustments.' a. Annually, the commission shall adjust the amount of the surcharge required under subd. 1. to reflect any change in the U.S. consumer price index for the midwest region as determined by the U.S. department of labor during the period beginning on August 31 of the year that is 2 years before the commission's adjustment and ending on August 31 of the year before the commission's adjustment.

b. The commission shall annually monitor the revenues, including interest, generated by the surcharges remitted under subd. 4. a. If the commission determines that the surcharges generate revenue in excess of the amount required for grants under par. (d), the commission shall reduce the amount of the surcharge required under subd. 1., but only if the reduction ensures full cost recovery for grant recipients over a reasonable period. If the commission determines that the surcharges remitted under subd. 4. a. generate revenue that is less

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than the amount required for grants under par. (d), the commission shall increase the surcharge required under subd. 1. by an amount that ensures full cost recovery for grant recipients over a reasonable period, except that, in a year, the commission may not increase the surcharge by an amount greater than an increase allowed for that year under subd. 3. a.

c. No later than October 1 of each year the commission shall notify communications providers and sellers who offer prepaid wireless on behalf of communications providers of any adjustment to the surcharge required under subd. 1., and the adjustment shall be effective on January 1 of the following year.

4. 'Collection and remittance.' a. A communications provider or seller that offers prepaid wireless on behalf of a communication provider shall remit surcharges to the commission no later than the end of the month following the month that the provider or seller collects the surcharges from subscribers, except that a communications provider may deduct and retain from the remittance an administrative allowance equal to $50, or 1 percent of the surcharges collected from subscribers, whichever is greater. The commission may require that communications providers and sellers report the amount of uncollected surcharges on an annual basis, or less frequently as determined by the commission. The commission may require that a communications provider or seller provide the commission with the name, address, and telephone number of a subscriber who refuses to pay a surcharge. The commission shall deposit all remittances under this subd. 4. a. into the 911 fund.

b. A communications provider or seller has no obligation to take any legal action to enforce the collection of the surcharge billed to a subscriber. The commission may initiate a collection action against a subscriber for an unpaid surcharge, and recover reasonable costs and, notwithstanding s. 814.04 (1), attorney fees associated with the action.

(b) *Grant applications; communications providers.* A communications provider may apply to the commission for grants for reimbursement of actual, commercially reasonable costs incurred in complying with the requirements for enhanced 911 service, including the costs incurred for designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining all necessary data, hardware, and software required to provide enhanced 911 service, and the recurring and nonrecurring costs of providing enhanced 911 service. An application shall include invoices for the costs for which reimbursement is claimed.

(c) *Grant applications; local governments.* 1. A local government that operates a wireless public safety answering point that was in operation on November 30, 2008, and that was identified in a resolution adopted under sub. (3m) (c) 3., and a local government designated under subd. 2., may apply to the commission for grants if the local government submits annual applications to the commission that identify the expenses eligible for reimbursement under subd. 3., list the invoices for reimbursement that are related to compliance with enhanced 911 service requirements, and include the costs of landline 911 trunks and charges for public safety answering points in the same county as the local government.

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2. If enhanced 911 service was not available in a county on November 30, 2008, and the county designates one local government in the county, or the county itself, as the operator of the primary public safety answering point for the county, the local government or county so designated is eligible for grants under subd. 1. The commission shall promulgate rules establishing requirements and procedures for a county to make a designation under this subdivision.

3. Expenses that are eligible for reimbursement under subd. 1. are the actual costs incurred by a public safety answering point in complying with the requirements of enhanced 911 service, including costs incurred for designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining all necessary data, hardware, and software required to provide enhanced 911 service; the recurring and nonrecurring costs of providing enhanced 911 service; and the costs associated with training public safety answering point personnel.

(d) *Payment of grants.* From the appropriation account under s. 20.155 (3) (r), the commission shall award grants to communications providers and local governments who submit applications under pars. (b) and (c) for reimbursement of costs that the commission determines are eligible for reimbursement. If the total amount of invoices for cost reimbursement that are submitted to the commission and approved for payment in a month exceeds the amount available from the 911 fund for reimbursement, the commission shall proportionately reduce the amount payable to each communications provider and local government so that the amount paid in grants does not exceed the amount available from the 911 fund, and the commission shall defer awarding grants for the balance due to each communications provider and local government until sufficient moneys are available from the 911 fund.

(e) *Information requests; audits.* A local government that receives grants for a public safety answering point shall comply with all requests by the commission for financial information related to the operation of the public safety answering point and, upon request, provide a copy of any audits conducted of the public safety answering point to the commission.

(f) *Telephone relay service for hearing impaired.* A local government that receives a grant under par. (d) shall ensure the each public safety answering point operated by or on behalf of the local government complies with

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requirements of the federal communications commission that all 911 answering positions are equipped with the necessary equipment for accepting 911 calls from the hearing impaired directly or through the use of a relaying service.

(g) *Audits.* The commission may require a communications provider or local government that receives a grant under par. (d) to conduct an audit to ensure that the grant application and use of the moneys received is consistent with the requirements of this subsection and may require a local government that receives a grant under par. (d) to provide a copy of its annual audit of the public safety answering point for which the grant is received.

(h) *Unauthorized expenditures.* The commission may, on its own motion, or, at its discretion, upon the complaint of any person, give written notice of violation to any communications provider or local government alleged to be expending grant moneys for a purpose not authorized under this subsection. Upon receipt of the notice, the communications provider or local government shall cease making any unauthorized expenditure, and may petition the commission for a hearing on the question of whether an expenditure is authorized. The commission shall grant a request for a hearing within a reasonable period. If, after the hearing, the commission determines that an expenditure is not authorized, the commission shall require the communications provider or local government to refund, within 90 days of the commission's determination, the unauthorized expenditure.

(i) *Proprietary information.* Any information submitted by a communications provider to the commission or the 911 council that the communications provider designates as proprietary, and that the commission determines is proprietary, is confidential and not subject to inspection or copying under s. 19.35, except with the express consent of the communications provider. General information collected by the commission or the 911 council may be released or published only in aggregate amounts that do not identify or allow identification of numbers of subscribers or revenues attributable to an individual communications provider.

(j) *Statewide plan.* The commission shall develop a statewide plan for enhanced 911 services for the state. The plan shall be consistent with the plan required under 47 USC 942 (b) (3) (A) (iii).

(k) *Rules.* The commission shall promulgate rules for administering the requirements of this subsection.

(L) *Reports.* No later than February 28 of each odd−numbered year, the commission shall submit a report to the legislature under s. 13.172 (2) that has complete information regarding receipts and expenditures under this subsection during the 2−year reporting period and that describes the status of the 911 system in this state at the time of the report and the results of any related investigations completed by the commission during the 2−year reporting period.

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(m) *911 council.* The commission shall consult with the 911 council in carrying out the commission's duties under this subsection.

SECTION 2572hr. 256.35 (3m) (a) 2. of the statutes is renumbered 256.35 (1) (cp).

SECTION 2572hu. 256.35 (3m) (a) 3. of the statutes is renumbered 256.35 (1) (em).

SECTION 2572hy. 256.35 (3m) (a) 4. of the statutes is renumbered 256.35 (1) (es).

SECTION 2573. 256.35 (3m) (em) of the statutes is created to read:

256.35 **(3m)** (em) *Fund limitation.* Except for grants under par. (d) or (e), the commission may not make any distribution from the wireless 911 fund to any person.

SECTION 2573b. 256.35 (5) of the statutes is created to read:

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256.35 **(5)** REQUIREMENT TO PROVIDE ENHANCED 911 SERVICE. In accordance with the federal wireless orders, no communications provider is required to provide enhanced wireless 911 service until all of the following conditions are satisfied:

(a) The communications provider receives a request for the service from the administrator of a public safety answering point that is capable of receiving and utilizing the data elements associated with the service.

(b) The funds for reimbursement of the communications provider's costs are available.

(c) The relevant local exchange carrier is able to support the requirements of enhanced 911 service.

SECTION 2573f. 256.35 (7) of the statutes is amended to read:

256.35 **(7)** LIABILITY EXEMPTION. A telecommunications utility, wireless provider, as defined in sub. (3m) (a) 6., person that provides exchange telephone service to a telephone subscriber, cellular services, voice over Internet protocol services, or cable telephony services, person that provides services to a device that can access 911, or local government~~, as defined in sub. (3m) (a) 4.,~~ shall not be liable to any person who uses an emergency number system created under this section or makes an emergency telephone call initially routed to a wireless public safety answering point, as defined in sub. (3m) (a) 7.

SECTION 2573h. 256.35 (8) of the statutes is created to read:

256.35 **(8)** SUBSCRIBER RECORDS AND INFORMATION. (a) Subscriber records that a communications provider discloses to a public safety answering point remain the property of the communications provider and use of the records is limited to providing emergency services in response to 911 calls. Any communications provider connection information of a subscriber, including the subscriber's address, that is obtained by a public safety

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answering point for public safety purposes is not subject to inspection or copying under s. 19.35.

(b) The disclosure or use of information contained in the database of the telephone network portion of a 911 system, for other than operations of the 911 system, is prohibited.

(c) No later than 2 business days after a communications provider installs service for a new subscriber, the communications provider shall provide the relevant public safety answering point with subscriber information necessary to update the master street address guide or location database used by the public safety answering point to respond to emergency calls and the public safety answering point shall make the update.

SECTION 2574h. 281.14 of the statutes is created to read:

281.14 Wisconsin River monitoring and study. (1) In this section:

(a) "Nonpoint source" has the meaning given in s. 281.16 (1) (e).

(b) "Point source" has the meaning given in s. 283.01 (12).

(2) The department shall conduct a program to monitor and study the introduction of nutrients from point sources and nonpoint sources into the Wisconsin River from the city of Merrill to the Castle Rock Flowage dam. The department shall seek to do all of the following under this subsection:

(a) Identify the amounts of nutrients being introduced into the river.

(b) Characterize and quantify the nutrients, in particular nitrogen and phosphorus, introduced into the river from nonpoint sources relative to climate, land use, soil type, elevation, and drainage.

(c) Collect water quality information for locations on the river itself and for major tributaries and major impoundments to use in evaluating the biological, physical, and chemical properties of the water and to use as data in watershed and river models.

(d) Use watershed and river models and the information collected under this subsection and from other sources to forecast the effect on water quality of different methods of reducing the amounts of nutrients introduced into the river.

(e) Develop tools to use in selecting and implementing methods of reducing the amounts of nutrients introduced into the river.

SECTION 2575. 281.16 (3) (e) of the statutes is amended to read:

281.16 **(3)** (e) An owner or operator of an agricultural facility or practice that is in existence before October 14, 1997, may not be required by this state or a municipality to comply with the performance standards, prohibitions, conservation practices or technical standards under this subsection unless cost−sharing is available, under s. 92.14 or 281.65 or from any other source, to the owner or operator. For the purposes of this paragraph, sub. (4) and ss. 92.07 (2), ~~92.105 (1),~~ 92.15 (4) and 823.08 (3) (c) 2., the department of natural resources shall promulgate rules that specify criteria for determining whether cost−sharing is available under s. 281.65 and the department of agriculture, trade and consumer protection shall promulgate rules that specify criteria for determining whether cost−sharing is available under s. 92.14 or from any other source. The rules may not allow a determination that cost−sharing is available to meet local regulations under s. 92.07 (2)~~, 92.105 (1)~~ or 92.15 that are consistent with or that exceed the performance standards, prohibitions, conservation practices or technical standards under this subsection unless the cost−sharing is at least 70% of the cost of compliance or is from 70% to 90% of the cost of compliance in cases of economic hardship, as defined in the rules.

SECTION 2576n. 281.33 (3) (title) of the statutes is amended to read:

281.33 **(3)** (title) STANDARDS RELATED TO STORM WATER AND CERTAIN CONSTRUCTION ACTIVITIES.

SECTION 2576p. 281.33 (3m) (title) of the statutes is created to read:

281.33 **(3m)** (title) EROSION CONTROL RELATED TO CONSTRUCTION OF PUBLIC BUILDINGS AND BUILDINGS THAT ARE PLACES OF EMPLOYMENT.

SECTION 2577. 281.34 (3) of the statutes is renumbered 281.34 (3) (a).

SECTION 2578. 281.34 (3) (b) and (c) of the statutes are created to read:

281.34 **(3)** (b) The department may appoint any person who is not an employee of the department as the department's agent to accept and process notifications and collect the fees under par. (a).

(c) Any person, including the department, who accepts and processes a well notification under par. (a) shall collect in addition to the fee under par. (a) a processing fee of 50 cents. An agent appointed under par. (b) may retain the processing fee to compensate the agent for the agent's services in accepting and processing the notification.

SECTION 2578pb. 281.346 (1m) of the statutes is repealed.

SECTION 2578pd. 281.346 (2) (e) 1. of the statutes is repealed.

SECTION 2578pf. 281.346 (2) (e) 1g. of the statutes is created to read:

281.346 **(2)** (e) 1g. The baseline for a withdrawal that before December 8, 2008, averaged 100,000 gallons per day or more in any 30−day period but to which subd. 1m. does not apply is the amount determined under sub. (4e).

SECTION 2578ph. 281.346 (2) (e) 1r. of the statutes is created to read:

281.346 **(2)** (e) 1r. The baseline for a withdrawal not covered by subd. 1. or 1g. is zero.

SECTION 2578pj. 281.346 (3) (a) of the statutes is renumbered 281.346 (3) (a) 1.

SECTION 2578pL. 281.346 (3) (a) 2. of the statutes is created to read:

281.346 **(3)** (a) 2. Any person who, on the effective date of this subdivision .... [LRB inserts date], has a water supply system with the capacity to make a withdrawal from the waters of this state averaging 100,000 gallons per day or more in any 30−day period and who has not registered the withdrawal under s. 281.344 (3) (a) shall register the withdrawal with the department.

SECTION 2578pn. 281.346 (4e) (title), (a), (b), (d) 1. and 3., (e), (f), (g) and (h) of the statutes are amended to read:

281.346 **(4e)** (title) DETERMINING ~~WITHDRAWAL AMOUNTS~~ BASELINES FOR PREEXISTING WITHDRAWALS ~~WITH INTERIM APPROVALS~~. (a) Before issuing automatic notice of coverage under a general permit under sub. (4s) or an automatic individual permit under sub. (5) (c) for a withdrawal from the Great Lakes basin ~~that is covered by an interim approval under s. 281.344 (5m)~~ for which the department is required to issue automatic notice of coverage or an automatic individual permit, the department shall determine a ~~withdrawal amount~~ baseline for the withdrawal under this subsection.

(b) 1. Except as provided in subds. 2. and 3e. and par. (f), the department shall estimate the ~~withdrawal amount~~ baseline for a withdrawal based on the maximum hydraulic capacity of the most restrictive component in the water supply system used for the withdrawal as of ~~the compact's effective date~~ December 8, 2008, based on information available to the department.

2. Except as provided in subd. 3e., if the department has issued an approval under s. 30.12, 30.18, 281.34, or 281.41, or s. 281.17, 2001 stats., that is required for a withdrawal and the approval contains a limit on the amount of water that may be withdrawn, the department shall provide an estimate of the ~~withdrawal amount~~ baseline equal to the limit in the approval as of December 8, 2008.

3e. If water is withdrawn through more than one water supply system to serve a facility, the department shall determine the amount under subd. 1. for each of the water supply systems to which subd. 2. does not apply and shall determine the amount under subd. 2. for each of the water supply systems to which subd. 2. applies and shall provide an estimate of the ~~withdrawal amount~~ baseline that is equal to the sum of the amounts determined for each of the water supply systems.

(d) 1. The components of the water supply system used for the withdrawal as of December 8, 2008.

3. Plans for expanding the capacity of the water supply system submitted to the department ~~no later than 2 years after June 11~~ before December 8, 2008.

(e) Except as provided in par. (f), the department shall determine the ~~withdrawal amount~~ baseline for a withdrawal based on the estimate under par. (b) and the department's evaluation of any information provided under par. (d). The department may not consider information provided by any other person.

(f) For a public water supply system that, on June 11, 2008, has approval under s. 281.41 to provide water from the Great Lakes basin for public water supply purposes outside of the Great Lakes basin and approval under s. 283.31 to return the associated wastewater to the Great Lakes basin, the department shall determine the ~~withdrawal amount~~ baseline to be the amount of water necessary to provide water for public water supply purposes in the service territory specified in the sewer service area provisions of the areawide water quality management plan under s. 283.83 approved by the department before December 31, 2007, based on the population and related service projections in those provisions.

(g) The department's determination of a ~~withdrawal amount~~ baseline under par. (e) or (f) is not subject to administrative review under ch. 227 except at the request of the person making the withdrawal.

(h) If 2 or more public water supply systems merge after the department determines their ~~withdrawal amounts~~ baselines under par. (e) and before the department issues the initial individual permits under sub. (5) (c) for the systems, the ~~withdrawal amount~~ baseline for the new system is the sum of the amounts determined under par. (e) for the individual systems.

SECTION 2578pp. 281.346 (4e) (i) of the statutes is repealed.

SECTION 2578pr. 281.346 (4g) of the statutes is created to read:

281.346 **(4g)** DETERMINING WITHDRAWAL AMOUNTS FOR PREEXISTING WITHDRAWALS. (a) Before issuing automatic notice of coverage under a general permit under sub. (4s) or an automatic individual permit under sub. (5) (c) for a withdrawal from the Great Lakes basin for which the department is required to issue automatic notice of coverage or an automatic individual permit, the department shall determine a withdrawal amount for the withdrawal under this subsection.

(b) Except as provided in par. (c), the withdrawal amount for a withdrawal under this subsection is the same as the baseline determined under sub. (4e).

(c) 1. Except as provided in subd. 3., if a person making a withdrawal has increased the amount of the withdrawal over the baseline before the department issues an automatic notice of coverage under a general permit under sub. (4s) or an automatic individual permit under sub. (5) (c), the department shall specify a withdrawal amount that is, except as provided in subd. 2., equal to the smallest of the following amounts:

a. The maximum hydraulic capacity of the most restrictive component of the water supply system used for the withdrawal for which the person has approval under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17,

2001 stats., or, if an approval under one of those provisions is not required for the most restrictive component of the water supply system, the maximum hydraulic capacity of the most restrictive component in the water supply system used for the withdrawal.

b. If an approval under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., specifies a maximum amount of water that may be withdrawn, that amount.

2. If water is withdrawn through more than one water supply system to serve a facility, the department shall determine the smallest amount under subd. 1. a. or b. for each of the water supply systems and shall specify a withdrawal amount that is equal to the sum of the amounts determined for each of the water supply systems.

3. For a withdrawal for the purpose of providing water to a public water supply system that is covered by an approved water supply service area plan under s. 281.348, the department shall specify a withdrawal amount that is equal to the withdrawal amount in the water supply service area plan.

SECTION 2578pt. 281.346 (4m) of the statutes is amended to read:

281.346 **(4m)** WATER USE PERMITS REQUIRED IN THE GREAT LAKES BASIN. ~~A~~ Beginning on December 8, 2011, a person may not make a withdrawal from the Great Lakes basin that averages 100,000 gallons per day or more in any 30−day period unless the withdrawal is covered under a general permit issued under sub. (4s) ~~or s. 281.344 (4s)~~, an individual permit issued under sub. (5) ~~or s. 281.344 (5)~~, or an interim approval under s. 281.344 (5m), except as provided in sub. (4s) (bm).

SECTION 2578pv. 281.346 (4s) (a) 1. of the statutes is amended to read:

281.346 **(4s)** (a) 1. Reference to the database ~~of withdrawal amounts~~ under par. (i).

SECTION 2578px. 281.346 (4s) (b) of the statutes is amended to read:

281.346 **(4s)** (b) *General requirement.* ~~A~~ Beginning on December 8, 2011, a person who does not hold an individual permit under sub. (5) may not make a withdrawal that averages 100,000 gallons per day or more in any 30−day period, but that does not equal at least 1,000,000 gallons per day for any 30 consecutive days, unless the withdrawal is covered under a general permit issued under this subsection ~~or s. 281.344 (4s)~~, except as provided in par. (bm). A person to whom the department has issued a notice of coverage under a general permit shall comply with the general permit.

SECTION 2578pz. 281.346 (4s) (c) of the statutes is amended to read:

281.346 **(4s)** (c) *Automatic notice of coverage for preexisting withdrawals ~~with interim approvals~~.* The department shall automatically issue a notice of coverage under a general permit to a person who makes a withdrawal that is covered by an interim approval under s. 281.344 (5m)~~, if the withdrawal~~ and that averages 100,000 gallons per day or more in any 30−day period but does not equal at least 1,000,000 gallons per day for any 30 consecutive days, or who makes a withdrawal that is not covered by an interim approval and that before December 8, 2008, averaged 100,000 gallons per day or more in any 30−day period but that does not equal at least 1,000,000 gallons per day for any 30 consecutive days. If necessary, the department may request additional information before issuing a notice under this paragraph. The department shall issue a notice under this paragraph no later than ~~one year after the compact's effective date~~ December 8, 2011. In the notice provided under this paragraph for a withdrawal, the department shall specify a ~~withdrawal amount~~ baseline equal to the ~~withdrawal amount~~ baseline determined under sub. (4e) for the withdrawal and a withdrawal amount equal to the withdrawal amount determined under sub. (4g) for the withdrawal.

SECTION 2578qb. 281.346 (4s) (d) (title) of the statutes is amended to read:

281.346 **(4s)** (d) (title) *Coverage under general permit for ~~new or increased~~ withdrawals not entitled to automatic notice of coverage.*

SECTION 2578qd. 281.346 (4s) (d) 1. of the statutes is amended to read:

281.346 **(4s)** (d) 1. A person who proposes to begin a withdrawal from the Great Lakes basin after December 7, 2011, that will average 100,000 gallons per day or more in any 30−day period, or to increase an existing withdrawal so that it will average 100,000 gallons per day or more in any 30−day period, but who does not propose to withdraw at least 1,000,000 gallons per day for any 30 consecutive days, shall apply to the department for coverage under a general permit, unless the person applies for an individual permit under sub. (5). In the application, the person shall provide the information required by the department by rule.

SECTION 2578qf. 281.346 (4s) (d) 1m. of the statutes is created to read:

281.346 **(4s)** (d) 1m. A person who makes a withdrawal from the Great Lakes basin that, before December 8, 2011, averages at least 100,000 gallons per day in any 30−day period, but does not equal 1,000,000 gallons per day for any 30 consecutive days and who is not entitled to automatic issuance of notice of coverage under par. (c) shall apply to the department for coverage under a general permit, unless the person applies for an individual permit under sub. (5). In the application, the person shall provide the information required by the department by rule.

SECTION 2578qh. 281.346 (4s) (d) 3m. of the statutes is amended to read:

281.346 **(4s)** (d) 3m. a. The department may not approve an application under subd. 1. or 1m. for a withdrawal for the purpose of providing water to a public water supply system that serves a population of more than 10,000 unless the withdrawal is covered by an

approved water supply service area plan under s. 281.348.

b. The department may not approve an application under subd. 1. or 1m. for a withdrawal for the purpose of providing water to a public water supply system that is covered by an approved water supply service area plan under s. 281.348, unless the withdrawal is consistent with the water supply service area plan.

c. If the department approves an application under subd. 1. or 1m. for a withdrawal for the purpose of providing water to a public water supply system that is covered by an approved water supply service area plan under s. 281.348, the department shall issue a notice of coverage. In the notice of coverage the department shall specify a withdrawal amount that is equal to the withdrawal amount in the water supply service area plan.

SECTION 2578qj. 281.346 (4s) (i) of the statutes is amended to read:

281.346 **(4s)** (i) *Database.* The department shall maintain a database of the withdrawal amounts for all withdrawals that are covered under general permits issued under this subsection ~~and s. 281.344 (4s)~~. Until December 8, 2021, the department shall include in the database the baselines for all withdrawals that are covered under general permits issued under this subsection.

SECTION 2578qL. 281.346 (5) (a) of the statutes is amended to read:

281.346 **(5)** (a) *Requirement.* ~~A~~ Beginning on December 8, 2011, a person may not make a withdrawal from the Great Lakes basin that equals at least 1,000,000 gallons per day for any 30 consecutive days unless the withdrawal is covered by an individual permit issued under this subsection ~~or s. 281.344 (5)~~. A person to whom the department has issued an individual permit shall comply with the individual permit.

SECTION 2578qn. 281.346 (5) (b) 1. of the statutes is amended to read:

281.346 **(5)** (b) 1. A withdrawal amount as determined under par. (d) 3., 3e., or 3m., (g) 3., 3e., or 3m., or (j) 3., 3e., or 3m., or sub. ~~(4e), or s. 281.344 (4e) or (5) (d) 3., 3e., or 3m. or (e) 3., 3e., or 3m~~ (4g).

SECTION 2578qp. 281.346 (5) (c) of the statutes is amended to read:

281.346 **(5)** (c) *Automatic issuance of individual permits for preexisting withdrawals ~~with interim approvals~~.* The department shall automatically issue an individual permit to a person who makes a withdrawal from the Great Lakes basin that is covered by an interim approval under s. 281.344 (5m)~~, if the withdrawal~~ and that equals at least 1,000,000 gallons per day for any 30 consecutive days, or who makes a withdrawal that is not covered by an interim approval, that equals at least 1,000,000 gallons per day for any 30 consecutive days, and that before December 8, 2008, averaged 100,000 gallons per day or more in any 30−day period. If necessary, the department may request additional information before issuing a permit under this paragraph. The department shall issue a permit under this paragraph no later than ~~one year after the compact's effective date~~ December 8, 2011. In the permit, the department shall specify a ~~withdrawal amount~~ baseline equal to the ~~withdrawal amount~~ baseline determined under sub. (4e) for the withdrawal and a withdrawal amount equal to the withdrawal amount determined under sub. (4g) for the withdrawal.

SECTION 2578qr. 281.346 (5) (cm) of the statutes is created to read:

281.346 **(5)** (cm) *Initial individual permit for existing withdrawals not entitled to automatic notice of coverage.* 1. A person who makes a withdrawal from the Great Lakes basin that, before December 8, 2011, equals at least 1,000,000 gallons per day for any 30 consecutive days and who is not entitled to automatic issuance of an individual permit under par. (c) shall apply to the department for an individual permit.

2. After receiving an application under subd. 1., the department shall, within the time limit established by the department by rule, determine whether to approve the application or notify the applicant of any additional information needed to determine whether to approve the application.

3. Except as provided in subd. 5., if the department approves an application under subd. 1. and the department has issued any approvals that are required for the withdrawal under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., the department shall issue an individual permit. In the permit, the department shall specify a withdrawal amount that is, except as provided in subd. 4., equal to the smallest of the following amounts:

a. The maximum hydraulic capacity of the most restrictive component of the water supply system used for the withdrawal for which the person has approval under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., or, if an approval under one of those provisions is not required for the most restrictive component of the water supply system, the maximum hydraulic capacity of the most restrictive component in the water supply system used for the withdrawal.

b. If an approval under s. 30.12, 30.18, 281.34, or 281.41 or s. 281.17, 2001 stats., specifies a maximum amount of water that may be withdrawn, that amount.

4. If water is withdrawn through more than one water supply system to serve a facility, the department shall determine the smallest amount under subd. 3. a. or b. for each of the water supply systems and shall specify a withdrawal amount that is equal to the sum of the amounts determined for each of the water supply systems.

5. If the department approves an application under subd. 1. for a withdrawal for the purpose of providing water to a public water supply system that is covered by an approved water supply service area plan under s. 281.348, the department shall specify a withdrawal

amount that is equal to the withdrawal amount in the water supply service area plan.

6. If the department disapproves an application under subd. 1., the department shall notify the applicant in writing of the reason for the disapproval.

SECTION 2578qt. 281.346 (5) (d) (title) and 1. of the statutes are amended to read:

281.346 **(5)** (d) (title) *Initial individual permit for withdrawal begun or increased after December 7, 2011.* 1. A person who proposes to begin a withdrawal from the Great Lakes basin after December 7, 2011, that will equal at least 1,000,000 gallons per day for any 30 consecutive days or to modify an existing withdrawal so that it will equal at least 1,000,000 gallons per day for any 30 consecutive days shall apply to the department for an individual permit.

SECTION 2578qv. 281.346 (5) (e) 1. and 2. of the statutes are amended to read:

281.346 **(5)** (e) 1. Except as provided in par. (dm), the department may not approve an application under par. (d) 1. for a new withdrawal that will equal at least 1,000,000 gallons per day for any 30 consecutive days, or for an existing withdrawal that is not covered by a general permit under sub. (4s) ~~or s. 281.344 (4s)~~ and that is proposed to be modified so that it will equal at least 1,000,000 gallons per day for any 30 consecutive days, but to which subd. 2. does not apply, unless the withdrawal meets the state decision−making standard under sub. (5m).

2. Except as provided in subd. 3. or par. (dm), the department may not approve an application under par. (d) 1. for a new withdrawal that will equal at least 10,000,000 gallons per day for any 30 consecutive days, or for an existing withdrawal that is not covered by a general permit under sub. (4s) ~~or s. 281.344 (4s)~~ and that is proposed to be modified so that it will equal at least 10,000,000 gallons per day for any 30 consecutive days, unless the withdrawal meets the compact decision−making standard under sub. (6).

SECTION 2578qx. 281.346 (5) (f) of the statutes is amended to read:

281.346 **(5)** (f) *Standards for approval of withdrawals covered by general permits.* 1. Except as provided in par. (dm), the department may not approve an application under par. (d) 1. for a withdrawal that is covered under a general permit under sub. (4s) ~~or s. 281.344 (4s)~~ if the applicant proposes to modify the withdrawal before December 8, 2021, so that it equals 1,000,000 or more gallons per day for any 30 consecutive days over the baseline or if the applicant proposes to modify the withdrawal after December 7, 2021, so that it equals 1,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the date that the department issued the current notice of coverage under the general permit ~~or as of the compact's effective date, whichever is later~~ and if subd. 2. does not apply, unless the withdrawal meets the state decision−making standard under sub. (5m).

2. Except as provided in subd. 3. or par. (dm), the department may not approve an application under par. (d) 1. for a withdrawal that is covered under a general permit under sub. (4s) ~~or s. 281.344 (4s)~~ if the applicant proposes to modify the withdrawal before December 8, 2021, so that it equals 10,000,000 or more gallons per day for any 30 consecutive days over the baseline or if the applicant proposes to modify the withdrawal after December 7, 2021, so that it equals 10,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the date that the department issued the current notice of coverage under the general permit ~~or as of the compact's effective date, whichever is later~~, unless the withdrawal meets the compact decision−making standard under sub. (6).

3. A person who submits an application under par. (d) 1., to which subd. 2. would otherwise apply, may choose to demonstrate, using procedures specified in rules promulgated by the department, the water loss that will result from the increase in the withdrawal over the baseline or over the withdrawal amount ~~as of the later of the dates~~, whichever is applicable under subd. 2. If the person demonstrates that the resulting increase in water loss would average less than 5,000,000 gallons per day in every 90−day period, the state decision−making standard under sub. (5m), rather than the compact decision−making standard under sub. (6), applies to the increase in the withdrawal.

SECTION 2578qz. 281.346 (5) (h) 1. of the statutes is amended to read:

281.346 **(5)** (h) 1. Except as provided in par. (gm), the department may not approve an application under par. (g) 1., if the person proposes to increase the amount of the withdrawal ~~so that it equals~~ before December 8, 2021, and after the increase the withdrawal would equal 1,000,000 or more gallons per day for any 30 consecutive days over the ~~withdrawal amount as of the beginning of the current permit term, the compact's effective date or the date that~~ baseline, or, if the department issued a modified permit for the withdrawal ~~if~~ and the modification was subject to the state decision−making standard under sub. (5m) or the compact decision−making standard under sub. (6), ~~whichever is latest,~~ the withdrawal would equal 1,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the date that the department issued that modified permit and if subd. 2. does not apply, unless the increased withdrawal meets the state decision−making standard under sub. (5m).

SECTION 2578rb. 281.346 (5) (h) 1m. of the statutes is created to read:

281.346 **(5)** (h) 1m. Except as provided in par. (gm), the department may not approve an application under par.

(g) 1., if the person proposes to increase the amount of the withdrawal after December 7, 2021, and after the increase the withdrawal would equal 1,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the beginning of the current permit term or the date that the department issued a modified permit for the withdrawal if the modification was subject to the state decision−making standard under sub. (5m) or the compact decision−making standard under sub. (6), whichever is later, and if subd. 2m. does not apply, unless the increased withdrawal meets the state decision−making standard under sub. (5m).

SECTION 2578rd. 281.346 (5) (h) 2. of the statutes is amended to read:

281.346 **(5)** (h) 2. Except as provided in subd. 3. or par. (gm), the department may not approve an application under par. (g) 1., if the person proposes to increase the amount of the withdrawal ~~so that it equals~~ before December 8, 2021, and after the increase the withdrawal would equal at least 10,000,000 gallons per day for any 30 consecutive days over the ~~withdrawal amount as of the beginning of the current permit term, the compact's effective date~~ baseline, or ~~the date that~~, if the department issued a modified permit for the withdrawal ~~if~~ and the modification was subject to the compact decision−making standard under sub. (6), ~~whichever is latest,~~ over the withdrawal amount as of the date that the department issued that modified permit unless the withdrawal meets the compact decision−making standard under sub. (6).

SECTION 2578rf. 281.346 (5) (h) 2m. of the statutes is created to read:

281.346 **(5)** (h) 2m. Except as provided in subd. 3. or par. (gm), the department may not approve an application under par. (g) 1., if the person proposes to increase the amount of the withdrawal after December 7, 2021, and after the increase the withdrawal would equal at least 10,000,000 gallons per day for any 30 consecutive days over the withdrawal amount as of the beginning of the current permit term, or the date that the department issued a modified permit for the withdrawal if the modification was subject to the compact decision−making standard under sub. (6), whichever is later, unless the withdrawal meets the compact decision−making standard under sub. (6).

SECTION 2578rh. 281.346 (5) (h) 3. of the statutes is amended to read:

281.346 **(5)** (h) 3. A person who submits an application under par. (g) 1., to which subd. 2. or 2m. would otherwise apply, may choose to demonstrate, using procedures specified in rules promulgated by the department, the water loss that will result from the increase in the withdrawal over the baseline or over the applicable withdrawal amount ~~as of the latest of the dates~~, whichever applies under subd. 2. or 2m. If the person demonstrates that the resulting increase in water loss would average less than 5,000,000 gallons per day in every 90−day period, the state decision−making standard under sub. (5m), rather than the compact decision−making standard under sub. (6), applies to the increase in the withdrawal.

SECTION 2578rj. 281.346 (5) (k) of the statutes is amended to read:

281.346 **(5)** (k) *Standards for reissuance in certain cases.* 1. Except as provided in par. (jm), the department may not approve an application under par. (j) 1., if the person proposes in the application to increase the amount of the withdrawal so that it equals 1,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the beginning of the current permit term~~, the compact's effective date,~~ or the date that the department issued a modified permit for the withdrawal if the modification was subject to the state decision−making standard under sub. (5m) or the compact decision−making standard under sub. (6), whichever is ~~latest~~ later, and if subd. 2. does not apply, unless the increased withdrawal meets the state decision−making standard under sub. (5m).

2. Except as provided in subd. 3. or par. (jm), the department may not approve an application under par. (j) 1., if the person proposes in the application to increase the amount of the withdrawal so that it equals at least 10,000,000 gallons per day for any 30 consecutive days over the withdrawal amount as of the beginning of the current permit term~~, the compact's effective date,~~ or the date that the department issued a modified permit for the withdrawal if the modification was subject to the compact decision−making standard under sub. (6), whichever is ~~latest~~ later, unless the withdrawal meets the compact decision−making standard under sub. (6).

3. A person who submits an application under par. (j) 1., to which subd. 2. would otherwise apply, may choose to demonstrate, using procedures specified in rules promulgated by the department, the water loss that will result from the increase in the withdrawal over the withdrawal amount as of the ~~latest~~ later of the dates under subd. 2. If the person demonstrates that the resulting increase in water loss would average less than 5,000,000 gallons per day in every 90−day period, the state decision−making standard under sub. (5m), rather than the compact decision−making standard under sub. (6), applies to the increase in the withdrawal.

SECTION 2578rk. 281.346 (5) (p) of the statutes is amended to read:

281.346 **(5)** (p) *Suspension and revocation.* The department may suspend or revoke a permit issued under this subsection ~~or s. 281.344 (5)~~ for cause, including obtaining the permit by misrepresentation or failure to disclose material facts or substantially violating the terms of the permit.

SECTION 2578rm. 281.346 (5e) (a) 1. of the statutes is amended to read:

281.346 **(5e)** (a) 1. Beginning on ~~the compact's effective date~~ December 8, 2011, the department may not approve a water supply service area plan under s. 281.348 that provides for a new withdrawal from the Great Lakes basin of at least 1,000,000 gallons per day for any 30 consecutive days, or for modification of an existing withdrawal that is not covered by a general permit under sub. (4s) ~~or s. 281.344 (4s)~~ so that it will equal at least 1,000,000 gallons per day for any 30 consecutive days, but to which subd. 2. does not apply, unless the withdrawal meets the state decision−making standard under sub. (5m).

SECTION 2578rp. 281.346 (5e) (a) 2. of the statutes is amended to read:

281.346 **(5e)** (a) 2. Beginning on ~~the compact's effective date~~ December 8, 2011, except as provided in subd. 3., the department may not approve a water supply service area plan under s. 281.348 that provides for a new withdrawal from the Great Lakes basin of at least 10,000,000 gallons per day for any 30 consecutive days, or for modification of an existing withdrawal that is not covered by a general permit under sub. (4s) ~~or s. 281.344 (4s)~~ so that it will equal at least 10,000,000 gallons per day for any 30 consecutive days, unless the withdrawal meets the compact decision−making standard under sub. (6).

SECTION 2578rr. 281.346 (5e) (b) of the statutes is amended to read:

281.346 **(5e)** (b) *Increased withdrawals covered by general permits.* 1. Beginning on ~~the compact's effective date~~ December 8, 2011, the department may not approve a water supply service area plan under s. 281.348 that provides for modifying a withdrawal that is covered under a general permit under sub. (4s) ~~or s. 281.344 (4s)~~ before December 8, 2021, so that the withdrawal equals 1,000,000 or more gallons per day for any 30 consecutive days over the baseline or if the plan provides for modifying the withdrawal after December 7, 2021, so that it equals 1,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the date that the department issued the current notice of coverage under the general permit ~~or as of the compact's effective date, whichever is later,~~ and if subd. 2. does not apply, unless the withdrawal meets the state decision−making standard under sub. (5m).

2. Beginning on ~~the compact's effective date~~ December 8, 2011, except as provided in subd. 3., the department may not approve a water supply service area plan under s. 281.348 that provides for modifying a withdrawal that is covered under a general permit under sub. (4s) ~~or s. 281.344 (4s)~~ before December 8, 2021, so that the withdrawal equals 10,000,000 or more gallons per day for any 30 consecutive days over the baseline or if the plan provides for modifying the withdrawal after December 7, 2021, so that it equals 10,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the date that the department issued the current notice of coverage under the general permit ~~or as of the compact's effective date, whichever is later,~~ unless the withdrawal meets the compact decision−making standard under sub. (6).

3. A person who submits a water supply service area plan under s. 281.348, that provides for an increase in a withdrawal to which subd. 2. would otherwise apply, may choose to demonstrate, using procedures specified in rules promulgated by the department, the water loss that will result from the increase in the withdrawal over the baseline or over the withdrawal amount ~~as of the later of the dates,~~ whichever is applicable under subd. 2. If the person demonstrates that the resulting increase in water loss would average less than 5,000,000 gallons per day in every 90−day period, the state decision−making standard under sub. (5m), rather than the compact decision−making standard under sub. (6), applies to the increase in the withdrawal.

SECTION 2578rt. 281.346 (5e) (c) 1. of the statutes is amended to read:

281.346 **(5e)** (c) 1. Beginning on the ~~compact's effective date~~ December 8, 2011, the department may not approve a water supply service area plan under s. 281.348 that provides for increasing, before December 8, 2021, the amount of a withdrawal that is covered under an individual permit issued under sub. (5) ~~or s. 281.344 (5) so that it equals~~ if after the increase the withdrawal would equal 1,000,000 or more gallons per day for any 30 consecutive days over the ~~withdrawal amount as of the beginning of the current permit term, the compact's effective date, or the date that~~ baseline, or, if the department issued a modified permit for the withdrawal ~~if~~ and the modification was subject to the state decision−making standard under sub. (5m) or the compact decision−making standard under sub. (6), ~~whichever is latest,~~ the withdrawal would equal 1,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the date that the department issued that modified permit and if subd. 2. does not apply, unless the increased withdrawal meets the state decision−making standard under sub. (5m).

SECTION 2578rv. 281.346 (5e) (c) 1m. of the statutes is created to read:

281.346 **(5e)** (c) 1m. Beginning on the December 8, 2011, the department may not approve a water supply service area plan under s. 281.348 that provides for increasing, after December 7, 2021, the amount of a withdrawal that is covered under an individual permit issued under sub. (5) and after the increase the withdrawal would equal 1,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the beginning of the current permit term or the date that the department issued a modified permit for the withdrawal if the modification was subject to the state decision−making standard under sub. (5m) or the compact decision−making stan-

dard under sub. (6), whichever is later, and if subd. 2m. does not apply, unless the increased withdrawal meets the state decision−making standard under sub. (5m).

SECTION 2578rx. 281.346 (5e) (c) 2. of the statutes is amended to read:

281.346 **(5e)** (c) 2. Beginning on ~~the compact's effective date~~ December 8, 2011, except as provided in subd. 3., the department may not approve a water supply service area plan under s. 281.348 that provides for increasing, before December 8, 2021, the amount of a withdrawal that is covered under an individual permit issued under sub. (5) ~~or s. 281.344 (5) so that it equals~~ if after the increase the withdrawal would equal 10,000,000 or more gallons per day for any 30 consecutive days over the ~~withdrawal amount as of the beginning of the current permit term, the compact's effective date, or the date that~~ baseline, or, if the department issued a modified permit for the withdrawal ~~if~~ and the modification was subject to the compact decision−making standard under sub. (6), ~~whichever is latest,~~ the withdrawal would equal 10,000,000 gallons per day for any 30 consecutive days over the withdrawal amount as of the date that the department issued that modified permit, unless the increased withdrawal meets the compact decision−making standard under sub. (6).

SECTION 2578rz. 281.346 (5e) (c) 2m. of the statutes is created to read:

281.346 **(5e)** (c) 2m. Beginning on December 8, 2011, except as provided in subd. 3., the department may not approve a water supply service area plan under s. 281.348 that provides for increasing, after December 7, 2021, the amount of a withdrawal that is covered under an individual permit issued under sub. (5) and after the increase the withdrawal would equal 10,000,000 or more gallons per day for any 30 consecutive days over the withdrawal amount as of the beginning of the current permit term or the date that the department issued a modified permit for the withdrawal if the modification was subject to the compact decision−making standard under sub. (6), whichever is later, unless the increased withdrawal meets the compact decision−making standard under sub. (6).

SECTION 2578sb. 281.346 (5e) (c) 3. of the statutes is amended to read:

281.346 **(5e)** (c) 3. A person who submits a water supply service area plan under s. 281.348, that provides for an increase in a withdrawal to which subd. 2. or 2m. would otherwise apply, may choose to demonstrate, using procedures specified in rules promulgated by the department, the water loss that will result from the increase in the withdrawal over the baseline or over the withdrawal amount ~~as of the latest of the dates~~, whichever is applicable under subd. 2. or 2m. If the person demonstrates that the resulting increase in water loss would average less than 5,000,000 gallons per day in every 90−day period, the state decision−making standard under sub. (5m), rather than the compact decision−making standard under sub. (6), applies to the increase in the withdrawal.

SECTION 2578sd. 281.346 (8) (d) 1. of the statutes is amended to read:

281.346 **(8)** (d) 1. The amount and type of diversion, withdrawal, or consumptive use and whether the diversion, withdrawal, or consumptive use exists on ~~June 1, 2015, or the compact's effective date, whichever is earlier~~ December 8, 2008, is expanded, or is new.

SECTION 2579. 281.346 (12) of the statutes is created to read:

281.346 **(12)** FEES. (a) A person who has a water supply system with the capacity to make a withdrawal from the waters of the state averaging 100,000 gallons per day or more in any 30−day period shall pay to the department an annual fee of $125, except that the department may promulgate a rule specifying a different amount.

(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 and shall pay to the department an amount equal to any fees imposed on this state related to review of the proposed diversion by the Great Lakes council or the regional body.

SECTION 2579e. 281.348 (3) (d) 5. of the statutes is amended to read:

281.348 **(3)** (d) 5. Beginning on ~~the compact's effective date~~ December 8, 2011, if the plan covers a public water supply system that withdraws water from the Great Lakes basin, the plan complies with any applicable requirements in s. 281.346 (5e).

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% of market interest rate for projects for which the subsidy is allocated from the amount under s. 281.59 (3e) (b) for a biennium before the 2009−11 biennium and 60% of market interest rate for projects for which the subsidy is allocated from the amount under s. 281.59 (3e) (b) for the 2009−11 biennium or later.

SECTION 2581. 281.59 (3e) (b) 1. of the statutes is amended to read:

281.59 **(3e)** (b) 1. Equal to ~~$114,700,000~~ $134,900,000 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.

SECTION 2586. 281.59 (3s) (b) 2. of the statutes is amended to read:

281.59 **(3s)** (b) 2. Equal to $1,000 for any biennium after the ~~2007−09~~ 2009−11 biennium.

SECTION 2587. 281.59 (4) (f) of the statutes is amended to read:

281.59 **(4)** (f) Revenue obligations may be contracted by the building commission when it reasonably appears to the building commission that all obligations incurred under this subsection, and all payments under an agreement or ancillary arrangement entered into under s. 18.55 (6) with respect to revenue obligations issued under this subsection, can be fully paid on a timely basis from moneys received or anticipated to be received. Revenue obligations issued under this subsection for the clean water fund program shall not exceed ~~$1,984,100,000~~ $2,363,300,000 in principal amount, excluding obligations issued to refund outstanding revenue obligation notes.

SECTION 2588. 281.60 (8) (a) (intro.) and 1. of the statutes are consolidated, renumbered 281.60 (8) (a) and amended to read:

281.60 **(8)** (a) The department shall establish a funding list for each fiscal year that ranks projects of eligible applicants that submit approvable applications under sub. (5) in the same order that they appear on the priority list under sub. (6). If sufficient funds are not available to fund all approved applications for financial assistance, the department of administration shall allocate funding to projects that are approved under sub. (7) in the order that they appear on the funding list, except ~~as follows: 1. The~~ that the department of administration may not allocate more than 40% of the funds allocated in each fiscal year to projects to remedy contamination at landfills.

SECTION 2589. 281.60 (8) (a) 2. of the statutes is repealed.

SECTION 2607. 281.65 (4e) (a) of the statutes is amended to read:

281.65 **(4e)** (a) A governmental unit may request funding under this subsection for a project to implement best management practices for animal waste management at an animal feeding operation for which the department has issued a notice of discharge under ch. 283 or a notice of intent to issue a notice of discharge.

SECTION 2608. 281.65 (4e) (b) of the statutes is amended to read:

281.65 **(4e)** (b) The department may grant a request under par. (a) if it determines that providing funding under this subsection is necessary to protect ~~fish and aquatic life~~ the waters of the state.

SECTION 2609. 281.65 (4e) (bm) of the statutes is created to read:

281.65 **(4e)** (bm) The department may provide a cost−sharing grant under this subsection directly to a landowner, or to an operator of an animal feeding operation, for a project to implement best management practices for animal waste management at an animal feeding operation for which the department has issued a notice of discharge under ch. 283 or a notice of intent to issue a notice of discharge if the department determines that providing funding under this subsection is necessary to protect the waters of the state.

SECTION 2611. 281.65 (5) (b) of the statutes is amended to read:

281.65 **(5)** (b) Prepare sections of the priority watershed or priority lake plan relating to farm−specific implementation schedules, requirements under ~~ss. 92.104 and 92.105~~ s. 281.16 (3), animal waste management and selection of agriculturally related best management practices and submit those sections to the department for inclusion under sub. (4m) (b). The best management practices shall be cost−effective best management practices, as specified under sub. (4) (e), except in situations in which the use of a cost−effective best management practice will not contribute to water quality improvement or will cause a water body to continue to be impaired as identified to the federal environmental protection agency under 33 USC 1313 (d) (1) (A).

SECTION 2612. 281.65 (5) (d) of the statutes is amended to read:

281.65 **(5)** (d) Develop a grant disbursement and project management schedule for agriculturally related best management practices to be included in a plan established under sub. (4) (g) and identify recommendations for implementing activities or projects under ss. 92.10~~, 92.104 and 92.105~~ and 281.16 (3).

SECTION 2613. 281.65 (5) (e) of the statutes is amended to read:

281.65 **(5)** (e) Identify areas within a priority watershed or priority lake area that are subject to activities required under ~~ss. 92.104 and 92.105~~ s. 281.16 (3).

SECTION 2620. 281.65 (8) (f) of the statutes is amended to read:

281.65 **(8)** (f) A cost−sharing grant shall equal the percentage of the cost of implementing the best management practice that is determined by the department in providing a cost−sharing grant under sub. (4e) (a) or by the governmental unit submitting the application under sub. (4c) (a) or (4e) (a) and is approved by the board, ~~except as provided under pars. (gm) and (jm) and~~ except

that a cost−sharing grant may not exceed 70% of the cost of implementing the best management practice unless par. (gm) applies.

SECTION 2621. 281.65 (8) (gm) of the statutes is amended to read:

281.65 **(8)** (gm) The department in providing a cost−sharing grant under sub. (4e) (a) or a governmental unit submitting the application under sub. (4c) (a) or (4e) (a) ~~shall~~ may exceed the limit under par. (f) in ~~cases~~ case of economic hardship, as defined by the department by rule. In providing a grant for a project to achieve compliance with a performance standard or prohibition established under s. 281.16 (3) (a), the department shall provide cost−sharing of 70% of the cost of compliance or 70% to 90% of the cost of compliance in case of economic hardship.

SECTION 2622. 281.65 (8) (jm) of the statutes is repealed.

SECTION 2624. 281.68 (title) of the statutes is amended to read:

281.68 (title) **Lake management planning grants and lake monitoring contracts.**

SECTION 2625. 281.68 (2) (b) of the statutes is amended to read:

281.68 **(2)** (b) The total amount of lake monitoring contracts for each fiscal year may not exceed 10 percent of the total amount appropriated under s. 20.370 (6) (ar) and (as).

SECTION 2626. 281.68 (3) (bg) of the statutes is amended to read:

281.68 **(3)** (bg) The department shall promulgate rules for the administration of the lake monitoring contracts program, which shall specify the eligible activities and qualifications for participation in the statewide lake monitoring network. Eligible activities shall include providing technical assistance to public or private entities that apply for, or have received, a grant under s. 23.22 (2) (c).

SECTION 2627. 281.75 (4) (b) 3. of the statutes is amended to read:

281.75 **(4)** (b) 3. An authority created under subch. II of ch. 114 or ch. 52, 231, 233, 234, or 237.

SECTION 2628. 281.87 of the statutes is amended to read:

281.87 Great Lakes contaminated sediment removal. The department may expend funds from the appropriation under s. 20.866 (2) (ti) 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 ~~federal funds are provided for the project under 33 USC 1268 (c) (12)~~ the project is in an impaired water body that the department has identified under 33 USC 1313 (d) (1) (A) and the source of the impairment is contaminated sediment.

SECTION 2628t. 283.31 (8) of the statutes is created to read:

283.31 **(8)** (a) The holder of a permit under this section for a concentrated animal feeding operation shall annually pay to the department a fee of $345.

(b) Of each fee paid under par. (a), $95 shall be credited to the appropriation account under s. 20.370 (4) (mi).

(c) The department shall annually submit a report to the joint committee on finance and, under s. 13.172 (3), to the standing committees of the legislature with jurisdiction over agricultural and environmental matters describing the use of the moneys credited to the appropriation account under s. 20.370 (4) (mi) under par. (b).

SECTION 2629. 283.35 (1m) of the statutes is created to read:

283.35 **(1m)** BALLAST WATER DISCHARGES. (a) The department may issue a general permit authorizing a vessel that is 79 feet or greater in length to discharge ballast water into the waters of the state. A general permit issued under this subsection may contain effluent limitations.

(b) If the department issues a general permit under par. (a), the department shall charge the following fees:

1. An application fee of $1,200 to be paid by any person who applies for coverage under a general permit issued under this subsection.

2. An annual fee of $345 to be paid upon initial coverage under the permit and annually thereafter.

(c) Paragraph (b) does not apply after June 30, 2013.

(d) On or before June 30, 2013, the department shall promulgate rules establishing application fees and annual fees for coverage under a general permit issued under this subsection. The department shall establish fees that are based on the costs to the department of administering and enforcing this subsection. The department shall charge the fees established by rule under this paragraph beginning on July 1, 2013.

(e) Coverage under a general permit issued under this subsection is valid for a period of 5 years. The department may renew coverage under a general permit issued under this subsection upon application.

(f) The department shall credit the fees collected under this subsection to the appropriation account under s. 20.370 (4) (aj).

SECTION 2632. 285.59 (1) (b) of the statutes is amended to read:

285.59 **(1)** (b) "State agency" means any office, department, agency, institution of higher education, association, society or other body in state government created or authorized to be created by the constitution or any law which is entitled to expend moneys appropriated by law, including the legislature and the courts, the Wisconsin Housing and Economic Development Authority, the Bradley Center Sports and Entertainment Corporation, the University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational System Authority, the Wisconsin Aerospace Authority, the Wisconsin Qual-

ity Home Care Authority, and the Wisconsin Health and Educational Facilities Authority.

SECTION 2633. 285.66 (2) (c) of the statutes is created to read:

285.66 **(2)** (c) Notwithstanding par. (a), the department may specify a term of longer than 5 years for an operation permit or specify that an operation permit does not expire if all of the following apply:

1. The operation permit is for a stationary source for which an operation permit is required under s. 285.60 but not under the federal clean air act.

2. The operation permit is not a registration permit or a general permit.

SECTION 2634. 285.69 (1) (a) 3. of the statutes is repealed.

SECTION 2635. 285.69 (1g) of the statutes is repealed.

SECTION 2636. 285.69 (2) (title) of the statutes is amended to read:

285.69 **(2)** (title) FEES FOR PERSONS REQUIRED TO HAVE FEDERAL OPERATION PERMITS.

SECTION 2637. 285.69 (2) (a) (intro.) of the statutes is amended to read:

285.69 **(2)** (a) (intro.) The department shall promulgate rules for the payment and collection of fees by the owner or operator of a stationary source for which an operation permit is required under the federal clean air act. The rules shall provide all of the following:

SECTION 2638. 285.69 (2) (c) (intro.) of the statutes is amended to read:

285.69 **(2)** (c) (intro.) The fees collected under pars. (a) and (e) ~~from the owner or operator of a stationary source for which an operation permit is required under the federal clean air act~~ shall be credited to the appropriations under s. 20.370 (2) (bg), (3) (bg), (8) (mg) and (9) (mh) for the following:

SECTION 2639. 285.69 (2) (f) of the statutes is repealed.

SECTION 2640. 285.69 (2) (g) of the statutes is repealed.

SECTION 2641. 285.69 (2) (h) of the statutes is repealed.

SECTION 2642. 285.69 (2) (i) of the statutes is renumbered 285.69 (2m) (b), and 285.69 (2m) (b) (intro.), as renumbered, is amended to read:

285.69 **(2m)** (b) (intro.) The fees collected under this subsection ~~from the owner or operator of a stationary source for which an operation permit is required under s. 285.60 but not under the federal clean air act and under sub. (1g)~~ shall be credited to the appropriation account under s. 20.370 (2) (bh) for the following purposes as they relate to stationary sources for which an operation permit is required under s. 285.60 but not under the federal clean air act:

SECTION 2643. 285.69 (2m) of the statutes is created to read:

285.69 **(2m)** FEES FOR STATE PERMIT SOURCES. (a) The owner or operator of a stationary source for which an operation permit is required under s. 285.60 but not under the federal clean air act shall pay to the department a fee of $300 per year, except as provided in par. (b).

(b) An owner or operator to whom the department has issued an operation permit for one or more points of emission from an existing source in order to limit the source's potential to emit so that the existing source is not a major source shall pay to the department a fee of $4,100 per year if the operation permit includes federally enforceable conditions that allow the amount of emissions to be at least 80 percent of the amount that results in a stationary source being classified as a major source.

SECTION 2644. 285.69 (3) (a) of the statutes is amended to read:

285.69 **(3)** (a) The department may promulgate rules for the payment and collection of fees for inspecting nonresidential asbestos demolition and renovation projects regulated by the department. The fees under this subsection for an inspection plus the fee under sub. (1) (c) may not exceed ~~$400~~ $700 if the combined square and linear footage of friable asbestos−containing material involved in the project is less than 5,000. The fees under this subsection for an inspection plus the fee under sub. (1) (c) may not exceed ~~$750~~ $1,325 if the combined square and linear footage of friable asbestos−containing material involved in the project is 5,000 or more. The fees collected under this subsection shall be credited to the appropriation under s. 20.370 (2) (bi) for the direct and indirect costs of conducting inspections of nonresidential asbestos demolition and renovation projects regulated by the department and for inspecting property proposed to be used for a community fire safety training project.

SECTION 2645. 285.69 (3) (b) of the statutes is renumbered 285.69 (3) (b) (intro.) and amended to read:

285.69 **(3)** (b) (intro.) In addition to the fees under par. (a), the department may charge ~~the costs~~ all of the following:

1. The costs it incurs for laboratory testing for a nonresidential asbestos demolition and renovation project.

SECTION 2646. 285.69 (3) (b) 2. of the statutes is created to read:

285.69 **(3)** (b) 2. A fee in the amount of $100 for the department to inspect property proposed to be used for a community fire safety training project for which the department requires inspection.

SECTION 2647. 285.69 (3) (b) 3. of the statutes is created to read:

285.69 **(3)** (b) 3. A fee in the amount of $100 for the department to review a revised notice of an asbestos renovation or demolition activity, submitted by a person required by the department to provide such notice.

SECTION 2648. 285.69 (3) (b) 4. of the statutes is created to read:

285.69 **(3)** (b) 4. An amount equal to the inspection fee under par. (a) to inspect property for a project for which a notice of an asbestos renovation or demolition activity was not provided, as required by the department, before the project was initiated.

Vetoed In Part

SECTION 2649g. 289.01 (4m) of the statutes is created to read:

289.01 **(4m)** "Building waste" means solid waste resulting from the construction, demolition, or razing of buildings.

SECTION 2650g. 289.01 (5m) of the statutes is created to read:

289.01 **(5m)** "Construction landfill" means a solid waste disposal facility used for the disposal of only construction and demolition wastes.

SECTION 2651g. 289.01 (5r) of the statutes is created to read:

289.01 **(5r)** "Construction and demolition waste" means solid waste resulting from the construction, demolition, or razing of buildings, roads, and other structures.

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 2656k. 289.51 (3) of the statutes is created to read:

289.51 **(3)** The department may not require that ash resulting from the burning of a structure for practice or instruction of fire fighters or the testing of fire fighting equipment be disposed of in a landfill licensed under s. 289.31.

SECTION 2656h. 289.63 (1) of the statutes is amended to read:

Vetoed In Part

289.63 **(1)** IMPOSITION OF GROUNDWATER AND WELL COMPENSATION FEES ON GENERATORS. Except as provided under sub. (6), a generator of solid or hazardous waste shall pay separate groundwater and well compensation fees for each ton or equivalent volume of solid or hazardous waste which is disposed of at a licensed solid or hazardous waste disposal facility and for each ton or equivalent volume of building waste that is disposed of at a construction landfill. If a person arranges for collection or disposal services on behalf of one or more generators, that person shall pay the groundwater and well compensation fees to the licensed solid or hazardous waste disposal facility or to the construction landfill or to any intermediate hauler used to transfer wastes from collection points to a licensed facility or to a construction landfill. An intermediate hauler who receives groundwater and well compensation fees under this subsection shall pay the fees to the licensed solid or hazardous waste disposal facility or to the construction landfill. Tonnage or equivalent volume shall be calculated in the same manner as the calculation made for tonnage fees under s. 289.62 (1).

SECTION 2656i. 289.64 (1) of the statutes is amended to read:

289.64 **(1)** IMPOSITION OF SOLID WASTE FACILITY SITING BOARD FEE ON GENERATORS. Except as provided under sub. (4), a generator of solid waste or hazardous waste shall pay a solid waste facility siting board fee for each ton or equivalent volume of solid waste or hazardous waste that is disposed of at a licensed solid waste or hazardous waste disposal facility and for each ton or equivalent volume of building waste that is disposed of at a construction landfill. If a person arranges for collection or disposal services on behalf of one or more generators, that person shall pay the solid waste facility siting board fee to the licensed solid waste or hazardous waste disposal facility or to the construction landfill or to any intermediate hauler used to transfer wastes from collection points to a licensed facility or to a construction landfill. An intermediate hauler who receives the solid waste facility siting board fee under this subsection shall pay the fee to the licensed solid waste or hazardous waste disposal facility or to the construction landfill. Tonnage or equivalent volume shall be calculated in the same manner as the calculation made for tonnage fees under s. 289.62 (1).

SECTION 2656j. 289.64 (2) of the statutes is amended to read:

289.64 **(2)** COLLECTION. The owner or operator of a licensed solid waste or hazardous waste disposal facility or of a construction landfill shall collect the solid waste

Vetoed In Part

facility siting board fee from the generator, a person who arranges for disposal on behalf of one or more generators or an intermediate hauler and shall pay to the department the amount of the fee required to be collected according to the amount of solid waste or hazardous waste received and disposed of at the facility or at the construction landfill during the preceding reporting period.

SECTION 2656jm. 289.64 (5) of the statutes is amended to read:

289.64 **(5)** REPORTING PERIOD. The reporting period under this section is the same as the reporting period under s. 289.62 (1). The owner or operator of any licensed solid waste or hazardous waste disposal facility or of any construction landfill shall pay the solid waste facility siting board fee required to be collected under sub. (2) at the same time as any tonnage fees under s. 289.62 (1) are paid.

SECTION 2656k. 289.64 (7) (a) of the statutes is amended to read:

289.64 **(7)** (a) If a person required under sub. (1) to pay the solid waste facility siting board fee to a licensed solid waste or hazardous waste disposal facility or to a construction landfill fails to pay the fee, the owner or operator of the licensed solid waste or hazardous waste disposal facility or of the construction landfill shall submit to the department with the payment required under sub. (2) an affidavit stating facts sufficient to show the person's failure to comply with sub. (1).

SECTION 2656L. 289.645 (1) of the statutes is amended to read:

289.645 **(1)** IMPOSITION OF RECYCLING FEE ON GENERATORS. Except as provided under sub. (4), a generator of solid waste or hazardous waste shall pay a recycling fee for each ton or equivalent volume of solid waste or hazardous waste that is disposed of at a licensed solid waste or hazardous waste disposal facility and for each ton or equivalent volume of building waste that is disposed of at a construction landfill. If a person arranges for collection or disposal services on behalf of one or more generators, that person shall pay the recycling fee to the licensed solid waste or hazardous waste disposal facility or to the construction landfill or to any intermediate hauler used to transfer wastes from collection points to a licensed facility or to a construction landfill. An intermediate hauler who receives the recycling fee under this subsection shall pay the fee to the licensed solid waste or hazardous waste disposal facility or to the construction landfill. Tonnage or equivalent volume shall be calculated in the same manner as the calculation made for tonnage fees under s. 289.62 (1).

SECTION 2656m. 289.645 (2) of the statutes is amended to read:

289.645 **(2)** COLLECTION. The owner or operator of a licensed solid waste or hazardous waste disposal facility or of a construction landfill shall collect the recycling fee from the generator, a person who arranges for disposal on behalf of one or more generators or an intermediate hauler and shall pay to the department the amount of the fee required to be collected according to the amount of solid waste or hazardous waste received and disposed of at the facility or at the construction landfill during the preceding reporting period.

Vetoed In Part

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~~ $7 per ton for all solid waste other than high−volume industrial waste.

SECTION 2657b. 289.645 (5) (intro.) of the statutes is amended to read:

Vetoed In Part

289.645 **(5)** PAYMENT. (intro.) The owner or operator of any licensed solid or hazardous waste disposal facility or of any construction landfill shall pay the recycling fee required to be collected under sub. (2) as follows:

SECTION 2657d. 289.645 (7) (a) of the statutes is amended to read:

289.645 **(7)** (a) If a person required under sub. (1) to pay the recycling fee to a licensed solid waste or hazardous waste disposal facility or to a construction landfill fails to pay the fee, the owner or operator of the licensed solid waste or hazardous waste disposal facility or of the construction landfill shall submit to the department with the payment required under sub. (2) an affidavit stating facts sufficient to show the person's failure to comply with sub. (1).

SECTION 2657f. 289.67 (1) (a) of the statutes is amended to read:

289.67 **(1)** (a) *Imposition of fee.* Except as provided under par. (f), a generator of solid or hazardous waste shall pay an environmental repair fee for each ton or equivalent volume of solid or hazardous waste which is disposed of at a licensed solid or hazardous waste disposal facility and for each ton of building waste that is disposed of at a construction landfill. If a person arranges for collection or disposal services on behalf of one or more generators, that person shall pay the environmental repair fee to the licensed solid or hazardous waste disposal facility or to the construction landfill to any intermediate hauler used to transfer wastes from collection points to a licensed facility. An intermediate hauler who receives environmental repair fees under this paragraph shall pay the fees to the licensed solid or hazardous waste disposal facility. Tonnage or equivalent volume shall be calculated in the same manner as the calculation made for tonnage fees under s. 289.62 (1).

SECTION 2657h. 289.67 (1) (b) of the statutes is amended to read:

289.67 **(1)** (b) *Collection.* The owner or operator of a licensed solid or hazardous waste disposal facility or of a construction landfill shall collect the environmental repair fee from the generator, a person who arranges for disposal on behalf of one or more generators or an

Vetoed In Part

intermediate hauler and shall pay to the department the amount of the fees required to be collected according to the amount of solid or hazardous waste received and disposed of at the facility or at the construction landfill during the preceding reporting period.

Section 2657u. 289.67 (1) (cm) of the statutes is amended to read:

289.67 **(1)** (cm) *Amount of environmental repair fee.* Except as provided under ~~par.~~ pars. (cv) and (d), the environmental repair fee imposed under par. (a) is 20 cents per ton.

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.~~ pars. (cv) and (d), the environmental repair fee imposed under par. (a) is ~~50 cents~~ $1.60 per ton for solid or hazardous waste, other than high−volume industrial waste, disposed of before ~~November 1, 2007~~ July 1, 2009, and ~~$1.60~~ $5.70 per ton disposed of on or after ~~November 1, 2007~~ July 1, 2009.

Section 2658e. 289.67 (1) (cv) of the statutes is created to read:

289.67 **(1)** (cv) *Environmental repair fee for certain sediments.* The environmental repair fee imposed under par. (a) is $4.05 per ton for solid or hazardous waste disposed of on or after July 1, 2009, that consists of sediments that are contaminated with PCBs, as defined in s. 299.45 (1) (a), and that are removed from the bed of a navigable water of this state in connection with a phase of a project to remedy contamination of the bed of the navigable water if the quantity of the sediments removed, either in the phase or in combination with other planned phases of the project, will exceed 200,000 cubic yards and if removal of sediments under the project began before the effective date of this paragraph .... [LRB inserts date].

Vetoed In Part

Section 2658g. 289.67 (1) (g) of the statutes is amended to read:

289.67 **(1)** (g) *Reporting period.* The reporting period under this subsection is the same as the reporting period under s. 289.62 (1). The owner or operator of any licensed solid or hazardous waste disposal facility or of any construction landfill shall pay environmental repair fees required to be collected under par. (b) at the same time as any tonnage fees under s. 289.62 (1).

Section 2658m. 289.67 (1) (i) 1. of the statutes is amended to read:

289.67 **(1)** (i) 1. If a person required under par. (a) to pay an environmental repair fee to a licensed solid or hazardous waste disposal facility or to a construction landfill fails to pay the fee, the owner or operator of the licensed solid or hazardous waste disposal facility or of the construction landfill shall submit to the department with the payment required under par. (b) an affidavit stating facts sufficient to show the person's failure to comply with par. (a).

Vetoed In Part

Section 2659. 289.67 (2) (b) 1. of the statutes is amended to read:

289.67 **(2)** (b) 1. A generator of hazardous waste shall pay a base fee of ~~$210~~ $470, if the generator is a large quantity generator, or $350, if the generator is a small quantity generator if the generator has generated more than zero pounds in that particular year, plus $20 per ton of hazardous waste generated during the reporting year.

Section 2660. 289.67 (2) (b) 2. of the statutes is amended to read:

289.67 **(2)** (b) 2. No generator ~~may~~ is required to pay a fee that is greater than ~~$17,000~~ $17,500.

Section 2661. 289.67 (2) (c) (intro.) of the statutes is amended to read:

289.67 **(2)** (c) (intro.) No tonnage fees may be assessed under par. (a) for the following hazardous wastes:

Section 2662. 289.67 (2) (de) of the statutes is created to read:

289.67 **(2)** (de) The department shall promulgate a rule that defines "large quantity generator" and "small quantity generator" for the purposes of this subsection.

Section 2663. 292.11 (7) (b) of the statutes is renumbered 292.11 (7) (b) 1.

Section 2664. 292.11 (7) (b) 2. of the statutes is created to read:

292.11 **(7)** (b) 2. If the department authorizes reimbursement under subd. 1. to be paid over time, it shall require monthly payments of interest, at a rate determined by the department, on the unpaid balance of the reimbursement.

Section 2665. 292.31 (8) (e) of the statutes is created to read:

292.31 **(8)** (e) *Interest payment.* If the department authorizes an amount that the state is entitled to recover under this subsection to be paid over time, it shall require monthly payments of interest, at a rate determined by the department, on the unpaid balance of that amount.

Section 2665e. 292.68 (7) (b) of the statutes is amended to read:

292.68 **(7)** (b) The department may only approve reimbursement for costs incurred on or after the first day of the 24th month before the month in which the application is submitted, except that the department may approve reimbursement for costs incurred between May 1, 2007, and June 30, 2009, if the application is submitted before July 1, 2011.

Section 2665m. 299.15 (3) (am) 3. of the statutes is amended to read:

299.15 **(3)** (am) 3. After June 30, 1992, the fee under this paragraph shall be paid by each person required to obtain a permit under s. 283.31, other than a person who owns or operates a concentrated animal feeding opera-

tion. After June 30, 1992, the fee to be paid by a person under this paragraph shall be an amount determined under a rule promulgated by the department and shall be based on those pollutants included in the permit under s. 283.31 that are specified by the department by rule, the environmental harm caused by the pollutants discharged, the quantity of the pollutants discharged and the quality of the water receiving the discharge.

SECTION 2665r. 299.93 (1) of the statutes is renumbered 299.93 (1) (intro.) and amended to read:

299.93 **(1)** (intro.) If a court imposes a fine or forfeiture for a violation of a provision of this chapter or chs. 280 to 285 or 289 to 295 or a rule or order issued under this chapter or chs. 280 to 285 or 289 to 295, the court shall impose an environmental surcharge under ch. 814 equal to ~~10%~~ the following:

(a) If the violation was committed before the effective date of this paragraph .... [LRB inserts date], 10 percent of the amount of the fine or forfeiture.

SECTION 2665s. 299.93 (1) (b) of the statutes is created to read:

299.93 **(1)** (b) If the violation was committed on or after the effective date of this paragraph .... [LRB inserts date], 20 percent of the amount of the fine or forfeiture.

SECTION 2666. 301.03 (3) of the statutes is amended to read:

301.03 **(3)** Administer parole, extended supervision, and probation matters, except that the decision to grant or deny parole or to grant extended supervision under s. 304.06 (1) to inmates shall be made by the ~~parole~~ earned release review commission and the decision to revoke probation, extended supervision or parole in cases in which there is no waiver of the right to a hearing shall be made by the division of hearings and appeals in the department of administration. The secretary may grant special action parole releases under s. 304.02. The department may discharge inmates from extended supervision under s. 973.01 (4m) and may modify a bifurcated sentence under s. 302.113 (9h), and the earned release review commission may modify a sentence under s. 302.1135. The department shall promulgate rules establishing a drug testing program for probationers, parolees and persons placed on extended supervision. The rules shall provide for assessment of fees upon probationers, parolees and persons placed on extended supervision to partially offset the costs of the program.

SECTION 2666m. 301.03 (6t) of the statutes is amended to read:

301.03 **(6t)** On or before January 1 of each odd−numbered year, submit a report to the joint committee on finance and to the chief clerk of each house of the legislature on the use of overtime in the state correctional institutions, identifying the state correctional institution, and, for each correctional institution, the amount and costs of overtime ~~at each correctional institution,~~ and the reason for the overtime at ~~each~~ that correctional institution.

SECTION 2666r. 301.03 (21) of the statutes is created to read: **Vetoed In Part**

301.03 **(21)** Notify the director of the office of state employee relations whenever a unit supervisor position in the division of adult institutions becomes vacant.

SECTION 2667. 301.046 (4) (a) 1. of the statutes is amended to read:

301.046 **(4)** (a) 1. "Member of the family" means spouse, domestic partner under ch. 770, child, sibling, parent or legal guardian.

SECTION 2668. 301.048 (2) (am) 3. of the statutes is amended to read:

301.048 **(2)** (am) 3. The ~~parole~~ earned release review commission grants him or her parole under s. 304.06 and requires his or her participation in the program as a condition of parole under s. 304.06 (1x).

SECTION 2669. 301.048 (4m) (a) 1. of the statutes is amended to read:

301.048 **(4m)** (a) 1. "Member of the family" means spouse, domestic partner under ch. 770, child, sibling, parent or legal guardian.

SECTION 2669h. 301.068 of the statutes is created to read:

301.068 Community services to reduce recidivism. (1) The department shall establish community services that have the goals of increasing public safety, reducing the risk that offenders on community supervision will reoffend, and reducing by 25 percent between the fiscal years 2007−08 and 2010−11 the recidivism rate of persons who are on probation, parole, or extended supervision following a felony conviction. In establishing community services under this section, the department shall consider the capacity of existing services and any needs that are not met by existing services. **Vetoed In Part**

(2) The community services to reduce recidivism under sub. (1) shall include all of the following:

(a) Alcohol and other drug treatment, including residential treatment, outpatient treatment, and aftercare.

(b) Cognitive group intervention.

(c) Day reporting centers.

(d) Treatment and services that evidence has shown to be successful and to reduce recidivism.

(3) The department shall ensure that community services established under sub. (1) meet all of the following conditions:

(a) The community services target offenders at a medium or high risk for revocation or recidivism as determined by valid, reliable, and objective risk assessment instruments that the department has approved.

(b) The community services provide offenders with necessary supervision and services that improve their opportunity to complete their terms of probation, parole, or extended supervision. The community services may include employment training and placement, educational assistance, transportation, and housing. The community

services shall focus on mitigating offender attributes and factors that are likely to lead to criminal behavior.

(c) The community services use a system of intermediate sanctions on offenders for violations.

(d) The community services are based upon assessments of offenders using valid, reliable, and objective instruments that the department has approved.

(4) The department shall develop a system for monitoring offenders receiving community services under this section that evaluates how effective the services are in decreasing the rates of arrest, conviction, and imprisonment of the offenders receiving the services.

(5) The department shall provide to probation, extended supervision, and parole agents training and skill development in reducing offenders' risk of reoffending and intervention techniques and shall by rule set forth requirements for the training and skill development. The department shall develop policies to guide probation, extended supervision, and parole agents in the supervision and revocation of offenders on probation, extended supervision, and parole and develop practices regarding alternatives to revocation of probation, extended supervision, or parole.

(6) The department shall annually submit a report to the governor, the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3), and the director of state courts. The report shall set forth the scope of the community services established under sub. (1); the number of arrests of, convictions of, and prison sentences imposed on offenders receiving the community services under this section; and the progress toward the 25 percent recidivism reduction goal under sub. (1) and any adjustment that will be made to reach that goal . **Vetoed In Part**

SECTION 2669k. 301.095 of the statutes is created to read:

301.095 Council on offender reentry. The council on offender reentry shall do all of the following:

(1) Inform the public as to the time and place of council meetings and, for at least one meeting per year, encourage public participation and receive public input in a means determined by the chairperson.

(2) Coordinate reentry initiatives across the state and research federal grant opportunities to ensure initiatives comply with eligibility requirements for federal grants.

(3) Identify methods to improve collaboration and coordination of offender transition services, including training across agencies and sharing information that will improve the lives of the offenders and the families of offenders.

(4) Establish a means to share data, research, and measurement resources that relate to reentry initiatives.

(5) Identify funding opportunities that should be coordinated across agencies to maximize the use of state and community−based services as the services relate to reentry.

(6) Identify areas in which improved collaboration and coordination of activities and programs would increase effectiveness or efficiency of services.

(7) Promote research and program evaluation that can be coordinated across agencies with an emphasis on research and evaluation practices that are based on evidence of success in treatment and intervention programs.

(8) Identify and review existing reentry policies, programs, and procedures to ensure that each policy, program, and procedure is based on evidence of success in allowing an offender to reenter the community, improves the chances of successful offender reentry into the community, promotes public safety, and reduces recidivism.

(9) Promote collaboration and communication between the department and community organizations that work in offender reentry.

(10) Work to include victims in the reentry process; facilitate dialogue between a victim and an offender if the victim requests; and promote services for victims, including payments of any restitution and fines by the offenders, safety training, and support and counseling, while the offenders are incarcerated and after the offenders are released. **Vetoed In Part**

(11) Annually submit a report to the governor, any relevant state agencies, as identified by the council, and to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) that provides information on all of the following: **Vetoed In Part**

(a) The progress of the council's work. **Vetoed In Part**

(b) Any impact the council's work has had on recidivism.

(c) The effectiveness of agency coordination and communication.

(d) The implementation of a reentry strategic plan.

(e) Recommendations on legislative initiatives and policy initiatives that are consistent with the duties of the council.

SECTION 2670. 301.12 (14) (a) of the statutes is amended to read:

301.12 **(14)** (a) Except as provided in pars. (b) and (c), liability of a person specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under 17 years of age in residential, nonmedical facilities such as group homes, foster homes, ~~treatment foster homes,~~ residential care centers for children and youth, and juvenile correctional institutions is determined in accordance with the cost−based fee established under s. 301.03 (18). The department shall bill the liable person up to any amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other 3rd−party benefits, subject to rules ~~which~~ that include formulas governing ability to pay promulgated by the department under s. 301.03 (18). Any liability of the resident not payable by any other person terminates when the resident reaches age 17, unless the liable person has prevented payment by any act or omission.

SECTION 2671. 301.12 (14) (b) of the statutes is amended to read:

301.12 **(14)** (b) Except as provided in par. (c) and subject to par. (cm), liability of a parent specified in sub. (2) or s. 301.03 (18) for the care and maintenance of the parent's minor child who has been placed by a court order under s. 938.183, 938.355, or 938.357 in a residential, nonmedical facility such as a group home, foster home, ~~treatment foster home,~~ residential care center for children and youth, or juvenile correctional institution shall be determined by the court by using the percentage standard established by the department of children and families under s. 49.22 (9) and by applying the percentage standard in the manner established by the department under par. (g).

Vetoed In Part

SECTION 2671m. 301.185 of the statutes is created to read:

301.185 Pre−release transition facility. (1) The department shall designate the Felmers Chaney Correctional Center in the city of Milwaukee as a pre−release transition facility for inmates who are scheduled to be released to extended supervision or parole not less than 5 months nor more than 12 months prior to the date of the transfer.

(2) The department shall provide at the pre−release transition facility described in sub. (1) programs to assist inmates with reintegration to society and shall assist the inmates in obtaining birth certificates, state identification, social security cards, and driver's licenses, preparing for employment, acquiring transportation to employment sites, achieving a basic level of education, and gaining access to community resources.

SECTION 2672. 301.21 (1m) (c) of the statutes is amended to read:

301.21 **(1m)** (c) Any hearing to consider parole <u>or whether to grant extended supervision, if the inmate is sentenced under s. 973.01</u> to which an inmate confined under this contract may be entitled by the laws of Wisconsin will be conducted by the Wisconsin ~~parole~~ <u>earned release review</u> commission under rules of the department.

SECTION 2673. 301.21 (2m) (c) of the statutes is amended to read:

301.21 **(2m)** (c) Any hearing to consider parole <u>or whether to grant extended supervision, if the prisoner is sentenced under s. 973.01</u> to which a prisoner confined under a contract under this subsection may be entitled by the laws of Wisconsin shall be conducted by the Wisconsin ~~parole~~ <u>earned release review</u> commission under rules of the department.

SECTION 2674d. 301.26 (3) (c) of the statutes is amended to read:

301.26 **(3)** (c) Within the limits of the appropriations under s. 20.410 (3) (cd) ~~and~~, (ko)<u>, and (o)</u>, the department shall allocate funds to each county for services under this section.

SECTION 2675. 301.26 (4) (d) 2. of the statutes is amended to read:

301.26 **(4)** (d) 2. Beginning on July 1, ~~2007~~ <u>2009</u>, and ending on June 30, ~~2008~~ <u>2010</u>, the per person daily cost assessment to counties shall be ~~$259~~ <u>$270</u> for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~$259~~ <u>$270</u> for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), ~~$277~~ <u>$298</u> for care in a residential care center for children and youth, ~~$165~~ <u>$190</u> for care in a group home for children, ~~$67~~ <u>$72</u> for care in a foster home, ~~$132~~ <u>$124</u> for care in a treatment foster home, ~~$99~~ <u>$101</u> for departmental corrective sanctions services, and ~~$35~~ <u>$40</u> for departmental aftercare services.

SECTION 2676. 301.26 (4) (d) 2. of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

301.26 **(4)** (d) 2. Beginning on ~~July 1, 2009~~ <u>January 1, 2010</u>, and ending on June 30, 2010, the per person daily cost assessment to counties shall be $270 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), $270 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), $298 for care in a residential care center for children and youth, $190 for care in a group home for children, $72 for care in a foster home, $124 for care in a treatment foster home <u>under rules promulgated under s. 48.62 (8) (c)</u>, $101 for departmental corrective sanctions services, and $40 for departmental aftercare services.

SECTION 2677. 301.26 (4) (d) 3. of the statutes is amended to read:

301.26 **(4)** (d) 3. Beginning on July 1, ~~2008~~ <u>2010</u>, and ending on June 30, ~~2009~~ <u>2011</u>, the per person daily cost assessment to counties shall be ~~$268~~ <u>$275</u> for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~$268~~ <u>$275</u> for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), ~~$296~~ <u>$313</u> for care in a residential care center for children and youth, ~~$172~~ <u>$200</u> for care in a group home for children, ~~$74~~ <u>$75</u> for care in a foster home, ~~$145~~ <u>$130</u> for care in a treatment foster home, ~~$101~~ <u>$103</u> for departmental corrective sanctions services, and ~~$37~~ <u>$41</u> for departmental aftercare services.

SECTION 2678. 301.26 (4) (d) 3. of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

301.26 **(4)** (d) 3. Beginning on July 1, 2010, and ending on June 30, 2011, the per person daily cost assessment to counties shall be $275 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), $275 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), $313 for care in a residential care center for children and youth, $200 for care in a group home for children, $75 for care in a foster home, $130 for care in a treatment foster home <u>under rules promulgated under s. 48.62 (8) (c)</u>, $103 for departmental

corrective sanctions services, and $41 for departmental aftercare services.

SECTION 2679. 301.26 (4) (e) of the statutes is amended to read:

301.26 **(4)** (e) For foster care, ~~treatment foster care,~~ group home care, and institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 all payments and deductions made under this subsection and uniform fee collections under s. 301.03 (18) shall be credited to the appropriation account under s. 20.410 (3) (ho).

SECTION 2680. 301.26 (4) (ed) of the statutes is amended to read:

301.26 **(4)** (ed) For foster care, ~~treatment foster care,~~ group home care, and institutional child care to serious juvenile offenders under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52 all uniform fee collections under s. 301.03 (18) shall be credited to the appropriation account under s. 20.410 (3) (ho).

SECTION 2681d. 301.26 (6) (a) of the statutes is amended to read:

301.26 **(6)** (a) The intent of this subsection is to develop criteria to assist the legislature in allocating funding, excluding funding for base allocations, from the appropriations under s. 20.410 (3) (cd) ~~and~~, (ko), and (o) for purposes described in this section.

SECTION 2682d. 301.26 (7) (intro.) of the statutes is amended to read:

301.26 **(7)** ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability of federal funds and of the appropriations under s. 20.410 (3) (cd) ~~and~~, (ko), and (o), 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 2683d. 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~~ $50,395,100 for the last 6 months of ~~2007, $99,790,200 for 2008,~~ 2009, $100,790,200 for 2010, and $50,395,100 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 specified in par. (b) 1. to 3. weighted equally, except that no county may receive an allocation under this paragraph that is less than 93% nor more than 115% of the amount that the county would have received under this paragraph if the allocation had been distributed only on the basis of the factor specified in par. (b) 3.

SECTION 2687. 301.26 (7) (e) of the statutes is amended to read:

301.26 **(7)** (e) For emergencies related to community youth and family aids under this section, amounts not to exceed $125,000 for the last 6 months of ~~2007~~ 2009, $250,000 for ~~2008~~ 2010, and $125,000 for the first 6 months of ~~2009~~ 2011. A county is eligible for payments under this paragraph only if it has a population of not more than 45,000.

SECTION 2688. 301.26 (7) (h) of the statutes is amended to read:

301.26 **(7)** (h) For counties that are participating in the corrective sanctions program under s. 938.533 (2), $1,062,400 in the last 6 months of ~~2007~~ 2009, $2,124,800 in ~~2008~~ 2010, and $1,062,400 in the first 6 months of ~~2009~~ 2011 for the provision of corrective sanctions services for juveniles from that county. In distributing funds to counties under this paragraph, the department shall determine a county's distribution by dividing the amount allocated under this paragraph by the number of slots authorized for the program under s. 938.533 (2) and multiplying the quotient by the number of slots allocated to that county by agreement between the department and the county. The department may transfer funds among counties as necessary to distribute funds based on the number of slots allocated to each county.

SECTION 2689. 301.26 (8) of the statutes is amended to read:

301.26 **(8)** ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the allocations specified in sub. (7) (a), the department shall allocate $666,700 in the last 6 months of ~~2007~~ 2009, $1,333,400 in ~~2008~~ 2010, and $666,700 in the first 6 months of ~~2009~~ 2011 for alcohol and other drug abuse treatment programs.

SECTION 2690. 301.38 (1) (a) of the statutes is amended to read:

301.38 **(1)** (a) "Member of the family" means spouse, domestic partner under ch. 770, child, sibling, parent or legal guardian.

SECTION 2691. 301.46 (3) (a) 1. of the statutes is amended to read:

301.46 **(3)** (a) 1. "Member of the family" means spouse, domestic partner under ch. 770, child, parent, sibling or legal guardian.

SECTION 2692. 301.46 (4) (a) 6. of the statutes is amended to read:

301.46 **(4)** (a) 6. A foster home ~~or treatment foster home~~ licensed under s. 48.62.

SECTION 2693. 301.48 (1) (d) of the statutes is amended to read:

301.48 **(1)** (d) "Lifetime tracking" means global positioning system tracking that is required for a person for the remainder of the person's life ~~or until terminated under sub. (2m), sub. (6), if applicable, or sub. (7) or (7m)~~. "Lifetime tracking" does not include global positioning system tracking under sub. (2) (d), regardless of how long it is required.

SECTION 2694. 301.48 (2) (a) (intro.) of the statutes is amended to read:

301.48 **(2)** (a) (intro.) Except as provided in ~~sub.~~ subs. (2m), (6), (7), and (7m), the department shall maintain lifetime tracking of a person if any of the following occurs with respect to the person on or after January 1, 2008:

SECTION 2695. 301.48 (2) (b) (intro.) of the statutes is amended to read:

301.48 **(2)** (b) (intro.) ~~The~~ Except as provided in subs. (7) and (7m), the department shall maintain lifetime tracking of a person if any of the following occurs with respect to the person on or after January 1, 2008:

SECTION 2696. 301.48 (2) (d) of the statutes is amended to read:

301.48 **(2)** (d) If, on or after January 1, 2008, a person is being placed on probation, extended supervision, parole, or lifetime supervision for committing a sex offense and par. (a) or (b) does not apply, the department may have the person tracked using a global positioning system tracking device, or passive positioning system tracking, as a condition of the person's probation, extended supervision, parole, or lifetime supervision.

SECTION 2699. 301.48 (7m) of the statutes is amended to read:

301.48 **(7m)** TERMINATION IF PERSON MOVES OUT OF STATE. ~~Notwithstanding sub. (2), if~~ If a person who is subject to being tracked under this section moves out of state, the department shall terminate the person's tracking. If the person returns to the state, the department shall reinstate the person's tracking except as provided under sub. (6) or (7).

SECTION 2699m. 302.042 of the statutes is created to read:

302.042 Risk reduction program. (1) The department shall provide risk reduction programming and treatment for inmates sentenced to a risk reduction sentence under s. 973.031.

(2) For each inmate sentenced to a risk reduction sentence under s. 973.031, the department shall:

(a) Conduct a validated and objective assessment of the inmate's criminogenic factors and risk of reoffending.

(b) Develop a program plan for the inmate that is designed to reduce the risk and address the factors identified pursuant to par. (a).

(3) The department may modify an inmate's program plan if programming or treatment specified in a plan is unavailable to the inmate because of the inmate's security classification, the department discontinues the programming or treatment, or there is a waiting list for the programming or treatment . **Vetoed In Part**

(4) The department shall release an inmate who is serving a risk reduction sentence to extended supervision when he or she serves not less than 75 percent of the term of confinement portion of his or her sentence imposed under s. 973.01 and the department determines that he or she has completed the programming or treatment under his or her plan and that the inmate maintained a good conduct record during his or her term of confinement. Not less than 30 days prior to release under this subsection, the department shall notify the sentencing court that the inmate has thus far successfully completed the requirements of his or her risk reduction sentence.

SECTION 2700. 302.045 (1) of the statutes is amended to read:

302.045 **(1)** PROGRAM. The department shall provide a challenge incarceration program for inmates selected to participate under sub. (2). The program shall provide participants with manual labor, ~~personal development counseling, substance abuse treatment and education,~~ military drill and ceremony, ~~counseling,~~ and strenuous physical exercise, for participants who have not attained the age of 30 as of the date on which they begin participating in the program, or age−appropriate strenuous physical exercise, for all other participants, in preparation for release on parole or extended supervision. The program shall provide, according to each participant's needs as assessed under sub. (2) (d), substance abuse treatment and education, including intensive intervention when indicated, personal development counseling, education, employment readiness training, and other treatment options that are directly related to the participant's criminal behavior. The department shall design the program to include not less than 50 participants at a time and so that a participant may complete the program in not more than 180 days. The department may restrict participant privileges as necessary to maintain discipline.

SECTION 2701. 302.045 (2) (d) of the statutes is repealed and recreated to read:

302.045 **(2)** (d) The department determines, using evidence−based assessment instruments, that one of the following applies:

1. The inmate has a substance abuse treatment need that requires an intensive level of treatment.

2. The inmate has a substance abuse treatment need that does not require an intensive level of treatment but does require education or outpatient services, and the inmate's substance use is not a key factor in his or her criminal behavior.

3. The inmate has one or more treatment needs not related to substance use that is directly related to his or her criminal behavior.

SECTION 2702. 302.045 (3) of the statutes is amended to read:

302.045 **(3)** PAROLE ELIGIBILITY. Except as provided in sub. (4), if the department determines that an inmate serving a sentence other than one imposed under s. 973.01 has successfully completed the challenge incarceration program, the ~~parole~~ earned release review commission shall parole the inmate for that sentence under s. 304.06, regardless of the time the inmate has served. When the ~~parole~~ earned release review commission grants parole under this subsection, it must require the parolee to participate in an intensive supervision program ~~for drug abusers~~ appropriate to the parolee's rehabilitation needs as a condition of parole.

SECTION 2702m. 302.045 (3m) (d) of the statutes is created to read:

302.045 **(3m)** (d) Upon receiving a court order modifying an inmate's bifurcated sentence, the department shall release the inmate within 6 working days, as defined in s. 227.01 (14) and as computed in s. 990.001 (4).

SECTION 2703. 302.05 (title) of the statutes is amended to read:

302.05 (title) **Wisconsin ~~substance abuse~~ earned release program.**

SECTION 2704. 302.05 (1) (am) (intro.) of the statutes is renumbered 302.05 (1) and amended to read:

302.05 **(1)** The department of corrections ~~and the department of health services may designate a section of a mental health institute as a correctional treatment facility for the treatment of substance abuse of inmates transferred from Wisconsin state prisons. This section shall be administered by the department of corrections and shall be known as the Wisconsin substance abuse program. The department of corrections and the department of health services shall ensure that the residents at the institution and the residents in the substance abuse program:~~ shall, at any correctional facility the department determines is appropriate, provide a rehabilitation program for inmates for the purposes of the earned release program described in sub. (3).

SECTION 2705. 302.05 (1) (am) 1. of the statutes is repealed.

SECTION 2706. 302.05 (1) (am) 2. of the statutes is repealed.

SECTION 2707. 302.05 (1) (c) of the statutes is repealed.

SECTION 2708. 302.05 (2) of the statutes is amended to read:

302.05 **(2)** Transfer to a correctional ~~treatment~~ facility for ~~the treatment of substance abuse~~ participation in a program described in sub. (1) shall be considered a transfer under s. 302.18.

SECTION 2709. 302.05 (3) (b) of the statutes is amended to read:

302.05 **(3)** (b) Except as provided in par. (d), if the department determines that an eligible inmate serving a sentence other than one imposed under s. 973.01 has successfully completed a ~~treatment~~ rehabilitation program described in sub. (1), the ~~parole~~ earned release review commission shall parole the inmate for that sentence under s. 304.06, regardless of the time the inmate has served. If the ~~parole~~ earned release review commission grants parole under this paragraph, it shall require the parolee to participate in an intensive supervision program ~~for drug abusers~~ appropriate to the parolee's rehabilitation needs as a condition of parole.

SECTION 2710. 302.05 (3) (c) 1. of the statutes is amended to read:

302.05 **(3)** (c) 1. Except as provided in par. (d), if the department determines that an eligible inmate serving the term of confinement in prison portion of a bifurcated sentence imposed under s. 973.01 has successfully completed a ~~treatment~~ rehabilitation program described in sub. (1), the department shall inform the court that sentenced the inmate.

SECTION 2711. 302.05 (3) (c) 2. (intro.) of the statutes is amended to read:

302.05 **(3)** (c) 2. (intro.) Upon being informed by the department under subd. 1. that an inmate whom the court sentenced under s. 973.01 has successfully completed a ~~treatment~~ rehabilitation program described in sub. (1), the court shall modify the inmate's bifurcated sentence as follows:

SECTION 2711m. 302.05 (3) (c) 3. of the statutes is created to read:

302.05 **(3)** (c) 3. Upon receiving a court order modifying an inmate's bifurcated sentence, the department shall release the inmate within 6 working days, as defined in s. 227.01 (14) and as computed in s. 990.001 (4).

SECTION 2712. 302.05 (3) (d) of the statutes is amended to read:

302.05 **(3)** (d) The department may place intensive sanctions program participants in a ~~treatment~~ rehabilitation program described in sub. (1), but pars. (b) and (c) do not apply to those participants.

SECTION 2713. 302.105 (1) (a) of the statutes is amended to read:

302.105 **(1)** (a) "Member of the family" means spouse, domestic partner under ch. 770, child, sibling, parent or legal guardian.

SECTION 2714. 302.11 (1g) (b) (intro.) of the statutes is amended to read:

302.11 **(1g)** (b) (intro.) Before an incarcerated inmate with a presumptive mandatory release date reaches the presumptive mandatory release date specified under par. (am), the ~~parole~~ earned release review commission shall proceed under s. 304.06 (1) to consider whether to deny presumptive mandatory release to the inmate. If the ~~parole~~ earned release review commission does not deny presumptive mandatory release, the inmate shall be released on parole. The ~~parole~~ earned release review commission may deny presumptive mandatory release to an inmate only on one or more of the following grounds:

SECTION 2715. 302.11 (1g) (b) 2. of the statutes is amended to read:

302.11 **(1g)** (b) 2. Refusal by the inmate to participate in counseling or treatment that the social service and clinical staff of the institution determines is necessary for the inmate, including pharmacological treatment using an antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious child sex offender as defined in s. 304.06 (1q) (a). The ~~parole~~ earned release review commission may not deny presumptive mandatory release to an inmate because of the inmate's refusal to participate in a rehabilitation program under s. 301.047.

SECTION 2716. 302.11 (1g) (c) of the statutes is amended to read:

302.11 **(1g)** (c) If the ~~parole~~ earned release review commission denies presumptive mandatory release to an inmate under par. (b), the ~~parole~~ earned release review commission shall schedule regular reviews of the inmate's case to consider whether to parole the inmate under s. 304.06 (1).

SECTION 2717. 302.11 (1g) (d) of the statutes is amended to read:

302.11 **(1g)** (d) An inmate may seek review of a decision by the ~~parole~~ earned release review commission relating to the denial of presumptive mandatory release only by the common law writ of certiorari.

SECTION 2718. 302.11 (1m) of the statutes is amended to read:

302.11 **(1m)** An inmate serving a life term is not entitled to mandatory release. Except as provided in ss. 939.62 (2m) (c) and 973.014, the ~~parole~~ earned release review commission may parole the inmate as specified in s. 304.06 (1).

SECTION 2719. 302.11 (7) (c) of the statutes is amended to read:

302.11 **(7)** (c) The ~~parole~~ earned release review commission may subsequently parole, under s. 304.06 (1), and the department may subsequently parole, under s. 304.02, a parolee who is returned to prison for violation of a condition of parole.

SECTION 2720. 302.113 (1) of the statutes is amended to read:

302.113 **(1)** An inmate is subject to this section if he or she is serving a bifurcated sentence imposed under s. 973.01. An inmate convicted of a misdemeanor or of a Class F to Class I felony that is not a violent offense, as defined in s. 301.048 (2) (bm) 1., and who is eligible for positive adjustment time under sub. (2) (b) pursuant to s. 973.01 (3d) (b) may be released to extended supervision under sub. (2) (b) or (9h). An inmate convicted of a Class C to Class E felony or a Class F to Class I felony that is a violent offense, as defined in s. 301.048 (2) (bm) 1., or a Class F to Class I felony that is not a violent offense, as defined under s. 301.048 (2) (bm) 1., but who is ineligible for positive adjustment time under sub. (2) (b) pursuant to s. 973.01 (3d) (b) may be released to extended supervision only under sub. (2) (a) or (9h) or s. 304.06.

SECTION 2721. 302.113 (2) of the statutes is renumbered 302.113 (2) (a) and amended to read:

302.113 **(2)** (a) Except as provided in par. (b) and subs. (3) and (9) and s. 304.06, an inmate subject to this section is entitled to release to extended supervision after he or she has served the term of confinement in prison portion of the sentence imposed under s. 973.01, as modified by the department under sub. (9h), as modified under s. 302.1135 by the earned release review commission in the manner specified in s. 302.1135 (6) (a), or as modified by the sentencing court under ~~sub. (9g) or~~ s. 302.045 (3m) (b) 1., 302.05 (3) (c) 2. a., or 973.195 (1r), if applicable.

SECTION 2722. 302.113 (2) (b) of the statutes is created to read:

302.113 **(2)** (b) An inmate sentenced under s. 973.01 for a misdemeanor or for a Class F to Class I felony that is not a violent offense, as defined in s. 301.048 (2) (bm) 1., may earn one day of positive adjustment time for every 2 days served that he or she does not violate any regulation of the prison or does not refuse or neglect to perform required or assigned duties. An inmate convicted of a misdemeanor or a Class F to Class I felony that is not a violent offense, as defined in s. 301.048 (2) (bm) 1., shall be released to extended supervision when he or she has served the term of confinement in prison portion of his or her bifurcated sentence, as modified by the sentencing court under s. 302.045 (3m) (b) 1. or 302.05 (3) (c) 2. a., if applicable, less positive adjustment time he or she has earned. This paragraph does not apply to any of the following:

1d. A person sentenced on or after the effective date of this subdivision .... [LRB inserts date]. **Vetoed In Part**

1m. A person who is the subject of a bulletin issued under s. 301.46 (2m).

2. A person who has, in his or her lifetime, been convicted of or found not guilty by reason of mental disease or defect of a sex offense, as defined in s. 301.45 (1d) (b).

3. A person who has, in his or her lifetime, been found to have committed a sex offense in another jurisdiction, as defined in s. 301.45 (1d) (am).

4. A person who is required to register under s. 301.45.

5. A person who has, in his or her lifetime, been committed under ch. 975.

6. A violent offender, as defined in s. 16.964 (12) (a).

7. A person who is serving, begins to serve, or who has served during his or her current period of confinement, a sentence for a Class F to Class I felony that is a violent offense, as defined in s. 301.048 (2) (bm) 1.

8. A person who is serving, begins to serve, or who has served during his or her current period of confinement, a sentence for a Class C to Class E felony.

9. A person who is ineligible for positive adjustment time under this paragraph pursuant to s. 973.01 (3d) (b).

10. A person who is serving a sentence for an offense against an elderly or vulnerable person, as defined in s. 939.22 (20d).

11. A person who is serving a sentence for an offense related to ethical government, as defined in s. 939.22 (20m).

12. A person who is serving a sentence for an offense related to school safety, as defined in s. 939.22 (20s).

13. A person who is serving a sentence for a felony murder under s. 940.03.

14. A person who is serving a sentence for a violation of s. 940.11 (1).

15. A person who is serving a sentence for a violation of s. 940.235.

16. A person who is serving a sentence for a violation of s. 940.32 (3).

17. A person who is serving a sentence for a violation of s. 941.21.

18. A person who is serving a sentence for a violation of s. 946.465.

SECTION 2722L. 302.113 (2) (c) of the statutes is created to read:

302.113 **(2)** (c) 1. When an inmate is within 90 days of release to extended supervision under par. (b), the department shall notify the sentencing court that it intends to modify the inmate's sentence and release the inmate to extended supervision under par. (b), and the court may hold a review hearing. If the court does not schedule a review hearing within 30 days after notification under this subsection, the department may proceed under par. (b).

2. a. If the sentencing court opts to conduct a review, it shall hold the hearing and issue an order relating to the inmate's sentence modification and release to extended supervision within 60 days of its notification under subd. 1.

b. At the hearing, the court may consider the inmate's conduct in prison, his or her level of risk of reoffending, based on a verified, objective instrument, and the nature of the offense committed by the inmate. The court may accept the department's determination that the inmate has earned positive adjustment time under par. (b), reject the department's determination that the inmate has earned positive adjustment time under par. (b), or order the inmate to remain in prison for a period that does not exceed the time remaining on the inmate's term of confinement.

SECTION 2723. 302.113 (3) (d) of the statutes is amended to read:

302.113 **(3)** (d) If the term of confinement in prison portion of a bifurcated sentence <u>for a Class B felony</u> is increased under this subsection, the term of extended supervision is reduced so that the total length of the bifurcated sentence does not change.

SECTION 2724. 302.113 (3) (e) of the statutes is created to read:

302.113 **(3)** (e) If an inmate is released to extended supervision under sub. (2) (b) after he or she has served less than his or her entire confinement in prison portion of the sentence imposed under s. 973.01, the term of extended supervision is increased so that the total length of the bifurcated sentence does not change.

SECTION 2724h. 302.113 (3m) (a) and (b) of the statutes are created to read: **Vetoed In Part**

302.113 **(3m)** (a) The warden or superintendent shall keep a record of the conduct of each inmate who is returned to prison after revocation of extended supervision, specifying each infraction of the rules. If a person violates any regulation of the prison or refuses or neglects to participate in required programming or treatment, the department may extend the period imposed under sub. (9) by not more than 90 days.

(b) No extension under par. (a) may require a person to serve more days in prison than the total length of the bifurcated sentence imposed on the person under s. 973.01.

SECTION 2725. 302.113 (7) of the statutes is amended to read:

302.113 **(7)** Any inmate released to extended supervision under this section is subject to all conditions and rules of extended supervision until the expiration of the term of extended supervision portion of the bifurcated sentence <u>or until the department discharges the inmate under s. 973.01 (4m), whichever is appropriate</u>. The department may set conditions of extended supervision in addition to any conditions of extended supervision required under s. 302.116, if applicable, or set by the court under sub. (7m) or s. 973.01 (5) if the conditions set by the department do not conflict with the court's conditions.

SECTION 2726. 302.113 (9) (am) of the statutes is renumbered 302.113 (9) (am) 1. and amended to read: **Vetoed In Part**

302.113 **(9)** (am) 1. If a person released to extended supervision under this section <u>or under s. 302.1135</u> violates a condition of extended supervision, the

reviewing authority may revoke the extended supervision of the person. If the extended supervision of the person is revoked, the ~~person shall be returned to the circuit court for the county in which the person was convicted of the offense for which he or she was on extended supervision, and the court~~ reviewing authority shall order the person to be returned to prison for ~~any specified period of time that does not exceed~~, except as provided in subd. 2., 6 months or the time remaining on the bifurcated sentence~~. The~~, whichever is less.

Vetoed In Part

Vetoed In Part

3. For purposes of subds. 1. and 2., the time remaining on the bifurcated sentence is the total length of the bifurcated sentence, less time served by the person in confinement under the sentence before release to extended supervision under sub. (2) and less all time served in confinement for previous revocations of extended supervision under the sentence.

Vetoed In Part

4. The ~~court~~ order returning a person to prison under ~~this paragraph~~ subd. 1. shall provide the person whose extended supervision was revoked with credit in accordance with ss. 304.072 and 973.155.

Vetoed In Part

SECTION 2726h. 302.113 (9) (am) 2. of the statutes is created to read:

Vetoed In Part

302.113 **(9)** (am) 2. The reviewing authority shall order the person whose extended supervision is revoked to be returned to prison for a period the department determines is appropriate that is more than 6 months but that does not exceed the time remaining on the bifurcated sentence if any of the following applies:

a. The department determines that the person's conduct that was the violation of the condition of extended supervision leading to the revocation indicates that the person would be a substantial risk to public safety if the period were less than 6 months.

b. The person is a person specified in sub. (2) (b) 1. to 5.

SECTION 2726p. 302.113 (9) (am) 3m. of the statutes is created to read:

302.113 **(9)** (am) 3m. For purposes of subd. 2. a., the department shall promulgate rules defining "substantial risk to public safety."

SECTION 2727. 302.113 (9) (at) of the statutes is repealed.

SECTION 2728. 302.113 (9) (b) of the statutes is amended to read:

302.113 **(9)** (b) A person who is returned to prison after revocation of extended supervision shall be incarcerated for the entire period of time specified by the ~~court~~ order under par. (am). The period of time specified under par. (am) may be extended in accordance with sub. ~~(3)~~ (3m). If a person is returned to prison under par. (am) for a period of time that is less than the time remaining on the bifurcated sentence, the person shall be released to extended supervision after he or she has served the period of time specified by the ~~court~~ order under par. (am) and any periods of extension imposed in accordance with sub. ~~(3)~~ (3m).

Vetoed In Part

Vetoed In Part

SECTION 2729. 302.113 (9) (c) of the statutes is amended to read:

302.113 **(9)** (c) A person who is subsequently released to extended supervision after service of the period of time specified by the ~~court~~ order under par. (am) is subject to all conditions and rules under subs. (7) and, if applicable, (7m) until the expiration of the remaining extended supervision portion of the bifurcated sentence or until the department discharges the person under s. 973.01 (4m), whichever is appropriate. The remaining extended supervision portion of the bifurcated sentence is the total length of the bifurcated sentence, less the time served by the person in confinement under the bifurcated sentence before release to extended supervision under sub. (2) and less all time served in confinement for previous revocations of extended supervision under the bifurcated sentence.

SECTION 2729j. 302.113 (9g) (a) (intro.) of the statutes is renumbered 302.1135 (1) (intro.) and amended to read:

302.1135 **(1)** (intro.) In this ~~subsection~~ section:

SECTION 2729L. 302.113 (9g) (a) 1. of the statutes is repealed.

SECTION 2729p. 302.113 (9g) (a) 2. of the statutes is renumbered 302.1135 (1) (b) and amended to read:

302.1135 **(1)** (b) ~~"Terminal condition"~~ "Extraordinary health condition" means ~~an incurable~~ a condition afflicting a person, ~~caused by injury, disease, or illness, as a result of which the person has a medical prognosis that his or her life expectancy is 6 months or less, even with available life−sustaining treatment provided in accordance with the prevailing standard of medical care~~ such as advanced age, infirmity, or disability of the person or a need for medical treatment or services not available within a correctional institution.

SECTION 2729r. 302.113 (9g) (b) (intro.) of the statutes is renumbered 302.1135 (2) (intro.) and amended to read:

302.1135 **(2)** (intro.) An inmate who is serving a bifurcated sentence ~~for a crime other than a Class B felony~~ imposed under s. 973.01 or, notwithstanding s. 973.014 (1g) (a) or (2), an inmate who is serving a life sentence imposed under s. 973.014 may seek modification of the ~~bifurcated~~ sentence in the manner specified in ~~par. (f)~~ sub. (6) if he or she meets one of the following criteria:

SECTION 2729t. 302.113 (9g) (b) 1. of the statutes is renumbered 302.1135 (2) (a) and amended to read:

302.1135 **(2)** (a) The inmate is 65 years of age or older and has served at least 5 years of the term of confinement in prison portion of the bifurcated sentence for a sentence imposed under s. 973.01 or has served at least

5 years in prison for a life sentence imposed under s. 973.014.

SECTION 2729v. 302.113 (9g) (b) 2. of the statutes is renumbered 302.1135 (2) (b) and amended to read:

302.1135 **(2)** (b) The inmate is 60 years of age or older and has served at least 10 years of the term of confinement in prison portion of the bifurcated sentence for a sentence imposed under s. 973.01 or has served at least 10 years in prison for a life sentence imposed under s. 973.014.

SECTION 2729x. 302.113 (9g) (b) 3. of the statutes is renumbered 302.1135 (2) (c) and amended to read:

302.1135 **(2)** (c) The inmate has ~~a terminal~~ an extraordinary health condition.

SECTION 2729y. 302.113 (9g) (c) of the statutes is renumbered 302.1135 (3) and amended to read:

302.1135 **(3)** An inmate who meets the criteria under ~~par. (b)~~ sub. (2) may submit a petition to the ~~program review committee at the correctional institution in which the inmate is confined~~ commission requesting a modification of the inmate's ~~bifurcated~~ sentence in the manner specified in ~~par. (f)~~ sub. (6). If the inmate alleges in the petition that he or she has ~~a terminal~~ an extraordinary health condition, the inmate shall attach to the petition affidavits from 2 physicians setting forth a diagnosis that the inmate has ~~a terminal~~ an extraordinary health condition.

SECTION 2730. 302.113 (9g) (cm) of the statutes is repealed.

SECTION 2731. 302.113 (9g) (d) of the statutes is renumbered 302.1135 (4) and amended to read:

302.1135 **(4)** When ~~a court is notified by the department that it is referring to the court~~ the commission receives under sub. (3) an inmate's petition for modification of the inmate's ~~bifurcated~~ sentence, the ~~court~~ commission shall set a hearing to determine whether the public interest would be served by a modification of the inmate's ~~bifurcated~~ sentence in the manner specified in ~~par. (f)~~ sub. (6). The inmate and the district attorney have the right to be present at the hearing, and any victim of the inmate's crime has the right to be present at the hearing and to provide a statement concerning the modification of the inmate's ~~bifurcated~~ sentence. The ~~court~~ commission shall order such notice of the hearing date as it considers adequate to be given to ~~the department,~~ the inmate, the attorney representing the inmate, if applicable, and the district attorney. Victim notification shall be provided as specified under ~~par. (g)~~ sub. (7).

SECTION 2732. 302.113 (9g) (e) of the statutes is renumbered 302.1135 (5) and amended to read:

302.1135 **(5)** At a hearing scheduled under ~~par. (d)~~ sub. (4), the inmate has the burden of proving by the greater weight of the credible evidence that a modification of the ~~bifurcated~~ sentence in the manner specified in ~~par. (f)~~ sub. (6) would serve the public interest. If the inmate proves that a modification of the ~~bifurcated~~ sentence in the manner specified in ~~par. (f)~~ sub. (6) would serve the public interest, the ~~court~~ commission shall modify the inmate's ~~bifurcated~~ sentence in that manner. If the inmate does not prove that a modification of the ~~bifurcated~~ sentence in the manner specified in ~~par. (f)~~ sub. (6) would serve the public interest, the ~~court~~ commission shall deny the inmate's petition for modification of the ~~bifurcated~~ sentence.

SECTION 2733c. 302.113 (9g) (f) (intro.) of the statutes is renumbered 302.1135 (6) (intro.) and amended to read:

302.1135 **(6)** (intro.) ~~A court~~ The commission may modify an inmate's ~~bifurcated~~ sentence under this section only as follows:

SECTION 2733e. 302.113 (9g) (f) 1. and 2. of the statutes are renumbered 302.1135 (6) (a) 1. and 2. and amended to read:

302.1135 **(6)** (a) 1. ~~The court shall reduce~~ Reduce the term of confinement in prison portion of the inmate's bifurcated sentence in a manner that provides for the release of the inmate to extended supervision within 30 days after the date on which the ~~court issues its order modifying~~ commission modifies the bifurcated sentence.

2. ~~The court shall lengthen~~ Lengthen the term of extended supervision imposed so that the total length of the bifurcated sentence originally imposed does not change.

SECTION 2733h. 302.113 (9g) (g) 1. of the statutes is renumbered 302.1135 (7) (a) and amended to read:

302.1135 **(7)** (a) In this ~~paragraph~~ subsection, "victim" has the meaning given in s. 950.02 (4).

SECTION 2734b. 302.113 (9g) (g) 2. and 3. of the statutes are renumbered 302.1135 (7) (b) and (c) and amended to read:

302.1135 **(7)** (b) When ~~a court~~ the commission sets a hearing date under ~~par. (d)~~ sub. (4), the ~~clerk of the circuit court~~ commission shall send a notice of hearing to the victim of the crime committed by the inmate, if the victim has submitted a card under ~~subd. 3.~~ par. (c) requesting notification. The notice shall inform the victim that he or she may appear at the hearing scheduled under ~~par. (d)~~ sub. (4) and shall inform the victim of the manner in which he or she may provide a statement concerning the modification of the inmate's ~~bifurcated~~ sentence in the manner provided in ~~par. (f)~~ sub. (6). The ~~clerk of the circuit court~~ commission shall make a reasonable attempt to send the notice of hearing to the last−known address of the inmate's victim, postmarked at least 10 days before the date of the hearing.

(c) The ~~director of state courts~~ commission shall design and prepare cards for a victim to send to the ~~clerk of the circuit court for the county in which the inmate was convicted and sentenced~~ commission. The cards shall have space for a victim to provide his or her name and address, the name of the applicable inmate, and any other information that the ~~director of state courts~~ commission

determines is necessary. The ~~director of state courts~~ commission shall provide the cards, without charge, to ~~clerks of circuit court. Clerks of circuit court~~ district attorneys. District attorneys shall provide the cards, without charge, to victims. Victims may send completed cards to the ~~clerk of the circuit court for the county in which the inmate was convicted and sentenced~~ commission. All ~~court~~ commission records or portions of records that relate to mailing addresses of victims are not subject to inspection or copying under s. 19.35 (1). Before any written statement of a victim is made a part of the documentary record considered in connection with a hearing under this section, the commission shall obliterate from the statement all references to the mailing addresses of the victim. A victim who attends an interview or hearing under this section may not be required to disclose at the interview or hearing his or her mailing addresses.

SECTION 2736. 302.113 (9g) (h) of the statutes is renumbered 302.1135 (8) and amended to read:

302.1135 **(8)** An inmate may ~~appeal a court's decision to deny the inmate's petition for modification of his or her bifurcated sentence~~ seek review of a decision under sub. (5) to deny the inmate's petition for modification of the inmate's sentence only by the common law writ of certiorari. The state may appeal a ~~court's~~ decision under sub. (5) to grant an inmate's petition for a modification of the inmate's ~~bifurcated~~ sentence. In an appeal under this ~~paragraph~~ subsection, the ~~appellate~~ reviewing court may reverse a decision granting or denying a petition for modification of a ~~bifurcated~~ sentence only if it determines that the ~~sentencing court~~ commission erroneously exercised its discretion in granting or denying the petition.

SECTION 2737. 302.113 (9g) (i) of the statutes is renumbered 302.1135 (9) and amended to read:

302.1135 **(9)** If the ~~program review committee~~ commission denies an inmate's petition under ~~par. (cm)~~ sub. (5), the inmate may not file another petition within one year after the date of the ~~program review committee's~~ denial. ~~If the program review committee approves an inmate's petition for referral to the sentencing court under par. (cm) but the sentencing court denies the petition, the inmate may not file another petition under par. (cm) within one year after the date of the court's decision.~~

SECTION 2738. 302.113 (9g) (j) of the statutes is renumbered 302.1135 (10) and amended to read:

302.1135 **(10)** An inmate eligible to seek modification of his or her ~~bifurcated~~ sentence under this ~~subsection~~ section has a right to be represented by counsel in proceedings under this ~~subsection~~ section. An inmate, or the department on the inmate's behalf, may apply to the state public defender for determination of indigency and appointment of counsel under s. 977.05 (4) (jm) before or after the filing of a petition with the ~~program review committee~~ commission under ~~par. (c). If an inmate whose petition has been referred to the court under par. (cm) is without counsel, the court shall refer the matter to the state public defender for determination of indigency and appointment of counsel under s. 977.05 (4) (jm)~~ sub. (3).

SECTION 2739. 302.113 (9h) of the statutes is created to read:

302.113 **(9h)** (a) The department may release to extended supervision certain persons serving the confinement portion of a bifurcated sentence using the sentence modification procedure described in this subsection.

(b) The department shall promulgate rules for the determination of whether a bifurcated sentence should be modified under this subsection.

(c) A person who is serving the confinement portion of a bifurcated sentence is eligible for sentence modification under this subsection if all of the following conditions are met:

1. The person is serving the confinement portion of a bifurcated sentence for a misdemeanor or a Class F to Class I felony that is not a violent offense, as defined in s. 301.048 (2) (bm) 1.

2. The prison social worker or extended supervision agent of record has reason to believe that the person will be able to maintain himself or herself while not confined without engaging in assaultive activity.

3. The release to extended supervision date is not more than 12 months before the person's extended supervision eligibility date.

(d) If the conditions under pars. (b) and (c) are met, the department may modify, in the manner specified under par. (e), the sentence of any person by releasing him or her to extended supervision under this subsection, and, if the department releases the person to extended supervision, the department shall:

1. Notify the office of the court that participated in the trial or that accepted the person's plea of guilty or no contest, whichever is applicable.

2. Notify the office of the district attorney that participated in the trial of the person or that prepared for proceedings under s. 971.08 regarding the person's plea of guilty or no contest, whichever is applicable.

(e) The department may modify a person's bifurcated sentence under this subsection only as follows:

1. The department shall reduce the term of confinement in prison portion of the person's bifurcated sentence in a manner that provides for the release of the person to extended supervision within 30 days after the date on which the department modifies the bifurcated sentence.

2. The department shall lengthen the term of extended supervision imposed so that the total length of the bifurcated sentence originally imposed does not change.

(em) 1. When a person is within 90 days of release to extended supervision under par. (e), the department shall notify the sentencing court that it intends to modify the **Vetoed In Part**

Vetoed In Part

person's sentence and release the person to extended supervision under par. (e), and the court may hold a review hearing. If the court does not schedule a review hearing within 30 days after notification under this subsection, the department may proceed under par. (e).

2. a. If the sentencing court opts to conduct a review, it shall hold the hearing and issue an order relating to the person's sentence modification and release to extended supervision within 60 days of its notification under subd. 1.

b. At the hearing, the court may consider the person's conduct in prison, his or her level of risk of reoffending, based on a verified, objective instrument, and the nature of the offense committed by the person. The court may accept the department's modification of the person's sentence, reject the department's modification of the person's sentence, or order the person to remain in prison for a period that does not exceed the time remaining on the person's term of confinement.

(f) This subsection does not apply to any of the following:

1. A person who is the subject of a bulletin issued under s. 301.46 (2m).

2. A person who has, in his or her lifetime, been convicted of or found not guilty by reason of mental disease or defect of a sex offense, as defined in s. 301.45 (1d) (b).

3. A person who has, in his or her lifetime, been found to have committed a sex offense in another jurisdiction, as defined in s. 301.45 (1d) (am).

4. A person who is required to register under s. 301.45.

5. A person who has, in his or her lifetime, been committed under ch. 975.

SECTION 2739d. 302.1135 (title) of the statutes is created to read:

302.1135 (title) **Release to extended supervision for extraordinary health circumstances.**

SECTION 2739f. 302.1135 (1) (a) of the statutes is created to read:

302.1135 **(1)** (a) "Commission" means the earned release review commission under s. 15.145.

SECTION 2739h. 302.1135 (6) (a) (intro.) of the statutes is created to read:

302.1135 **(6)** (a) (intro.) If the inmate was sentenced to a bifurcated sentence under s. 973.01, the commission shall do all of the following:

SECTION 2739j. 302.1135 (6) (b) of the statutes is created to read:

302.1135 **(6)** (b) If the inmate was sentenced to life imprisonment under s. 973.014, notwithstanding s. 973.014 (1g) (a) or (2), the commission shall release the inmate to extended supervision within 30 days after the date on which the commission modifies the sentence and shall impose the term of extended supervision so that the total length of the sentence originally imposed does not change.

SECTION 2739p. 302.114 (9) (am) of the statutes is amended to read:

302.114 **(9)** (am) If a person released to extended supervision under this section <u>or under s. 302.1135</u> violates a condition of extended supervision, the reviewing authority may revoke the extended supervision of the person. If the extended supervision of the person is revoked, the person shall be returned to the circuit court for the county in which the person was convicted of the offense for which he or she was on extended supervision, and the court shall order the person to be returned to prison for a specified period of time before he or she is eligible for being released again to extended supervision. The period of time specified under this paragraph may not be less than 5 years and may be extended in accordance with sub. (3).

SECTION 2740. 302.114 (9) (c) of the statutes is amended to read:

302.114 **(9)** (c) A person who is subsequently released to extended supervision under par. (bm) is subject to all conditions and rules under sub. (8) until the expiration of the sentence <u>or until the department discharges the person under s. 973.01 (4m), whichever is appropriate</u>.

SECTION 2740b. 302.388 (1) (a) of the statutes is amended to read:

302.388 **(1)** (a) "Health care provider" has the meaning given in s. 146.81 (1) <u>(a) to (p)</u>.

SECTION 2740c. 302.425 (2) of the statutes is amended to read:

302.425 **(2)** SHERIFF'S OR SUPERINTENDENT'S GENERAL AUTHORITY. Subject to the limitations under sub. (3), a county sheriff or a superintendent of a house of correction may place in the home detention program any person confined in jail ~~who has been arrested for, charged with, convicted of or sentenced for a crime~~. The sheriff or superintendent may transfer any prisoner in the home detention program to the jail.

SECTION 2740g. 302.425 (3) of the statutes is amended to read:

302.425 **(3)** PLACEMENT OF A PRISONER IN THE PROGRAM. ~~If a prisoner described under sub. (2) and the department agree, the~~ <u>The</u> sheriff or superintendent may<u>, if he or she determines that the home detention program is appropriate for a prisoner,</u> place the prisoner in the home detention program and provide that the prisoner be detained at the prisoner's place of residence or other place designated by the sheriff or superintendent and be monitored by an active electronic monitoring system. The sheriff or superintendent shall establish reasonable terms of detention and ensure that the prisoner is provided a written statement of those terms, including a description of the detention monitoring procedures and requirements and of any applicable liability issues. The terms may include a requirement that the prisoner pay the county a daily fee to cover the county costs associated

with monitoring him or her. The county may obtain payment under this subsection or s. 302.372, but may not collect for the same expenses twice.

SECTION 2740n. 302.425 (7) of the statutes is renumbered 302.425 (7) (intro.) and amended to read:

302.425 **(7)** ~~COURT-ORDERED DETENTION~~ EXCEPTIONS. (intro.) This section does not apply to ~~persons sentenced under s. 973.04.~~:

SECTION 2740r. 302.425 (7) (a) of the statutes is created to read:

302.425 **(7)** (a) A person sentenced under s. 973.04.

SECTION 2740w. 302.425 (7) (b) of the statutes is created to read:

302.425 **(7)** (b) A person in jail pending the disposition of his or her parole, extended supervision, or probation revocation proceedings.

SECTION 2740y. 302.46 (1) (a) of the statutes is amended to read:

302.46 **(1)** (a) If a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a financial responsibility violation under s. 344.62 (2), or 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 of state laws or municipal or county ordinances involving nonmoving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use violations under s. 347.48 (2m), the court, in addition, shall impose a jail surcharge under ch. 814 in an amount of 1 percent of the fine or forfeiture imposed or $10, whichever is greater. If multiple offenses are involved, the court shall determine the jail surcharge on the basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part, the court shall reduce the jail surcharge in proportion to the suspension.

Vetoed In Part

SECTION 2741e. 303.065 (5) (dm) of the statutes is amended to read:

303.065 **(5)** (dm) Payment for legal representation under s. 977.07 ~~(2)~~ (2m), 977.075 or 977.076;

SECTION 2742. 304.01 (title) of the statutes is amended to read:

304.01 (title) **~~Parole~~ Earned release review commission and commission chairperson; general duties.**

SECTION 2743. 304.01 (1) of the statutes is amended to read:

304.01 **(1)** The chairperson of the ~~parole~~ earned release review commission shall administer and supervise the commission and its activities and shall be the final ~~parole granting~~ authority for granting parole or release to extended supervision, except as provided in s. 304.02.

SECTION 2744. 304.01 (2) (intro.) of the statutes is amended to read:

304.01 **(2)** (intro.) The ~~parole~~ earned release review commission shall conduct regularly scheduled interviews to consider the parole or release to extended supervision of eligible inmates of the adult correctional institutions under the control of the department of corrections, eligible inmates transferred under ch. 51 and under the control of the department of health services and eligible inmates in any county house of correction. The department of corrections shall provide all of the following to the ~~parole~~ earned release review commission:

SECTION 2745. 304.01 (2) (b) of the statutes is amended to read:

304.01 **(2)** (b) Scheduling assistance for ~~parole~~ interviews for prisoners who have applied for parole or release to extended supervision at the correctional institutions.

SECTION 2746. 304.01 (2) (c) of the statutes is amended to read:

304.01 **(2)** (c) Clerical support related to the ~~parole~~ interviews for prisoners who have applied for parole or release to extended supervision.

SECTION 2747. 304.01 (2) (d) of the statutes is amended to read:

304.01 **(2)** (d) Appropriate physical space at the correctional institutions to conduct the ~~parole~~ interviews for prisoners who have applied for parole or release to extended supervision.

SECTION 2748. 304.06 (title) of the statutes is amended to read:

304.06 (title) **~~Paroles~~ Release to parole or extended supervision from state prisons and house of correction.**

SECTION 2749. 304.06 (1) (a) 1. of the statutes is amended to read:

304.06 **(1)** (a) 1. "Member of the family" means spouse, domestic partner under ch. 770, child, sibling, parent or legal guardian.

SECTION 2750. 304.06 (1) (b) of the statutes is amended to read:

304.06 **(1)** (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s. 302.045 (3), 302.05 (3) (b), 973.01 (6), or 973.0135, the ~~parole~~ earned release review commission may parole an inmate of the Wisconsin state prisons or any felon or any person serving at least one year or more in a county house of correction or a county reforestation camp organized under s. 303.07, when he or she has served 25% of the sentence imposed for the offense, or 6 months, whichever is greater. Except as provided in s. 939.62 (2m) (c) or 973.014 (1) (b) or (c), (1g) or (2), the ~~parole~~ earned release review commission may parole an inmate serving a life term when he or she has served 20 years, as modified by the formula under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and (2), if applicable. The person serving the life term shall be given credit for time served prior to sentencing under s. 973.155, including good time under s. 973.155

(4). The secretary may grant special action parole releases under s. 304.02. The department or the ~~parole~~ earned release review commission shall not provide any convicted offender or other person sentenced to the department's custody any ~~parole~~ eligibility or evaluation for parole or release to extended supervision until the person has been confined at least 60 days following sentencing.

SECTION 2751. 304.06 (1) (bg) of the statutes is created to read:

304.06 **(1)** (bg) 1. A person sentenced under s. 973.01 for a Class F to Class I felony or a misdemeanor that is not a violent offense, as defined in s. 301.048 (2) (bm) 1., and who is ineligible for positive adjustment time under s. 302.113 (2) (b) pursuant to s. 973.01 (3d) (b) or for a Class F to Class I felony that is a violent offense, as defined in s. 301.048 (2) (bm) 1., may earn one day of positive adjustment time for every 3 days served that he or she does not violate any regulation of the prison or does not refuse or neglect to perform required or assigned duties. The person may petition the earned release review commission for release to extended supervision when he or she has served the term of confinement in prison portion of his or her bifurcated sentence, as modified by the sentencing court under s. 302.045 (3m) (b) 1. or 302.05 (3) (c) 2. a., less positive adjustment time he or she has earned. This subdivision does not apply to any of the following:

Vetoed In Part

ad. A person sentenced on or after the effective date of this subd. 1. ad. .... [LRB inserts date].

am. A person who is the subject of a bulletin issued under s. 301.46 (2m).

b. A person who has, in his or her lifetime, been convicted of or found not guilty by reason of mental disease or defect of a sex offense, as defined in s. 301.45 (1d) (b).

c. A person who has, in his or her lifetime, been found to have committed a sex offense in another jurisdiction, as defined in s. 301.45 (1d) (am).

d. A person who is required to register under s. 301.45.

e. A person who has, in his or her lifetime, been committed under ch. 975.

f. A person who is serving, begins to serve, or who has served during his or her current period of confinement, a sentence for a Class C to Class E felony.

g. A person who is serving a sentence for an offense against an elderly or vulnerable person, as defined in s. 939.22 (20d).

h. A person who is serving a sentence for an offense related to ethical government, as defined in s. 939.22 (20m).

i. A person who is serving a sentence for an offense related to school safety, as defined in s. 939.22 (20s).

j. A person who is serving a sentence for a felony murder under s. 940.03.

k. A person who is serving a sentence for a violation of s. 940.11 (1).

L. A person who is serving a sentence for a violation of s. 940.235.

m. A person who is serving a sentence for a violation of s. 940.32 (3).

n. A person who is serving a sentence for a violation of s. 941.21.

o. A person who is serving a sentence for a violation of s. 946.465.

2. A person sentenced under s. 973.01 for a Class C to Class E felony may earn one day of positive adjustment time for every 5.7 days served that he or she does not violate any regulation of the prison or does not refuse or neglect to perform required or assigned duties. An inmate convicted of a Class C to Class E felony may petition the earned release review commission for release to extended supervision when he or she has served the term of confinement in prison portion of his or her bifurcated sentence, as modified by the sentencing court under s. 302.045 (3m) (b) 1. or 302.05 (3) (c) 2. a., less positive adjustment time he or she has earned. This subdivision does not apply to any of the following:

Vetoed In Part

ad. A person sentenced on or after the effective date of this subd. 2. ad. .... [LRB inserts date].

am. A person who is the subject of a bulletin issued under s. 301.46 (2m).

b. A person who has, in his or her lifetime, been convicted of or found not guilty by reason of mental disease or defect of a sex offense, as defined in s. 301.45 (1d) (b).

c. A person who has, in his or her lifetime, been found to have committed a sex offense in another jurisdiction, as defined in s. 301.45 (1d) (am).

d. A person who is required to register under s. 301.45.

e. A person who has, in his or her lifetime, been committed under ch. 975.

f. A person who is serving a sentence for an offense against an elderly or vulnerable person, as defined in s. 939.22 (20d).

g. A person who is serving a sentence for an offense related to ethical government, as defined in s. 939.22 (20m).

h. A person who is serving a sentence related school safety, as defined in s. 939.22 (20s).

i. A person who is serving a sentence for a felony murder under s. 940.03.

j. A person who is serving a sentence for a violation of s. 940.06.

k. A person who is serving a sentence for a violation of s. 940.302.

L. A person who is serving a sentence for a violation of s. 940.31 (1).

m. A person who is serving a sentence for a violation of s. 948.03 (2) (a).

n. A person who is serving a sentence for a violation of s. 948.40 (4) (a).

3. A person sentenced under s. 973.01 for a misdemeanor or for a Class F to Class I felony committed prior to the effective date of this subdivision .... [LRB inserts date], and who has not petitioned a sentencing court for a sentence adjustment under s. 973.195 (1r) for any offense for which he or she is incarcerated may apply for release to extended supervision when he or she has served at least 75 percent of the term of confinement portion of his or her bifurcated sentence, as modified by the sentencing court under s. 302.045 (3m) (b) 1. or 302.05 (3) (c) 2. a. This subdivision does not apply to a person who is serving, begins to serve, or who has served during his or her current period of confinement, a sentence for a Class C to Class E felony.

4. A person sentenced under s. 973.01 for a Class C to Class E felony committed prior to the effective date of this subdivision .... [LRB inserts date], and who has not petitioned a sentencing court for a sentence adjustment under s. 973.195 (1r) for any offense for which he or she is incarcerated may apply for release to extended supervision when he or she has served at least 85 percent of the term of confinement portion of his or her bifurcated sentence, as modified by the sentencing court under s. 302.045 (3m) (b) 1. or 302.05 (3) (c) 2. a.

SECTION 2751m. 304.06 (1) (bk) of the statutes is created to read:

304.06 **(1)** (bk) 1. When an inmate is within 90 days of release to extended supervision under par. (bg), the earned release review committee shall notify the sentencing court that it intends to modify the inmate's sentence and release the inmate to extended supervision under par. (bg), and the court may hold a review hearing. If the court does not schedule a review hearing within 30 days after notification under this subsection, the earned release review committee may proceed under par. (bg).

2. a. If the sentencing court opts to conduct a review, it shall hold the hearing and issue an order relating to the inmate's sentence modification and release to extended supervision within 60 days of its notification under subd. 1.

b. At the hearing, the court may consider the inmate's conduct in prison, his or her level of risk of reoffending, based on a verified, objective instrument, and the nature of the offense committed by the inmate. The court may accept the earned release review committee's determination that the inmate has earned positive adjustment time under par. (bg), reject the earned release review committee's determination that the inmate has earned positive adjustment time under par. (bg), or order the inmate to remain in prison for a period that does not exceed the time remaining on the inmate's term of confinement.

SECTION 2752. 304.06 (1) (bn) of the statutes is created to read:

304.06 **(1)** (bn) The earned release review commission may consider any of the following as a ground for a petition under par. (bg) for release to extended supervision:

1. The inmate's conduct, efforts at and progress in rehabilitation, or participation and progress in education, treatment, or other correctional programs since he or she was sentenced.

2. The inmate is subject to a sentence of confinement in another state or the inmate is in the United States illegally and may be deported.

3. Sentence adjustment is otherwise in the interests of justice.

SECTION 2753. 304.06 (1) (br) of the statutes is created to read:

304.06 **(1)** (br) The earned release review commission may reduce the term of confinement of a person who petitions under par. (bg) only as follows:

1. If the inmate is serving the term of confinement in prison portion of the sentence, a reduction in the term of confinement in prison by the amount of time remaining in the term of confinement in prison portion of the sentence, less up to 30 days, and a corresponding increase in the term of extended supervision.

2. If the inmate is confined in prison upon revocation of extended supervision, a reduction in the amount of time remaining in the period of confinement in prison imposed upon revocation, less up to 30 days, and a corresponding increase in the term of extended supervision.

SECTION 2754. 304.06 (1) (c) (intro.) of the statutes is amended to read:

304.06 **(1)** (c) (intro.) If an inmate applies for parole or release to extended supervision under this subsection, the ~~parole~~ earned release review commission shall make a reasonable attempt to notify the following, if they can be found, in accordance with par. (d):

SECTION 2755. 304.06 (1) (d) 1. of the statutes is amended to read:

304.06 **(1)** (d) 1. The notice under par. (c) shall inform the offices and persons under par. (c) 1. to 3. of the manner in which they may provide written statements under this subsection, shall inform persons under par. (c) 3. of the manner in which they may attend interviews or hearings and make statements under par. (eg) and shall inform persons under par. (c) 3. who are victims, or family members of victims, of crimes specified in s. 940.01, 940.03, 940.05, 940.225 (1) ~~or,~~ (2), or (3), 948.02 (1) or (2), 948.025, 948.06 or 948.07 of the manner in which they may have direct input in the ~~parole~~ decision−making process under par. (em) for parole or release to extended supervision. The ~~parole~~ earned release review commission shall provide notice under this paragraph for an inmate's first application for parole or release to extended supervision and, upon request, for subsequent applications for parole or release to extended supervision.

SECTION 2756. 304.06 (1) (d) 2. of the statutes is amended to read:

304.06 **(1)** (d) 2. The notice shall be by 1st class mail to an office's or a person's last−known address sent at least 3 weeks before the interview or hearing upon the ~~parole~~ application for parole or release to extended supervision.

SECTION 2757. 304.06 (1) (d) 3m. of the statutes is amended to read:

304.06 **(1)** (d) 3m. If applicable, the notice shall state the manner in which the person may have direct input in the ~~parole~~ decision−making process for parole or release to extended supervision.

SECTION 2758. 304.06 (1) (d) 4. of the statutes is amended to read:

304.06 **(1)** (d) 4. If the notice is for a first application for parole or release to extended supervision, the notice shall inform the offices and persons under par. (c) 1. to 3. that notification of subsequent applications for parole or release to extended supervision will be provided only upon request.

SECTION 2759. 304.06 (1) (e) of the statutes is amended to read:

304.06 **(1)** (e) The ~~parole~~ earned release review commission shall permit any office or person under par. (c) 1. to 3. to provide written statements. The ~~parole~~ earned release review commission shall give consideration to any written statements provided by any such office or person and received on or before the date specified in the notice. This paragraph does not limit the authority of the ~~parole~~ earned release review commission to consider other statements or information that it receives in a timely fashion.

SECTION 2760. 304.06 (1) (eg) of the statutes is amended to read:

304.06 **(1)** (eg) The ~~parole~~ earned release review commission shall permit any person under par. (c) 3. to attend any interview or hearing on the ~~parole~~ application for parole or release to extended supervision of an applicable inmate and to make a statement at that interview or hearing.

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:

304.06 **(1)** (g) Before a person is released on parole or released to extended supervision under this subsection, the ~~parole~~ earned release review commission shall so notify the municipal police department and the county sheriff for the area where the person will be residing. The notification requirement under this paragraph does not apply if a municipal department or county sheriff submits to the ~~parole~~ earned release review commission a written statement waiving the right to be notified. If applicable, the department shall also comply with s. 304.063.

SECTION 2764. 304.06 (1m) (intro.) of the statutes is amended to read:

304.06 **(1m)** (intro.) The ~~parole~~ earned release review commission may waive the 25% or 6−month service of sentence requirement under sub. (1) (b) under any of the following circumstances:

SECTION 2765. 304.06 (1q) (b) of the statutes is amended to read:

304.06 **(1q)** (b) The ~~parole~~ earned release review commission or the department may require as a condition of parole that a serious child sex offender undergo pharmacological treatment using an antiandrogen or the chemical equivalent of an antiandrogen. This paragraph does not prohibit the department from requiring pharmacological treatment using an antiandrogen or the chemical equivalent of an antiandrogen as a condition of probation.

SECTION 2766. 304.06 (1q) (c) of the statutes is amended to read:

304.06 **(1q)** (c) In deciding whether to grant a serious child sex offender release on parole under this subsection, the ~~parole~~ earned release review commission may not consider, as a factor in making its decision, that the

offender is a proper subject for pharmacological treatment using an antiandrogen or the chemical equivalent of an antiandrogen or that the offender is willing to participate in pharmacological treatment using an antiandrogen or the chemical equivalent of an antiandrogen.

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 required by law. Unless waived by the parolee or person on extended supervision, the final administrative hearing shall be held before a hearing examiner from the division of hearings and appeals in the department of administration who is licensed to practice law in this state. The hearing examiner shall enter an order revoking or not revoking parole or extended supervision. Upon request by either party, the administrator of the division of hearings and appeals shall review the order. The hearing examiner may order that a deposition be taken by audiovisual means and allow the use of a recorded deposition under s. 967.04 (7) to (10). If the parolee or person on extended supervision waives the final administrative hearing, the secretary of corrections shall enter an order revoking or not revoking parole or extended supervision. If the examiner, the administrator upon review, or the secretary in the case of a waiver finds that the prisoner has violated the rules or conditions of parole or extended supervision, the examiner, the administrator upon review, or the secretary in the case of a waiver, may order the prisoner returned to prison to continue serving his or her sentence, or to continue on parole or extended supervision. If the prisoner claims or appears to be indigent, the department shall refer the prisoner to the authority for indigency determinations specified under s. 977.07 (1).

SECTION 2770. 304.06 (3e) of the statutes is amended to read:

304.06 **(3e)** The division of hearings and appeals in the department of administration shall make either an electronic or stenographic record of all testimony at each parole or extended supervision revocation hearing. The division shall prepare a written transcript of the testimony only at the request of a judge who has granted a petition for judicial review of the revocation decision. Each hearing notice shall include notice of the provisions of this subsection and a statement that any person who wants a written transcript may record the hearing at his or her own expense.

SECTION 2771. 304.06 (3m) of the statutes is amended to read:

304.06 **(3m)** If the convicting court is informed by the department that a prisoner on parole or extended supervision has absconded and that the prisoner's whereabouts are unknown, the court may issue a capias for execution by the sheriff.

SECTION 2772. 304.071 (1) of the statutes is amended to read:

304.071 **(1)** The ~~parole~~ earned release review commission may at any time grant a parole or release to extended supervision to any prisoner in any penal institution of this state, or the department may at any time suspend the supervision of any person who is on probation ~~or~~, parole, or extended supervision to the department, if the prisoner or person on probation ~~or~~, parole, or extended supervision is eligible for induction into the U.S. armed forces. The suspension of parole, extended supervision, or probation shall be for the duration of his or her service in the armed forces; and the parole, extended supervision, or probation shall again become effective upon his or her discharge from the armed forces in accordance with regulations prescribed by the department. If he or she receives an honorable discharge from the armed forces, the governor may discharge him or her and the discharge has the effect of a pardon. Upon the suspension of parole, extended supervision, or probation by the department, the department shall issue an order setting forth the conditions under which the parole, extended supervision, or probation is suspended, including instructions as to where and when and to whom the

~~paroled~~ person on parole or extended supervision shall report upon discharge from the armed forces.

SECTION 2773. 304.09 (1) (a) of the statutes is amended to read:

304.09 **(1)** (a) "Member of the family" means spouse, domestic partner under ch. 770, child, sibling, parent or legal guardian.

SECTION 2773s. 321.45 of the statutes is created to read:

321.45 Military family financial aid. (1) In this section:

(a) "Immediate family" means the spouse and dependent children of a service member who are residents of this state.

(b) "Service member" means a member of a reserve unit of the U.S. armed forces or of the national guard who is a resident of this state and who is serving on active duty in the U.S. armed forces.

(2) The department shall provide financial aid to eligible members of the immediate family of service members. The department shall promulgate rules establishing eligibility criteria and the amount of financial aid.

SECTION 2774. 321.62 (11) (a) of the statutes is amended to read:

321.62 **(11)** (a) No eviction may be made during the period of state active duty in respect to any premises for which the agreed rent does not exceed the amount specified in 50 USC App. 531, occupied chiefly for dwelling purposes by the spouse, children, domestic partner under ch. 770, or other dependents of a service member who is in state active duty, except upon order of a court in an action affecting the right of possession.

SECTION 2796. 341.135 (1) (title) of the statutes is repealed.

SECTION 2797. 341.135 (1) and (2m) of the statutes are consolidated, renumbered 341.135 and amended to read:

341.135 Rebasing registration plates. ~~Every 10th year, the~~ At intervals determined by the department, the department shall establish new designs of registration plates to be issued under ss. 341.14 (1), (1a), (1m), (1q), (2), (2m), (6m), and (6r), 341.25 (1) (a), (c), (h), and (j) and (2) (a), (b), and (c), and 341.26 (2) and (3) (a) 1. and (am). Any design for registration plates issued for automobiles and for vehicles registered on the basis of gross weight shall comply with the applicable design requirements of ss. 341.12 (3), 341.13, and 341.14 (6r) (c). The designs for registration plates specified in this ~~subsection~~ section shall be as similar in appearance as practicable during each ~~10−year~~ design interval. Except as provided in ss. 341.13 (2r) and 341.14 (1), each registration plate issued under s. 341.14 (1), (1a), (1m), (1q), (2), (2m), (6m), or (6r), 341.25 (1) (a), (c), (h), or (j) or (2) (a), (b), or (c), or 341.26 (2) or (3) (a) 1. or (am) during each ~~10−year~~ design interval shall be of the design established under this ~~subsection~~ section. The department may not redesign registration plates for the special groups under s. 341.14 (6r) (f) 53., 54., or 55. until July 1, 2010. ~~Except for registration plates issued under s. 341.14 (6r) (f) 53., 54., or 55., the first design cycle for registration plates issued under ss. 341.14 (1), (1a), (1m), (1q), (2), (2m), (6m), and (6r), 341.25 (1) (a), (c), (h), and (j) and (2) (a), (b), and (c), and 341.26 (2) and (3) (a) 1. and (am) began July 1, 2000.~~ ~~**(2m)** APPLICABILITY.~~ Notwithstanding s. 341.13 (3), as the department establishes new designs for registration plates under this section, the department shall, at the time determined appropriate by the department, issue registration plates of the new design to replace registration plates previously issued. This section does not apply to special group plates under s. 341.14 (6r) (f) 19m.

SECTION 2798. 341.135 (2) of the statutes is repealed.

SECTION 2810. 341.14 (6r) (b) 1. of the statutes is amended to read:

341.14 **(6r)** (b) 1. Upon application to register an automobile or 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, by any person who is a resident of this state and a member of an authorized special group, the department shall issue to the person special plates whose colors and design shall indicate that the vehicle is owned by a person who is a member of the applicable special group. The department may not issue any special group plates under par. (f) 55. or 60. until 6 months after the department has received information sufficient for the department to determine that any approvals required for use of any logo, trademark, trade name or other commercial symbol designating, respectively, the professional football team or the professional baseball team have been obtained.

SECTION 2811. 341.14 (6r) (b) 1. of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

341.14 **(6r)** (b) 1. Upon application to register an automobile or 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, by any person who is a resident of this state and a member of an authorized special group, the department shall issue to the person special plates whose colors and design shall indicate that the vehicle is owned by a person who is a member of the applicable special group. The department may not issue any special group plates under par. (f) 55. or 60. until 6 months after the department has received information sufficient for the department to determine that any approvals required for use of any logo, trademark, trade name or other commercial symbol designating, respectively, the professional football team or the professional baseball team have been obtained. Notwithstanding s. 341.12 (2), if the department of correc-

tions does not have flat−plate technology available for use in manufacturing license plates at quality and cost comparable to that available from the state of Minnesota, the department of transportation may not issue any special group plates under par. (f) 59. unless the department of transportation purchases the plates from the state of Minnesota. Sections 16.70, 16.71, 16.72, 16.75, 16.752 to 16.755, 16.765, 16.77, and 16.82 do not apply to purchases of plates issued under par. (f) 59. from the state of Minnesota.

SECTION 2813. 341.14 (6r) (b) 10. of the statutes is amended to read:

341.14 **(6r)** (b) 10. An additional fee of $25 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on an annual basis for the special group specified under par. (f) 57. An additional fee of $50 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on the biennial basis for the special group specified under par. (f) 57. if the plate is issued or renewed during the first year of the biennial registration period or $25 for the issuance or renewal if the plate is issued or renewed during the 2nd year of the biennial registration period. All moneys received under this subdivision, in excess of $27,600 for the initial costs of production of the special group plate under par. (f) 57., shall be credited to the appropriation account under s. 20.435 ~~(5) (fi)~~ (1) (gi). To the extent permitted under ch. 71, the fee under this subdivision is deductible as a charitable contribution for purposes of the taxes under ch. 71.

SECTION 2814. 341.14 (6r) (b) 11. of the statutes is amended to read:

341.14 **(6r)** (b) 11. An additional fee of $25 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on an annual basis for the special group specified under par. (f) 58. An additional fee of $50 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on the biennial basis for the special group specified under par. (f) 58. if the plate is issued or renewed during the first year of the biennial registration period or $25 for the issuance or renewal if the plate is issued or renewed during the 2nd year of the biennial registration period. To the extent permitted under ch. 71, the fee under this subdivision is deductible as a charitable contribution for purposes of the taxes under ch. 71. All moneys received under this subdivision, in excess of $43,200 for the initial costs of production of the special group plate under par. (f) 58., shall be credited to the appropriation account under s. 20.435 ~~(5)~~ (1) (g).

SECTION 2815. 341.14 (6r) (b) 12. of the statutes is created to read:

341.14 **(6r)** (b) 12. A fee of $25 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on an annual basis for the special group specified under par. (f) 59. A fee of $50 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on the biennial basis for the special group specified under par. (f) 59. if the plate is issued or renewed during the first year of the biennial registration period or $25 for the issuance or renewal if the plate is issued or renewed during the 2nd year of the biennial registration period. All moneys received under this subdivision in excess of $23,500 shall be deposited in the conservation fund and credited to the appropriation under s. 20.370 (1) (fs). To the extent permitted under ch. 71, the fee under this subdivision is deductible as a charitable contribution for purposes of the taxes under ch. 71.

SECTION 2816. 341.14 (6r) (b) 13. of the statutes is created to read:

341.14 **(6r)** (b) 13. An additional fee of $25 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on an annual basis for the special group specified under par. (f) 60. An additional fee of $50 that is in addition to the fee under subd. 2. shall be charged for the issuance or renewal of a plate issued on the biennial basis for the special group specified under par. (f) 60. if the plate is issued or renewed during the first year of the biennial registration period or $25 for the issuance or renewal if the plate is issued or renewed during the 2nd year of the biennial registration period. For each professional baseball team for which plates are produced under par. (f) 60., all moneys received under this subdivision, in excess of $24,300 for the initial costs of production for each team's special group plates, shall be deposited into the general fund and credited as follows:

a. An amount equal to the costs of licensing fees under par. (i) that are related to that team shall be credited to the appropriation account under s. 20.395 (5) (ej).

b. The remainder after crediting the appropriation account as provided in subd. 13. a. shall be credited to the appropriation account under s. 20.835 (4) (gb). The department of transportation shall identify and record the percentage of moneys that are attributable to each professional baseball team represented by a plate under par. (f) 60.

SECTION 2817. 341.14 (6r) (c) of the statutes is amended to read:

341.14 **(6r)** (c) Special group plates shall display the word "Wisconsin", the name of the applicable authorized special group, a symbol representing the special group, not exceeding one position, and identifying letters or numbers or both, not exceeding 6 positions and not less than one position. The department shall specify the design for special group plates, but the department shall consult the president of the University of Wisconsin System before specifying the word or symbol used to identify the special groups under par. (f) 35. to 47., the secretary of natural resources before specifying the word or symbol used to identify the special group under par. (f) 50., the chief executive officer of the professional foot-

ball team and an authorized representative of the league of professional football teams described in s. 229.823 to which that team belongs before specifying the design for the applicable special group plate under par. (f) 55., the department of veterans affairs before specifying the design for the special group plates under par. (f) 49d., 49h., and 49s., and the department of tourism and chief executive officer of the organization specified in par. (f) 55m. before specifying the design and word or symbol used to identify the special group name for special group plates under par. (f) 55m. Special group plates under par. (f) 50. shall be as similar as possible to regular registration plates in color and design. The department shall make available 2 designs for the special group plates under par. (f) 60. The department may not specify any design for the special group plates under par. (f) 60. unless the design is approved by the executive vice president of the Milwaukee Brewers Baseball Club LP.

SECTION 2818. 341.14 (6r) (c) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

341.14 **(6r)** (c) Special group plates shall display the word "Wisconsin", the name of the applicable authorized special group, a symbol representing the special group, not exceeding one position, and identifying letters or numbers or both, not exceeding 6 positions and not less than one position. The department shall specify the design for special group plates, but the department shall consult the president of the University of Wisconsin System before specifying the word or symbol used to identify the special groups under par. (f) 35. to 47., the secretary of natural resources before specifying the word or symbol used to identify the special ~~group~~ groups under par. (f) 50. and 59., the chief executive officer of the professional football team and an authorized representative of the league of professional football teams described in s. 229.823 to which that team belongs before specifying the design for the applicable special group plate under par. (f) 55., the department of veterans affairs before specifying the design for the special group plates under par. (f) 49d., 49h., and 49s., and the department of tourism and chief executive officer of the organization specified in par. (f) 55m. before specifying the design and word or symbol used to identify the special group name for special group plates under par. (f) 55m. Special group plates under par. (f) 50. shall be as similar as possible to regular registration plates in color and design. The department shall make available 2 designs for the special group plates under par. (f) 60. The department may not specify any design for the special group plates under par. (f) 60. unless the design is approved by the executive vice president of the Milwaukee Brewers Baseball Club LP. The word or symbol used to identify the special group under par. (f) 59. shall be different from the word or symbol used to identify the special group under par. (f) 50. and the design shall cover the entire plate.

SECTION 2819. 341.14 (6r) (e) of the statutes is amended to read:

341.14 **(6r)** (e) The department shall specify one combination of colors for special group plates for groups or organizations which are not military in nature and not special group plates under par. (f) 35. to 47. and 50. ~~and~~, for each professional football team under par. (f) 55., and for each professional baseball team under par. (f) 60. The department shall specify one combination of colors for special group plates under par. (f) 35. to 47. Subject to par. (c), the department shall specify the word or words comprising the special group name and the symbol to be displayed upon special group plates for a group or organization which is not military in nature after consultation with the chief executive officer in this state of the group or organization. The department shall require that the word or words and symbol for a university specified under par. (f) 35. to 47. be a registration decal or tag and affixed to the special group plate and be of the colors for a university specified under par. (f) 35. to 47. that the president of the University of Wisconsin System specifies.

SECTION 2820. 341.14 (6r) (e) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

341.14 **(6r)** (e) The department shall specify one combination of colors for special group plates for groups or organizations which are not military in nature and not special group plates under par. (f) 35. to 47. ~~and~~, 50., and 59., for each professional football team under par. (f) 55., and for each professional baseball team under par. (f) 60. The department shall specify one combination of colors for special group plates under par. (f) 35. to 47. Subject to par. (c), the department shall specify the word or words comprising the special group name and the symbol to be displayed upon special group plates for a group or organization which is not military in nature after consultation with the chief executive officer in this state of the group or organization. The department shall require that the word or words and symbol for a university specified under par. (f) 35. to 47. be a registration decal or tag and affixed to the special group plate and be of the colors for a university specified under par. (f) 35. to 47. that the president of the University of Wisconsin System specifies.

SECTION 2821. 341.14 (6r) (f) 59. of the statutes is created to read:

341.14 **(6r)** (f) 59. Persons interested in supporting endangered resources.

SECTION 2822. 341.14 (6r) (f) 60. of the statutes is created to read:

341.14 **(6r)** (f) 60. Persons interested in expressing their support of a major league professional baseball team that uses as its home field baseball park facilities that are constructed under subch. III of ch. 229.

SECTION 2823. 341.14 (6r) (fm) 7. of the statutes is amended to read:

341.14 **(6r)** (fm) 7. After October 1, 1998, additional authorized special groups may only be special groups designated by the department under this paragraph. The authorized special groups enumerated in par. (f) shall be limited solely to those special groups specified under par. (f) on October 1, 1998. This subdivision does not apply to the special groups specified under par. (f) 3m., 6m., 9g., 9m., 12g., 12m., 19m., 49d., 49h., 49s., 54., 55., 55m., 56., 57., ~~and~~ 58., and 60.

SECTION 2824. 341.14 (6r) (fm) 7. of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

341.14 **(6r)** (fm) 7. After October 1, 1998, additional authorized special groups may only be special groups designated by the department under this paragraph. The authorized special groups enumerated in par. (f) shall be limited solely to those special groups specified under par. (f) on October 1, 1998. This subdivision does not apply to the special groups specified under par. (f) 3m., 6m., 9g., 9m., 12g., 12m., 19m., 49d., 49h., 49s., 54., 55., 55m., 56., 57., 58., 59., and 60.

SECTION 2826. 341.14 (6r) (i) of the statutes is created to read:

341.14 **(6r)** (i) From the appropriation under s. 20.395 (5) (ej), the department shall pay 2 percent of all moneys received under par. (b) 13. that are deposited into the general fund for licensing fees relating to the word or words or the symbol on, or otherwise required for, special group plates under par. (f) 60.

SECTION 2851. 341.255 (3) of the statutes is repealed.

SECTION 2852. 341.255 (4) of the statutes is repealed.

SECTION 2874t. 341.307 of the statutes is created to read:

341.307 Optional vehicle fleet registration. (1) The owner of a fleet of vehicles, of a fleet size determined by the department by rule, may register the vehicles for a 3−year period under this section if all of the vehicles are any of the following:

(a) An automobile.

(b) A motor truck which has a gross weight of not more than 8,000 pounds.

(c) A commercial motor vehicle operated solely in intrastate commerce that has a maximum gross weight of less than 55,000 pounds.

(2) The registration of vehicles under this section shall be valid for a 3−year period. Upon receipt of an application and the initial registration fees under sub. (4), the department shall issue registration plates, insert tags, or decals for all of the vehicles in the fleet, with each vehicle having the same registration expiration date. A vehicle may be registered as part of a fleet under this section regardless of whether, at the time of application for the initial registration of the fleet, the vehicle is currently registered with the department.

(3) After the initial registration of a fleet of vehicles under this section, the owner of the vehicles may register additional vehicles added to the fleet. The registration of vehicles added to the fleet during the 3−year registration period shall expire on the expiration date of the original fleet registration.

(4) (a) Subject to pars. (b) to (d), the fleet owner shall pay a registration fee for each vehicle registered under this section in an amount equal to 3 times the applicable fee prescribed for the vehicle in s. 341.25 or 341.26.

(b) If a vehicle that is being initially registered as part of a vehicle fleet under this section has more than one month remaining in its current registration period, the department shall prorate the fee under par. (a) to account for the unexpired portion of the vehicle's current registration period.

(c) For any vehicle added to the fleet after initial registration as provided in sub. (3), the department shall prorate the fee under par. (a) according to the remaining number of months in the fleet's current registration period.

(d) After the initial registration of a fleet of vehicles, if the applicable registration fee prescribed in s. 341.25 or 341.26 for any vehicle in the fleet increases and at least one year remains in the current registration period for the fleet at the time this increase takes effect, the department may require the owner to pay additional registration fees for the vehicle corresponding to the increase. The department shall calculate these additional registration fees based upon the amount of the increase multiplied by the number of full years remaining in the fleet's current registration period. Any fees received by the department under authority of this paragraph shall be considered to be received under par. (a).

(e) After the initial registration of a fleet of vehicles, if the owner withdraws any vehicle from the fleet during the vehicle's registration period, the department shall refund to the owner the unused portion of the fee under par. (a) calculated according to the number of calendar quarters remaining in the vehicle's registration period. This paragraph applies only if at least one year remains in the current registration period at the time the owner notifies the department that the vehicle is withdrawn from the fleet.

(f) In addition to the fee under par. (a), if the vehicle being registered under this section is subject to a fee under s. 341.35, the department shall collect and remit that fee, as provided under s. 341.35 (6), in an amount sufficient to cover the vehicle's entire registration period under this section.

(5) The provisions of this section apply notwithstanding any other provision of this chapter related to the period or fees applicable to vehicle registration.

(6) The department shall promulgate rules specifying the minimum number of vehicles that must be in a fleet for the fleet to be eligible for registration under this sec-

tion and establishing procedures for the registration of vehicle fleets under this section, including provisions imposing any restrictions that the department determines to be appropriate and any provisions deemed necessary for vehicles that require inspection under s. 110.20 (6).

SECTION 2896. 342.01 (2) (ac) of the statutes is created to read:

342.01 **(2)** (ac) "Automated format," with respect to any document, record, or other information, includes that document, record, or other information generated or maintained in an electronic or digital form or medium.

SECTION 2898. 342.09 (4) of the statutes is created to read:

342.09 **(4)** (a) The department may maintain any certificate of title or other information required to be maintained under this section in an automated format and may consider any record maintained in an automated format under this paragraph to be the original and controlling record, notwithstanding the existence of any printed version of the same record.

(b) Records maintained by the department under this section are the official vehicle title records.

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 2905. 342.17 (4) (b) 1. (intro.) and c. and 4. of the statutes are amended to read:

342.17 **(4)** (b) 1. (intro.) The department shall transfer the decedent's interest in any vehicle to his or her surviving spouse or domestic partner under ch. 770 upon receipt of the title executed by the surviving spouse or domestic partner and a statement by the spouse or domestic partner which shall state:

c. That the spouse or domestic partner is personally liable for the decedent's debts and charges to the extent of the value of the vehicle, subject to s. 859.25.

4. The limit in subd. 3. does not apply if the surviving spouse or domestic partner is proceeding under s. 867.03 (1g) and the total value of the decedent's property subject to administration in the state, including the vehicles transferred under this paragraph, does not exceed $50,000.

SECTION 2906. 342.19 (2) of the statutes is renumbered 342.19 (2) (a) (intro.) and amended to read:

342.19 **(2)** (a) (intro.) Except as provided in sub. (2m), a security interest is perfected in one of the following ways:

1. If the secured party is an individual or a person exempted by rule under s. 342.245 (3), by the delivery to the department of the existing certificate of title, if any, an application for a certificate of title containing the name and address of the secured party, and the required fee. ~~It~~

(b) A security interest is perfected as of the later of the following:

1. The time of ~~its~~ delivery ~~or the~~ to the department of the certificate of title if perfection occurs under par. (a) 1. or of the application if perfection occurs under par. (a) 2.

2. The time of the attachment of the security interest.

SECTION 2907. 342.19 (2) (a) 2. of the statutes is created to read:

342.19 **(2)** (a) 2. Except as provided in s. 342.245 (3), if the secured party is not an individual, by the filing of a security interest statement containing the name and address of the secured party, and payment of the required fee, in the manner specified in s. 342.245 (1).

SECTION 2908. 342.20 (2) of the statutes is amended to read:

342.20 **(2)** The secured party shall immediately cause the certificate, application, and the required fee to be mailed or delivered to the department, except that if the secured party is not an individual or a person exempted by rule under s. 342.245 (3), the secured party shall follow the procedure specified in ss. 342.19 (2) (a) 2. and 342.245 (1) and (2).

SECTION 2909. 342.20 (3) of the statutes is amended to read:

342.20 **(3)** Upon receipt of the certificate of title, application, and the required fee, or upon receipt of the security interest statement and required fee if the secured party has utilized the process specified in s. 342.245 (1), the department shall issue to the owner a new certificate containing the name and address of the new secured party. The department shall deliver to such new secured party and to the register of deeds of the county of the owner's residence, memoranda, in such form as the depart-

ment prescribes, evidencing the notation of the security interest upon the certificate; and thereafter, upon any assignment, termination or release of the security interest, additional memoranda evidencing such action.

SECTION 2910. 342.22 (1) of the statutes is renumbered 342.22 (1) (intro.) and amended to read:

342.22 **(1)** (intro.) Within one month or within 10 days following written demand by the debtor after there is no outstanding obligation and no commitment to make advances, incur obligations or otherwise give value, secured by the security interest in a vehicle under any security agreement between the owner and the secured party, the secured party shall do one of the following:

(a) If the secured party is an individual or a person exempted by rule under s. 342.245 (3), execute and deliver to the owner, as the department prescribes, a release of the security interest in the form and manner prescribed by the department and a notice to the owner stating in no less than 10−point boldface type the owner's obligation under sub. (2). If the secured party fails to execute and deliver the release and notice of the owner's obligation as required by this ~~subsection~~ paragraph, the secured party is liable to the owner for $25 and for any loss caused to the owner by the failure.

SECTION 2911. 342.22 (1) (b) of the statutes is created to read:

342.22 **(1)** (b) If the secured party is not described in par. (a), deliver to the department a release of the security interest in the manner specified in s. 342.245 (1) and deliver to the owner a notice stating that the release has been provided to the department.

SECTION 2912. 342.22 (2) of the statutes is amended to read:

342.22 **(2)** ~~The~~ An owner, other than a dealer holding the vehicle for resale, upon receipt of the release and notice of obligation delivered under sub. (1) (a) shall promptly cause the certificate and release to be mailed or delivered to the department, which shall release the secured party's rights on the certificate and issue a new certificate. Upon receipt of the notice under sub. (1) (b), the owner may, in the form and manner prescribed by the department and without additional fee, deliver an application and the certificate of title to the department and the department shall issue a new certificate of title free of the security interest notation.

SECTION 2913. 342.245 of the statutes is created to read:

342.245 Electronic processing of certain applications. (1) Except as provided in sub. (3), a secured party shall file a security interest statement and pay the fee under s. 342.19 (2) (a) 2. and deliver a release of a security interest under s. 342.22 (1) (b) utilizing an electronic process prescribed by the department under sub. (4).

(2) Upon receipt of a certificate of title as provided in s. 342.20 (1), a person required to file a security interest statement under sub. (1) shall destroy the certificate of title.

(3) The department may, by rule, exempt a person or a type of transaction from the requirements of sub. (1). Any person who is exempted under this subsection shall pay a fee to the department for processing applications submitted by the person under s. 342.19 (2) (a) 1. and releases submitted under s. 342.22, utilizing a process other than an electronic process.

(4) The department shall promulgate rules to implement and administer this section.

SECTION 2916. 343.03 (7) (c) of the statutes is amended to read:

343.03 **(7)** (c) Within 10 days after a conviction of the holder of a commercial driver license issued by another jurisdiction for violating any state law or local ordinance of this state or any law of a federally recognized American Indian tribe or band in this state in conformity with any state law relating to motor vehicle traffic control, other than parking violations, or after a conviction of the holder of an operator's license issued by another jurisdiction, other than a commercial driver license, for any such violation while operating a commercial motor vehicle ~~without a commercial driver license~~, the department shall notify the driver licensing agency of the jurisdiction that issued the license of the conviction.

SECTION 2916b. 343.06 (1) (c) of the statutes is amended to read:

343.06 **(1)** (c) To any person under age 18 unless the person is enrolled in a school program or high school equivalency program and is not a habitual truant as defined in s. 118.16 (1) (a), has graduated from high school or been granted a declaration of high school graduation equivalency, or is enrolled in a home−based private educational program, as defined in s. 115.001 (3g), and has satisfactorily completed a course in driver education in public schools approved by the department of public instruction, or in technical colleges approved by the technical college system board, or in nonpublic and private schools that meet the minimum standards set by the department of public instruction, or has satisfactorily completed a substantially equivalent course in driver training approved by the department and given by a school licensed by the department under s. 343.61, or has satisfactorily completed a substantially equivalent course in driver education or training approved by another state and has attained the age of 16, except as provided in s. 343.07 (1g). The department shall not issue a license to any person under the age of 18 authorizing the operation of "Class M" vehicles unless the person has successfully completed a basic rider course approved by the department. The department may, by rule, exempt certain persons from the basic rider course requirement of this paragraph. Applicants for a license under s. 343.08 or 343.135 are exempt from the driver education,

basic rider or driver training course requirement. The secretary shall prescribe rules for licensing of schools and instructors to qualify under this paragraph. The driver education course shall be made available to every eligible student in the state. Except as provided under s. 343.16 (1) (bm) and (c) and (2) (cm) to (e), no operator's license may be issued unless a driver's examination has been administered by the department.

SECTION 2917. 343.15 (4) (a) 3. of the statutes is amended to read:

343.15 **(4)** (a) 3. A person who is a ward of the state, county, or court and who has been placed in a foster home ~~or a treatment foster home~~ or in the care of a religious welfare service.

SECTION 2917g. 343.16 (1) (a) of the statutes is amended to read:

343.16 **(1)** (a) *General.* ~~The~~ Except when examination by a 3rd−party tester is permitted under pars. (b) to (c), the department shall examine every applicant for an operator's license, including applicants for license renewal as provided in sub. (3), and every applicant for authorization to operate a vehicle class or type for which the applicant does not hold currently valid authorization, other than an instruction permit. Except as provided in sub. (2) (cm) and (e), the examinations of applicants for licenses authorizing operation of "Class A", "Class B", "Class C", "Class D" or "Class M" vehicles shall include both a knowledge test and an actual demonstration in the form of a driving skills test of the applicant's ability to exercise ordinary and reasonable control in the operation of a representative vehicle. The department shall not administer a driving skills test to a person applying for authorization to operate "Class M" vehicles who has failed 2 previous such skills tests unless the person has successfully completed a rider course approved by the department. The department may, by rule, exempt certain persons from the rider course requirement of this paragraph. The department may not require a person applying for authorization to operate "Class M" vehicles who has successfully completed a basic rider course approved by the department to hold an instruction permit under s. 343.07 (4) prior to the department's issuance of a license authorizing the operation of "Class M" vehicles. The department may not require a person applying for authorization to operate "Class M" vehicles who holds an instruction permit under s. 343.07 (4) to hold it for a minimum period of time before administering a driving skills test. The driving skills of applicants for endorsements authorizing the operation of commercial motor vehicles equipped with air brakes, the transportation of passengers in commercial motor vehicles or the operation of school buses, as provided in s. 343.04 (2) (b), (d) or (e), shall also be tested by an actual demonstration of driving skills. The department may endorse an applicant's commercial driver license for transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under 42 CFR 73, subject to s. 343.125, or for the operation of tank vehicles or vehicles towing double or triple trailers, as described in s. 343.04 (2) (a), (c) or (f), based on successful completion of a knowledge test. In administering the knowledge test, the department shall attempt to accommodate any special needs of the applicant. Except as may be required by the department for an "H" or "S" endorsement, the knowledge test is not intended to be a test for literacy or English language proficiency. This paragraph does not prohibit the department from requiring an applicant to correctly read and understand highway signs.

SECTION 2917r. 343.16 (1) (b) (intro.) of the statutes is amended to read:

343.16 **(1)** (b) *Third−party testing for commercial motor vehicle and school bus operators.* (intro.) The department may contract with a person, including an agency or department of this state or its political subdivisions or another state, or a private employer of commercial motor vehicle drivers, to administer commercial motor vehicle skills tests required by 49 CFR 383.110 to 383.135, examinations required to be administered under s. 343.12 (2) (h), and abbreviated driving skills tests required by sub. (3) (b). The department may not enter into such testing contracts with a private driver training school or other private institution. A contract with a 3rd−party tester under this paragraph shall include all of the following provisions:

SECTION 2918. 343.16 (1) (b) 2. of the statutes is amended to read:

343.16 **(1)** (b) 2. The department, the applicable federal ~~highway administration~~ agency, or ~~its~~ a representative of the applicable federal agency may conduct random examinations, inspections, and audits of the 3rd−party tester without any prior notice.

SECTION 2918m. 343.16 (1) (bm) of the statutes is created to read:

343.16 **(1)** (bm) *Third−party testing for other vehicle operators.* The department may contract with any law enforcement agency, other than a local law enforcement agency of a municipality in which an examining station of the department is located, to administer knowledge, driving skills, and eyesight tests required by par. (a) and sub. (2) (b) and (c) for authorization to operate "Class D" vehicles. A contract with a 3rd−party tester under this paragraph shall include all of the following provisions:

1. All tests conducted by the 3rd−party tester shall be the same as those given by the department.

2. The department or its representative may conduct random examinations, inspections, and audits of the 3rd−party tester without any prior notice.

3. The department may conduct an on−site inspection of the 3rd−party tester to determine compliance with the contract and with department and federal standards for testing applicants for operators' licenses to operate "Class D" vehicles. The department may also evaluate

testing given by the 3rd−party tester by one of the following means:

a. Department employees may take the tests actually administered by the 3rd−party tester as if the department employees were applicants.

b. The department may retest a sample of drivers who were tested by the 3rd−party tester to compare the pass and fail results.

4. Examiners of the 3rd−party tester shall meet the same qualifications and training standards as the department's license examiners to the extent established by the department as necessary to satisfactorily perform the knowledge, driving skills, and eyesight tests required by par. (a) and sub. (2) (b) and (c) for authorization to operate "Class D" vehicles.

5. The department shall take prompt and appropriate remedial action against the 3rd−party tester in the event that the tester fails to comply with department or federal standards for testing for operators' licenses to operate "Class D" vehicles or with any provision of the contract, including immediate termination of testing by the 3rd−party tester.

SECTION 2921. 343.20 (2) (b) of the statutes is amended to read:

343.20 **(2)** (b) Notwithstanding par. (a), at least ~~180~~ 60 days prior to the expiration of an "H" endorsement specified in s. 343.17 (3) (d) 1m., the department of transportation shall mail a notice to the last−known address of the licensee that the licensee is required to pass a security threat assessment screening by the federal transportation security administration of the federal department of homeland security as part of the application to renew the endorsement. The notice shall inform the licensee that the licensee may commence the federal security threat assessment screening at any time, but no later than ~~90~~ 30 days before expiration of the endorsement.

SECTION 2922. 343.21 (1) (n) of the statutes is amended to read:

343.21 **(1)** (n) In addition to any other fee under this subsection, for the issuance, renewal, upgrading, or reinstatement of any license, endorsement, or instruction permit, a ~~federal security verification mandate~~ license issuance fee of $10.

SECTION 2923. 343.23 (2) (b) of the statutes is amended to read:

343.23 **(2)** (b) The information specified in pars. (a) and (am) must be filed by the department so that the complete operator's record is available for the use of the secretary in determining whether operating privileges of such person shall be suspended, revoked, canceled, or withheld, or the person disqualified, in the interest of public safety. The record of suspensions, revocations, and convictions that would be counted under s. 343.307 (2) shall be maintained permanently, except that the department shall purge the record of a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b) after 10 years, 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, if the person does not have a commercial driver license, if the violation was not committed by a person operating a commercial motor vehicle, and if the person has no other suspension, revocation, or conviction that would be counted under s. 343.307 during that 10−year period. The record of convictions for disqualifying offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (f) ~~and~~, (j), and (L), and all records specified in par. (am), shall be maintained for at least 3 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be maintained permanently, except that 5 years after a licensee transfers residency to another state such record may be transferred to another state of licensure of the licensee if that state accepts responsibility for maintaining a permanent record of convictions for disqualifying offenses. Such reports and records may be cumulative beyond the period for which a license is granted, but the secretary, in exercising the power of suspension granted under s. 343.32 (2) may consider only those reports and records entered during the 4−year period immediately preceding the exercise of such power of suspension.

SECTION 2924. 343.23 (2) (b) of the statutes, as affected by 2007 Wisconsin Act 20 and 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

343.23 **(2)** (b) The information specified in pars. (a) and (am) must be filed by the department so that the complete operator's record is available for the use of the secretary in determining whether operating privileges of such person shall be suspended, revoked, canceled, or withheld, or the person disqualified, in the interest of public safety. The record of suspensions, revocations, and convictions that would be counted under s. 343.307 (2) shall be maintained permanently, except that the department shall purge the record of a first violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b) after 10 years, 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, if the person does not have a commercial driver license, if the violation was not committed by a person operating a commercial motor vehicle, and if the person has no other suspension, revocation, or conviction that would be counted under s. 343.307 during that 10−year period. The record of convictions for disqualifying offenses under s. 343.315 (2) (h) shall be maintained for at least 10 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (f), (j), and (L), and all records specified in par. (am), shall be maintained for at least 3 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be maintained permanently, except that 5 years after a licensee

transfers residency to another state such record may be transferred to another state of licensure of the licensee if that state accepts responsibility for maintaining a permanent record of convictions for disqualifying offenses. Such reports and records may be cumulative beyond the period for which a license is granted, but the secretary, in exercising the power of suspension granted under s. 343.32 (2) may consider only those reports and records entered during the 4−year period immediately preceding the exercise of such power of suspension. The department shall maintain the digital images of documents specified in s. 343.165 (2) (a) for at least 10 years.

SECTION 2925. 343.23 (4) (a) of the statutes is amended to read:

343.23 **(4)** (a) ~~Any~~ Notwithstanding subs. (1) and (2) (b), any record of an administrative suspension upon receipt of a report from the court hearing the action arising out of the same incident or occurrence that the action has been dismissed or the person has been found innocent of the charge arising out of that incident or occurrence, except that the record of an administrative suspension for a person holding a commercial driver license may be purged only upon receipt of a court order.

SECTION 2926. 343.24 (2) (intro.) of the statutes is amended to read:

343.24 **(2)** (intro.) ~~The~~ Except as provided in pars. (b) and (c), the department shall charge the following fees to any person for conducting searches of vehicle operators' records:

SECTION 2927. 343.24 (2) (b) of the statutes is amended to read:

343.24 **(2)** (b) For each computerized search, $5. The department may not charge this fee to any governmental unit, as defined in s. 895.51 (1) (dm).

SECTION 2928. 343.24 (2) (c) of the statutes is amended to read:

343.24 **(2)** (c) For each search requested by telephone, $6, or an established monthly service rate determined by the department. The department may not charge this fee to any governmental unit, as defined in s. 895.51 (1) (dm).

SECTION 2929. 343.24 (2) (d) of the statutes is created to read:

343.24 **(2)** (d) For providing a paper copy of an abstract, $2.

SECTION 2930. 343.245 (4) (b) of the statutes is amended to read:

343.245 **(4)** (b) Any person who violates sub. (3) (b) shall be fined not less than ~~$2,500~~ $2,750 nor more than ~~$10,000~~ $25,000 or imprisoned for not more than 90 days or both.

SECTION 2931. 343.315 (1) of the statutes is renumbered 343.315 (1m).

SECTION 2932. 343.315 (1g) of the statutes is created to read:

343.315 **(1g)** DEFINITION. In this section, "engaged in commercial motor vehicle−related activities" means all of the following:

(a) Operating or using a commercial motor vehicle.

(b) Operating or using any motor vehicle on or after September 30, 2005, if the person operating or using the vehicle has ever held a commercial driver license, has ever operated a commercial motor vehicle on a highway, or has ever been convicted of a violation related to, or been disqualified from, operating a commercial motor vehicle.

SECTION 2933. 343.315 (2) (a) (intro.) of the statutes is amended to read:

343.315 **(2)** (a) (intro.) Except as provided in ~~par.~~ pars. (b) and (bm), a person shall be disqualified from operating a commercial motor vehicle for a one−year period upon a first conviction of any of the following offenses~~, committed on or after July 1, 1987,~~ while ~~driving or operating a commercial motor vehicle or committed on or after September 30, 2005, while driving or operating any motor vehicle~~ engaged in commercial motor−vehicle related activities:

SECTION 2934. 343.315 (2) (a) 5. of the statutes is amended to read:

343.315 **(2)** (a) 5. Section 343.305 (7) or (9) or a local ordinance in conformity therewith or a law of a federally recognized American Indian tribe or band in this state in conformity with s. 343.305 (7) or (9) or the law of another jurisdiction prohibiting refusal of a person driving or operating a motor vehicle to submit to chemical testing to determine the person's alcohol concentration or intoxication or the amount of a restricted controlled substance in the person's blood, or prohibiting positive results from such chemical testing, as those or substantially similar terms are used in that jurisdiction's laws.

SECTION 2935. 343.315 (2) (a) 8. of the statutes is amended to read:

343.315 **(2)** (a) 8. Causing a fatality through negligent or criminal operation of a ~~commercial~~ motor vehicle.

SECTION 2936. 343.315 (2) (am) of the statutes is created to read:

343.315 **(2)** (am) Except as provided in par. (b), a person shall be disqualified from operating a commercial motor vehicle for a one−year period upon a first conviction of causing a fatality through negligent or criminal operation of a motor vehicle, committed on or after July 1, 1987, and before September 30, 2005, while driving or operating any motor vehicle.

SECTION 2937. 343.315 (2) (b) of the statutes is amended to read:

343.315 **(2)** (b) If any of the violations listed in par. (a) or (am) occurred in the course of transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under 42 CFR 73

on or after July 1, 1987, the person shall be disqualified from operating a commercial motor vehicle for a 3−year period.

SECTION 2938. 343.315 (2) (bm) of the statutes is created to read:

343.315 **(2)** (bm) The period of disqualification under par. (a) for a disqualification imposed under par. (a) 5. shall be reduced by any period of suspension, revocation, or disqualification under this chapter previously served for an offense if all of the following apply:

1. The offense arises out of the same incident or occurrence giving rise to the disqualification.

2. The offense relates to a vehicle operator's alcohol concentration or intoxication or the amount of a restricted controlled substance in the operator's blood.

SECTION 2939. 343.315 (2) (c) of the statutes is amended to read:

343.315 **(2)** (c) A person shall be disqualified for life from operating a commercial motor vehicle if convicted of 2 or more violations of any of the offenses listed in par. (a) or (am), or any combination of those offenses, arising from 2 or more separate incidents. The department shall consider only offenses committed on or after July 1, 1987, in applying this paragraph.

SECTION 2940. 343.315 (2) (e) of the statutes is amended to read:

343.315 **(2)** (e) A person is disqualified for life from operating a commercial motor vehicle if ~~the person uses a commercial motor vehicle on or after July 1, 1987, or uses any motor vehicle on or after September 30, 2005~~, in the commission of a felony involving the manufacture, distribution, delivery, or dispensing of a controlled substance or controlled substance analog, or possession with intent to manufacture, distribute, deliver, or dispense a controlled substance or controlled substance analog, the person is engaged in commercial motor vehicle−related activities. No person who is disqualified under this paragraph is eligible for reinstatement under par. (d).

SECTION 2941. 343.315 (2) (f) (intro.) of the statutes is amended to read:

343.315 **(2)** (f) (intro.) A person is disqualified for a period of 60 days from operating a commercial motor vehicle if convicted of 2 serious traffic violations, and 120 days if convicted of 3 serious traffic violations, arising from separate occurrences committed within a 3−year period while driving or operating a commercial motor vehicle or while driving or operating any motor vehicle if the person holds a commercial driver license. The 120−day period of disqualification under this paragraph shall be in addition to any other period of disqualification imposed under this paragraph. In this paragraph, "serious traffic violations" means any of the following offenses committed while ~~operating a commercial motor vehicle, or any of the following offenses committed while operating any motor vehicle if the offense results in the revocation, cancellation, or suspension of the person's operator's license or operating privilege~~ engaged in commercial motor vehicle−related activities:

SECTION 2942. 343.315 (2) (f) 2. of the statutes is amended to read:

343.315 **(2)** (f) 2. Violating any state or local law of this state or any law of a federally recognized American Indian tribe or band in this state in conformity with any state law or any law of another jurisdiction relating to motor vehicle traffic control, arising in connection with a fatal accident, other than parking, vehicle weight or vehicle defect violations, or violations described in par. (a) 8. or (am).

SECTION 2943. 343.315 (2) (fm) of the statutes is amended to read:

343.315 **(2)** (fm) A person is disqualified for a period of 60 days from operating a commercial motor vehicle if the person is convicted of violating s. 343.14 (5) or 345.17~~, if~~ and the violation of s. 343.14 (5) or 345.17 relates to an application for a commercial driver license or if the person's commercial driver license is cancelled by the secretary under s. 343.25 (1) or (5).

SECTION 2944. 343.315 (2) (h) of the statutes is amended to read:

343.315 **(2)** (h) Except as provided in par. (i), a person ~~is~~ shall be disqualified for a period of 90 days from operating a commercial motor vehicle if convicted of an out−of−service violation, or ~~one year~~ 2 years if convicted of 2 out−of−service violations, or 3 years if convicted of 3 or more out−of−service violations, arising from separate occurrences committed within a 10−year period while ~~driving or~~ operating a commercial motor vehicle. A disqualification under this paragraph shall be in addition to any penalty imposed under s. 343.44. In this paragraph, "out−of−service violation" means violating s. 343.44 (1) (c) or a law of another jurisdiction for an offense therein which, if committed in this state, would have been a violation of s. 343.44 (1) (c), by operating a commercial motor vehicle while the operator or vehicle is ordered out−of−service under the law of this state or another jurisdiction or under federal law, if the operator holds a commercial driver license or is required to hold a commercial driver license to operate the commercial motor vehicle.

SECTION 2945. 343.315 (2) (i) of the statutes is amended to read:

343.315 **(2)** (i) If the violation listed in par. (h) occurred in the course of transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under 42 CFR 73, or while operating a vehicle designed to carry, or actually carrying, 16 or more passengers, including the driver, the person shall be disqualified from operating a commercial motor vehicle for 180 days upon a first conviction, or for ~~a 3−year period~~ 3 years for a 2nd or subsequent conviction, arising from separate occurrences committed within a 10−year period while ~~driving or~~ operating a commercial

motor vehicle. A disqualification under this paragraph shall be in addition to any penalty imposed under s. 343.44.

SECTION 2946. 343.315 (2) (j) (intro.) of the statutes is amended to read:

343.315 **(2)** (j) (intro.) A person is disqualified for a period of 60 days from operating a commercial motor vehicle if convicted of a railroad crossing violation, or 120 days if convicted of 2 railroad crossing violations or one year if convicted of 3 or more railroad crossing violations, arising from separate occurrences committed within a 3−year period while driving or operating a commercial motor vehicle. In this paragraph, "railroad crossing violation" means a violation of a federal, state, or local law, rule, or regulation, or the law of another jurisdiction, relating to any of the following offenses at a railroad crossing:

SECTION 2947. 343.315 (2) (L) of the statutes is created to read:

343.315 **(2)** (L) If the department receives notice from another jurisdiction of a failure to comply violation by a person issued a commercial driver license by the the department arising from the person's failure to appear to contest a citation issued in that jurisdiction or failure to pay a judgment entered against the person in that jurisdiction, the person is disqualified from operating a commercial motor vehicle until the department receives notice from the other jurisdiction terminating the failure to comply violation except that the disqualification may not be less than 30 days nor more than 2 years.

SECTION 2948. 343.315 (3) (b) of the statutes is amended to read:

343.315 **(3)** (b) If a person's license or operating privilege is not otherwise revoked or suspended as the result of an offense committed after March 31, 1992, which results in disqualification under sub. (2) (a) to (f), (h)~~, (i), or~~ to (j), or (L), the department shall immediately disqualify the person from operating a commercial motor vehicle for the period required under sub. (2) (a) to (f), (h)~~, (i), or~~ to (j), or (L). Upon proper application by the person and payment of the fees specified in s. 343.21 (1) (L) and (n), the department may issue a separate license authorizing only the operation of vehicles other than commercial motor vehicles. Upon expiration of the period of disqualification, the person may apply for authorization to operate commercial motor vehicles under s. 343.26.

SECTION 2949. 343.315 (3) (bm) of the statutes is created to read:

343.315 **(3)** (bm) Notwithstanding pars. (a) and (b) and the time periods for disqualification specified in sub. (2), if a person is convicted in another jurisdiction of a disqualifying offense specified in sub. (2) while the person is not licensed in or a resident of this state, that other jurisdiction disqualified the person from operating a commercial motor vehicle as a result of the conviction, and the period of disqualification in that other jurisdiction has expired, the department may not disqualify the person from operating a commercial motor vehicle as a result of the conviction.

SECTION 2950. 343.35 (1) (a) of the statutes is renumbered 343.35 (1) and amended to read:

343.35 **(1)** ~~Except as provided in par. (b), the~~ The department may order any person whose operating privilege has been canceled, revoked or suspended to surrender his or her license or licenses to the department. The department may order any person who is in possession of a canceled, revoked or suspended license of another to surrender the license to the department.

SECTION 2951. 343.35 (1) (b) of the statutes is repealed.

SECTION 2952. 343.43 (1) (a) of the statutes is amended to read:

343.43 **(1)** (a) ~~Except as provided in s. 343.35 (1) (b), represent~~ Represent as valid any canceled, revoked, suspended, fictitious or fraudulently altered license; or

SECTION 2953. 343.44 (1) (c) of the statutes is amended to read:

343.44 **(1)** (c) *Operating while ordered out−of−service.* No person may operate a commercial motor vehicle while the person or the commercial motor vehicle is ordered out−of−service under the law of this state or another jurisdiction or under federal law.

SECTION 2954. 343.44 (2) (as) of the statutes is amended to read:

343.44 **(2)** (as) Any person who violates sub. (1) (b) after July 27, 2005, shall forfeit not more than $2,500, except that~~, if the person has been convicted of a previous violation of sub. (1) (b) within the preceding 5−year period or~~ if the revocation identified under sub. (1) (b) resulted from an offense that may be counted under s. 343.307 (2), the penalty under par. (b) shall apply.

SECTION 2955. 343.44 (2) (bm) of the statutes is amended to read:

343.44 **(2)** (bm) Any person who violates sub. (1) (c) shall ~~be fined not less than $1,100 nor more than $2,750 or imprisoned for not more than one year in the county jail or both. In imposing a sentence under this paragraph, the court shall review the record and consider the factors specified in par. (b) 1. to 5.~~ forfeit $2,500 for the first offense and $5,000 for the 2nd or subsequent offense within 10 years.

SECTION 2956. 343.44 (4r) of the statutes is amended to read:

343.44 **(4r)** VIOLATION OF OUT−OF−SERVICE ORDER. In addition to other penalties for violation of this section, if a person has violated this section after ~~he or she~~ the person or the commercial motor vehicle operated by the person was ordered out−of−service under the law of this state or another jurisdiction or under federal law, the violation shall result in disqualification under s. 343.315 (2) (h) or (i).

SECTION 2957. 343.50 (5) of the statutes is renumbered 343.50 (5) (a) 1. and amended to read:

343.50 **(5)** (a) 1. ~~The~~ Except as provided in subd. 2., the fee for an original card and for the reinstatement of an identification card after cancellation under sub. (10) shall be $18.

(b) The card shall be valid for the succeeding period of 8 years from the applicant's next birthday after the date of issuance, except that a card that is issued to a person who is not a United States citizen and who provides documentary proof of legal status as provided under s. 343.14 (2) (er) shall expire on the date that the person's legal presence in the United States is no longer authorized. If the documentary proof as provided under s. 343.14 (2) (er) does not state the date that the person's legal presence in the United States is no longer authorized, then the card shall be valid for the succeeding period of 8 years from the applicant's next birthday after the date of issuance.

SECTION 2958. 343.50 (5) of the statutes, as affected by 2007 Wisconsin Act 20, section 3381, and 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

343.50 **(5)** (a) 1. Except as provided in subd. 2., the fee for an original card, for renewal of a card, and for the reinstatement of an identification card after cancellation under sub. (10) shall be $18.

2. The department may not charge a fee to an applicant for the initial issuance of an identification card if any of the following apply:

a. The department has canceled the applicant's valid operator's license after a special examination under s. 343.16 (5) and, at the time of cancellation, the expiration date for the canceled license was not less than 6 months after the date of cancellation.

b. The department has accepted the applicant's voluntary surrender of a valid operator's license under s. 343.265 (1) and, at the time the department accepted surrender, the expiration date for the surrendered license was not less than 6 months after the date that the department accepted surrender.

(b) Except as provided in par. (c) and s. 343.165 (4) (c), an original or reinstated card shall be valid for the succeeding period of 8 years from the applicant's next birthday after the date of issuance, and a renewed card shall be valid for the succeeding period of 8 years from the card's last expiration date.

(c) Except as provided in s. 343.165 (4) (c) and as otherwise provided in this paragraph, an identification card that is issued to a person who is not a United States citizen and who provides documentary proof of legal status as provided under s. 343.14 (2) (es) shall expire on the date that the person's legal presence in the United States is no longer authorized or on the expiration date determined under par. (b), whichever date is earlier. If the documentary proof as provided under s. 343.14 (2) (es) does not state the date that the person's legal presence in the United States is no longer authorized, then the card shall be valid for the period specified in par. (b) except that, if the card was issued or renewed based upon the person's presenting of any documentary proof specified in s. 343.14 (2) (es) 4. to 7., the card shall, subject to s. 343.165 (4) (c), expire one year after the date of issuance or renewal.

SECTION 2959. 343.50 (5) (a) 2. of the statutes is created to read:

343.50 **(5)** (a) 2. The department may not charge a fee to an applicant for the initial issuance of an identification card if any of the following apply:

a. The department has canceled the applicant's valid operator's license after a special examination under s. 343.16 (5) and, at the time of cancellation, the expiration date for the canceled license was not less than 6 months after the date of cancellation.

b. The department has accepted the applicant's voluntary surrender of a valid operator's license under s. 343.265 (1) and, at the time the department accepted surrender, the expiration date for the surrendered license was not less than 6 months after the date that the department accepted surrender.

SECTION 2960. 343.50 (5m) of the statutes is amended to read:

343.50 **(5m)** ~~FEDERAL SECURITY VERIFICATION MANDATE~~ CARD ISSUANCE FEE. In addition to any other fee under this section, for the issuance of an original identification card or duplicate identification card or for the renewal or reinstatement of an identification card after cancellation under sub. (10), a ~~federal security verification mandate~~ card issuance fee of $10 shall be paid to the department.

SECTION 2961. 343.50 (5m) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

343.50 **(5m)** CARD ISSUANCE FEE. In addition to any other fee under this section, for the issuance of an original identification card or duplicate identification card or for the renewal or reinstatement of an identification card after cancellation under sub. (10), a card issuance fee of $10 shall be paid to the department. The fee under this subsection does not apply to an applicant if the department may not charge the applicant a fee under sub. (5) (a) 2.

SECTION 2962g. 343.72 (5m) of the statutes is amended to read:

343.72 **(5m)** No driver school may represent that completion of a course of instruction will guarantee that the student will pass the driving skills test administered by the department or by a 3rd−party tester under s. 343.16 (1) (bm). A driver school may only represent by means of a certificate of completion that the student has satisfactorily completed the required course.

SECTION 2962r. 343.72 (6) of the statutes is amended to read:

343.72 **(6)** All licensees must ascertain from ~~state license examiners the route over~~ the department the routes in the licensee's locale on which road tests are given~~, and no~~ by state license examiners and by authorized examiners of 3rd−party testers under s. 343.16 (1) (bm). No licensee may instruct ~~in those areas~~ on these routes, except that driver schools may operate ~~on a division of motor vehicle skills test route~~ on these routes if comparable training location opportunities are not otherwise available in the locale.

SECTION 2962t. 344.01 (2) (am) of the statutes is created to read:

344.01 **(2)** (am) "Minimum liability limits" means, with respect to a motor vehicle policy of liability insurance, liability limits, exclusive of interest and costs, in the following amounts:

1. Before January 1, 2010, $25,000 because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, $50,000 because of bodily injury to or death of 2 or more persons in any one accident, and $10,000 because of injury to or destruction of property of others in any one accident.

Vetoed In Part

2. From January 1, 2010, to December 31, 2010, $50,000 because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, $100,000 because of bodily injury to or death of 2 or more persons in any one accident, and $15,000 because of injury to or destruction of property of others in any one accident.

Vetoed In Part

3. From January 1, 2011, to December 31, 2011, $75,000 because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, $150,000 because of bodily injury to or death of 2 or more persons in any one accident, and $20,000 because of injury to or destruction of property of others in any one accident.

4. From January 1, 2012, to December 31, 2016, $100,000 because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, $300,000 because of bodily injury to or death of 2 or more persons in any one accident, and $25,000 because of injury to or destruction of property of others in any one accident.

5. After December 31, 2016, the liability limit amounts published by the department under s. 344.11 (2).

SECTION 2963c. 344.01 (2) (d) of the statutes is amended to read:

344.01 **(2)** (d) "Proof of financial responsibility" or "proof of financial responsibility for the future" means proof of ability to respond in damages for liability on account of accidents occurring subsequent to the effective date of such proof, arising out of the maintenance or use of a motor vehicle, in ~~the amount of $25,000 because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, in the amount of $50,000 because of bodily injury to or death of 2 or more persons in any one accident and in the amount of $10,000 because of injury to or destruction of property of others in any one accident~~ an amount, as of the date that proof is furnished to the department, equal to or greater than the minimum liability limits.

SECTION 2963r. 344.11 of the statutes is created to read:

344.11 Five−year indexing of insurance policy liability limits. (1) At 5−year intervals after January 1, 2012, the department shall adjust the monetary amounts of the liability limits specified in s. 344.01 (2) (am) 4. to reflect changes since January 1, 2012, in the consumer price index for all urban consumers, U.S. city average, for the medical care group, as determined by the U.S. department of labor.

Vetoed In Part

(2) Beginning in January 2017, and at 5−year intervals thereafter, the department shall publish the adjusted liability limit amounts, as determined under sub. (1), in the Wisconsin Administrative Register.

SECTION 2963t. 344.14 (2) (L) of the statutes is created to read:

344.14 **(2)** (L) To the operator or owner involved in an accident if, at the time of the accident, the operator was complying with s. 344.62 (1) or s. 344.63 (1) applies.

SECTION 2964c. 344.15 (1) of the statutes is renumbered 344.15 (1) (intro.) and amended to read:

344.15 **(1)** (intro.) No policy or bond is effective under s. 344.14 unless all of the following apply:

(a) The policy or bond is issued by an insurer authorized to do an automobile liability or surety business in this state, except as provided in sub. (2)~~, or unless the~~.

(b) The limits of liability under the policy or bond ~~is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than $25,000 because of bodily injury to or death of one person in any one accident and, subject to that limit for one person, to a limit of not less than $50,000 because of bodily injury to or death of 2 or more persons in any one accident and, if the accident has resulted in injury to or destruction of property, to a limit of not less than $10,000 because of injury to or destruction of property of others in any one accident~~, as of the date of the accident, are equal to or greater than the minimum liability limits.

SECTION 2964e. 344.25 (7) of the statutes is created to read:

344.25 **(7)** At the time of the motor vehicle accident giving rise to the judgment, the person was complying with s. 344.62 (1) or s. 344.63 (1) applies.

SECTION 2965c. 344.33 (2) of the statutes is amended to read:

344.33 **(2)** MOTOR VEHICLE LIABILITY POLICY. A motor vehicle policy of liability insurance shall insure the person named therein using any motor vehicle with the express or implied permission of the owner, or shall insure any motor vehicle owned by the named insured and any person using such motor vehicle with the express

or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the maintenance or use of the motor vehicle within the United States of America or the Dominion of Canada, subject to the minimum liability limits ~~exclusive of interest and costs,~~ with respect to each such motor vehicle ~~as follows: $25,000 because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, $50,000 because of bodily injury to or death of 2 or more persons in any one accident, and $10,000 because of injury to or destruction of property of others in any one accident~~.

SECTION 2966v. 344.55 (1) (intro.) of the statutes is amended to read:

344.55 **(1)** (intro.) No motor vehicle may be used as a human service vehicle unless a policy of bodily injury and property damage liability insurance, issued by an insurer authorized to transact business in this state, is maintained thereon. The policy shall provide ~~property damage liability coverage with a limit of not less than $10,000. The policy also shall provide bodily injury~~ liability coverage with limits, as of the policy's effective date, of at least the minimum liability limits or, if greater, of not less than $75,000 for each person and, subject to such limit for each person, total limits as follows:

SECTION 2967r. Subchapter VI of chapter 344 [precedes 344.61] of the statutes is created to read:

CHAPTER 344

SUBCHAPTER VI

MANDATORY LIABILITY INSURANCE

344.61 Definitions. In this subchapter:

(1) Notwithstanding s. 344.01 (2) (b), "motor vehicle" does not include trailers, semitrailers, and all−terrain vehicles.

(2) Notwithstanding s. 344.33 (1), "motor vehicle liability policy" means a motor vehicle policy of liability insurance to which all of the following apply:

(a) The policy is issued by an insurer authorized to do a motor vehicle liability business in this state or, if the policy covers a vehicle that was not registered in this state at the time of the policy's effective date, in another state in which the vehicle was registered or the owner or operator of the vehicle resided at that time.

(b) The policy is to or for the benefit of the person named in the policy as the insured.

(c) The policy satisfies, as of the date of motor vehicle operation, all requirements specified in s. 344.33 (2) and (3).

344.62 Motor vehicle liability insurance required. (1) Except as provided in s. 344.63, no person may operate a motor vehicle upon a highway in this state unless the owner or operator of the vehicle has in effect a motor vehicle liability policy with respect to the vehicle being operated.

(2) Except as provided in s. 344.63, no person may operate a motor vehicle upon a highway in this state unless the person, while operating the vehicle, has in his or her immediate possession proof that he or she is in compliance with sub. (1). The operator of the motor vehicle shall display the proof required under this subsection upon demand from any traffic officer.

(3) Nothing in this subchapter prohibits a person who violates this section from also being subject to any provision in subchs. I to IV of this chapter.

344.63 Exceptions to motor vehicle liability insurance requirement. (1) A person operating a motor vehicle is not subject to s. 344.62 if any of the following apply:

(a) The owner or operator of the motor vehicle has in effect a bond with respect to the vehicle that meets the requirements under s. 344.36 (1), including the filing of the bond with the secretary, and the vehicle is being operated with the permission of the person who filed the bond.

(b) The motor vehicle is insured as required by s. 121.53, 194.41, or 194.42 and the vehicle is being operated by the owner or with the owner's permission.

(c) The motor vehicle is owned by a self−insurer holding a valid certificate of self−insurance under s. 344.16, the self−insurer has made an agreement described in s. 344.30 (4), and the vehicle is being operated with the owner's permission.

(d) The owner or operator of the motor vehicle has made a deposit of cash or securities meeting the requirements specified in s. 344.37 (1) and the vehicle is being operated by or with the permission of the person who made the deposit.

(e) The motor vehicle is subject to s. 344.51, 344.52, or 344.55.

(f) The motor vehicle is owned by or leased to the United States, this or another state, or any county or municipality of this or another state, and the vehicle is being operated with the owner's or lessee's permission.

(2) (a) The provisions of ss. 344.34 and 344.36 (2) and (3) shall apply with respect to a bond filed with the secretary under sub. (1) (a).

(b) The provisions of s. 344.37 (2) shall apply with respect to a deposit made with the secretary under sub. (1) (d). Any deposit received by the department under sub. (1) (d) shall be maintained in an interest−bearing trust account. All deposits received by the department under sub. (1) (d) shall be held for the benefit of the depositors and potential claimants against the deposits and shall be applied only to the payment of judgments and assignments relating to motor vehicle accidents, following the procedure described in s. 344.20 (2).

(3) (a) Except as provided in par. (b), the secretary shall, upon request, consent to the immediate cancellation of any bond filed under sub. (1) (a) or to the return of any deposit of money or securities made under sub. (1) (d) if any of the following apply:

1. The owner or operator of a motor vehicle provides proof satisfactory to the department that the owner or

operator has in effect a motor vehicle liability policy with respect to the vehicle or provides proof that a different exception under sub. (1) applies with respect to the vehicle.

2. The person on whose behalf the bond was filed or deposit made has died, has become permanently incapacitated to operate a motor vehicle, or no longer maintains a valid operator's license.

3. The person on whose behalf the bond was filed or deposit made no longer owns any motor vehicle registered with the department.

(b) The secretary may not consent to the cancellation of any bond filed under sub. (1) (a) or to the return of any deposit of money or securities made under sub. (1) (d) if any action for damages upon the bond or deposit is then pending or any judgment against the person, for which a claim may be made against the bond or deposit, is then unsatisfied. If a judgment is in excess of the amounts specified in s. 344.33 (2), for purposes of this paragraph the judgment is considered satisfied when payments in the amounts specified in s. 344.33 (2) have been made. An affidavit of the applicant that the applicant satisfies the provisions of this paragraph is sufficient for the department to consent to the cancellation of a bond or to return any deposit, in the absence of evidence in the records of the department contradicting the affidavit.

344.64 Fraudulent, false, or invalid proof of insurance. No person may do any of the following for purposes of creating the appearance of satisfying the requirements under s. 344.62 (2):

(1) Forge, falsify, counterfeit, or fraudulently alter any proof of insurance, policy of insurance, or other insurance document, or possess any forged, falsified, fictitious, counterfeit, or fraudulently altered proof of insurance, policy of insurance, or other insurance document.

(2) Represent that any proof of insurance, policy of insurance, or other insurance document is valid and in effect, knowing or having reason to believe that the proof of insurance, policy of insurance, or other insurance document is not valid or not in effect.

344.65 Violations. (1) (a) Any person who violates s. 344.62 (1) may be required to forfeit not more than $500.

(b) Except as provided in par. (c), any person who violates s. 344.62 (2) may be required to forfeit $10.

(c) No person charged with violating s. 344.62 (2) may be convicted if the person produces proof that he or she was in compliance with s. 344.62 (1) at the time the person was issued a uniform traffic citation for violating s. 344.62 (2). This proof may be produced either at the time of the person's appearance in court in response to the citation or in the office of the traffic officer issuing the citation.

(2) Any person who violates s. 344.64 may be required to forfeit not more than $5,000.

(3) A traffic officer may not stop or inspect a vehicle solely to determine compliance with s. 344.62 or a local ordinance in conformity therewith. This subsection does not limit the authority of a traffic officer to issue a citation for a violation of s. 344.62 or a local ordinance in conformity therewith observed in the course of a stop or inspection made for other purposes, except that a traffic officer may not take a person into physical custody solely for a violation of s. 344.62 or a local ordinance in conformity therewith.

344.66 Rules. The department shall promulgate rules, and prescribe any necessary forms, to implement and administer this subchapter.

344.67 Notice. The department shall include with each operator's license issued under ch. 343 notification of the requirements and penalties under this subchapter.

SECTION 2968. 345.05 (1) (a) of the statutes is renumbered 345.05 (1) (am).

SECTION 2969. 345.05 (1) (ag) of the statutes is created to read:

345.05 **(1)** (ag) "Authority" means a transit authority created under s. 66.1038 or 66.1039. **Vetoed In Part**

SECTION 2970. 345.05 (2) of the statutes is amended to read:

345.05 **(2)** A person suffering any damage proximately resulting from the negligent operation of a motor vehicle owned and operated by a municipality or authority, which damage was occasioned by the operation of the motor vehicle in the course of its business, may file a claim for damages against the municipality or authority concerned and the governing body ~~thereof~~ of the municipality, or the board of directors of the authority, may allow, compromise, settle and pay the claim. In this subsection, a motor vehicle is deemed owned and operated by a municipality or authority if the vehicle is either being rented or leased, or is being purchased under a contract whereby the municipality or authority will acquire title.

SECTION 2991. 347.48 (2m) (gm) of the statutes is amended to read:

347.48 **(2m)** (gm) ~~Notwithstanding s. 349.02, a law enforcement officer may not stop or inspect a vehicle solely to determine compliance with this subsection or sub. (1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules of the department. This paragraph does not limit the authority of a law enforcement officer to issue a citation for a violation of this subsection or sub. (1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules of the department observed in the course of a stop or inspection made for other purposes, except that a~~ A law enforcement officer may not take a person into physical custody solely for a violation of this subsection or sub. (1) or (2) or a local ordinance in conformity with this subsection, sub. (1) or (2) or rules of the department.

SECTION 2992. 347.50 (2m) (a) of the statutes is amended to read:

347.50 **(2m)** (a) Any person who violates s. 347.48 (2m) (b) or (c) and any person 16 years of age or older who violates s. 347.48 (2m) (d) ~~may~~ shall be required to forfeit $10.

SECTION 2992e. 348.175 of the statutes is amended to read:

348.175 Seasonal operation of vehicles hauling peeled or unpeeled forest products cut crosswise or abrasives or salt for highway winter maintenance. The transportation of peeled or unpeeled forest products cut crosswise or of abrasives or salt for highway winter maintenance in excess of gross weight limitations under s. 348.15 shall be permitted during the winter months when the highways are so frozen that no damage may result thereto by reason of such transportation. If at any time any person is so transporting such products or abrasives or salt upon a class "A" highway in such frozen condition then that person may likewise use a class "B" highway without other limitation, except that chains and other traction devices are prohibited on class "A" highways but such chains and devices may be used in cases of necessity. ~~The officers or agencies in charge of maintenance of highways, upon~~ On the first day that conditions warrant their determination of such frozen condition and freedom of damage to such highways by transportation, the officers or agencies in charge of maintenance of highways shall declare particular highways, or highways within areas of the state, as eligible for increased weight limitations, and each declaration shall be effective as of 12:01 a.m. on the 2nd day following the declaration. Such declaration shall include the maximum weight on each axle, combination of axles and the gross weight allowed. Any person transporting any such product over any highway of this state under this section is liable to the maintaining authority for any damage caused to such highway. This section does not apply to the national system of interstate and defense highways, except for that portion of ~~USH 51 between Wausau and STH 78 and that portion of STH 78 between USH 51 and the I 90/94 interchange near Portage upon their federal designation as~~ I 39 between USH 51 and I 90/94.

SECTION 2992m. 348.175 of the statutes, as affected by 2005 Wisconsin Act 167 and 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

348.175 Seasonal operation of vehicles hauling peeled or unpeeled forest products cut crosswise or abrasives or salt for highway winter maintenance. The transportation of peeled or unpeeled forest products cut crosswise or of abrasives or salt for highway winter maintenance in excess of gross weight limitations under s. 348.15 shall be permitted during the winter months when the highways are so frozen that no damage may result thereto by reason of such transportation. If at any time any person is so transporting such products or abrasives or salt upon a class "A" highway in such frozen condition then that person may likewise use a class "B" highway without other limitation, except that chains and other traction devices are prohibited on class "A" highways but such chains and devices may be used in cases of necessity. On the first day that conditions warrant their determination of such frozen condition and freedom of damage to such highways by transportation, the officers or agencies in charge of maintenance of highways shall declare particular highways, or highways within areas of the state, as eligible for increased weight limitations, and each declaration shall be effective as of 12:01 a.m. on the 2nd day following the declaration. Such declaration shall include the maximum weight on each axle, combination of axles and the gross weight allowed. Any person transporting any such product over any highway of this state under this section is liable to the maintaining authority for any damage caused to such highway. This section does not apply to the national system of interstate and defense highways, except for that portion of I 39 between USH 51 and I 90/94.

SECTION 2992s. 348.21 (3g) (intro.) of the statutes, as affected by 2007 Wisconsin Act 20, section 3435n, and 2007 Wisconsin Act 97, section 179, is repealed and recreated to read:

348.21 **(3g)** (intro.) Any person who, while operating a vehicle combination that is transporting raw forest products, violates s. 348.15 or 348.16 or any weight limitation posted as provided in s. 348.17 (1) or in a declaration issued under s. 348.175 or authorized in an overweight permit issued under s. 348.26 or 348.27 may be penalized as follows:

SECTION 2992w. 348.25 (4) (intro.) of the statutes is amended to read:

348.25 **(4)** (intro.) Except as provided under s. 348.26 (5), (6), or (7) or 348.27 (3m), (4m), (9), (9m), (9r), (9t), (10), (12), (13), or (15) permits shall be issued only for the transporting of a single article or vehicle which exceeds statutory size, weight or load limitations and which cannot reasonably be divided or reduced to comply with statutory size, weight or load limitations, except that:

SECTION 2993. 348.25 (8) (e) of the statutes is amended to read:

348.25 **(8)** (e) The officer or agency authorized to issue a permit under s. 348.26 or 348.27 may require any applicant for a permit under s. 348.26 or 348.27 to pay the cost of any special investigation undertaken to determine whether a permit should be approved or denied ~~and to pay an additional fee established by the department by rule per permit if a department telephone call−in procedure or Internet procedure is used. The fee shall approximate the cost to the department for providing this service to persons so requesting~~.

SECTION 2993c. 348.27 (4m) of the statutes is created to read:

348.27 **(4m)** PERMITS FOR THE TRANSPORTATION OF LOADS ON STH 31 AMONG MANUFACTURING PLANTS, DISTRIBUTION CENTERS, AND WAREHOUSES. (a) Subject to pars. (b) and (c), the department may issue annual or consecutive month permits for the transportation of loads in vehicle combinations that exceed the maximum gross weight limitations under s. 348.15 (3) (c) by not more than 18,000 pounds if the vehicle combination has 6 or more axles and the gross weight imposed on the highway by the wheels of any one axle of the vehicle combination does not exceed 18,000 pounds, except that the gross weight imposed on the highway by the wheels of any steering axle on the power unit may not exceed the greater of 13,000 pounds or the manufacturer's rated capacity, but not to exceed 18,000 pounds. Notwithstanding s. 348.15 (8), any axle of a vehicle combination that does not impose on the highway at least 8 percent of the gross weight of the vehicle combination may not be counted as an axle for the purposes of this paragraph. A permit issued under this subsection does not authorize the operation of any vehicle combination at a maximum gross weight in excess of 98,000 pounds.

(b) A permit under this subsection is valid only for the transportation of loads between or among any of the following:

1. A manufacturing plant located in Racine County.
2. A distribution center located in Kenosha County.
3. A warehouse located in Kenosha County.
4. A warehouse located in Racine County.

(c) 1. Except as provided in subds. 2. and 3., and subject to par. (d), a permit under this subsection is valid only on STH 31 and on local highways designated in the permit that provide access to STH 31.

2. A permit under this subsection is not valid on any interstate highway designated under s. 84.29 (2) or on any highway or bridge with a posted weight limitation that is less than the vehicle combination's gross weight.

3. Except as provided in subd. 2., if any portion of STH 31 in Kenosha County or Racine County is closed, a permit under this subsection is valid on any highway providing a detour around this closed portion of STH 31.

(d) If the routes desired to be used by the applicant involve highways under the jurisdiction of local authorities, the department shall, prior to issuing the permit, submit the permit application to the officers in charge of maintenance of the local highways to be used, for their approval. The department may issue the permit, notwithstanding the objections of these officers, if, after consulting with these officers, the department determines that their objections lack merit.

SECTION 2993g. 348.27 (9m) (a) 1. of the statutes is amended to read:

348.27 **(9m)** (a) 1. Raw forest products or of fruits or vegetables from field to storage or processing facilities in vehicles or vehicle combinations that exceed the maximum gross weight limitations under s. 348.15 (3) (c) by not more than 10,000 pounds. A permit under this subdivision is not valid on highways designated as part of the national system of interstate and defense highways, except on I 39 between STH 29 south of Wausau and the I 90/94 interchange near Portage in Marathon, Portage, Waushara, Marquette and Columbia counties. ~~No permit authorizing the transportation of raw forest products issued under this subdivision is valid after January 1, 2011.~~

SECTION 2993m. 348.27 (9m) (a) 1. of the statutes, as affected by 2005 Wisconsin Act 167, section 13, and 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

348.27 **(9m)** (a) 1. Raw forest products or of fruits or vegetables from field to storage or processing facilities in vehicles or vehicle combinations that exceed the maximum gross weight limitations under s. 348.15 (3) (c) by not more than 10,000 pounds. A permit under this subdivision is not valid on highways designated as part of the national system of interstate and defense highways, except on I 39 between STH 29 south of Wausau and the I 90/94 interchange near Portage in Marathon, Portage, Waushara, Marquette and Columbia counties.

SECTION 2993t. 349.027 of the statutes is created to read:

349.027 Collection of information related to motor vehicle stops. (1) INFORMATION COLLECTION REQUIRED. For each motor vehicle stop made on or after January 1, 2011, by a law enforcement officer, the person in charge of the law enforcement agency employing the law enforcement officer shall cause to be obtained all information relating to the traffic stop that is required to be collected under rules promulgated under s. 16.964 (16) (b) 1.

(2) SUBMISSION OF INFORMATION COLLECTED. The person in charge of a law enforcement agency shall submit the information collected under sub. (1) to the office of justice assistance using the process, and in the format, prescribed by the rules promulgated under s. 16.964 (16) (b) 2.

Vetoed In Part

SECTION 2994a. 440.03 (9) (a) (intro.) of the statutes is renumbered 440.03 (9) (intro.) and amended to read:

440.03 **(9)** (intro.) ~~Subject to pars. (b) and (c), the~~ The department shall~~, biennially, determine each fee for an initial credential for which no examination is required, for a reciprocal credential, and for a credential renewal by doing all of the following~~ include all of the following with each biennial budget request that it makes under s. 16.42:

SECTION 2994b. 440.03 (9) (a) 1. of the statutes is renumbered 440.03 (9) (a) and amended to read:

440.03 **(9)** (a) ~~Recalculating~~ A recalculation of the administrative and enforcement costs of the department that are attributable to the regulation of each occupation or business under chs. 440 to 480 and that are included in the budget request.

Vetoed In Part

SECTION 2994c. 440.03 (9) (a) 2. and (b) of the statutes are consolidated, renumbered 440.03 (9) (b) and amended to read:

440.03 **(9)** (b) ~~Not later than January 31 of each odd−numbered year, adjusting for the succeeding fiscal biennium~~ A recommended change to each fee specified under s. 440.05 (1) for an initial credential for which an examination is not required, under s. 440.05 (2) for a reciprocal credential, and~~, subject to~~ under s. 440.08 (2) (a)~~,~~ for a credential renewal, if ~~an adjustment~~ the change is necessary to reflect the approximate administrative and enforcement costs of the department that are attributable to the regulation of the particular occupation or business during the period in which the initial or reciprocal credential or credential renewal is in effect and, for purposes of the recommended change to each fee specified under s. 440.08 (2) (a) for a credential renewal, to reflect an estimate of any additional moneys available for the department's general program operations, during the budget period to which the biennial budget request applies, as a result of appropriation transfers that have been or are estimated to be made under s. 20.165 (1) (i) ~~during the fiscal biennium in progress at the time of the deadline for an adjustment under this subdivision or during the fiscal biennium beginning on the July 1 immediately following the deadline for an adjustment under this subdivision. (b)~~ prior to and during that budget period. The department may not recommend an initial credential fee that exceeds the amount of the fee that the department recommends for a renewal of the same credential, if no examination is required for the initial credential.

SECTION 2994d. 440.03 (9) (c) of the statutes is repealed.

SECTION 2994e. 440.03 (9) (d) of the statutes is repealed.

SECTION 2994eg. 440.03 (13) (b) 18g. of the statutes is created to read:

440.03 **(13)** (b) 18g. Chiropractic radiological technician.

SECTION 2994er. 440.03 (13) (b) 18r. of the statutes is created to read:

440.03 **(13)** (b) 18r. Chiropractic technician.

Vetoed In Part

SECTION 2994f. 440.03 (14) (a) 1. c. of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.03 **(14)** (a) 1. c. The person pays the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1) and files with the department evidence satisfactory to the department that he or she is certified, registered, or accredited as required under subd. 1. a.

SECTION 2994g. 440.03 (14) (a) 2. c. of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

Vetoed In Part

440.03 **(14)** (a) 2. c. The person pays the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1) and files with the department evidence satisfactory to the department that he or she is certified, registered, or accredited as required under subd. 2. a.

SECTION 2994h. 440.03 (14) (a) 3. c. of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.03 **(14)** (a) 3. c. The person pays the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1) and files with the department evidence satisfactory to the department that he or she is certified, registered, or accredited as required under subd. 3. a.

SECTION 2994i. 440.03 (14) (am) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.03 **(14)** (am) The department may promulgate rules that establish requirements for granting a license to practice psychotherapy to a person who is registered under par. (a). Rules promulgated under this paragraph shall establish requirements for obtaining such a license that are comparable to the requirements for obtaining a clinical social worker, marriage and family therapist, or professional counselor license under ch. 457. If the department promulgates rules under this paragraph, the department shall grant a license under this paragraph to a person registered under par. (a) who pays the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1) and provides evidence satisfactory to the department that he or she satisfies the requirements established in the rules.

SECTION 2994j. 440.03 (14) (c) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.03 **(14)** (c) The renewal dates for certificates granted under par. (a) and licenses granted under par. (am) are specified in s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.08 (2) (a) and evidence satisfactory to the department that the person's certification, registration, or accreditation specified in par. (a) 1. a., 2. a., or 3. a. has not been revoked.

SECTION 2994k. 440.05 (1) (a) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.05 **(1)** (a) Initial credential: ~~An amount determined by the department under s. 440.03 (9) (a)~~ $75. Each applicant for an initial credential shall pay the initial credential fee to the department when the application materials for the initial credential are submitted to the department.

SECTION 2994L. 440.05 (2) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

Vetoed In Part

440.05 **(2)** Reciprocal credential, including any credential described in s. 440.01 (2) (d) and any credential that permits temporary practice in this state in whole or in part because the person holds a credential in another jurisdiction: The applicable credential renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ under s. 440.08 (2) (a) and, if an examination is required, an examination fee under sub. (1).

Section 2994m. 440.08 (2) (a) (intro.) of the statutes, as affected by 2007 Wisconsin Act 189, is amended to read:

440.08 **(2)** (a) (intro.) Except as provided in par. (b) and in ss. 440.51, 442.04, 444.03, 444.11, 448.065, 447.04 (2) (c) 2., 449.17 (1m) (d), 449.18 (2) (d), and 461.02 (3) (a) and (b) and (4), the renewal dates and renewal fees for credentials are as follows:

Section 2994mg. 440.08 (2) (a) 1. to 14d. of the statutes, as affected by 2007 Wisconsin Act 20, are amended to read:

440.08 **(2)** (a) 1. Accountant, certified public: December 15 of each odd−numbered year; $59.

3. Accounting corporation or partnership: December 15 of each odd−numbered year; $56.

4. Acupuncturist: July 1 of each odd−numbered year; $70.

4m. Advanced practice nurse prescriber: October 1 of each even−numbered year; $73.

5. Aesthetician: April 1 of each odd−numbered year; $87.

6. Aesthetics establishment: April 1 of each odd−numbered year; $70.

7. Aesthetics instructor: April 1 of each odd−numbered year; $70.

8. Aesthetics school: April 1 of each odd−numbered year; $115.

9. Aesthetics specialty school: April 1 of each odd−numbered year; $53.

9m. Substance abuse counselor, clinical supervisor, or prevention specialist: except as limited in s. 440.88 (4), March 1 of each odd−numbered year; $70.

11. Appraiser, real estate, certified general: December 15 of each odd−numbered year; $162.

11m. Appraiser, real estate, certified residential: December 15 of each odd−numbered year; $167.

12. Appraiser, real estate, licensed: December 15 of each odd−numbered year; $185.

13. Architect: August 1 of each even−numbered year; $60.

14. Architectural or engineering firm, partnership or corporation: February 1 of each even−numbered year; $70.

14d. Athlete agent: July 1 of each even−numbered year; $53.

Section 2994mh. 440.08 (2) (a) 14f. of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

Vetoed In Part

440.08 **(2)** (a) 14f. Athletic trainer: July 1 of each even−numbered year; $75.

Section 2994mi. 440.08 (2) (a) 14g. to 21. of the statutes, as affected by 2007 Wisconsin Act 20, are amended to read:

440.08 **(2)** (a) 14g. Auction company: December 15 of each even−numbered year; $56.

14r. Auctioneer: December 15 of each even−numbered year; $174.

15. Audiologist: February 1 of each odd−numbered year; $106.

16. Barbering or cosmetology establishment: April 1 of each odd−numbered year; $56.

17. Barbering or cosmetology instructor: April 1 of each odd−numbered year; $91.

18. Barbering or cosmetology manager: April 1 of each odd−numbered year; $71.

19. Barbering or cosmetology school: April 1 of each odd−numbered year; $138.

20. Barber or cosmetologist: April 1 of each odd−numbered year; $63.

21. Cemetery authority, licensed: December 15 of each even−numbered year; $343, plus an amount to be determined by rule by the cemetery board.

Section 2994mj. 440.08 (2) (a) 21m. of the statutes is amended to read:

440.08 **(2)** (a) 21m. Cemetery authority, registered: December 15 of each even−numbered year~~; $10~~.

Section 2994mk. 440.08 (2) (a) 21m. of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

440.08 **(2)** (a) 21m. Cemetery authority, registered: December 15 of each even−numbered year; $10.

Section 2994mn. 440.08 (2) (a) 22. to 27. of the statutes, as affected by 2007 Wisconsin Act 20, are amended to read:

440.08 **(2)** (a) 22. Cemetery preneed seller: December 15 of each even−numbered year; $61.

23. Cemetery salesperson: December 15 of each even−numbered year; $90.

23m. Charitable organization: August 1 of each year; $15.

24. Chiropractor: December 15 of each even−numbered year; $168.

24m. Crematory authority: January 1 of each even−numbered year; $53.

25. Dental hygienist: October 1 of each odd−numbered year; $57.

26. Dentist: October 1 of each odd−numbered year; $131.

26m. Dentist, faculty member: October 1 of each odd−numbered year; $131.

27. Designer of engineering systems: February 1 of each even−numbered year; $58.

Section 2994mnag. 440.08 (2) (a) 23p. of the statutes is created to read:

Vetoed In Part

440.08 **(2)** (a) 23p. Chiropractic radiological technician: December 15 of each even−numbered year; $44 .

Section 2994mnar. 440.08 (2) (a) 23s. of the statutes is created to read:

Vetoed In Part

440.08 **(2)** (a) 23s. Chiropractic technician: December 15 of each even−numbered year; $44 .

Vetoed In Part

Section 2994mnb. 440.08 (2) (a) 27m. of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.08 **(2)** (a) 27m. Dietitian: November 1 of each even−numbered year; $75.

Section 2994mnf. 440.08 (2) (a) 29. to 51. of the statutes, as affected by 2007 Wisconsin Act 20, are amended to read:

440.08 **(2)** (a) 29. Drug manufacturer: June 1 of each even−numbered year; $70.

30. Electrologist: April 1 of each odd−numbered year; $76.

31. Electrology establishment: April 1 of each odd−numbered year; $56.

32. Electrology instructor: April 1 of each odd−numbered year; $86.

33. Electrology school: April 1 of each odd−numbered year; $71.

34. Electrology specialty school: April 1 of each odd−numbered year; $53.

35. Engineer, professional: August 1 of each even−numbered year; $58.

35m. Fund−raising counsel: September 1 of each even−numbered year; $53.

36. Funeral director: December 15 of each odd−numbered year; $135.

37. Funeral establishment: June 1 of each odd−numbered year; $56.

38. Hearing instrument specialist: February 1 of each odd−numbered year; $106.

38g. Home inspector: December 15 of each even−numbered year; $53.

38m. Landscape architect: August 1 of each even−numbered year; $56.

39. Land surveyor: February 1 of each even−numbered year; $77.

42. Manicuring establishment: April 1 of each odd−numbered year; $53.

43. Manicuring instructor: April 1 of each odd−numbered year; $53.

44. Manicuring school: April 1 of each odd−numbered year; $118.

45. Manicuring specialty school: April 1 of each odd−numbered year; $53.

46. Manicurist: April 1 of each odd−numbered year; $133.

46m. Marriage and family therapist: March 1 of each odd−numbered year; $84.

Vetoed In Part

46r. Massage therapist or bodyworker: March 1 of each odd−numbered year; $53.

46w. Midwife, licensed: July 1 of each even−numbered year; $56.

48. Nurse, licensed practical: May 1 of each odd−numbered year; $69.

49. Nurse, registered: March 1 of each even−numbered year; $66.

50. Nurse−midwife: March 1 of each even−numbered year; $70.

51. Nursing home administrator: July 1 of each even−numbered year; $120.

Section 2994mnk. 440.08 (2) (a) 52. and 53. of the statutes, as affected by 2007 Wisconsin Act 20, are amended to read:

Vetoed In Part

440.08 **(2)** (a) 52. Occupational therapist: ~~November~~ June 1 of each odd−numbered year; $75 .

53. Occupational therapy assistant: ~~November~~ June 1 of each odd−numbered year; $75 .

Vetoed In Part

Section 2994mnp. 440.08 (2) (a) 54. of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.08 **(2)** (a) 54. Optometrist: December 15 of each odd−numbered year; $65.

Section 2994mns. 440.08 (2) (a) 54m. of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

Vetoed In Part

440.08 **(2)** (a) 54m. Perfusionist: ~~November~~ March 1 of each ~~odd−numbered~~ even−numbered year; $141 .

Vetoed In Part

Section 2994mnw. 440.08 (2) (a) 55. and 56. of the statutes, as affected by 2007 Wisconsin Act 20, are amended to read:

440.08 **(2)** (a) 55. Pharmacist: June 1 of each even−numbered year; $97.

56. Pharmacy, in−state and out−of−state: June 1 of each even−numbered year; $56.

Section 2994mp. 440.08 (2) (a) 57. to 58. of the statutes, as affected by 2007 Wisconsin Act 20, are amended to read:

Vetoed In Part

440.08 **(2)** (a) 57. Physical therapist: ~~November~~ March 1 of each odd−numbered year; $75 .

Vetoed In Part

57m. Physical therapist assistant: ~~November~~ March 1 of each odd−numbered year; $75 .

Vetoed In Part

58. Physician, other than a physician who possesses the degree of doctor of osteopathy: November 1 of each odd−numbered year; $141 .

Section 2994mr. 440.08 (2) (a) 58m. of the statutes is created to read:

Vetoed In Part

440.08 **(2)** (a) 58m. Physician who possesses the degree of doctor of osteopathy: March 1 of each even−numbered year; $141 .

Section 2994mu. 440.08 (2) (a) 59. and 60. of the statutes, as affected by 2007 Wisconsin Act 20, are amended to read:

Vetoed In Part

440.08 **(2)** (a) 59. Physician assistant: ~~November~~ March 1 of each odd−numbered year; $141 .

Vetoed In Part

60. Podiatrist: November 1 of each ~~odd−numbered~~ even−numbered year; $91 .

Vetoed In Part

SECTION 2994mx. 440.08 (2) (a) 61. to 67x. of the statutes, as affected by 2007 Wisconsin Act 20, are amended to read:

440.08 **(2)** (a) 61. Private detective: September 1 of each even−numbered year; $101.

62. Private detective agency: September 1 of each odd−numbered year; $53.

63. Private practice school psychologist: October 1 of each odd−numbered year; $103.

63g. Private security person: September 1 of each even−numbered year; $53.

63m. Professional counselor: March 1 of each odd−numbered year; $76.

63t. Professional fund−raiser: September 1 of each even−numbered year; $93.

63u. Professional geologist: August 1 of each even−numbered year; $59.

63v. Professional geology, hydrology or soil science firm, partnership or corporation: August 1 of each even−numbered year; $53.

63w. Professional hydrologist: August 1 of each even−numbered year; $53.

63x. Professional soil scientist: August 1 of each even−numbered year; $53.

64. Psychologist: October 1 of each odd−numbered year; $157.

65. Real estate broker: December 15 of each even−numbered year; $128.

66. Real estate business entity: December 15 of each even−numbered year; $56.

67. Real estate salesperson: December 15 of each even−numbered year; $83.

67m. Registered interior designer: August 1 of each even−numbered year; $56.

67v. Registered music, art or dance therapist: October 1 of each odd−numbered year; $53.

67x. Registered music, art, or dance therapist with psychotherapy license: October 1 of each odd−numbered year; $53.

SECTION 2994ng. 440.08 (2) (a) 68. of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

Vetoed In Part

440.08 **(2)** (a) 68. Respiratory care practitioner: ~~November~~ July 1 of each ~~odd−numbered~~ even−numbered year; $141 .

Vetoed In Part

SECTION 2994nr. 440.08 (2) (a) 68b. to 72. of the statutes, as affected by 2007 Wisconsin Act 20, are amended to read:

440.08 **(2)** (a) 68b. Sanitarian: January 1 of each even−numbered year; $53.

68d. Social worker: March 1 of each odd−numbered year; $63.

Vetoed In Part

68h. Social worker, advanced practice: March 1 of each odd−numbered year; $70.

68p. Social worker, independent: March 1 of each odd−numbered year; $58.

68t. Social worker, independent clinical: March 1 of each odd−numbered year; $73.

68v. Speech−language pathologist: February 1 of each odd−numbered year; $63.

69. Time−share salesperson: December 15 of each even−numbered year; $119.

70. Veterinarian: December 15 of each odd−numbered year; $105.

71. Veterinary technician: December 15 of each odd−numbered year; $58.

72. Wholesale distributor of prescription drugs: June 1 of each even−numbered year; $300, except that before June 1, 2010, the amount of the renewal fee is $350.

SECTION 2994o. 440.08 (2) (c) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.08 **(2)** (c) Except as provided in sub. (3), renewal applications shall include the applicable renewal fee ~~as determined by the department under s. 440.03 (9) (a) or as specified in par. (b)~~ specified in pars. (a) and (b).

SECTION 2994p. 440.08 (3) (a) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.08 **(3)** (a) Except as provided in rules promulgated under par. (b), if the department does not receive an application to renew a credential before its renewal date, the holder of the credential may restore the credential by payment of the applicable renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in sub. (2) (a) and by payment of a late renewal fee of $25.

SECTION 2995. 440.25 of the statutes is amended to read:

440.25 Judicial review. The department may seek judicial review under ch. 227 of any final disciplinary decision of the medical examining board or affiliated credentialing board attached to the medical examining board. The department shall be represented in such review proceedings by an attorney within the department. Upon request of the medical examining board or the interested affiliated credentialing board, the attorney general may represent the board. If the attorney general declines to represent the board, the board may retain special counsel which shall be paid for out of the appropriation under s. 20.165 (1) ~~(g)~~ (hg).

Vetoed In Part

SECTION 2995ca. 440.26 (3) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.26 **(3)** ISSUANCE OF LICENSES; FEES. Upon receipt and examination of an application executed under sub. (2), and after any investigation that it considers necessary, the department shall, if it determines that the applicant is qualified, grant the proper license upon payment of the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05

Vetoed In Part

(1). No license shall be issued for a longer period than 2 years, and the license of a private detective shall expire on the renewal date of the license of the private detective agency, even if the license of the private detective has not been in effect for a full 2 years. Renewals of the original licenses issued under this section shall be issued in accordance with renewal forms prescribed by the department and shall be accompanied by the ~~applicable~~ fees specified in s. 440.08 ~~or determined by the department under s. 440.03 (9) (a)~~. The department may not renew a license unless the applicant provides evidence that the applicant has in force at the time of renewal the bond or liability policy specified in this section.

SECTION 2995cb. 440.26 (5m) (a) 4. of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.26 **(5m)** (a) 4. The individual pays to the department the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1).

SECTION 2995cc. 440.26 (5m) (b) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.26 **(5m)** (b) The renewal dates for permits issued under this subsection are specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.08 (2) (a).

SECTION 2995cd. 440.42 (1) (c) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.42 **(1)** (c) The department shall issue a certificate of registration to each charitable organization that is registered under this subsection. Renewal applications shall be submitted to the department, on a form provided by the department, on or before the expiration date specified in s. 440.08 (2) (a) and shall include a registration statement that complies with sub. (2) and the renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.08 (2) (a).

SECTION 2995ce. 440.43 (1) (c) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.43 **(1)** (c) The department shall issue a certificate of registration to each fund−raising counsel that is registered under this subsection. Renewal applications shall be submitted to the department, on a form provided by the department, on or before the date specified in s. 440.08 (2) (a) and shall include the renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.08 (2) (a) and evidence satisfactory to the department that the fund−raising counsel maintains a bond that is approved under sub. (2).

SECTION 2995cf. 440.44 (1) (c) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

Vetoed In Part

440.44 **(1)** (c) The department shall issue a certificate of registration to each professional fund−raiser that is registered under this subsection. Renewal applications shall be submitted to the department, on a form provided by the department, on or before the date specified in s. 440.08 (2) (a) and shall include the renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.08 (2) (a) and evidence satisfactory to the department that the professional fund−raiser maintains a bond that is approved under sub. (2).

SECTION 2995cg. 440.62 (2) (a) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.62 **(2)** (a) An application for initial licensure or renewal or reinstatement of a license under this section shall be submitted to the department on a form provided by the department and shall be accompanied by the applicable fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1) or 440.08. Each application shall be accompanied by a surety bond acceptable to the department in the minimum sum of $25,000 for each location.

SECTION 2995ch. 440.63 (2) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.63 **(2)** APPLICATIONS; CERTIFICATION PERIOD. An application for initial certification or renewal or reinstatement of a certificate under this section shall be submitted to the department on a form provided by the department. An application for initial certification shall include the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1). Renewal applications shall be submitted to the department on a form provided by the department on or before the applicable renewal date specified under s. 440.08 (2) (a) and shall include the applicable renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.08 (2) (a), and the applicable penalty for late renewal under s. 440.08 (3) if the application is submitted late.

SECTION 2995ci. 440.71 (2) (a) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.71 **(2)** (a) Pays the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1).

SECTION 2995cj. 440.71 (3) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.71 **(3)** RENEWAL. Renewal applications shall be submitted to the department on a form provided by the department on or before the applicable renewal date specified under s. 440.08 (2) (a) and shall include the applicable renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified under s. 440.08 (2) (a).

SECTION 2995ck. 440.88 (4) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.88 **(4)** APPLICATIONS; CERTIFICATION PERIOD. An application for certification as a substance abuse

Vetoed In Part

counselor, clinical supervisor, or prevention specialist under this section shall be made on a form provided by the department and filed with the department and shall be accompanied by the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified under s. 440.05 (1). The renewal date and renewal fee for certification as a substance abuse counselor, clinical supervisor, or prevention specialist ~~is~~ are specified under s. 440.08 (2) (a) ~~and the renewal fee for such certifications is determined by the department under s. 440.03 (9) (a)~~. Renewal of certification as a substance abuse counselor−in−training, a clinical supervisor−in−training, or a prevention specialist−in−training may be made only twice.

SECTION 2995cL. 440.91 (1) (b) 2. of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.91 **(1)** (b) 2. The cemetery authority pays the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1).

SECTION 2995cm. 440.91 (1) (c) 1. of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.91 **(1)** (c) 1. The renewal dates and renewal fees for licenses granted under par. (b) are specified in s. 440.08 (2) (a) ~~and the renewal fees for such licenses are determined by the department under s. 440.03 (9) (a)~~, except that a licensed cemetery authority is not required to renew its license if the cemetery authority sells less than 20 cemetery lots or mausoleum spaces at a cemetery during a calendar year, or that has less than $100,000 in trust fund accounts for a cemetery.

SECTION 2995cn. 440.91 (2) (intro.) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.91 **(2)** (intro.) Except as provided in sub. (10), every person that sells or solicits the sale of, or that expects to sell or solicit the sale of, 20 or more cemetery lots or mausoleum spaces per year during 2 consecutive calendar years shall be licensed by the board. A person may not be licensed as a cemetery salesperson except upon the written request of a cemetery authority and the payment of the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05. The cemetery authority shall certify in writing to the board that the person is competent to act as a cemetery salesperson. An applicant for licensure as a cemetery salesperson shall furnish to the board, in such form as the board prescribes, all of the following information:

SECTION 2995co. 440.91 (4) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.91 **(4)** Renewal applications shall be submitted to the department on a form provided by the department on or before the applicable renewal date specified under s. 440.08 (2) (a) and shall include the applicable renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified under s. 440.08 (2) (a).

Vetoed In Part

SECTION 2995cp. 440.92 (1) (b) 2. of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.92 **(1)** (b) 2. Pays the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ under s. 440.05 (1).

SECTION 2995cq. 440.92 (1) (c) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.92 **(1)** (c) Renewal applications shall be submitted to the department on a form provided by the department on or before the applicable renewal date specified under s. 440.08 (2) (a) and shall include the applicable renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified under s. 440.08 (2) (a).

SECTION 2995cr. 440.966 (1) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.966 **(1)** The renewal date and renewal fee for a certificate of registration issued under this subchapter ~~is~~ are specified in s. 440.08 (2) (a)~~, and the renewal fee for such certificate of registration is determined by the department under s. 440.03 (9) (a)~~.

SECTION 2995cs. 440.972 (2) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.972 **(2)** The renewal date and renewal fee for certificates granted under this section ~~is~~ are specified under s. 440.08 (2) (a) 38g.~~, and the renewal fee for such certificates is determined by the department under s. 440.03 (9) (a).~~

SECTION 2995ct. 440.98 (6) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.98 **(6)** APPLICATIONS. An application for a sanitarian registration under this section shall be made on a form provided by the department and filed with the department and shall be accompanied by the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1). The renewal date and renewal fee for a sanitarian registration ~~is~~ are specified under s. 440.08 (2) (a)~~, and the renewal fee for such registration is determined by the department under s. 440.03 (9) (a)~~.

SECTION 2995ctm. 440.9805 (1) of the statutes is amended to read:

440.9805 **(1)** "Health care provider" means a health care provider, as defined in s. 146.81 (1) (a) to (p), a person licensed or issued a training permit as an emergency medical technician under s. 256.15, or a person certified as a first responder under s. 256.15 (8) (a).

Vetoed In Part

SECTION 2995cu. 440.982 (1m) (b) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.982 **(1m)** (b) The person pays the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1).

SECTION 2995cv. 440.983 (1) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.983 **(1)** The renewal date for licenses granted under this subchapter is specified in s. 440.08 (2) (a).

Vetoed In Part

Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.08 (2) (a).

SECTION 2995cw. 440.992 (1) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.992 **(1)** Except as otherwise provided in sub. (2), the department shall issue a certificate of registration to an individual who complies with s. 440.9915 (1) or whose application has been accepted under s. 440.9915 (2), if the individual has paid the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1) (a).

SECTION 2995cx. 440.9935 of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

440.9935 Renewal. The renewal date and fee for certificates of registration issued under this subchapter ~~is~~ are specified in s. 440.08 (2) (a)~~, and the renewal fee for such certificates is determined by the department under s. 440.03 (9) (a)~~. Renewal applications shall be submitted to the department on a form provided by the department.

SECTION 2995cy. 441.01 (7) of the statutes is created to read:

441.01 **(7)** (a) The board shall require each applicant for the renewal of a license, certificate, or permit issued under this chapter to do all of the following as a condition for renewing the license, certificate, or permit:

1. Complete and submit to the department with the application for renewal of the license, certificate, or permit a nursing workforce survey developed by the department of workforce development under s. 106.30 (2).

2. Pay a nursing workforce survey fee of $4. All moneys received under this subdivision shall be deposited into the general fund and credited to the appropriation account under s. 20.165 (1) (jm).

(b) The board may not renew a license, certificate, or permit under this chapter unless the renewal applicant has completed the nursing workforce survey to the satisfaction of the board. The board shall establish standards to determine whether the survey has been completed. The board shall, by no later than June 30 of each odd−numbered year, submit all completed nursing workforce survey forms to the department of workforce development.

Vetoed In Part

SECTION 2995cz. 441.06 (3) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

441.06 **(3)** A registered nurse practicing for compensation shall, on or before the applicable renewal date specified under s. 440.08 (2) (a), submit to the board on furnished forms a statement giving name, residence, and other facts that the board requires, ~~with~~ the nursing workforce survey and fee required under s. 441.01 (7), and the applicable renewal fee determined by the department under s. 440.03 (9) (a).

Vetoed In Part

SECTION 2995d. 441.06 (3) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

441.06 **(3)** A registered nurse practicing for compensation shall, on or before the applicable renewal date specified under s. 440.08 (2) (a), submit to the board on furnished forms a statement giving name, residence, and other facts that the board requires, the nursing workforce survey and fee required under s. 441.01 (7), and the applicable renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified under s. 440.08 (2) (a).

SECTION 2995dc. 441.08 of the statutes is amended to read:

441.08 Temporary permit. A nurse who has graduated from an accredited school but is not licensed in this state may be granted a temporary permit upon payment of the fee specified in s. 440.05 (6) by the board to practice for compensation until the nurse can qualify for licensure. The temporary permit may be renewed once. Each applicant for renewal of a temporary permit under this section shall complete the nursing workforce survey and pay the fee required under s. 441.01 (7). Further renewals may be granted in hardship cases. The board may promulgate rules limiting the use and duration of temporary permits and providing for revocation of temporary permits.

SECTION 2995de. 441.10 (3) (b) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

441.10 **(3)** (b) On or before the applicable renewal date specified under s. 440.08 (2) (a), a licensed practical nurse practicing for compensation shall submit to the board, on forms furnished by the department, an application for license renewal, together with a statement giving name, residence, nature and extent of practice as a licensed practical nurse during the prior year and prior unreported years, the nursing workforce survey and fee required under s. 441.01 (7), and other facts bearing upon current competency that the board requires, accompanied by the applicable license renewal fee determined by the department under s. 440.03 (9) (a).

Vetoed In Part

SECTION 2995dg. 441.10 (3) (b) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

441.10 **(3)** (b) On or before the applicable renewal date specified under s. 440.08 (2) (a), a licensed practical nurse practicing for compensation shall submit to the board, on forms furnished by the department, an application for license renewal, together with a statement giving name, residence, nature and extent of practice as a licensed practical nurse during the prior year and prior unreported years, the nursing workforce survey and fee required under s. 441.01 (7), and other facts bearing upon current competency that the board requires, accompanied by the applicable license renewal fee ~~determined by the~~

Vetoed In Part

~~department under s. 440.03 (9) (a)~~ specified under s. 440.08 (2) (a).

SECTION 2995dr. 441.15 (3) (a) 2. of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

441.15 **(3)** (a) 2. Pays the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified under s. 440.05 (1).

SECTION 2995dt. 441.15 (3) (b) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

441.15 **(3)** (b) On or before the applicable renewal date specified under s. 440.08 (2) (a), a person issued a license under par. (a) and practicing nurse−midwifery shall submit to the board on furnished forms a statement giving his or her name, residence, the nursing workforce survey and fee required under s. 441.01 (7), and other information that the board requires by rule, with the applicable renewal fee determined by the department under s. 440.03 (9) (a). If applicable, the person shall also submit evidence satisfactory to the board that he or she has in effect the malpractice liability insurance required under the rules promulgated under sub. (5) (bm). The board shall grant to a person who pays the fee determined by the department under s. 440.03 (9) (a) for renewal of a license to practice nurse−midwifery and who satisfies the requirements of this paragraph the renewal of his or her license to practice nurse−midwifery and the renewal of his or her license to practice as a registered nurse.

Vetoed In Part

SECTION 2995e. 441.15 (3) (b) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

441.15 **(3)** (b) On or before the applicable renewal date specified under s. 440.08 (2) (a), a person issued a license under par. (a) and practicing nurse−midwifery shall submit to the board on furnished forms a statement giving his or her name, residence, the nursing workforce survey and fee required under s. 441.01 (7), and other information that the board requires by rule, with the applicable renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified under s. 440.08 (2) (a). If applicable, the person shall also submit evidence satisfactory to the board that he or she has in effect the malpractice liability insurance required under the rules promulgated under sub. (5) (bm). The board shall grant to a person who pays the fee ~~determined by the department under s. 440.03 (9) (a)~~ specified under s. 440.08 (2) (a) for renewal of a license to practice nurse−midwifery and who satisfies the requirements of this paragraph the renewal of his or her license to practice nurse−midwifery and the renewal of his or her license to practice as a registered nurse.

SECTION 2995ed. 441.16 (3) (d) of the statutes is amended to read:

441.16 **(3)** (d) Establishing procedures for maintaining a certificate to issue prescription orders, including requirements for continuing education and a requirement to complete the nursing workforce survey and submit the fee required under s. 441.01 (7).

Vetoed In Part

SECTION 2995eg. 442.08 (1) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

442.08 **(1)** The department shall issue a license to an individual who holds an unrevoked certificate as a certified public accountant, submits an application for the license on a form provided by the department, and pays the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1).

SECTION 2995er. 442.08 (2) (intro.) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

442.08 **(2)** (intro.) The department shall issue a license to a firm that submits an application for the license on a form provided by the department, pays the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1), and does each of the following:

SECTION 2995f. 442.083 of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

442.083 Renewal. The renewal dates and renewal fees for licenses issued under this chapter are specified under s. 440.08 (2) (a)~~, and the renewal fees for such licenses are determined by the department under s. 440.03 (9) (a)~~. The department may not renew a license issued to a firm unless, at the time of renewal, the firm satisfies the requirements under s. 442.08 (2) and demonstrates, to the satisfaction of the department, that the firm has complied with the requirements under s. 442.087.

SECTION 2995fg. 442.09 of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

442.09 Fees. The fees for examination and licenses granted or renewed under this chapter are specified in ~~s.~~ ss. 440.05 and 440.08~~. The fee for renewal of such licenses is determined by the department under s. 440.03 (9) (a)~~.

SECTION 2995fr. 443.07 (6) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

443.07 **(6)** The renewal date and renewal fee for permits under this section ~~is~~ are specified under s. 440.08 (2) (a)~~, and the fee for renewal of such permits is determined by the department under s. 440.03 (9) (a)~~.

SECTION 2995g. 443.08 (3) (a) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

443.08 **(3)** (a) A firm, partnership, or corporation desiring a certificate of authorization shall submit an application to the department on forms provided by the department, listing the names and addresses of all officers and directors, and all individuals in its employment registered or granted a permit to practice architecture, professional engineering, or designing in this state who will be in responsible charge of architecture, professional engineering, or designing

Vetoed In Part

being practiced in this state through the firm, partnership, or corporation and other relevant information required by the examining board. A similar type of form shall also accompany the renewal fee. If there is a change in any of these persons, the change shall be reported on the same type of form, and filed with the department within 30 days after the effective date of the change. The examining board shall grant a certificate of authorization to a firm, partnership, or corporation complying with this subsection upon payment of the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1). This subsection does not apply to firms, partnerships, or corporations exempt under s. 443.14 (3) or (5).

SECTION 2995gg. 443.08 (3) (b) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

443.08 **(3)** (b) The renewal date and renewal fee for certificates of authorization under this section ~~is~~ are specified under s. 440.08 (2) (a)~~, and the fee for renewal of such certificates is determined by the department under s. 440.03 (9) (a)~~.

SECTION 2995gr. 443.10 (2) (b) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

443.10 **(2)** (b) The fees for examinations and licenses granted or renewed under this chapter are specified in ~~s.~~ ss. 440.05~~, and the fee for renewal of such licenses is determined by the department under s. 440.03 (9) (a)~~ and 440.08.

SECTION 2995h. 443.10 (2) (e) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

443.10 **(2)** (e) The renewal date and renewal fee for certificates of registration for architects, landscape architects, and professional engineers ~~is~~ are specified under s. 440.08 (2) (a)~~, and the fee for renewal of such certificates is determined by the department under s. 440.03 (9) (a)~~.

SECTION 2995hg. 443.10 (5) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

443.10 **(5)** FEES; RENEWALS. The land surveyor's section shall grant a certificate of registration as a land surveyor to any applicant who has met the applicable requirements of this chapter. The renewal date and renewal fee for the certificate ~~is~~ are specified under s. 440.08 (2) (a)~~, and the renewal fee for the certificate is determined by the department under s. 440.03 (9) (a)~~.

SECTION 2995hr. 445.04 (2) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

445.04 **(2)** No person may engage in the business of a funeral director, or make a representation as engaged in such business, in whole or in part, unless first licensed as a funeral director by the examining board. Application for a license, other than a renewal, shall be in writing and verified on a form to be furnished by the department. The application must specify the address at which the applicant proposes to conduct the business of a funeral director and shall contain such other information as the examining board requires to determine compliance with the requirements of this chapter. Accompanying the application shall be the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1), together with affidavits of recommendation from at least 2 persons of the county in which the applicant resides or proposes to conduct the business of a funeral director.

SECTION 2995i. 445.06 of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

445.06 Renewal of licenses. The renewal date and renewal fee for a funeral directors' license ~~is~~ are specified under s. 440.08 (2) (a)~~, and the renewal fee for such license is determined by the department under s. 440.03 (9) (a)~~. Before any renewal license is delivered to any licensed funeral director, proof must be furnished by the applicant, to the satisfaction of the examining board, that the applicant is doing business at a recognized funeral establishment, except that if such applicant is not doing business at a recognized funeral establishment at the time of application for a license, the applicant shall be given a certificate, without additional cost, to the effect that the applicant is in good standing as a funeral director, and shall be entitled to a renewal license at any time during that license period, when located at a recognized funeral establishment, without payment of any additional renewal fee. The applicant must also furnish proof of completion of at least 15 hours of continuing education during the previous 2−year licensure period, except that new licensees are exempt from this requirement during the time between initial licensure and commencement of a full 2−year licensure period.

SECTION 2995iam. 445.105 (3) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

445.105 **(3)** Applications for funeral establishment permits shall be made on forms provided by the department and filed with the department and shall be accompanied by the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified under s. 440.05 (1). The renewal date and renewal fee for a funeral establishment permit ~~is~~ are specified under s. 440.08 (2) (a)~~, and the renewal fee for such permit is determined by the department under s. 440.03 (9) (a)~~.

SECTION 2995ib. 446.01 (1) of the statutes is renumbered 446.01 (1t).

SECTION 2995ibm. 446.01 (1d) of the statutes is created to read:

446.01 **(1d)** "Adjunctive services" means services that are preparatory or complementary to the practice of chiropractic. "Adjunctive services" includes all of the following:

(a) The taking and preparation of preliminary patient histories, as defined by the examining board by rule.

(b) Providing physiotherapy treatment, as defined by the examining board by rule.

SECTION 2995ic. 446.01 (1h) of the statutes is created to read:

446.01 **(1h)** "Chiropractic radiological technician" means an individual who holds a certificate as a chiropractic radiological technician granted by the examining board.

SECTION 2995icm. 446.01 (1p) of the statutes is created to read:

446.01 **(1p)** "Chiropractic technician" means an individual who holds a certificate as a chiropractic technician granted by the examining board.

SECTION 2995id. 446.02 (1) (intro.) of the statutes is amended to read:

446.02 **(1)** (intro.) Except as provided in sub. (9), no person may engage in the practice of chiropractic or attempt to do so or hold himself or herself out as authorized to do so, unless such person satisfies all of the following:

SECTION 2995idm. 446.02 (1) (a) of the statutes is amended to read:

446.02 **(1)** (a) Is licensed by the examining board~~; and~~.

SECTION 2995ie. 446.02 (1) (b) of the statutes is amended to read:

446.02 **(1)** (b) ~~Meets~~ Submits evidence satisfactory to the examining board that the person meets the requirements of continuing education for license renewal as the examining board may require, which requirements shall include current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction. The person shall include the approval number assigned under sub. (5) (b) to each educational program completed by the person to satisfy the requirements of this paragraph. During the time between initial licensure and commencement of a full 2−year licensure period new licensees shall not be required to meet continuing education requirements. Any person who has not engaged in the practice of chiropractic for 2 years or more, while holding a valid license under this chapter, and desiring to engage in such practice, shall be required by the examining board to complete a continuing education course at a school of chiropractic approved by the examining board or pass a practical examination administered by the examining board or both.

SECTION 2995iem. 446.02 (2) (a) of the statutes is renumbered 446.02 (2) (a) 1. and amended to read:

Vetoed In Part

446.02 **(2)** (a) 1. ~~The~~ Except as provided in subd. 2., the examining board shall grant a license to engage in the practice of chiropractic to a qualified person who submits an application for the license to the department on a form provided by the department, accompanied by satisfactory evidence of completion of the educational requirements established in the rules promulgated under par. (b), passes the ~~examination~~ examinations described under sub. (3) and pays the license fee specified in s. 440.05 (1).

SECTION 2995if. 446.02 (2) (a) 2. of the statutes is created to read: **Vetoed In Part**

446.02 **(2)** (a) 2. The examining board may not issue a license under this subsection to an applicant who has defaulted on any loan obtained by the applicant to finance the applicant's education. The examining board shall promulgate rules to implement this subdivision, including standards for satisfactory documentary evidence to be submitted by the applicant to verify compliance with the requirements under this subdivision.

SECTION 2995ifm. 446.02 (2) (b) 4. of the statutes is created to read:

446.02 **(2)** (b) 4. Has successfully completed the examinations required under sub. (3).

SECTION 2995ig. 446.02 (3) (intro.) of the statutes is created to read:

446.02 **(3)** (intro.) The examining board shall require each applicant for licensure to successfully complete the following examinations:

SECTION 2995igm. 446.02 (3) of the statutes is renumbered 446.02 (3) (a) and amended to read:

446.02 **(3)** (a) ~~Examination~~ An examination administered by the examining board. The examination shall be in the subjects usually taught in such reputable schools of chiropractic, and shall be conducted at least twice a year at such times and places as the examining board determines. The examination shall include a practical examination of the applicant as prescribed by the examining board. ~~In lieu of its own written examination, the examining board may accept, in whole or in part,the certificate of~~ The examining board shall charge an examination fee to each applicant for licensure under sub. (2) to cover the cost of developing and administering the examination required under this paragraph.

(b) Any examination required by the national board of chiropractic examiners.

SECTION 2995ih. 446.02 (4) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read: **Vetoed In Part**

446.02 **(4)** The renewal date and renewal fee for all licenses granted by the examining board ~~is~~ are specified under s. 440.08 (2) (a)~~, and the renewal fee for such licenses is determined by the department under s. 440.03 (9) (a)~~.

SECTION 2995ihm. 446.02 (5) of the statutes is renumbered 446.02 (5) (a).

SECTION 2995ii. 446.02 (5) (b) of the statutes is created to read:

446.02 **(5)** (b) The examining board shall assign a unique approval number to each continuing education program approved by the examining board under s. 446.028.

SECTION 2995iim. 446.02 (7) (a) of the statutes is amended to read:

446.02 **(7)** (a) Except as provided in ~~par.~~ pars. (b) and (d), a chiropractor who is licensed under this chapter may delegate to a person who is not licensed under this chapter the performance of ~~services that are~~ adjunctive ~~to the practice of chiropractic~~ services if the services are performed under the direct, on−premises supervision of the chiropractor.

SECTION 2995ij. 446.02 (7) (d) of the statutes is created to read:

446.02 **(7)** (d) 1. Beginning on the effective date of this subdivision .... [LRB inserts date], a chiropractor may delegate X−ray services only to a chiropractic radiological technologist.

2. Beginning on the effective date of this subdivision .... [LRB inserts date], a chiropractor may delegate adjunctive services only to a chiropractic technologist.

SECTION 2995ijm. 446.02 (7d) of the statutes is created to read:

446.02 **(7d)** (a) A chiropractor shall evaluate each patient before commencing treatment of the patient to determine whether the patient has a condition that is treatable by the practice of chiropractic. The evaluation shall be based upon an examination that is appropriate to the patient. To conduct the evaluation, the chiropractor shall utilize chiropractic science, as defined by the examining board by rule, and the principles of education and training of the chiropractic profession.

(b) A chiropractor shall discontinue the practice of chiropractic on a patient if, at any time after the evaluation under par. (a) or during or following treatment of the patient, the chiropractor determines or reasonably believes that the patient's condition is not treatable by the practice of chiropractic, or will not respond to further practice of chiropractic by the chiropractor, except that a chiropractor may provide maintenance, supportive, and wellness care to the patient if the patient is being treated by another health care professional.

(c) A chiropractor who discontinues the practice of chiropractic as required in par. (b) shall inform the patient of the reason for discontinuing the practice of chiropractic and shall refer the patient to a physician licensed under subch. II of ch. 448. A chiropractor may continue to provide maintenance, supportive, and wellness care to a patient referred under this paragraph who requests these services from the chiropractor. A referral under this paragraph shall describe the chiropractor's findings. If the referral is written, the chiropractor shall provide the patient with a copy and shall maintain a copy in the patient's records. If the referral is oral, the chiropractor shall communicate the referral directly to the physician, shall notify the patient about the referral, and shall make a written record of the oral referral. The written record of the oral referral shall include the name of the physician to whom the patient was referred and the date of the referral. The chiropractor shall maintain a copy of the written record of the oral referral in the patient's records.

SECTION 2995ik. 446.02 (9) (d) of the statutes is amended to read:

446.02 **(9)** (d) A person who performs ~~services that are~~ adjunctive ~~to the practice of chiropractic and~~ services that are delegated to the person under sub. (7).

SECTION 2995ikm. 446.02 (10) of the statutes is created to read:

446.02 **(10)** (a) A chiropractor may waive all or a portion of an insured patient's copayments, coinsurance, or deductibles due to a chiropractor who engages in the practice of chiropractic on behalf of the insured patient if all of the following are satisfied:

1. The chiropractor receives from and maintains written documentation of the patient's financial hardship, as defined by the examining board by rule.

2. The chiropractor accurately reports to the patient's insurer the actual fee charged, if any, to the patient. If the chiropractor waives all or a portion of the patient's copayments, coinsurance, or deductibles due to the chiropractor, the chiropractor may not seek payment from the insurer for any portion of the copayment, coinsurance, or deductible waived by the chiropractor unless the claim for the services related to the copayment, coinsurance, or deductible is reduced by an equal amount. In this subdivision and in par. (b), "insurer" has the meaning given in s. 600.03 (27).

(b) A chiropractor who violates par. (a) shall refund the insurer for all payments received from the insurer that are related to the day on which a patient's payment was waived or reduced or for the course of treatment for which the patient's payment was waived or reduced.

SECTION 2995iL. 446.025 of the statutes is created to read:

446.025 Regulation of chiropractic radiological technicians. (1) (a) No person may provide X−ray services on behalf of a chiropractor in connection with the practice of chiropractic unless the person is a chiropractic radiological technician and is under the direct, on−premises supervision of a chiropractor licensed under this chapter.

(b) No person may designate himself or herself as a "chiropractic radiological technician" or "chiropractor radiological technician," use or assume the title "chiropractic radiological technician" or "chiropractor radiological technician" or any title that includes "chiropractic radiological technician"or "chiropractor radiological technician," append to the person's name the letters "C.R.T.," or use any other title or designation that represents or implies that he or she is a chiropractic radiological technician unless the person is certified by the examining board under this section.

(2) (a) The examining board shall certify as a chiropractic radiological technician an individual who does all of the following:

1. Submits an application to the department on a form provided by the department.

2. Pays the fee specified in s. 440.05 (1).

3. Submits evidence satisfactory to the examining board that the individual has completed a course of study approved by the examining board.

4. Subject to ss. 111.321, 111.322, and 111.335, submits evidence satisfactory to the examining board that the individual does not have an arrest or conviction record.

5. Completes any other requirements established by the examining board by rule.

(b) The department shall assign a unique certificate number to each individual certified under this section.

(3) (a) The renewal date and fees for a certificate issued under this section are specified in s. 440.08 (2) (a).

(b) A chiropractic radiological technician shall, at the time that he or she applies for renewal of a certificate under par. (a), submit evidence satisfactory to the examining board that he or she has completed at least 12 continuing educational credit hours in programs established by rules promulgated by the examining board.

SECTION 2995iLm. 446.026 of the statutes is created to read:

446.026 Regulation of chiropractic technicians. (1) (a) No person may provide adjunctive services unless the person is a chiropractic technician and is under the direct, on−premises supervision of a chiropractor licensed under this chapter.

(b) Except as provided in s. 446.025 (1) (b), no person may designate himself or herself as a "chiropractic technician" or "chiropractor technician," use or assume the title "chiropractic technician" or "chiropractor technician" or any title that includes "chiropractic technician" or "chiropractor technician," append to the person's name the letters "C.T.," or use any other title or designation that represents or implies that he or she is a chiropractic technician unless the person is certified by the examining board under this section.

(2) (a) The examining board shall certify as a chiropractic technician an individual who does all of the following:

1. Submits an application to the department on a form provided by the department.

2. Pays the fee specified in s. 440.05 (1).

3. Submits evidence satisfactory to the examining board that the individual has completed a course of study approved by the examining board.

4. Subject to ss. 111.321, 111.322, and 111.335, submits evidence satisfactory to the examining board that the individual does not have an arrest or conviction record.

5. Completes any other requirements established by the examining board by rule.

(b) The department shall assign a unique certificate number to each individual certified under this section.

(3) (a) The renewal date and fees for a certificate issued under this section are specified in s. 440.08 (2) (a).

(b) A chiropractic technician shall, at the time that he or she applies for renewal of a certificate under par. (a), submit evidence satisfactory to the examining board that he or she has completed at least 6 continuing educational credit hours in programs established by rules promulgated by the examining board.

SECTION 2995im. 446.028 of the statutes is created to read:

446.028 Continuing education approval; program sponsors. Each program sponsor of a continuing education program required to be completed by a chiropractor as a condition of license renewal shall submit the program to the examining board for approval. In this section, "program sponsor" means the Wisconsin Chiropractic Association, the International Chiropractors Association, a college of chiropractic approved by the examining board, and a college of medicine or osteopathy accredited by an accrediting body listed as nationally recognized by the secretary of the federal department of education. "Program sponsor" does not include an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide instruction in the use of an automated external defibrillator.

SECTION 2995imm. 446.03 of the statutes is amended to read:

446.03 Reprimand; ~~license~~ revocation, limitation, or suspension of a license or certificate. The examining board, by order, may reprimand a licensee, certificate holder, or registrant and may deny, limit, suspend or revoke any license, certificate, or certificate of registration if the licensee, certificate holder, or registrant does any of the following:

(1) ~~Obtained~~ Obtains the license, certificate, or certificate of registration through error or fraud~~;~~.

(2) Is addicted to alcohol or other drugs~~;~~.

(3) Is hereafter convicted in a court of competent jurisdiction, either within or without this state, or in federal court, of any violation of any law governing the practice of chiropractic or of any felony, subject to ss. 111.321, 111.322 and 111.335, a certified copy of the record of conviction to be conclusive evidence of such conviction~~;~~.

(4) Has obtained or sought to obtain anything of value by fraudulent representation in the practice of chiropractic~~;~~.

(5) Is guilty of unprofessional conduct~~;~~.

(6) Has continued practice, knowingly having an infectious or contagious disease~~; or~~.

(7) ~~If the applicant or registrant maintains~~ Maintains a professional connection or association with any other person continuing to violate this chapter after 10 days' notice in writing by the department.

SECTION 2995in. 446.04 (intro.), (1), (2), (4) and (5) (intro.) and (a) of the statutes are amended to read:

446.04 Unprofessional conduct. (intro.) Unprofessional conduct includes, without limitation because of enumeration, all of the following:

(1) Any conduct of a character likely to deceive or defraud the public~~;~~.

(2) Loaning of a chiropractic license or certificate to anyone~~;~~.

(4) Splitting or dividing any fee for chiropractic service with any person except an associate licensed chiropractor~~;~~.

(5) (intro.) Use of unprofessional advertising which ~~shall include~~ includes, without limitation because of enumeration, all of the following:

(a) Any advertising statement of a character tending to deceive or mislead the public~~;~~.

Vetoed In Part

SECTION 2995inm. 446.04 (6) of the statutes is created to read:

446.04 **(6)** Sexual behavior, including noncontact sexual behavior, with or in the presence of a patient, including sexual contact under s. 939.22 (34), indecent exposure of genitals or pubic area, sexual gratification, sexually offensive communication, or dating a patient under treatment. The examining board shall establish by rule definitions for contact sexual behavior and noncontact sexual behavior.

SECTION 2995io. 446.05 (1m) of the statutes is created to read:

446.05 **(1m)** (a) Subject to the rules promulgated under s. 440.03 (1), the examining board may make investigations and conduct hearings in regard to the conduct of any chiropractic radiological technician who, it has reason to believe, violated s. 446.025 or 446.03. The person complained against may proceed to review any action of the examining board under ch. 227.

(b) Subject to the rules promulgated under s. 440.03 (1), the examining board may make investigations and conduct hearings in regard to the conduct of any chiropractic technician who, it has reason to believe, violated s. 446.026 or 446.03. The person complained against may proceed to review any action of the examining board under ch. 227.

SECTION 2995iom. 446.05 (2) of the statutes is amended to read:

446.05 **(2)** Upon application and satisfactory proof that the cause of such revocation or suspension no longer exists, the examining board may reinstate any license, certificate, or registration suspended or revoked by it. This subsection does not apply to a license, certificate, or registration that is suspended under s. 440.13 (2) (c) or that is revoked under s. 440.12 or 446.07 (2) (a) 2. or (b) 3 .

Vetoed In Part

Vetoed In Part

SECTION 2995ip. 446.07 (title) of the statutes is repealed and recreated to read:

446.07 (title) **Penalties.**

SECTION 2995ipm. 446.07 of the statutes is renumbered 446.07 (1).

SECTION 2995ir. 446.07 (2) of the statutes is created to read:

Vetoed In Part

446.07 **(2)** (a) Any licensee or holder of a certificate issued under this chapter who is investigated under s. 446.05 (1) and found guilty of contact sexual behavior, as defined by the examining board under s. 446.04 (6) and prohibited under ss. 446.03 (5) and 446.04 (6), shall be subject to the following penalties:

1. For the first violation, the examining board shall suspend the individual's license or certificate for a period of 12 months. A chiropractor whose license is suspended under this subdivision shall be prohibited from entering onto the premises of his or her practice and may not hire any person to oversee the chiropractor's practice during the chiropractor's suspension.

2. For the 2nd violation, the examining board shall permanently revoke the individual's license or certificate.

(b) Any licensee or holder of a certificate issued under this chapter who is investigated under s. 446.05 (1) and found guilty of noncontact sexual behavior, as defined by the examining board under s. 446.04 (6) and prohibited under ss. 446.03 (5) and 446.04 (6), shall be subject to the following penalties:

1. For the first violation, the examining board shall suspend the individual's license or certificate for a period of 3 months. The examining board shall require the individual to complete continuing education on the topic of effective and appropriate interaction between chiropractors and their patients.

2. For the 2nd violation, the examining board shall suspend the individual's license or certificate for a period of 12 months. A chiropractor whose license is suspended under this subdivision shall be prohibited from entering onto the premises of his or her practice and may not hire any person to oversee the chiropractor's practice during the chiropractor's suspension.

3. For the 3rd violation, the examining board shall permanently revoke the individual's license or certificate.

SECTION 2995j. 447.05 of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

447.05 Expiration and renewal. Renewal applications shall be submitted to the department on a form provided by the department on or before the applicable renewal date specified under s. 440.08 (2) (a) and shall include the applicable renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified under s. 440.08 (2) (a). The examining board may not renew a license to practice dentistry unless the applicant for renewal attests that he or she has current proficiency in cardiopulmonary resuscitation, including the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction. The examining board may not renew a license to practice dental hygiene unless

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the applicant for renewal attests that he or she has complied with s. 447.055 and any rules promulgated by the department under s. 447.055, that he or she has a current certification in cardiopulmonary resuscitation, and that he or she has current proficiency in the use of an automated external defibrillator achieved through instruction provided by an individual, organization, or institution of higher education approved under s. 46.03 (38) to provide such instruction.

SECTION 2995jg. 448.07 (2) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

448.07 **(2)** FEES. The fees for examination and licenses granted or renewed under this subchapter are specified in ~~s.~~ ss. 440.05 and 440.08~~, and the renewal fee for such licenses is determined by the department under s. 440.03 (9) (a)~~.

SECTION 2995jr. 448.55 (2) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

448.55 **(2)** The renewal dates for licenses granted under this subchapter, other than temporary licenses granted under rules promulgated under s. 448.53 (2), are specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.08 (2) (a) and proof of compliance with the requirements established in any rules promulgated under sub. (3).

SECTION 2995k. 448.65 (2) (a) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

448.65 **(2)** (a) The renewal fee ~~determined by the department under 440.03 (9) (a)~~ specified in s. 440.08 (2) (a).

SECTION 2995kg. 448.86 (2) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

448.86 **(2)** The renewal dates for certificates granted under this subchapter, other than temporary certificates granted under s. 448.80, are specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.08 (2) (a).

SECTION 2995kr. 448.955 (2) (intro.) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

448.955 **(2)** (intro.) Renewal applications shall be submitted to the department on a form provided, subject to sub. (3), by the department and shall include the renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.08 (2) (a) and evidence satisfactory to the affiliated credentialing board that the licensee has all of the following:

SECTION 2995L. 448.967 (2) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

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448.967 **(2)** The renewal dates for licenses granted under this subchapter are specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.08 (2) (a) and a statement attesting compliance with the continuing education requirements established in rules promulgated under s. 448.965 (1) (b).

SECTION 2995Lg. 449.06 (1) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

449.06 **(1)** Persons practicing optometry shall, on or before the applicable renewal date specified under s. 440.08 (2) (a), register with the department, pay the applicable renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified under s. 440.08 (2) (a), and provide evidence satisfactory to the examining board that he or she has complied with the rules promulgated under sub. (2m).

SECTION 2995Lr. 450.06 (2) (c) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

450.06 **(2)** (c) The ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ under s. 440.05 (1) is paid.

SECTION 2995m. 450.065 (2) (d) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

450.065 **(2)** (d) Pays the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ under s. 440.05 (1).

SECTION 2995mg. 450.07 (1) of the statutes is amended to read:

450.07 **(1)** No person may engage in manufacturing in this state unless the person obtains a manufacturer's license from the board. For the issuance of a license under this subsection, the applicant shall pay the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1).

SECTION 2995mr. 450.08 (2) (a) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

450.08 **(2)** (a) A pharmacist's license may be renewed by complying with continuing education requirements under s. 450.085 and paying the applicable fee ~~determined by the department under s. 440.03 (9) (a)~~ specified under s. 440.08 (2) (a) on or before the applicable renewal date specified under s. 440.08 (2) (a). Failure to obtain renewal within the time period specified under this paragraph terminates the right of the person to be licensed as a pharmacist, and such right can only be acquired by passing an examination to the satisfaction of the board.

SECTION 2995n. 450.08 (2) (b) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

450.08 **(2)** (b) A pharmacy, manufacturer's or distributor's license may be renewed by paying the applicable fee ~~determined by the department under s.~~

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~~440.03 (9) (a)~~ specified under s. 440.08 (2) (a) on or before the applicable renewal date specified under s. 440.08 (2) (a).

SECTION 2995nd. 450.095 of the statutes is created to read:

450.095 Duty to dispense contraceptives. (1) In this section:

(a) "Contraceptive drug or device" means any drug or device approved by the federal food and drug administration that is used to prevent pregnancy, including a contraceptive drug or device restricted to distribution by a pharmacy.

(b) "Without delay" means within the usual and customary time frame reasonably expected at a pharmacy for dispensing or distributing a prescription that is not a contraceptive drug or device.

(2) Unless one or more of the following applies, a pharmacy shall dispense lawfully prescribed contraceptive drugs and devices and shall deliver contraceptive drugs and devices restricted to distribution by a pharmacy to a patient without delay:

1. The prescription contains an obvious or known error or contains inadequate instructions.

2. The prescription is contraindicated for the patient, is incompatible with another drug or device prescribed for the patient, or is prohibited by state or federal law.

3. The prescription is potentially fraudulent.

(3) Any person who violates this section may be required to forfeit not less than $250 nor more than $2,500 for each violation.

(4) Nothing in this section may be construed to abrogate a pharmacist's legal and ethical obligations to comply with the laws of this state.

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SECTION 2995ng. 451.04 (4) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

451.04 **(4)** EXPIRATION AND RENEWAL. Renewal applications shall be submitted to the department on a form provided by the department on or before the applicable renewal date specified under s. 440.08 (2) (a) and shall include the applicable renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified under s. 440.08 (2) (a).

SECTION 2995nr. 452.025 (1) (c) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

452.025 **(1)** (c) Each application for registration as a time−share salesperson shall be accompanied by an initial credential fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1) or the applicable renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.08 (2) (a), whichever is appropriate.

SECTION 2995o. 452.025 (5) (b) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

452.025 **(5)** (b) An application to renew a certificate of registration granted under this section shall be submitted with the applicable renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified under s. 440.08 (2) (a) on or before the applicable renewal date specified under s. 440.08 (2) (a).

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SECTION 2995og. 452.10 (3) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

452.10 **(3)** The fees for examinations and licenses granted or renewed under this chapter are specified under ~~s.~~ ss. 440.05 and 440.08~~, and the renewal fee for such licenses is determined by the department under s. 440.03 (9) (a)~~.

SECTION 2995or. 452.12 (2) (c) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

452.12 **(2)** (c) Application for a business entity license shall be made on forms prescribed by the department, listing the names and addresses of all business representatives, and shall be accompanied by the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1). If there is a change in any of the business representatives, the change shall be reported to the department, on the same form, within 30 days after the effective date of the change.

SECTION 2995p. 452.12 (5) (a) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

452.12 **(5)** (a) Renewal applications for all licenses shall be submitted with the applicable renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified under s. 440.08 (2) (a) on or before the applicable renewal date specified under s. 440.08 (2) (a).

SECTION 2995pg. 452.12 (6) (e) 1. of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

452.12 **(6)** (e) 1. If a person has registered as an inactive licensee before November 1, 1990, the department shall reinstate the person's original license if that person applies to the department for reinstatement of his or her original license, pays the ~~fee~~ fees specified under s. 440.05 (1) (a) and (b), passes an examination under s. 452.09 (3) and completes the education requirements established by the department under par. (f).

SECTION 2995pr. 452.12 (6) (e) 2. of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

452.12 **(6)** (e) 2. If a person has registered as an inactive licensee on or after November 1, 1990, the department shall reinstate the person's original license if that person applies to the department for reinstatement of his or her original license, pays the renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified under s. 440.08 (2) (a) for the original license and completes 12 hours of continuing education as established by the department under par. (f). A person who is eligible for reinstatement of his or her original license under this subdivision shall complete the requirements for reinstatement under this subdivision before January 1, 1996, or within 5 years after the date on

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which the person registered as an inactive licensee, whichever is later.

SECTION 2995q. 453.062 (1) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

453.062 **(1)** RENEWAL. The renewal dates and renewal fees for veterinary licenses and veterinary technician certifications are specified under s. 440.08 (2) (a)~~, and the renewal fees for such licenses and certifications are determined by the department under s. 440.03 (9) (a)~~.

SECTION 2995qg. 454.06 (1) (a) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

454.06 **(1)** (a) The applicant pays the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1), except as provided in s. 454.13 (1).

SECTION 2995qr. 454.06 (8) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

454.06 **(8)** EXPIRATION AND RENEWAL. The renewal date and renewal fee for licenses issued under subs. (2) to (6) ~~is~~ are specified under s. 440.08 (2) (a)~~, and the renewal fees for such licenses are determined by the department under s. 440.03 (9) (a)~~.

SECTION 2995r. 454.08 (3) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

454.08 **(3)** The examining board shall issue an establishment license to any person who pays the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1) and who satisfies the requirements established by the examining board by rule, including proof of ownership of the business. Any change of ownership shall be reported to the examining board by the new owner within 5 days after the change of ownership.

SECTION 2995rg. 454.08 (9) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

454.08 **(9)** The renewal date and renewal fee for licenses issued under this section ~~is~~ are specified under s. 440.08 (2) (a)~~, and the renewal fee for such licenses is determined by the department under s. 440.03 (9) (a)~~.

SECTION 2995rr. 455.06 of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

455.06 Renewals. The renewal date and renewal fee for licenses issued under s. 455.04 (1) and (4) ~~is~~ are specified under s. 440.08 (2) (a)~~, and the renewal fee for such licenses is determined by the department under s. 440.03 (9) (a)~~. An applicant for renewal of a license shall include with his or her application proof of completion of continuing education programs or courses approved under s. 455.065 (4) for the minimum number of hours required in the rules promulgated under s. 455.065 (1).

SECTION 2995s. 455.07 (2) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

455.07 **(2)** The fee for renewal of a license under this chapter is ~~determined by the department under s. 440.03 (9) (a)~~ specified under s. 440.08 (2) (a).

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SECTION 2995sg. 456.07 (2) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

456.07 **(2)** The application for a new certificate of registration shall include the applicable renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified under s. 440.08 (2) (a) and evidence satisfactory to the examining board that during the biennial period immediately preceding application for registration the applicant has attended a continuation education program or course of study. During the time between initial licensure and commencement of a full 2−year licensure period new licensees shall not be required to meet continuing education requirements. All registration fees are payable on or before the applicable renewal date specified under s. 440.08 (2) (a).

SECTION 2995sm. 457.04 (8) of the statutes is created to read:

457.04 **(8)** Practice clinical social work, marriage and family therapy, or professional counseling without notifying his or her client in writing of the procedure to follow to resolve a grievance. The notice required under this subsection shall provide one of the following options for resolving a grievance to the client:

(a) A grievance resolution procedure that contains all of the following elements:

1. The name, address, and telephone number of, and any other contact information available for, the appropriate section of the examining board that is responsible for receiving a complaint and investigating and conducting a hearing under s. 457.26 (1).

2. The name, address, and telephone number of, and any other contact information available for, a person not involved in the services, therapy, or counseling giving rise to the complaint who would be available to receive and investigate a complaint.

3. The manner by which a client may present a complaint to a person identified in subd. 1. or 2.

4. The manner by which a client may appeal the resolution of a complaint presented in subd. 3.

5. Time limits for filing, processing, and appealing the resolution of a complaint presented under subd. 3.

6. Protections against retaliation for a client who presents a complaint under subd. 3. and for any person who assists the client to present a complaint under subd. 3.

(b) A grievance resolution procedure that complies with the rules promulgated under s. 51.61 (5) (b).

(c) A grievance resolution procedure that is available to the credential holder through a professional association of which the credential holder is a member.

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SECTION 2995sr. 457.20 (3) (a) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

457.20 **(3)** (a) The renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.08 (2) (a).

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SECTION 2995t. 458.11 of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

458.11 Expiration and renewal. Renewal applications shall be submitted to the department on a form provided by the department on or before the applicable renewal date specified under s. 440.08 (2) (a) and shall include the applicable renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified under s. 440.08 (2) (a). Renewal of an appraiser certificate automatically renews the individual's appraiser license without payment of the renewal fee for the appraiser license or completion of any additional continuing education requirements that would otherwise be required for renewal of the appraiser license. Renewal applications shall be accompanied by proof of completion of the continuing education requirements in s. 458.13. Notwithstanding s. 458.06 (3) (b) 2. and (4) (b) 2., 1989 stats., and s. 458.08 (3) (b) 2. and (c) 2., 1991 stats., the department may not renew a certificate that was granted under s. 458.06 (3) or (4) before May 29, 1993, unless the holder of the certificate submits evidence satisfactory to the department that he or she has successfully completed the applicable educational requirements specified in rules promulgated under s. 458.085 (1) and the department may not renew a certificate that was granted under s. 458.08 (3) before May 29, 1993, unless the holder of the certificate submits evidence satisfactory to the department that he or she has successfully completed the applicable education and experience requirements specified in rules promulgated under s. 458.085 (1) and (2).

SECTION 2995tg. 459.09 (1) (a) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

459.09 **(1)** (a) Pay to the department the applicable renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified under s. 440.08 (2) (a).

SECTION 2995tr. 459.24 (5) (a) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

459.24 **(5)** (a) The renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.08 (2) (a).

SECTION 2996f. 460.07 (2) (a) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

460.07 **(2)** (a) The renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.08 (2) (a).

SECTION 2996fm. 461.02 (1) of the statutes, as created by 2007 Wisconsin Act 189, is amended to read:

461.02 **(1)** REGISTRATION REQUIRED. No person may offer or provide professional employer services, advertise that the person is a professional employer organization or that the person provides professional employer services, or otherwise hold itself out as a professional employer organization unless the person first registers with the department as provided in this section. To register under this section, a person shall file the registration form under sub. (2) and pay the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1).

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SECTION 2996fn. 461.02 (4) of the statutes, as created by 2007 Wisconsin Act 189, is amended to read:

461.02 **(4)** RENEWAL REGISTRATION. A registrant that wishes to renew its registration shall, by no later than 180 days after the end of the registrant's fiscal year, renew that registration by notifying the department of any changes in the information specified in sub. (2) (a) to (e), filing an updated financial statement as described in sub. (2) (f), and paying the ~~renewal credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.08 (2) (a). A registrant may apply to the department for an extension of the time within which to renew a registration by providing with the application a letter from the certified public accountant who is auditing the registrant's financial statement stating the reasons for the delay and the anticipated completion date of the audit. A renewal registration is valid for one year after the date of renewal.

SECTION 2996fo. 461.02 (5) (a) of the statutes, as created by 2007 Wisconsin Act 189, is amended to read:

461.02 **(5)** (a) A professional employer organization or professional employer group that is domiciled outside this state, that is registered or licensed as a professional employer organization or professional employer group in another state, that does not maintain an office in this state or directly solicit clients that are located or domiciled in this state, and that has no more than 50 employees performing services for clients in this state on any given day may apply for limited registration under this section by filing with the department a limited registration form prescribed by the department and paying the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1). An applicant that is seeking limited registration shall, in addition to the information provided under sub. (2), provide the department with information and documentation showing that the applicant meets the qualifications specified in this paragraph for limited registration.

SECTION 2996fp. 461.02 (6) of the statutes, as created by 2007 Wisconsin Act 189, is amended to read:

461.02 **(6)** PROFESSIONAL EMPLOYER GROUP REGISTRATION. Two or more professional employer organizations that are part of a professional employer group may register under this section or renew a registration by providing the information required under sub. (2), (4), or (5) on a combined or consolidated basis, paying the ~~initial credential or renewal~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified under s. 440.05 (1) for a registration or the fee specified under s. 440.08 (2) (a) for a renewal, and guaranteeing each other's obligations. If a professional employer group provides a combined or consolidated financial statement under sub. (2) (f) that includes the financial condition of

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entities that are not part of the professional employer group, the person controlling the professional employer group shall guarantee the obligations of the professional employer organizations in the professional employer group.

Section 2996fq. 461.02 (8) of the statutes, as created by 2007 Wisconsin Act 189, is amended to read:

461.02 **(8)** Issuance of registration. On receipt of an application for registration or for renewal of a registration under subs. (3) to (7) and of the ~~initial credential fee or renewal~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified under s. 440.05 (1) for a registration or the fee specified under s. 440.08 (2) (a) for a renewal, the department shall investigate the applicant or registrant to determine whether the applicant or registrant is qualified for registration or for renewal registration. Except as provided in s. 440.12 and 440.13, the department shall issue a registration or renewal registration if, after completing the investigation, the department determines that the applicant or registrant meets the requirements under this chapter and rules promulgated under s. 461.06 for issuance or renewal of a registration and is satisfied that the applicant or registrant will comply with this chapter and those rules.

Section 2996g. 470.045 (3) (a) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

470.045 **(3)** (a) A firm, partnership or corporation desiring a certificate of authorization shall submit an application to the department on forms provided by the department, listing the names and addresses of all officers and directors, and all individuals in its employment licensed to practice professional geology, hydrology or soil science in this state who will be in responsible charge of professional geology, hydrology or soil science being practiced in this state through the firm, partnership or corporation and other relevant information required by the appropriate section of the examining board. A similar type of form shall also accompany the renewal fee. If there is a change in any of these persons, the change shall be reported on the same type of form, and filed with the department within 30 days after the effective date of the change. The appropriate section of the examining board shall grant a certificate of authorization to a firm, partnership or corporation complying with this subsection upon payment of the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1). This subsection does not apply to firms, partnerships or corporations exempt under s. 470.025 (3).

Section 2996h. 470.045 (3) (b) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

470.045 **(3)** (b) The renewal date and renewal fee for certificates of authorization under this section ~~is~~ are specified under s. 440.08 (2) (a)~~, and the renewal fee for such certificates is determined by the department under s. 440.03 (9) (a)~~.

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Section 2996i. 470.07 of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

470.07 Renewal of licenses. The renewal dates for licenses granted under this chapter are specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.08 (2) (a) and evidence satisfactory to the appropriate section of the examining board that the applicant has completed any continuing education requirements specified in rules promulgated under s. 470.03 (2).

Section 2996j. 480.08 (3) (b) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

480.08 **(3)** (b) Pays the ~~initial credential~~ fee ~~determined by the department under s. 440.03 (9) (a)~~ specified in s. 440.05 (1).

Section 2996k. 480.08 (5) of the statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

480.08 **(5)** Expiration and renewal. The renewal date and renewal fee for certificates granted under this chapter, other than temporary certificates granted under sub. (7), ~~is~~ are specified under s. 440.08 (2) (a)~~, and the renewal fee for certificates granted under this chapter, other than temporary certificates granted under sub. (7), is determined by the department under s. 440.03 (9) (a)~~. Renewal applications shall include evidence satisfactory to the department that the applicant holds a current permit issued under s. 77.52 (9). A renewal application for an auctioneer certificate shall be accompanied by proof of completion of continuing education requirements under sub. (6).

Section 2997. 551.614 (1) (a) of the statutes is amended to read:

551.614 **(1)** (a) There shall be a filing fee of ~~$750~~ $1,500 for every registration statement filed under s. 551.303 or 551.304, and for every notice filing under s. 551.302. If a registration statement is denied or withdrawn before the effective date or a pre−effective stop order is entered under s. 551.306, or a notice filing is withdrawn, the filing fee shall be retained.

Section 2998. 551.614 (1) (b) 1. a. of the statutes is amended to read:

551.614 **(1)** (b) 1. a. Elect not to include the information under subd. 1. b. and instead pay a fee of ~~$1,500~~ $15,000.

Section 2999. 551.614 (1) (b) 1. b. of the statutes is amended to read:

551.614 **(1)** (b) 1. b. Report the amount of securities sold to persons in this state during the preceding fiscal year or, if the registration is terminated, during the portion of the preceding fiscal year during which the registration was effective, and pay a fee of 0.05 percent of the

dollar amount of the securities sold to persons in this state, but not less than ~~$150~~ $750 nor more than ~~$1,500~~ $15,000.

SECTION 3000. 551.614 (1) (b) 2. a. of the statutes is amended to read:

551.614 **(1)** (b) 2. a. Elect not to include the information under subd. 2. b. and instead pay a fee of ~~$1,500~~ $15,000.

SECTION 3001. 551.614 (1) (b) 2. b. of the statutes is amended to read:

551.614 **(1)** (b) 2. b. Report the amount of securities sold to persons in this state during the preceding fiscal year or, if sales have terminated, during the portion of the preceding fiscal year during which sales were made, and pay a fee of 0.05 percent of the dollar amount of the securities sold to persons in this state, but not less than ~~$150~~ $750 nor more than ~~$1,500~~ $15,000.

SECTION 3002. 551.614 (2) of the statutes is amended to read:

551.614 **(2)** FEES RELATED TO BROKER−DEALERS, AGENTS, INVESTMENT ADVISERS, INVESTMENT ADVISER REPRESENTATIVES, AND FEDERAL COVERED ADVISERS. Every applicant for an initial or renewal license under s. 551.401, 551.402, 551.403, or 551.404 shall pay a filing fee of $200 in the case of a broker−dealer or investment adviser and ~~$30~~ $80 in the case of an agent representing a broker−dealer or issuer or an investment adviser representative. Every federal covered adviser in this state that is required to make a notice filing under s. 551.405 shall pay an initial or renewal notice filing fee of $200. A broker−dealer, investment adviser, or federal covered adviser maintaining a branch office within this state shall pay an additional filing fee of ~~$30~~ $80 for each branch office. When an application is denied, or an application or a notice filing is withdrawn, the filing fee shall be retained.

SECTION 3002r. 560.03 (19) of the statutes is amended to read:

560.03 **(19)** Establish a ~~business development assistance~~ regulatory ombudsman center in the department to provide services as set forth in subch. III.

SECTION 3008. 560.037 (1) (intro.) of the statutes is amended to read:

560.037 **(1)** (intro.) Subject to sub. (3), the department may make grants from the appropriation under s. 20.143 (1) ~~(fg)~~ (fw) to the women's business initiative corporation to fund its operating costs if all of the following apply:

SECTION 3009. 560.06 of the statutes is repealed.

SECTION 3010. 560.07 (8) of the statutes is repealed.

SECTION 3011. 560.07 (9) of the statutes is repealed.

SECTION 3013p. 560.125 (2) of the statutes is amended to read:

560.125 **(2)** AUTHORITY. Beginning on July 1, 2006, and ending on June 30, ~~2011~~ 2015, the department may award a grant to an eligible applicant for the purchase and field testing of one or more idling reduction units as provided in subs. (3) and (4).

SECTION 3013q. 560.125 (4) (c) of the statutes is repealed.

SECTION 3013r. 560.125 (4) (cm) of the statutes is created to read:

560.125 **(4)** (cm) Subject to par. (d), the department may make grants under this section from the effective date of this paragraph .... [LRB inserts date], to June 30, 2015, of 50 percent of the eligible costs for an idling reduction unit installed on a truck tractor, unless the department has previously awarded a grant under this section for an idling reduction unit installed on the truck tractor.

SECTION 3013s. 560.125 (6) of the statutes is amended to read:

560.125 **(6)** SUNSET. Subsections (2) to (4) do not apply after December 31, ~~2012~~ 2016.

SECTION 3014. 560.126 (2) (b) 2. of the statutes is amended to read:

560.126 **(2)** (b) 2. Whether the applicant is a small business, a minority ~~owned~~ business under s. ~~560.80 (8)~~ 560.036 (1) (e), a locally owned business, or a farm.

SECTION 3015. 560.13 (2) (a) 2. (intro.) of the statutes is amended to read:

560.13 **(2)** (a) 2. (intro.) All of the following are unknown, cannot be located, or are financially unable to pay the cost of ~~brownfields redevelopment or associated~~ environmental remediation activities:

SECTION 3016. 560.13 (2) (b) 1. of the statutes is amended to read:

560.13 **(2)** (b) 1. The contribution required under par. (a) 3. may be in cash or in−kind. Cash contributions may be of private or public funds, excluding funds obtained under the program under s. 560.17 or under any program under subch. II or V ~~or VII~~ of this chapter. In−kind contributions shall be limited to actual remediation services.

SECTION 3017. 560.13 (3) (a) (intro.) of the statutes is renumbered 560.13 (3) (intro.) and amended to read:

560.13 **(3)** (intro.) The department ~~shall award grants~~ may consider the following criteria in making awards under this section ~~on the basis of the following criteria~~:

SECTION 3018. 560.13 (3) (a) 1. of the statutes is renumbered 560.13 (3) (a).

SECTION 3019. 560.13 (3) (a) 2. of the statutes is repealed.

SECTION 3020. 560.13 (3) (a) 3. of the statutes is repealed.

SECTION 3021. 560.13 (3) (a) 4. of the statutes is repealed.

SECTION 3022. 560.13 (3) (b) of the statutes is repealed.

SECTION 3023. 560.13 (3) (c) of the statutes is created to read:

560.13 **(3)** (c) The level of financial commitment by the applicant to the project.

SECTION 3024. 560.13 (3) (d) of the statutes is created to read:

560.13 **(3)** (d) The extent and degree of soil and groundwater contamination at the project site.

SECTION 3025. 560.13 (3) (e) of the statutes is created to read:

560.13 **(3)** (e) The adequacy and completeness of the site investigation and remediation plan.

SECTION 3026. 560.13 (3) (f) of the statutes is created to read:

560.13 **(3)** (f) Any other factors considered by the department to be relevant to assessing the viability and feasibility of the project.

SECTION 3029. 560.138 (7) of the statutes is created to read:

560.138 **(7)** The department may charge the recipient of a grant or loan under this section an origination fee of not more than 2 percent of the grant or loan amount if the grant or loan equals or exceeds $100,000. The department shall deposit all origination fees collected under this subsection into the appropriation account under s. 20.143 (1) (gm).

SECTION 3030. 560.139 (2) of the statutes is repealed.

SECTION 3031. 560.139 (3) of the statutes is repealed.

SECTION 3032. 560.139 (4) of the statutes is created to read:

560.139 **(4)** ORIGINATION FEE. The department may charge the recipient of a grant or loan under sub. (1) (a), (2), or (3) an origination fee of not more than 2 percent of the grant or loan amount if the grant or loan equals or exceeds $100,000. The department shall deposit all origination fees collected under this subsection into the appropriation account under s. 20.143 (1) (gm).

SECTION 3033. 560.14 of the statutes is repealed.

SECTION 3033k. 560.145 of the statutes is created to read:

560.145 Grants to Center for Advanced Technology and Innovation. From the appropriation under s. 20.143 (1) (c), the department shall annually award to the Center for Advanced Technology and Innovation in Racine County a grant of $50,000 if the Center for Advanced Technology and Innovation obtains, from a source other than the state, matching funds of at least $50,000. The department shall enter into an agreement with the Center for Advanced Technology and Innovation specifying the uses for the grant proceeds and auditing and reporting requirements.

SECTION 3033L. 560.157 of the statutes is created to read:

560.157 Entrepreneurial assistance grants. (1) In this section, "new business" means a business organized in this state on a date not more than 12 months before the date on which the business applies for a grant under this section.

(2) (a) The department may award a grant of up to $3,000 to a new business from the appropriation under s. 20.143 (1) (gv) for the business's expenses in hiring a student of a college or university in this state as a paid intern for the business to assist in conducting research, marketing, business plan development, or other functions relating to the creation of a new business. Grants under this subsection may be used only for the recipient's expenses in hiring students in the fields of business, engineering, information technology, or in a similar field, as determined by the department.

(b) The department shall enter into an agreement with a recipient of a grant under this section that requires the recipient to repay at least one−third of the amount of the grant no later than 2 years after the recipient receives the proceeds of a grant under this subsection. The department shall encourage a recipient to repay additional amounts when the business becomes profitable.

(3) If the department awards grants under sub. (2) to 3 or more businesses to fund internships for students of a single college or university in this state, the department may award a grant of up to $25,000 to the college or university from the appropriation under s. 20.143 (1) (gv) for costs associated with hiring interns under sub. (2). If the department lacks sufficient funds to award grants to all qualified applicants, the department shall allocate available funds to applicants who have the greatest potential to create jobs in this state.

(4) The department shall actively pursue gifts and grants from private sources for funding grants under this section.

(5) (a) Not later than 4 years after the effective date of this paragraph .... [LRB inserts date], the department shall submit to the legislature under s. 13.172 (2) a report evaluating the effectiveness of grants under this section.

(b) The department may not award a grant under this section after June 30, 2014.

SECTION 3035. 560.183 (title) of the statutes is renumbered 36.60 (title).

SECTION 3036. 560.183 (1) of the statutes is renumbered 36.60 (1).

SECTION 3037. 560.183 (2) of the statutes is renumbered 36.60 (2), and 36.60 (2) (a), as renumbered, is amended to read:

36.60 **(2)** (a) The ~~department~~ board may repay, on behalf of a physician or dentist, up to $50,000 in educational loans obtained by the physician or dentist from a public or private lending institution for education in an accredited school of medicine or dentistry or for postgraduate medical or dental training.

SECTION 3038. 560.183 (3) of the statutes is renumbered 36.60 (3) and amended to read:

36.60 **(3)** AGREEMENT. (a) The ~~department~~ board shall enter into a written agreement with the physician, in which the physician agrees to practice at least 32 clinic hours per week for 3 years in one or more eligible practice areas in this state, except that a physician specializing in psychiatry may only agree to practice psychiatry in a

mental health shortage area and a physician in the expanded loan assistance program under sub. (9) may only agree to practice at a public or private nonprofit entity in a health professional shortage area. The physician shall also agree to care for patients who are insured or for whom health benefits are payable under medicare, medical assistance, or any other governmental program.

(am) The ~~department~~ board shall enter into a written agreement with the dentist, in which the dentist agrees to practice at least 32 clinic hours per week for 3 years in one or more dental health shortage areas in this state. The dentist shall also agree to care for patients who are insured or for whom dental health benefits are payable under medicare, medical assistance, or any other governmental program.

(b) The agreement shall specify that the responsibility of the ~~department~~ board to make the payments under the agreement is subject to the availability of funds in the appropriations under s. ~~20.143~~ 20.285 (1) (jc)~~, (jm)~~ and ~~(kr)~~ (ks).

SECTION 3039. 560.183 (4) of the statutes is renumbered 36.60 (4), and 36.60 (4) (intro.), as renumbered, is amended to read:

36.60 **(4)** LOAN REPAYMENT. (intro.) Principal and interest due on loans, exclusive of any penalties, may be repaid by the ~~department~~ board at the following rate:

SECTION 3040. 560.183 (5) of the statutes is renumbered 36.60 (5), and 36.60 (5) (a) and (b) (intro.) and 6., as renumbered, are amended to read:

36.60 **(5)** (a) The obligation of the ~~department~~ board to make payments under an agreement entered into under sub. (3) (b) is subject to the availability of funds in the appropriations under s. ~~20.143~~ 20.285 (1) (jc)~~, (jm)~~ and ~~(kr)~~ (ks).

(b) (intro.) If the cost of repaying the loans of all eligible applicants, when added to the cost of loan repayments scheduled under existing agreements, exceeds the total amount in the appropriations under s. ~~20.143~~ 20.285 (1) (jc)~~, (jm)~~ and ~~(kr)~~ (ks), the ~~department~~ board shall establish priorities among the eligible applicants based upon the following considerations:

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 medical care and dental health shortage areas with an extremely high need for dental care.

(d) ~~Assist the department to publicize~~ Publicize the program under this section to physicians, dentists, and eligible communities.

SECTION 3044. 560.183 (8) (g) of the statutes is repealed.

SECTION 3045. 560.183 (9) of the statutes is renumbered 36.60 (9), and 36.60 (9) (intro.), as renumbered, is amended to read:

36.60 **(9)** EXPANDED LOAN ASSISTANCE PROGRAM. (intro.) The ~~department~~ board may agree to repay loans as provided under this section on behalf of a physician or dentist under an expanded physician and dentist loan assistance program that is funded through federal funds in addition to state matching funds. To be eligible for loan repayment under the expanded physician and dentist loan assistance program, a physician or dentist must fulfill all of the requirements for loan repayment under this section, as well as all of the following:

SECTION 3046. 560.184 (title) of the statutes is renumbered 36.61 (title).

SECTION 3047. 560.184 (1) of the statutes is renumbered 36.61 (1), and 36.61 (1) (ac), (ag), (bp) and (d), as renumbered, are amended to read:

36.61 **(1)** (ac) "Clinic hours" has the meaning given in s. ~~560.183~~ 36.60 (1) (ac).

(ag) "Dental health shortage area" has the meaning given in s. ~~560.183~~ 36.60 (1) (ad).

(bp) "Health professional shortage area" has the meaning given in s. ~~560.183~~ 36.60 (1) (aj).

(d) "Primary care shortage area" has the meaning given in s. ~~560.183~~ 36.60 (1) (cm).

SECTION 3048. 560.184 (2) of the statutes is renumbered 36.61 (2) and amended to read:

36.61 **(2)** ELIGIBILITY. The ~~department~~ board may repay, on behalf of a health care provider, up to $25,000 in educational loans obtained by the health care provider from a public or private lending institution for education related to the health care provider's field of practice, as determined by the ~~department~~ board with the advice of the council.

SECTION 3049. 560.184 (3) of the statutes is renumbered 36.61 (3) and amended to read:

36.61 **(3)** AGREEMENT. (a) The ~~department~~ board shall enter into a written agreement with the health care provider. In the agreement, the health care provider shall agree to practice at least 32 clinic hours per week for 3 years in one or more eligible practice areas in this state, except that a health care provider in the expanded loan assistance program under sub. (8) who is not a dental hygienist may only agree to practice at a public or private nonprofit entity in a health professional shortage area.

(b) The agreement shall specify that the responsibility of the ~~department~~ board to make the payments under the agreement is subject to the availability of funds in the appropriations under s. ~~20.143~~ 20.285 (1) (jc)~~, (jL)~~ and ~~(kr)~~ (ks).

SECTION 3050. 560.184 (4) of the statutes is renumbered 36.61 (4), and 36.61 (4) (intro.), as renumbered, is amended to read:

36.61 **(4)** LOAN REPAYMENT. (intro.) Principal and interest due on loans, exclusive of any penalties, may be repaid by the ~~department~~ board at the following rate:

SECTION 3051. 560.184 (5) of the statutes is renumbered 36.61 (5), and 36.61 (5) (a) and (b) (intro.) and 6., as renumbered, are amended to read:

36.61 **(5)** (a) The obligation of the ~~department~~ board to make payments under an agreement entered into under sub. (3) is subject to the availability of funds in the appropriations under s. ~~20.143~~ 20.285 (1) (jc)~~, (jL)~~ and ~~(kr)~~ (ks).

(b) (intro.) If the cost of repaying the loans of all eligible applicants, when added to the cost of loan repayments scheduled under existing agreements, exceeds the total amount in the appropriations under s. ~~20.143~~ 20.285 (1) (jc)~~, (jL)~~ and ~~(kr)~~ (ks), the ~~department~~ board shall establish priorities among the eligible applicants based upon the following considerations:

6. Other considerations that the ~~department~~ board may specify by rule.

SECTION 3052. 560.184 (6) of the statutes is renumbered 36.61 (6) and amended to read:

36.61 **(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 credited to the appropriation account under s. ~~20.143 (1) (jL)~~ 20.285 (1) (jc).

SECTION 3053. 560.184 (6m) of the statutes is renumbered 36.61 (6m), and 36.61 (6m) (a) (intro.) and (b), as renumbered, are amended to read:

36.61 **(6m)** (a) (intro.) The ~~department~~ board shall, by rule, establish penalties to be assessed by the ~~department~~ board against health care providers who breach an agreement entered into under sub. (3) (a). 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 3054. 560.184 (7) (intro.), (a), (b), (c) and (d) of the statutes are renumbered 36.61 (7) (intro.), (a), (b), (c) and (d), and 36.61 (7) (intro.), (a) and (b), as renumbered, are amended to read:

36.61 **(7)** ~~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:

(a) ~~Advise the department and council on the identification of~~ Identify communities with an extremely high need for health care, including dental health care.

(b) ~~Assist the department to publicize~~ Publicize the program under this section to health care providers and eligible communities.

SECTION 3055. 560.184 (7) (e) of the statutes is repealed.

SECTION 3056. 560.184 (8) of the statutes is renumbered 36.61 (8), and 36.61 (8) (intro.), as renumbered, is amended to read:

36.61 **(8)** EXPANDED LOAN ASSISTANCE PROGRAM. (intro.) The ~~department~~ board may agree to repay loans as provided under this section on behalf of a health care provider under an expanded health care provider loan assistance program that is funded through federal funds in addition to state matching funds. To be eligible for loan repayment under the expanded health care provider loan assistance program, a health care provider must fulfill all of the requirements for loan repayment under this section, as well as all of the following:

SECTION 3057. 560.185 (intro.), (1) and (1m) of the statutes are renumbered 36.62 (intro.), (1) and (2) and amended to read:

36.62 Rural health development council. (intro.) The rural health development council created under s. ~~15.157 (8)~~ 15.917 (1) shall do all of the following:

(1) Advise the ~~department~~ board on matters related to the physician and dentist loan assistance program under s. ~~560.183~~ 36.60 and the health care provider loan assistance program under s. ~~560.184~~ 36.61.

(2) Advise the ~~department~~ board on the amount, up to $25,000, to be repaid on behalf of each health care provider who participates in the health care provider loan assistance program under s. ~~560.184~~ 36.61.

SECTION 3058. 560.185 (2) of the statutes is repealed.

SECTION 3059. 560.185 (3) of the statutes is repealed.

SECTION 3060. 560.185 (4) of the statutes is repealed.

SECTION 3070. 560.2055 of the statutes is created to read:

560.2055 Jobs tax credit. (1) DEFINITIONS. In this section:

(a) 1. Except as provided in subd. 2., "business" means any organization or enterprise operated for profit, including a sole proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation, limited liability company, or association.

2. "Business" does not include a store or shop in which retail sales is the principal business.

(b) "Eligible employee" means a person employed in a full−time job by a person certified under sub. (2).

(c) "Full−time job" means a regular, nonseasonal full−time position in which an individual, as a condition of employment, is required to work at least 2,080 hours per year, including paid leave and holidays, and for which the individual receives pay that is equal to at least 150 percent of the federal minimum wage and benefits that are not required by federal or state law. "Full−time job" does not include initial training before an employment position begins.

(d) "Tax benefits" means the jobs tax credit under ss. 71.07 (3q), 71.28 (3q), and 71.47 (3q).

(2) CERTIFICATION. The department may certify a person to receive tax benefits under this section if all of the following apply:

(a) The person is operating or intends to operate a business in this state.

(b) The person applies under this section and enters into a contract with the department.

(3) ELIGIBILITY FOR TAX BENEFITS. A person certified under sub. (2) may receive tax benefits under this section if, in each year for which the person claims tax benefits under this section, the person increases net employment in the person's business and one of the following apply:

(a) In a tier I county or municipality, an eligible employee for whom the person claims a tax credit will earn at least $20,000 but not more than $100,000 in wages from the person in the year for which the credit is claimed.

(b) In a tier II county or municipality, an eligible employee for whom the person claims a tax credit will earn at least $30,000 but not more than $100,000 in wages from the person in the year for which the credit is claimed.

(c) In a tier I county or municipality or a tier II county or municipality, the person improves the job−related skills of any eligible employee, trains any eligible employee on the use of job−related new technologies, or provides job−related training to any eligible employee whose employment with the person represents the employee's first full−time job.

(4) DURATION, LIMITS, AND EXPIRATION. (a) The certification of a person under sub. (2) may remain in effect for no more than 10 cumulative years.

(b) 1. The department may award to a person certified under sub. (2) tax benefits for each eligible employee in an amount equal to up to 10 percent of the wages paid by the person to that employee if that employee earned wages in the year for which the tax benefit is claimed equal to one of the following:

a. In a tier I county or municipality, at least $20,000 but not more than $100,000.

b. In a tier II county or municipality, at least $30,000 but not more than $100,000.

2. The department may award to a person certified under sub. (2) tax benefits in an amount to be determined by the department by rule for costs incurred by the person to undertake the training activities described in sub. (3) (c).

(c) The department may allocate up to $5,000,000 in tax benefits under this section in any calendar year.

(5) DUTIES OF THE DEPARTMENT. (a) The department of commerce shall notify the department of revenue when the department of commerce certifies a person to receive tax benefits.

(b) The department of commerce shall notify the department of revenue within 30 days of revoking a certification made under sub. (2).

(c) The department may require a person to repay any tax benefits the person claims for a year in which the person failed to maintain employment required by an agreement under sub. (2) (b).

(d) The department shall determine the maximum amount of the tax credits under ss. 71.07 (3q), 71.28 (3q), and 71.47 (3q) that a certified business may claim and shall notify the department of revenue of this amount.

(e) The department shall annually verify the information submitted to the department by the person claiming tax benefits under ss. 71.07 (3q), 71.28 (3q), and 71.47 (3q).

(f) The department shall promulgate rules for the implementation and operation of this section, including rules relating to the following:

1. The definitions of a tier I county or municipality and a tier II county or municipality. The department may consider all of the following information when establishing the definitions required under this subdivision:

a. Unemployment rate.

b. Percentage of families with incomes below the poverty line established under 42 USC 9902 (2).

c. Median family income.

d. Median per capita income.

e. Other significant or irregular indicators of economic distress, such as a natural disaster or mass layoff.

2. A schedule of additional tax benefits for which a person who is certified under sub. (2) and who incurs costs related to job training under sub. (3) (c) may be eligible.

3. Conditions for the revocation of a certification under par. (b).

4. Conditions for the repayment of tax benefits under par. (c).

Vetoed In Part

SECTION 3070m. 560.206 (5) of the statutes is created to read:

560.206 **(5)** (a) The department shall annually submit to the cochairpersons of the joint committee on finance a report that includes all of the following:

1. The number of entities receiving tax credits under ss. 71.07 (5f) and (5h), 71.28 (5f) and (5h), and 71.47 (5f) and (5h) in the preceding year.

2. The total amount of production expenditures, as defined in ss. 71.07 (5f) (a) 3., for which tax credits were claimed in the preceding year and the county and city or village in which the production expenditures were made.

3. The number of individuals employed on each of the productions in the preceding year.

(b) The department shall gather the information required to produce the report described in par. (a) using financial tracking forms and permits that are consistent with industry standards.

SECTION 3073. 560.208 of the statutes is created to read:

560.208 Qualified new business ventures. (1) The department shall implement a program to certify qualified new business ventures for purposes of s. 71.05 (24). A business desiring certification shall submit an application to the department in each taxable year for which the business desires certification. Subject to sub. (2), a business may be certified under this subsection, and may maintain such certification, only if the business is engaged in one of the following:

(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 3074m. 560.255 of the statutes is created to read:

560.255 Grants to Wisconsin Angel Network. Annually, from the appropriation under s. 20.143 (1) (bk), the department shall make a grant to the Wisconsin Angel Network of $60,000. The department shall enter into an agreement with the Wisconsin Angel Network that specifies the uses for the grant proceeds and reporting and auditing requirements. The department shall promulgate rules necessary to administer this section.

SECTION 3075. 560.277 of the statutes is created to read:

560.277 Wisconsin venture fund. (1) DEFINITION. In this section, "eligible institution" means a research institution or nonprofit organization involved in economic development.

(2) CAPITAL CONNECTIONS GRANTS. From the appropriation under s. 20.143 (1) (bk), the department may award a grant to an eligible institution to fund a project that does any of the following:

(a) Expands access for Wisconsin business ventures and entrepreneurs to existing capital networks.

(b) Creates or runs a network to connect Wisconsin business ventures and entrepreneurs with available capital.

(c) Creates an activity, event, or strategy to connect Wisconsin business ventures and entrepreneurs with available capital.

(3) VENTURE SEED GRANTS. (a) From the appropriation under s. 20.143 (1) (bk), the department may award a grant to an eligible institution to match funds raised by the institution for funding a new business or determining proof of concept and feasibility of a new business idea, if the department determines the award of a grant will increase the amount of funding for new businesses or will leverage private investment and facilitate the creation of jobs in this state.

(b) The proceeds of a grant awarded under this subsection shall be used to provide funding as proposed by the institution in the institution's application.

(4) RULE MAKING. The department shall promulgate rules for the administration of this section.

(5) The department shall establish by rule a Wisconsin venture fund advisory council, which shall make recommendations to the department regarding all of the following:

(a) A process by which the department, the department of financial institutions, and other qualified persons may review proposals.

(b) The maximum amount of a grant awarded under sub. (2) or (3).

(c) Requirements that applicants for grants under subs. (2) and (3) secure funding from sources other than

the state to match a portion of the amount of a grant awarded under sub. (2) or (3).

(d) Monitoring of projects funded by grants under sub. (2) or (3), including monitoring of job creation.

SECTION 3076. Subchapter II of chapter 560 [precedes 560.30] of the statutes is created to read:

CHAPTER 560

SUBCHAPTER II

FORWARD INNOVATION FUND

SECTION 3077. 560.30 of the statutes is created to read:

560.30 Definitions. In this subchapter:

(1) "Board" means the economic policy board created under s. 15.155 (2).

(2) "Business" means a company located in this state, a company that has made a firm commitment to locate a facility in this state, or a group of companies at least 80 percent of which are located in this state.

(3) "Cluster" means a geographic, categorical, horizontal, or vertical concentration of interconnected, interdependent, or synergistic businesses, industries, research centers, or venues for the performance, creation, or display of the arts.

(4) "Community−based organization" means an organization that is involved in economic development and helps businesses that are likely to employ persons.

(5) "Economically distressed area" means an area designated by the department using the methodology established by rule under s. 560.301 (2).

(6) "Eligible activity" means any of the following:

(a) The start−up, expansion, or retention of minority businesses.

(b) The start−up, expansion, or retention of businesses in economically distressed areas.

(c) Innovative proposals to strengthen inner cities.

(d) Innovative proposals to strengthen communities in rural municipalities.

(e) Innovative programs to strengthen clusters.

(f) Innovative proposals to strengthen entrepreneurship.

(7) "Eligible recipient" means any of the following:

(a) A business or small business.

(b) The governing body of a municipality.

(c) A community−based organization.

(d) A cooperative or association incorporated under ch. 185 or organized under ch. 193.

(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.

(14) "Small business" means a business with fewer than 100 employees, including employees of any subsidiary or affiliated organization.

SECTION 3078. 560.301 of the statutes is created to read:

560.301 Rules, policies, and standards for awarding grants and making loans. The department, in consultation with the board, shall promulgate rules that establish procedures, policies, and standards for implementing this subchapter and awarding grants and making loans under this subchapter. The rules shall include all of the following:

(1) A statement of the department's economic development objectives for the program under this subchapter, together with the goals and accountability measures required under s. 560.01 (2) (ae).

(2) The methodology for designating an area as economically distressed. The methodology under this subsection shall require the department to consider the most current data available for the area and for the state on the following indicators:

(a) Unemployment rate.

(b) Percentage of families with incomes below the poverty line established under 42 USC 9902 (2).

(c) Median family income.

(d) Median per capita income.

(e) Average annual wage.

(f) Real property values.

(g) Other significant or irregular indicators of economic distress, such as a natural disaster.

(3) Provisions for the development of a biennial plan for awarding grants and making loans under this subchapter, before the commencement of each odd−numbered fiscal year, and for the submission of the biennial plan to the governor and the chief clerk of each house of the legislature for distribution to the appropriate standing committees under s. 13.172 (3).

(4) Procedures related to grants and loans under s. 560.304 for all of the following:

(a) Submitting applications for grants and loans.

(b) Evaluating applications.

(c) Monitoring project performance.

(d) Auditing the grants and loans.

(5) Conditions applicable to a grant awarded or loan made under s. 560.304.

(6) Procedures for monitoring the use of grants awarded and loans made under this subchapter, including procedures for verification of economic growth, job creation, and the number and percentage of newly created jobs for which state residents are hired.

SECTION 3079. 560.302 of the statutes is created to read:

560.302 Grant and loan criteria. Upon receipt of an application by an eligible recipient, the department may consider any of the following in determining whether to award a grant or make a loan under s. 560.304:

(1) Whether the eligible activity proposed to be conducted by the eligible recipient serves a public purpose.

(2) Whether the eligible activity proposed to be conducted by the eligible recipient will retain or increase employment in this state.

(3) Whether the eligible activity proposed to be conducted by the eligible recipient is likely to occur without the grant or loan.

(4) Whether and the extent to which the eligible activity proposed to be conducted by the eligible recipient will contribute to the economic growth of this state and the well−being of residents of this state.

(5) Whether the eligible activity proposed to be conducted by the eligible recipient will be located in an economically distressed area.

(6) The economic condition of the community in which the eligible activity proposed to be conducted by the eligible recipient is proposed to occur.

(7) The potential of the eligible activity proposed to be conducted by the eligible recipient to promote the employment of minority group members.

(8) Any other criteria established by the department by rule, including the types of projects that are eligible for funding and the types of eligible projects that will receive priority.

SECTION 3080. 560.303 of the statutes is created to read:

560.303 Miscellaneous and administrative expenditures. In each biennium, the department may expend or encumber up to a total of 1 percent of the moneys appropriated under s. 20.143 (1) (fi) for that biennium for any of the following:

(1) Evaluations of proposed technical research projects.

(3) Evaluation costs, collection costs, foreclosure costs, and other costs associated with administering the loan portfolio under this subchapter, excluding staff salaries.

SECTION 3081. 560.304 of the statutes is created to read:

560.304 Forward innovation fund. The department may award a grant or make a loan to an eligible recipient from the appropriations under s. 20.143 (1) (fi) (gm), and (io). The department shall consult with the board prior to awarding a grant or making a loan under this section.

SECTION 3082. 560.305 of the statutes is created to read:

560.305 Administration. (1) The department, in cooperation with the board, shall encourage small businesses to apply for grants and loans under this subchapter by ensuring that there are no undue impediments to their participation and by actively encouraging small businesses to apply for grants and loans. The department shall do all of the following:

(a) Publish and disseminate information about projects that may be funded by a grant or loan under s. 560.304 and about procedures for applying for grants and loans under s. 560.304.

(b) Simplify the application and review procedures for small businesses so that they will not impose unnecessary administrative burdens on small businesses.

(c) Assist small businesses in preparing applications for grants and loans.

(2) The department may charge a grant or loan recipient an origination fee of not more than 2 percent of the grant or loan amount if the grant or loan equals or exceeds $100,000. The department shall deposit all origination fees collected under this subsection into the appropriation account under s. 20.143 (1) (gm).

(3) The board shall develop a policy relating to obtaining reimbursement of grants and loans provided under this subchapter. The policy may provide that reimbursement shall be obtained through full repayment of the principal amount of the grant or loan plus interest, through receipt of a share of future profits from or an interest in a product or process, or through any other appropriate means.

(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 3082f. Subchapter III (title) of chapter 560 [precedes 560.41] of the statutes is amended to read:

CHAPTER 560

SUBCHAPTER III

~~BUSINESS DEVELOPMENT ASSISTANCE~~

REGULATORY OMBUDSMAN CENTER

SECTION 3082g. 560.41 (1m) of the statutes is amended to read:

560.41 **(1m)** "Center" means the ~~business development assistance~~ regulatory ombudsman center in the department.

SECTION 3082h. 560.45 of the statutes is created to read:

560.45 Small business innovation research assistance grants. (1) The department may award a grant from the appropriations under s. 20.143 (1) (ie), (ig), (im), and (ir) to a business for innovation and research assistance.

(2) The department may not award a total of more than $250,000 in grants in a fiscal year. In each fiscal year, the department shall allocate $100,000 for grants to businesses in the phase of development that precedes the eligibility of the businesses for grants under the federal small business innovation research program, $100,000 for grants to businesses in phase III of the federal small business innovation research program, and $50,000 for grants to businesses for the costs of preparing projects for participation in the federal small business innovation research program.

(3) The department shall promulgate rules necessary to administer this section.

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 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 3092g. 560.70 (7) (b) of the statutes is renumbered 560.70 (7) (b) 1. and amended to read:

560.70 **(7)** (b) 1. ~~In~~ Except as provided in subd. 2., in s. 560.795, "tax benefits" means the development zones investment credit under ss. 71.07 (2di), 71.28 (1di), and 71.47 (1di) and the development zones credit under ss. 71.07 (2dx), 71.28 (1dx), 71.47 (1dx), and 76.636. With respect to the development opportunity zones under s. 560.795 (1) (e) and (f), "tax benefits" also means the development zones capital investment credit under ss. 71.07 (2dm), 71.28 (1dm), and 71.47 (1dm).

SECTION 3092r. 560.70 (7) (b) 2. of the statutes is created to read:

560.70 **(7)** (b) 2. With respect to the development opportunity zones under s. 560.795 (1) (g) and (h), "tax benefits" means the development zone credits under ss. 71.07 (2dx), 71.28 (1dx), 71.47 (1dx), and 76.636 and the development zones capital investment credit under ss. 71.07 (2dm), 71.28 (1dm), and 71.47 (1dm).

SECTION 3110b. 560.795 (1) (g) of the statutes is created to read:

560.795 **(1)** (g) An area in the city of Janesville, the legal description of which is provided to the department by the local governing body of the city of Janesville.

SECTION 3110e. 560.795 (1) (h) of the statutes is created to read:

560.795 **(1)** (h) An area in the city of Kenosha, the legal description of which is provided to the department by the local governing body of the city of Kenosha.

SECTION 3110h. 560.795 (2) (a) of the statutes is amended to read:

560.795 **(2)** (a) Except as provided in par. (d), the designation of each area under sub. (1) (a), (b), and (c) as a development opportunity zone shall be effective for 36 months, with the designation of the areas under sub. (1) (a) and (b) beginning on April 23, 1994, and the designation of the area under sub. (1) (c) beginning on April 28, 1995. Except as provided in par. (d), the designation of each area under sub. (1) (d) and (e) as a development opportunity zone shall be effective for 84 months, with the designation of the area under sub. (1) (d) beginning on January 1, 2000, and the designation of the area under sub. (1) (e) beginning on September 1, 2001. Except as provided in par. (d), the designation of the area under sub. (1) (f) as a development opportunity zone shall be effective for 108 months, ~~with the designation of the area under sub. (1) (f)~~ beginning on September 1, 2001. Except as provided in pars. (d) and (e), the designation of each area under sub. (1) (g) and (h) as a development opportunity zone shall be effective for 60 months, beginning on the date on which the area is designated under sub. (1).

SECTION 3110L. 560.795 (2) (b) 7. of the statutes is created to read:

560.795 **(2)** (b) 7. Except as provided in par. (e) 1., the limit for tax benefits for the development opportunity zone under sub. (1) (g) is $5,000,000.

SECTION 3110p. 560.795 (2) (b) 8. of the statutes is created to read:

560.795 **(2)** (b) 8. Except as provided in par. (e) 2., the limit for tax benefits for the development opportunity zone under sub. (1) (h) is $5,000,000.

SECTION 3110r. 560.795 (2) (d) 1. of the statutes is amended to read:

560.795 **(2)** (d) 1. Notwithstanding ~~par.~~ pars. (a) and (e), the designation of an area as a development opportunity zone shall expire 90 days after the day on which the

department determines that the forgone tax revenues under par. (c) will equal or exceed the limit for the development opportunity zone.

SECTION 3110u. 560.795 (2) (e) of the statutes is created to read:

560.795 **(2)** (e) 1. The department may extend the designation of an area under sub. (1) (g) as a development opportunity zone for an additional 60 months if the department determines that an extension under this subdivision would support economic development within the city. If the department extends the designation of the area as a development opportunity zone, the limit for tax benefits for the development opportunity zone under sub. (1) (g) is increased by $5,000,000.

2. The department may extend the designation of an area under sub. (1) (h) as a development opportunity zone for an additional 60 months if the department determines that an extension under this subdivision would support economic development within the city. If the department extends the designation of the area as a development opportunity zone, the limit for tax benefits for the development opportunity zone under sub. (1) (h) is increased by $5,000,000.

SECTION 3110y. 560.795 (3) (a) 4. of the statutes is amended to read:

560.795 **(3)** (a) 4. Any person that is conducting or that intends to conduct economic activity in a development opportunity zone under sub. (1) (e) ~~or~~, (f), (g), or (h) and that, in conjunction with the local governing body of the city in which the development opportunity zone is located, submits a project plan as described in par. (b) to the department shall be entitled to claim tax benefits while the area is designated as a development opportunity zone.

SECTION 3121g. 560.799 (5m) of the statutes is created to read:

560.799 **(5m)** ADDITIONAL TAX BENEFITS FOR SIGNIFICANT CAPITAL EXPENDITURES. If the department determines that a business certified under sub. (5) makes a significant capital expenditure in the enterprise zone, the department may certify the business to receive additional tax benefits in an amount to be determined by the department, but not exceeding 10 percent of the business' capital expenditures. The department shall, in a manner determined by the department, allocate the tax benefits a business is certified to receive under this subsection over the remainder of the time limit of the enterprise zone under sub. (4).

SECTION 3121r. 560.799 (6) (g) 3. of the statutes is created to read:

560.799 **(6)** (g) 3. The definition of "significant capital expenditure" for purposes of sub. (5m).

SECTION 3128. Subchapter VII of chapter 560 [precedes 560.80] of the statutes is repealed.

SECTION 3133. 563.03 (1) of the statutes is amended to read:

563.03 **(1)** "Adult family home" has the meaning given in s. 50.01 (1) (a) or (b).

SECTION 3134. 600.03 (34) of the statutes is amended to read:

600.03 **(34)** "Office" means ~~"~~the office of the ~~insurance commissioner"~~ commissioner of insurance of this state.

SECTION 3135. 601.31 (1) (n) of the statutes is amended to read:

601.31 **(1)** (n) For ~~listing~~ appointing, or renewing ~~a listing~~ an appointment of, an agent under s. 628.11, ~~a fee to be set by the commissioner by rule but not to exceed $8~~ $16 annually for resident agents or ~~$24~~ $50 annually for nonresident agents, unless the commissioner sets a higher fee by rule, to be paid at times and under procedures set by the commissioner.

SECTION 3135t. 601.41 (9) (a) of the statutes is amended to read:

601.41 **(9)** (a) In this subsection, "health care provider" has the meaning given in s. 146.81 (1) (a) to (p).

SECTION 3136. 601.41 (10) of the statutes is created to read:

601.41 **(10)** UNIFORM APPLICATION FOR INDIVIDUAL HEALTH INSURANCE POLICIES. (a) The commissioner shall by rule prescribe uniform questions and the format for applications, which may not exceed 10 pages in length, for individual major medical health insurance policies.

(b) After the effective date of the rules promulgated under par. (a), an insurer may use only the prescribed questions and format for individual major medical health insurance policy applications. The commissioner shall publish a notice in the Wisconsin Administrative Register that states the effective date of the rules promulgated under par. (a).

(c) For purposes of this subsection, an individual major medical health insurance policy includes health coverage provided on an individual basis through an association.

SECTION 3137. 601.428 of the statutes is created to read:

601.428 Cancellation and rescission reports. Beginning in 2009, every insurer that issues individual health insurance policies shall annually report to the commissioner the total number of individual health insurance policies that the insurer issued in the preceding year and the total number of individual health insurance policies with respect to which the insurer initiated or completed a cancellation or rescission in the preceding year.

SECTION 3137r. 609.655 (3) (a) of the statutes is amended to read:

609.655 **(3)** (a) A clinical assessment of the dependent student's nervous or mental disorders or alcoholism or other drug abuse problems, conducted by a provider described in s. 632.89 (1) (e) 2. ~~or~~, 3., or 4. who is located in this state and in reasonably close proximity to the

school in which the dependent student is enrolled and who may be designated by the defined network plan.

SECTION 3138. 609.755 of the statutes is created to read:

609.755 Coverage of dependents. Limited service health organizations, preferred provider plans, and defined network plans are subject to s. 632.885.

SECTION 3138g. 609.805 of the statutes is created to read:

609.805 Coverage of contraceptives. Defined network plans are subject to s. 632.895 (17).

SECTION 3138i. 609.87 of the statutes is created to read:

609.87 Coverage of treatment for autism spectrum disorders. Defined network plans are subject to s. 632.895 (12m).

SECTION 3138n. 610.65 of the statutes is amended to read:

610.65 Uniform claim processing form. Beginning no later than July 1, 2004, every insurer shall use the uniform claim processing form developed by the commissioner under s. 601.41 (9) (b) when processing a claim submitted by a health care provider, as defined in s. 146.81 (1) (a) to (p).

SECTION 3139. 611.11 (4) (a) of the statutes is amended to read:

611.11 **(4)** (a) In this subsection, "municipality" has the meaning given in s. 345.05 (1) (c), but also includes any transit authority created under s. 66.1038 or 66.1039.

Vetoed In Part

SECTION 3140. 614.10 (2) (c) 3. of the statutes is amended to read:

614.10 **(2)** (c) 3. Notwithstanding s. 614.01 (1) (a) 2., on the application of an employee specified in subd. 2., provide insurance benefits to the employee's spouse or domestic partner under ch. 770 or a child of the employee who receives financial services or support from the employee.

SECTION 3141. 619.01 (1) (a) of the statutes is amended to read:

619.01 **(1)** (a) *Establishment of plans.* If the commissioner finds after a hearing that in any part of this state automobile insurance, property insurance, health care liability insurance, liability insurance but not to include coverage for risks ~~which~~ that are determined to be uninsurable, worker's compensation insurance, insurance coverage for foster homes ~~or treatment foster homes~~, or insurance coverage for group homes is not readily available in the voluntary market, and that the public interest requires ~~such~~ that availability, the commissioner may by rule either promulgate plans to provide such insurance coverages for any risks in this state ~~which~~ that are equitably entitled to, but otherwise unable to obtain ~~such~~, that coverage, or may call upon the insurance industry to prepare plans for the commissioner's approval.

SECTION 3142. 619.01 (1) (c) 1. of the statutes is amended to read:

619.01 **(1)** (c) 1. Each plan, except a health care liability insurance plan, a foster home protection insurance plan, ~~a treatment foster home protection insurance plan~~ or a group home protection insurance plan, shall require participation by all insurers doing any business in this state of the types covered by the specific plan and all agents licensed to represent ~~such~~ those insurers in this state for the specified types of business, except that the commissioner may exclude classes of persons for administrative convenience or because it is not equitable or practicable to require them to participate in the plan.

SECTION 3143. 619.01 (1) (c) 4m. of the statutes is repealed.

SECTION 3144. 619.01 (9) of the statutes is amended to read:

619.01 **(9)** FOSTER HOME PROTECTION INSURANCE. In this section "foster home protection insurance" means insurance coverage to protect persons who receive a license to operate a foster home under s. 48.62 (1) ~~(a)~~ against the unique risks, determined by the commissioner, to which ~~such~~ those persons are exposed. If the persons have insurance ~~which~~ that covers any of ~~these~~ those risks, the foster home protection insurance may insure against any or all of the other risks, and may provide additional or excess limits coverage for any or all of ~~these~~ those risks.

SECTION 3145. 619.01 (9m) of the statutes is repealed.

SECTION 3147. 631.43 (3) of the statutes is amended to read:

631.43 **(3)** EXCEPTION. Subsection (1) does not affect the rights of insurers to ~~exclude,~~ limit or ~~reduce~~ restrict coverage under s. 632.32 (5) (b)~~,~~ or (c) ~~or (f) to (j)~~.

Vetoed In Part

SECTION 3147g. 631.89 (2) (bm) of the statutes is amended to read:

631.89 **(2)** (bm) Require or request directly or indirectly a health care provider, as defined in s. 146.81 (1) (a) to (p), who is or may be providing or who has or may have provided health care services to an individual to reveal whether the individual or a member of the individual's family has obtained a genetic test or what the results of the test, if obtained by the individual or a member of the individual's family, were.

SECTION 3148. 632.32 (2) (a) of the statutes is renumbered 632.32 (2) (at).

SECTION 3149. 632.32 (2) (am) of the statutes is created to read:

632.32 **(2)** (am) "Medical payments coverage" means coverage to indemnify for medical payments or chiropractic payments or both for the protection of all persons using the insured motor vehicle from losses resulting from bodily injury or death.

SECTION 3150. 632.32 (2) (c) of the statutes is renumbered 632.32 (2) (h).

SECTION 3151. 632.32 (2) (cm) of the statutes is created to read:

632.32 **(2)** (cm) "Umbrella or excess liability policy" means an insurance contract providing at least $1,000,000 of liability coverage per person or per occurrence in excess of certain required underlying liability insurance coverage or a specified amount of self−insured retention.

SECTION 3152. 632.32 (2) (d) of the statutes is created to read:

632.32 **(2)** (d) "Underinsured 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 underinsured motor vehicles.

SECTION 3153. 632.32 (2) (e) of the statutes is created to read:

632.32 **(2)** (e) "Underinsured motor vehicle" means a motor vehicle to which all of the following apply:

1. The motor vehicle is involved in an accident with a person who has underinsured motorist coverage.

2. A bodily injury liability insurance policy applies to the motor vehicle at the time of the accident.

3. The limits under the bodily injury liability insurance policy are less than the amount needed to fully compensate the insured for his or her damages.

SECTION 3154. 632.32 (2) (f) of the statutes is created to read:

632.32 **(2)** (f) "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 3155. 632.32 (2) (g) of the statutes is created to read:

632.32 **(2)** (g) "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 any 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. Except as provided in subd. 3., an unidentified motor vehicle, provided that an independent 3rd party provides evidence in support of the unidentified motor vehicle's involvement in the accident.

3. An unidentified motor vehicle involved in a hit−and−run accident with the person.

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 vehicle shall contain therein or supplemental thereto ~~the following~~ provisions for all of the following coverages:

SECTION 3158. 632.32 (4) (a) (title) of the statutes is repealed.

SECTION 3159. 632.32 (4) (a) 1. of the statutes is amended to read:

632.32 **(4)** (a) 1. ~~For the protection of persons injured who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness or disease, including death resulting therefrom~~ Excluding a policy written by a town mutual organized under ch. 612, uninsured motorist coverage, in limits of at least ~~$25,000~~ $100,000 per person and ~~$50,000~~ $300,000 per accident.

SECTION 3160. 632.32 (4) (a) 2. of the statutes is repealed.

SECTION 3161. 632.32 (4) (a) 2m. of the statutes is created to read:

632.32 **(4)** (a) 2m. Excluding a policy written by a town mutual organized under ch. 612, underinsured motorist coverage, in limits of at least $100,000 per person and $300,000 per accident.

SECTION 3162. 632.32 (4) (a) 3. of the statutes is renumbered 632.32 (4) (c) and amended to read:

632.32 **(4)** (c) ~~Insurers~~ Unless an insurer waives the right to subrogation, insurers making payment under ~~the uninsured motorists' coverage~~ any of the coverages under this subsection shall, to the extent of the payment, be subrogated to the rights of their insureds.

SECTION 3163. 632.32 (4) (b) (title) of the statutes is repealed.

SECTION 3164. 632.32 (4) (b) of the statutes is renumbered 632.32 (4) (a) 3m. and amended to read:

632.32 **(4)** (a) 3m. ~~To indemnify for medical payments or chiropractic payments or both~~ Medical payments coverage, in the amount of at least ~~$1,000~~ $10,000 per person ~~for protection of all persons using the insured motor vehicle from losses resulting from bodily injury or death. The named insured may reject the coverage. If the named insured rejects the coverage, it need not be provided in a subsequent renewal policy issued by the same insurer unless the insured requests it in writing. Under the medical or chiropractic payments coverage, the~~

~~insurer shall be subrogated to the rights of its insured to the extent of its payments~~. Coverage written under this ~~paragraph~~ subdivision may be excess coverage over any other source of reimbursement to which the insured person has a legal right.

SECTION 3165. 632.32 (4) (bc) of the statutes is created to read:

632.32 **(4)** (bc) Notwithstanding par. (a) 3m., the named insured may reject medical payments coverage. If the named insured rejects the coverage, the coverage need not be provided in a subsequent renewal policy issued by the same insurer unless the insured requests it in writing.

SECTION 3166. 632.32 (4m) of the statutes is repealed.

SECTION 3167. 632.32 (4r) of the statutes is created to read:

632.32 **(4r)** REQUIRED WRITTEN OFFERS OF UNINSURED MOTORIST AND UNDERINSURED MOTORIST COVERAGES FOR UMBRELLA OR EXCESS LIABILITY POLICIES. (a) An insurer writing umbrella or excess liability policies that insure with respect to a motor vehicle registered or principally garaged in this state against loss resulting from liability imposed by law for bodily injury or death suffered by a person arising out of the ownership, maintenance, or use of a motor vehicle shall provide written offers of uninsured motorist coverage and underinsured motorist coverage, which offers shall include a brief description of the coverage offered. An insurer is required to provide the offers required under this subsection only one time with respect to any policy in the manner provided in par. (b).

(b) 1. Each application for an umbrella or excess liability policy issued on or after the effective date of this subdivision .... [LRB inserts date], shall contain a written offer of uninsured motorist coverage and a written offer of underinsured motorist coverage.

2. For umbrella or excess liability policies that are in effect on the effective date of this subdivision .... [LRB inserts date], the insurer shall provide a written offer of uninsured motorist coverage to the named insureds under each policy that does not include uninsured motorist coverage and a written offer of underinsured motorist coverage to the named insureds under each policy that does not include underinsured motorist coverage. The insurer shall provide an offer under this subdivision in conjunction with the notice of the first renewal of the policy occurring after the effective date of this subdivision .... [LRB inserts date].

(c) An applicant or named insureds may reject one or both of the coverages offered, but must do so in writing. If the applicant or named insureds reject either of the coverages offered, the insurer is not required to provide the rejected coverage under a policy that is renewed to the person by that insurer unless an insured under the policy subsequently requests the rejected coverage in writing.

(d) If an umbrella or excess liability policy that was issued on or after the effective date of this paragraph .... [LRB inserts date], or an umbrella or excess liability policy that was in effect on, but renewed after, the effective date of this paragraph .... [LRB inserts date], includes neither uninsured motorist coverage nor underinsured motorist coverage, or only one of the coverages, and the insurer did not provide a written offer required under par. (b) 1. or 2. with respect to the coverage or coverages not included, on the request of the insured the court shall reform the policy to include the coverage or coverages not included and for which the insurer did not provide a written offer, with the same limits as the liability coverage limits under the policy.

(e) This subsection does not apply to a town mutual organized under ch. 612.

SECTION 3168. 632.32 (5) (f) of the statutes is renumbered 632.32 (6) (d) and amended to read:

632.32 **(6)** (d) ~~A~~ No policy may provide that, regardless of the number of policies involved, vehicles involved, persons covered, claims made, vehicles or premiums shown on the policy, or premiums paid, the limits for any uninsured motorist coverage or underinsured motorist coverage under the policy may not be added to the limits for similar coverage applying to other motor vehicles to determine the limit of insurance coverage available for bodily injury or death suffered by a person in any one accident, except that a policy may limit the number of motor vehicles for which the limits for coverage may be added to 3 vehicles.

SECTION 3169. 632.32 (5) (g) of the statutes is renumbered 632.32 (6) (e) and amended to read:

632.32 **(6)** (e) ~~A~~ No policy may provide that the maximum amount of uninsured motorist coverage or underinsured motorist coverage available for bodily injury or death suffered by a person who was not using a motor vehicle at the time of an accident is ~~the highest~~ any single limit of uninsured motorist coverage or underinsured motorist coverage, whichever is applicable, for any motor vehicle with respect to which the person is insured, except that a policy may limit the number of motor vehicles for which coverage limits may be added to 3 vehicles.

SECTION 3170. 632.32 (5) (h) of the statutes is renumbered 632.32 (6) (f) and amended to read:

632.32 **(6)** (f) ~~A~~ No policy may provide that the maximum amount of medical payments coverage available for bodily injury or death suffered by a person who was not using a motor vehicle at the time of an accident is ~~the highest~~ any single limit of medical payments coverage for any motor vehicle with respect to which the person is insured, except that a policy may limit the number of motor vehicles for which medical payments coverage limits may be added to 3 vehicles.

SECTION 3171. 632.32 (5) (i) of the statutes is renumbered 632.32 (6) (g), and 632.32 (6) (g) (intro.), as renumbered, is amended to read:

632.32 **(6)** (g) (intro.) ~~A~~ No policy may provide that the limits under the policy for uninsured motorist coverage or underinsured motorist coverage for bodily injury or death resulting from any one accident shall be reduced by any of the following that apply:

Vetoed In Part

SECTION 3172. 632.32 (5) (j) of the statutes is renumbered 632.32 (6) (h), and 632.32 (6) (h) (intro.), as renumbered, is amended to read:

632.32 **(6)** (h) (intro.) ~~A~~ No policy may provide that any uninsured motorist coverage or underinsured motorist coverage under the policy does not apply to a loss resulting from the use of a motor vehicle that meets all of the following conditions:

SECTION 3172k. 632.355 of the statutes is created to read:

632.355 Prohibited bases for assessing risk. In issuing or renewing a motor vehicle insurance policy, an insurer may not do any of the following:

(1) Place the applicant or insured in a high−risk category on the basis that the applicant or insured has not previously had motor vehicle insurance.

Vetoed In Part

(2) Assess the applicant's or insured's risk on the basis of the city, village, town, or county in which the insured motor vehicle is customarily kept.

SECTION 3173. 632.72 (1g) (b) of the statutes is amended to read:

632.72 **(1g)** (b) "Medical benefits or assistance" means health care services funded by a relief block grant ~~under ch. 49~~, as defined in s. 49.001 (5p); medical assistance, as defined under s. 49.43 (8); or maternal and child health services under s. 253.05.

SECTION 3173b. 632.725 (1) of the statutes is amended to read:

632.725 **(1)** DEFINITION. In this section, "health care provider" has the meaning given in s. 146.81 (1) (a) to (p).

SECTION 3173d. 632.7495 (4) of the statutes is renumbered 632.7495 (4) (intro.) and amended to read:

632.7495 **(4)** (intro.) ~~Notwithstanding~~ Except as the commissioner may provide by rule under sub. (5) and notwithstanding subs. (1) and (2) and s. 631.36 (4), an insurer is not required to renew individual health benefit plan coverage that complies with all of the following:

(a) The coverage is marketed and designed to provide short−term coverage as a bridge between coverages.

SECTION 3173f. 632.7495 (4) (b) of the statutes is created to read:

632.7495 **(4)** (b) The coverage has a term of not more than 12 months.

SECTION 3173h. 632.7495 (4) (c) of the statutes is created to read:

632.7495 **(4)** (c) The coverage term aggregated with all consecutive periods of the insurer's coverage of the insured by individual health benefit plan coverage not required to be renewed under this subsection does not exceed 18 months. For purposes of this paragraph, coverage periods are consecutive if there are no more than 63 days between the coverage periods.

SECTION 3173j. 632.7495 (4) (d) of the statutes is created to read:

632.7495 **(4)** (d) Rules promulgated by the commissioner under sub. (5).

SECTION 3173m. 632.7495 (5) of the statutes is created to read:

632.7495 **(5)** The commissioner shall promulgate rules governing disclosures related to, and may promulgate rules setting standards for, the sale of individual health benefit plans that an insurer is not required to renew under sub. (4).

SECTION 3174. 632.7497 of the statutes is created to read:

632.7497 Modifications at renewal. (1) In this section, "individual major medical or comprehensive health benefit plan" includes coverage under a group policy that is underwritten on an individual basis and issued to individuals or families.

(2) An insurer that issues an individual major medical or comprehensive health benefit plan shall, at the time of a coverage renewal, at the request of an insured, permit the insured to do either of the following:

(a) Change his or her coverage to any of the following:

1. A different but comparable individual major medical or comprehensive health benefit plan currently offered by the insurer.

2. An individual major medical or comprehensive health benefit plan currently offered by the insurer with more limited benefits.

3. An individual major medical or comprehensive health benefit plan currently offered by the insurer with higher deductibles.

(b) Modify his or her existing coverage by electing an optional higher deductible, if any, under the individual major medical or comprehensive health benefit plan.

(3) (a) The insurer may not impose any new preexisting condition exclusion under the new or modified coverage under sub. (2) that did not apply to the insured's original coverage and shall allow the insured credit under the new or modified coverage for the period of original coverage.

(b) For the new or modified coverage, the insurer may not rate for health status other than on the insured's health status at the time the insured applied for the original coverage and as the insured disclosed on the original application.

(4) (a) Annually, the insurer shall mail to each insured under an individual major medical or comprehensive health benefit plan issued by the insurer, a notice that includes all of the following information:

1. That the insured has the right to elect alternative coverage as described in sub. (2).

2. A description of the alternatives available to the insured.

3. The procedure for making the election.

(b) The insurer shall mail the notice under par. (a) not more than 3 months nor less than 60 days before the renewal date of the insured's plan.

(5) (a) Nothing in this section requires an insurer to issue alternative coverage under sub. (2) if the insured's coverage may be nonrenewed or discontinued under s. 632.7495 (2), (3) (b), or (4).

(b) Notwithstanding s. 600.01 (1) (b) 3. and 4., this section applies to a group health benefit plan described in s. 600.01 (1) (b) 3. or 4. if that group health benefit plan is an individual major medical or comprehensive health benefit plan as defined in sub. (1).

SECTION 3176. 632.76 (2) (ac) of the statutes is created to read:

632.76 **(2)** (ac) 1. Notwithstanding par. (a), no claim or loss incurred or disability commencing after 12 months from the date of issue of an individual disability insurance policy, as defined in s. 632.895 (1) (a), may be reduced or denied on the ground that a disease or physical condition existed prior to the effective date of coverage, unless the condition was excluded from coverage by name or specific description by a provision effective on the date of the loss.

2. Except as provided in subd. 3., an individual disability insurance policy, as defined in s. 632.895 (1) (a), other than a short−term policy subject to s. 632.7495 (4) and (5), may not define a preexisting condition more restrictively than a condition, whether physical or mental, regardless of the cause of the condition, for which medical advice, diagnosis, care, or treatment was recommended or received within 12 months before the effective date of coverage.

3. Except as the commissioner provides by rule under s. 632.7495 (5), all of the following apply to an individual disability insurance policy that is a short−term policy subject to s. 632.7495 (4) and (5):

a. The policy may not define a preexisting condition more restrictively than a condition, whether physical or mental, regardless of the cause of the condition, for which medical advice, diagnosis, care, or treatment was recommended or received before the effective date of coverage.

b. The policy shall reduce the length of time during which a preexisting condition exclusion may be imposed by the aggregate of the insured's consecutive periods of coverage under the insurer's individual disability insurance policies that are short−term policies subject to s. 632.7495 (4) and (5). For purposes of this subd. 3. b., coverage periods are consecutive if there are no more than 63 days between the coverage periods.

SECTION 3177. 632.76 (2) (b) of the statutes is amended to read:

632.76 **(2)** (b) Notwithstanding par. (a), no claim for loss incurred or disability commencing after 6 months from the date of issue of a medicare supplement policy, medicare replacement policy or long−term care insurance policy may be reduced or denied on the ground that a disease or physical condition existed prior to the effective date of coverage. ~~A~~ Notwithstanding par. (ac) 2., a medicare supplement policy, medicare replacement policy, or long−term care insurance policy may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within 6 months before the effective date of coverage. Notwithstanding par. (a), if on the basis of information contained in an application for insurance a medicare supplement policy, medicare replacement policy, or long−term care insurance policy excludes from coverage a condition by name or specific description, the exclusion must terminate no later than 6 months after the date of issue of the medicare supplement policy, medicare replacement policy, or long−term care insurance policy. The commissioner may by rule exempt from this paragraph certain classes of medicare supplement policies, medicare replacement policies, and long−term care insurance policies, if the commissioner finds the exemption is not adverse to the interests of policyholders and certificate holders.

SECTION 3178. 632.835 (title) of the statutes is amended to read:

632.835 (title) **Independent review of ~~adverse and experimental treatment~~ coverage denial determinations.**

SECTION 3179. 632.835 (1) (ag) of the statutes is created to read:

632.835 **(1)** (ag) "Coverage denial determination" means an adverse determination, an experimental treatment determination, a preexisting condition exclusion denial determination, or the rescission of a policy or certificate.

SECTION 3180. 632.835 (1) (cm) of the statutes is created to read:

632.835 **(1)** (cm) "Preexisting condition exclusion denial determination" means a determination by or on behalf of an insurer that issues a health benefit plan denying or terminating treatment or payment for treatment on the basis of a preexisting condition exclusion, as defined in s. 632.745 (23).

SECTION 3181. 632.835 (2) (a) of the statutes is amended to read:

632.835 **(2)** (a) Every insurer that issues a health benefit plan shall establish an independent review procedure whereby an insured under the health benefit plan, or his or her authorized representative, may request and

obtain an independent review of ~~an adverse determination or an experimental treatment~~ a coverage denial determination made with respect to the insured.

SECTION 3182. 632.835 (2) (b) of the statutes is amended to read:

632.835 **(2)** (b) If ~~an adverse determination or an experimental treatment~~ a coverage denial determination is made, the insurer involved in the determination shall provide notice to the insured of the insured's right to obtain the independent review required under this section, how to request the review, and the time within which the review must be requested. The notice shall include a current listing of independent review organizations certified under sub. (4). An independent review under this section may be conducted only by an independent review organization certified under sub. (4) and selected by the insured.

SECTION 3183. 632.835 (2) (bg) 3. of the statutes is amended to read:

632.835 **(2)** (bg) 3. For any ~~adverse determination or experimental treatment~~ coverage denial determination for which an explanation of benefits is not provided to the insured, the insurer provides a notice that the insured may have a right to an independent review after the internal grievance process and that an insured may be entitled to expedited, independent review with respect to an urgent matter. The notice shall also include a reference to the section of the policy or certificate that contains the description of the independent review procedure as required under subd. 1. The notice shall provide a toll−free telephone number and website, if appropriate, where consumers may obtain additional information regarding internal grievance and independent review processes.

SECTION 3184. 632.835 (2) (c) of the statutes is amended to read:

632.835 **(2)** (c) Except as provided in par. (d), an insured must exhaust the internal grievance procedure under s. 632.83 before the insured may request an independent review under this section. Except as provided in sub. (9) (a), an insured who uses the internal grievance procedure must request an independent review as provided in sub. (3) (a) within 4 months after the insured receives notice of the disposition of his or her grievance under s. 632.83 (3) (d).

SECTION 3185. 632.835 (2) (e) of the statutes is created to read:

632.835 **(2)** (e) Nothing in this section affects an insured's right to commence a civil proceeding relating to a coverage denial determination.

SECTION 3186. 632.835 (3) (a) of the statutes is amended to read:

632.835 **(3)** (a) To request an independent review, an insured or his or her authorized representative shall provide timely written notice of the request for independent review, and of the independent review organization selected, to the insurer that made or on whose behalf was made the ~~adverse or experimental treatment~~ coverage denial determination. The insurer shall immediately notify the commissioner and the independent review organization selected by the insured of the request for independent review. ~~The insured or his or her authorized representative must pay a $25 fee to the independent review organization. If the insured prevails on the review, in whole or in part, the entire amount paid by the insured or his or her authorized representative shall be refunded by the insurer to the insured or his or her authorized representative.~~ For each independent review in which it is involved, an insurer shall pay a fee to the independent review organization.

SECTION 3187. 632.835 (3) (e) of the statutes is amended to read:

632.835 **(3)** (e) In addition to the information under pars. (b) and (c), the independent review organization may accept for consideration any typed or printed, verifiable medical or scientific evidence that the independent review organization determines is relevant, regardless of whether the evidence has been submitted for consideration at any time previously. The insurer and the insured shall submit to the other party to the independent review any information submitted to the independent review organization under this paragraph and pars. (b) and (c). If, on the basis of any additional information, the insurer reconsiders the insured's grievance and determines that the treatment that was the subject of the grievance should be covered, or that the policy or certificate that was rescinded should be reinstated, the independent review is terminated.

SECTION 3188. 632.835 (3) (f) of the statutes is renumbered 632.835 (3) (f) 1. and amended to read:

632.835 **(3)** (f) 1. If the independent review is not terminated under par. (e), the independent review organization shall, within 30 business days after the expiration of all time limits that apply in the matter, make a decision on the basis of the documents and information submitted under this subsection. The decision shall be in writing, signed on behalf of the independent review organization and served by personal delivery or by mailing a copy to the insured or his or her authorized representative and to the insurer. ~~A~~ Except as provided in subd. 2., a decision of an independent review organization is binding on the insured and the insurer.

SECTION 3189. 632.835 (3) (f) 2. of the statutes is created to read:

632.835 **(3)** (f) 2. A decision of an independent review organization regarding a preexisting condition exclusion denial determination or a rescission is not binding on the insured.

SECTION 3190. 632.835 (3m) (a) of the statutes is amended to read:

632.835 **(3m)** (a) A decision of an independent review organization regarding an adverse determination or a preexisting condition exclusion denial determination

must be consistent with the terms of the health benefit plan under which the adverse determination or preexisting condition exclusion denial determination was made.

SECTION 3192. 632.835 (7) (b) of the statutes is amended to read:

632.835 **(7)** (b) A health benefit plan that is the subject of an independent review and the insurer that issued the health benefit plan shall not be liable to any person for damages attributable to the insurer's or plan's actions taken in compliance with any decision regarding an adverse determination or an experimental treatment determination rendered by a certified independent review organization.

SECTION 3193. 632.835 (8) of the statutes is renumbered 632.835 (8) (a) and amended to read:

632.835 **(8)** (a) *Adverse and experimental treatment determinations.* The commissioner shall make a determination that at least one independent review organization has been certified under sub. (4) that is able to effectively provide the independent reviews required under this section for adverse determinations and experimental treatment determinations and shall publish a notice in the Wisconsin Administrative Register that states a date that is 2 months after the commissioner makes that determination. The date stated in the notice shall be the date on which the independent review procedure under this section begins operating with respect to adverse determinations and experimental treatment determinations.

SECTION 3194. 632.835 (8) (b) of the statutes is created to read:

632.835 **(8)** (b) *Preexisting condition exclusion denials and rescissions.* The commissioner shall make a determination that at least one independent review organization has been certified under sub. (4) that is able to effectively provide the independent reviews required under this section for preexisting condition exclusion denial determinations and rescissions and shall publish a notice in the Wisconsin Administrative Register that states a date that is 2 months after the commissioner makes that determination. The date stated in the notice shall be the date on which the independent review procedure under this section begins operating with respect to preexisting condition exclusion denial determinations and rescissions.

SECTION 3195. 632.835 (9) of the statutes is renumbered 632.835 (9) (a) and amended to read:

632.835 **(9)** (a) *Adverse and experimental treatment determinations.* The independent review required under this section with respect to an adverse determination or an experimental treatment determination 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 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 3197n. 632.87 (4) of the statutes is amended to read:

632.87 **(4)** No policy, plan or contract may exclude coverage for diagnosis and treatment of a condition or complaint by a licensed dentist within the scope of the dentist's license, if the policy, plan or contract covers diagnosis and treatment of the condition or complaint by another health care provider, as defined in s. 146.81 (1) (a) to (p).

SECTION 3197p. 632.885 of the statutes is created to read:

632.885 Coverage of dependents. (1) DEFINITIONS. In this section:

(a) "Disability insurance policy" has the meaning given in s. 632.895 (1) (a).

(b) "Insured" includes an enrollee.

(c) "Self−insured health plan" has the meaning given in s. 632.745 (24).

(2) REQUIREMENT TO OFFER DEPENDENT COVERAGE. (a) Subject to ss. 632.88 and 632.895 (5), every insurer that issues a disability insurance policy, and every self−insured health plan, shall offer and, if so requested by an applicant or an insured, provide coverage for an adult child of the applicant or insured as a dependent of the applicant or insured if the child satisfies all of the following criteria:

1. The child is over 17 but less than 27 years of age.

2. The child is not married.

3. The child is not eligible for coverage under a group health benefit plan, as defined in s. 632.745 (9), that is

offered by the child's employer and for which the amount of the child's premium contribution is no greater than the premium amount for his or her coverage as a dependent under this section.

(b) Notwithstanding par. (a) 1., the coverage requirement under this section applies to an adult child who satisfies all of the following criteria:

1. The child is a full−time student, regardless of age.

2. The child satisfies the criteria under par. (a) 2. and 3.

3. The child was called to federal active duty in the national guard or in a reserve component of the U.S. armed forces while the child was attending, on a full−time basis, an institution of higher education.

4. The child was under the age of 27 years when called to federal active duty under subd. 3.

(3) PREMIUM DETERMINATION. An insurer or self−insured health plan shall determine the premium for coverage of a dependent who is over 18 years of age on the same basis as the premium is determined for coverage of a dependent who is 18 years of age or younger.

(4) DOCUMENTATION OF CRITERIA SATISFACTION. An insurer or self−insured health plan may require that an applicant or insured seeking coverage of a dependent child provide written documentation, initially and annually thereafter, that the dependent child satisfies the criteria for coverage under this section.

SECTION 3197r. 632.89 (1) (dm) of the statutes is created to read:

632.89 **(1)** (dm) "Licensed mental health professional" means a clinical social worker who is licensed under ch. 457, a marriage and family therapist who is licensed under s. 457.10, or a professional counselor who is licensed under s. 457.12.

SECTION 3197s. 632.89 (1) (e) 3. of the statutes is repealed and recreated to read:

632.89 **(1)** (e) 3. A psychologist licensed under ch. 455.

SECTION 3197t. 632.89 (1) (e) 4. of the statutes is created to read:

632.89 **(1)** (e) 4. A licensed mental health professional practicing within the scope of his or her license under ch. 457 and applicable rules.

SECTION 3197w. 632.895 (12m) of the statutes is created to read:

632.895 **(12m)** TREATMENT FOR AUTISM SPECTRUM DISORDERS. (a) In this subsection:

1. "Autism spectrum disorder" means any of the following:

a. Autism disorder.

b. Asperger's syndrome.

c. Pervasive developmental disorder not otherwise specified.

2. "Insured" includes an enrollee and a dependent with coverage under the disability insurance policy or self−insured health plan.

3. "Intensive−level services" means evidence−based behavioral therapy that is designed to help an individual with autism spectrum disorder overcome the cognitive, social, and behavioral deficits associated with that disorder.

4. "Nonintensive−level services" means evidence−based therapy that occurs after the completion of treatment with intensive−level services and that is designed to sustain and maximize gains made during treatment with intensive−level services or, for an individual who has not and will not receive intensive−level services, evidence−based therapy that will improve the individual's condition.

5. "Physician" has the meaning given in s. 146.34 (1) (g).

(b) Subject to pars. (c) and (d), and except as provided in par. (e), every disability insurance policy, and every self−insured health plan of the state or a county, city, town, village, or school district, shall provide coverage for an insured of treatment for the mental health condition of autism spectrum disorder if the treatment is prescribed by a physician and provided by any of the following who are qualified to provide intensive−level services or nonintensive−level services:

1. A psychiatrist, as defined in s. 146.34 (1) (h).

2. A person who practices psychology, as described in s. 455.01 (5).

3. A social worker, as defined in s. 252.15 (1) (er), who is certified or licensed to practice psychotherapy, as defined in s. 457.01 (8m).

4. A paraprofessional working under the supervision of a provider listed under subds. 1. to 3.

5. A professional working under the supervision of an outpatient mental health clinic certified under s. 51.038.

6. A speech−language pathologist, as defined in s. 459.20 (4).

7. An occupational therapist, as defined in s. 448.96 (4).

(c) 1. The coverage required under par. (b) shall provide at least $50,000 for intensive−level services per insured per year, with a minimum of 30 to 35 hours of care per week for a minimum duration of 4 years, and at least $25,000 for nonintensive−level services per insured per year, except that these minimum coverage monetary amounts shall be adjusted annually, beginning in 2011, to reflect changes in the consumer price index for all urban consumers, U.S. city average, for the medical care group, as determined by the U.S. department of labor. The commissioner shall publish the new minimum coverage amounts under this subdivision each year, beginning in 2011, in the Wisconsin Administrative Register.

2. Notwithstanding subd. 1., the minimum coverage monetary amounts or duration required for treatment under subd. 1., need not be met if it is determined by a supervising professional, in consultation with the

insured's physician, that less treatment is medically appropriate.

(d) The coverage required under par. (b) may be subject to deductibles, coinsurance, or copayments that generally apply to other conditions covered under the policy or plan. The coverage may not be subject to limitations or exclusions, including limitations on the number of treatment visits.

(e) This subsection does not apply to any of the following:

1. A disability insurance policy that covers only certain specified diseases.

2. A health care plan offered by a limited service health organization, as defined in s. 609.01 (3), or by a preferred provider plan, as defined in s. 609.01 (4), that is not a defined network plan, as defined in s. 609.01 (1b).

3. A long−term care insurance policy.

4. A medicare replacement policy or a medicare supplement policy.

(f) 1. The commissioner shall by rule further define "intensive−level services" and "nonintensive−level services" and define "paraprofessional" for purposes of par. (b) 4. and "qualified" for purposes of providing services under this subsection. The commissioner may promulgate rules governing the interpretation or administration of this subsection.

2. Using the procedure under s. 227.24, the commissioner may promulgate the rules under subd. 1. for the period before the effective date of the permanent rules promulgated under subd. 1., but not to exceed the period authorized under s. 227.24 (1) (c) and (2). Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), the commissioner is not required to provide evidence that promulgating a rule under this subdivision as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subdivision.

SECTION 3198b. 632.895 (15) (a) of the statutes is amended to read:

632.895 **(15)** (a) Subject to pars. (b) and (c), 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 the insured because the person is a full−time student, including the coverage under s. 632.885 (2) (b), shall continue to provide dependent coverage for the person if, due to a medically necessary leave of absence, he or she ceases to be a full−time student.

SECTION 3198c. 632.895 (15) (c) 5. of the statutes is amended to read:

632.895 **(15)** (c) 5. ~~The~~ Except for a person who has coverage as a dependent under s. 632.885 (2) (b), the person reaches the age at which coverage as a dependent who is a full−time student would otherwise end under the terms and conditions of the policy or plan.

SECTION 3198d. 632.895 (17) of the statutes is created to read:

632.895 **(17)** CONTRACEPTIVES AND SERVICES. (a) In this subsection, "contraceptives" means drugs or devices approved by the federal food and drug administration to prevent pregnancy.

(b) Every disability insurance policy, and every self−insured health plan of the state or of a county, city, town, village, or school district, that provides coverage of outpatient health care services, preventive treatments and services, or prescription drugs and devices shall provide coverage for all of the following:

1. Contraceptives prescribed by a health care provider, as defined in s. 146.81 (1).

2. Outpatient consultations, examinations, procedures, and medical services that are necessary to prescribe, administer, maintain, or remove a contraceptive, if covered for any other drug benefits under the policy or plan.

(c) Coverage under par. (b) may be subject only to the exclusions, limitations, or cost−sharing provisions that apply generally to the coverage of outpatient health care services, preventive treatments and services, or prescription drugs and devices that is provided under the policy or self−insured health plan.

(d) This subsection does not apply to any of the following:

1. A disability insurance policy that covers only certain specified diseases.

2. A disability insurance policy, or a self−insured health plan of the state or a county, city, town, village, or school district, that provides only limited−scope dental or vision benefits.

3. A health care plan offered by a limited service health organization, as defined in s. 609.01 (3), or by a preferred provider plan, as defined in s. 609.01 (4), that is not a defined network plan, as defined in s. 609.01 (1b).

4. A long−term care insurance policy.

5. A Medicare replacement policy or a Medicare supplement policy.

SECTION 3199. Chapter 648 of the statutes is created to read:

CHAPTER 648
REGULATION OF CARE MANAGEMENT ORGANIZATIONS

648.01 Definitions. In this chapter:

(1) "Care management organization" means an entity described in s. 46.284 (3m).

(2) "Department" means the department of health services.

(3) "Enrollee" has the meaning given in s. 46.2805 (3).

(4) "Permittee" means a care management organization issued a permit under this chapter.

648.03 Applicability of other laws. Notwithstanding s. 600.01 (1) (b) 10. a., ss. 600.01, 600.02, 600.03, and 600.12 apply to this chapter.

648.05 Permit. (1) PERMIT REQUIRED. After December 31, 2009, no care management organization may provide services to its enrollees without a permit under this chapter.

(2) APPLICATION. A care management organization applying for a permit shall submit all of the following information in the format required by the commissioner:

(a) The names, addresses and occupations of all controlling persons and directors and principal officers of the care management organization currently and for the preceding 10 years, unless the commissioner waives this requirement.

(b) Business organization documents, including articles and bylaws if applicable.

(c) A business plan approved by the department, including a projection of the anticipated operating results at the end of each of the next 3 years of operation, based on reasonable estimates of income and operating expenses.

(d) Any other relevant documents or information that the commissioner reasonably requires after consulting with the department.

(3) STANDARDS FOR ISSUING PERMIT. The commissioner may issue a permit to the care management organization if the commissioner finds, after consulting with the department, all of the following:

(a) All requirements of law have been met.

(b) All the directors and principal officers or any controlling person are trustworthy and competent and collectively have the competence and experience to engage in the proposed services and are not excluded from participation under 42 USC 1320a−7 or 42 USC 1320a−7a.

(c) The business plan is consistent with the interests of the care management organization's enrollees and the public.

(4) SUSPENSION OR REVOCATION. The commissioner may suspend or revoke a permit issued under this chapter if the commissioner finds, after consulting with the department, any of the following:

(a) The permittee violated a law or rule, including a rule establishing standards for the financial condition of care management organizations.

(b) The permittee is in a financially hazardous condition.

(c) The permittee is controlled or managed by persons who are incompetent or untrustworthy.

(d) The permittee conceals records from the commissioner.

(e) The permittee's business plan is not in the public interest or is not prudent.

(f) The permittee ceases to be certified by or maintain a contract with the department.

648.10 Powers and duties of the commissioner. The commissioner may do any of the following:

(1) Promulgate rules that are necessary to carry out the intent of this chapter, including, after consulting with the department, standards for the financial condition of care management organizations.

(2) Use the authority granted under ss. 601.41, 601.42, 601.43, 601.44, 601.61, 601.62, 601.63, and 601.64, including the authority to issue orders, to enforce this chapter and to ensure that a care management organization has sufficient financial resources.

648.15 Reports and replies. (1) REPORTS. The commissioner may require from any care management organization any of the following:

(a) Statements, reports, answers to questionnaires, and other information in whatever reasonable form the commissioner designates and at such reasonable intervals as the commissioner chooses, or from time to time.

(b) Full explanation of the programming of any data storage or communication system in use.

(c) Information from any books, records, electronic data processing systems, computers, or any other information storage system at any reasonable time in any reasonable manner.

(d) Statements, reports, audits, or certification from a certified public accountant or an actuary approved by the commissioner.

(2) FORMS. The commissioner, after consulting with the department, may prescribe forms for the reports under sub. (1) and specify who shall execute or certify such reports.

(3) ACCOUNTING METHODS. The commissioner, after consulting with the department, may prescribe reasonable minimum standards and techniques of accounting and data handling to ensure that timely and reliable information will exist and will be available to the commissioner.

(4) REPLIES. Any officer or manager of a care management organization, any person controlling or having a contract under which the person has a right to control a care management organization, whether exclusively or otherwise, or any person with executive authority over or in charge of any segment of such a care management organization's affairs, shall reply promptly in writing or in another designated form, to any written inquiry from the commissioner requesting a reply.

(5) VERIFICATION. The commissioner may require that any communication made to the commissioner under this section be verified.

(6) IMMUNITY. In the absence of actual malice, no person shall be subject to damages in an action for defamation based on a communication to the commissioner required by law under this chapter or by the commissioner under this chapter.

(7) EXPERTS. The commissioner may employ experts to assist the commissioner in an examination or in the review of any transaction subject to approval under this 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 independent audit by certified public accountants or an actuarial or other evaluation by actuaries or other experts approved by the commissioner of any permittee. Any accountant, actuary, or other expert selected is subject to rules respecting conflicts of interest promulgated by the commissioner. Any audit or evaluation under this section is subject to s. 648.25, so far as applicable.

(3) ALTERNATIVES TO EXAMINATION. In lieu of all or part of an examination under this section, the commissioner may accept the report of an audit already made by certified public accountants or of an actuarial or other evaluation already made by actuaries or other experts approved by the commissioner, or the report of an examination made by another government agency in this state, the federal government, or another state.

(4) PURPOSE AND SCOPE OF EXAMINATION. An examination may but need not cover comprehensively all aspects of the permittee's affairs and condition. The commissioner shall determine the exact nature and scope of each examination, and in doing so shall take into account all relevant factors, including the length of time the permittee has been doing business, the length of time the permittee has been certified by the department, the nature of the business being examined, the nature of the accounting records available, and the nature of examinations performed elsewhere.

648.25 Conducting examinations. (1) ORDER OF EXAMINATION. For each examination under s. 648.20, the commissioner shall issue an order stating the scope of the examination and designating the examiner in charge. Upon demand, a copy of the order shall be provided to the examinee.

(2) ACCESS TO EXAMINEE. Any examiner authorized by the commissioner shall, for the purposes of the examination, have access at all reasonable hours to the premises and to any property of the examinee.

(3) COOPERATION. The officers, employees, and agents of the examinee shall comply with every reasonable request of the examiners for assistance in any matter relating to the examination. No person may obstruct or interfere with the examination in any way other than by legal process.

(4) CORRECTION OF BOOKS. If the commissioner finds the accounts or records to be inadequate for proper examination of the condition and affairs of the permittee or improperly kept or posted, the commissioner may employ experts to rewrite, post, or balance them at the expense of the permittee.

(5) REPORT ON EXAMINATION. The examiner in charge of an examination shall make a proposed report of the examination, including information and analysis ordered in sub. (1), together with the examiner's recommendations. Preparation of the proposed report may include conferences with the examinee or the examinee's representatives at the option of the examiner in charge. The commissioner shall serve the final examination report on the examinee.

(6) COPIES FOR BOARD. The permittee shall furnish copies of the final examination report to each member of its board or governing body.

(7) REPORT AS EVIDENCE. In any proceeding by or against the permittee or any officer or agent of the permittee the final examination report shall be admissible as evidence of the facts stated in the report. In any proceeding commenced under this chapter, the final examination report shall be admissible as evidence of the facts stated in the report. In any proceeding by or against the examinee, the facts asserted in any final examination report properly admitted in evidence shall be presumed to be true in the absence of contrary evidence.

648.27 Costs. (1) COSTS TO BE PAID BY CARE MANAGEMENT ORGANIZATIONS. Permittees shall pay the reasonable estimate of costs of examinations under s. 648.20, of review of applications under s. 648.05, and of analysis and financial monitoring of care management

organizations by the commissioner and the department, including overhead and fixed costs, by a system of regular annual billings.

(2) DETERMINATION OF COSTS. Annually, the commissioner shall determine the estimated costs under sub. (1) for the commissioner and the department. The commissioner shall serve a request for payment on each permittee allocating the cost to each permittee in an amount that the commissioner determines reflects the permittee's proportionate share of projected enrollment in the department's annual contracting period.

(3) PAYMENT DEADLINE. The permittee shall pay the amount determined by the commissioner within 30 days of service of the request for payment under sub. (2).

648.30 Nondisclosure of information. (1) TYPES OF INFORMATION. The office may refuse to disclose and may prevent any other person from disclosing any of the following:

(a) Testimony, reports, records, and information that are obtained, produced, or created in the course of an inquiry under s. 648.15.

(b) Testimony, reports, records, and information that are obtained, produced, or created in the course of an examination under s. 648.20.

(c) Testimony, reports, records, communications, and information that are obtained by the office from, or provided by the office to, any of the following, under a pledge of confidentiality or for the purpose of assisting or participating in monitoring activities or in the conduct of any inquiry, investigation, or examination:

1. The National Association of Insurance Commissioners.

2. An agent or employee of the National Association of Insurance Commissioners.

3. The insurance commissioner of another state.

4. An agent or employee of the insurance commissioner of another state.

5. An international, federal, state, or local regulatory or law enforcement agency, including the department.

6. An agent or employee of an agency described in subd. 5.

(2) WAIVER AND APPLICABILITY OF THE PRIVILEGE. Section 601.465 (2m) (a) to (d) applies to the privilege under sub. (1).

648.35 Enforcement procedure. (1) INJUNCTIONS AND RESTRAINING ORDERS. The commissioner may commence an action in circuit court in the name of the state to restrain by temporary or permanent injunction or by temporary restraining order any violation of this chapter, any rule promulgated under this chapter, or any order issued under s. 648.10 (2). The commissioner need not show irreparable harm or lack of an adequate remedy at law in an action commenced under this subsection.

(2) ORDERS. The commissioner shall issue any orders under the procedures described in s. 601.63 and shall hold any hearings under the procedures described in s. 601.62.

(3) COMPULSIVE FORFEITURES. If a person does not comply with an order issued under s. 648.10 (2) within 2 weeks after the commissioner has given the care management organization notice of the commissioner's intention to proceed under this subsection, the commissioner may commence an action for a forfeiture in such sum as the court considers just, but not exceeding $5,000 for each day that the violation continues after the commencement of the action until judgment is rendered. No forfeiture may be imposed under this subsection if at the time the action was commenced the care management organization was in compliance with the order, nor for any violation of an order occurring while any proceeding for judicial review of the order was pending, unless the court in which the proceeding was pending certifies that the claim of invalidity or nonapplicability of the order was frivolous or a sham. If after judgment is rendered the care management organization does not comply with the order, the commissioner may commence a new action for a forfeiture and may continue commencing actions until the person complies. The proceeds of all actions under this subsection, after deduction of the expenses of collection, shall be paid into the common school fund of the state.

(4) FORFEITURES AND CIVIL PENALTIES. (a) *Restitutionary forfeiture.* Whoever violates an order issued under s. 648.10 (2) that is effective under s. 601.63, any section of this chapter, or any rule relating to this chapter shall forfeit to the state twice the amount of any profit gained from the violation, in addition to any other forfeiture or penalty imposed.

(b) *Forfeiture for violation of order.* Whoever violates an order issued under s. 648.10 (2) that is effective under s. 601.63 shall forfeit to the state not more than $1,000 for each violation. Each day that the violation continues is a separate offense.

(c) *Forfeiture for violation of statute or rule.* Whoever violates, intentionally aids in violating, or knowingly permits a person over whom he or she has authority to violate a section of this chapter or a rule promulgated under this chapter shall forfeit to the state not more than $1,000 for each violation. If the section or rule violated imposes a duty to make a report to the commissioner, each week of delay in complying with the duty is a new violation.

(d) *Procedure.* The commissioner may order any person to pay a forfeiture imposed under this subsection, which shall be paid into the common school fund. If the order is issued without a hearing, the affected person may demand a hearing through procedures described under s. 601.62 (3) (a). If the person fails to request a hearing, the order is conclusive as to the person's liability. The scope of review for forfeitures ordered is that specified under

s. 227.57. The commissioner may cause an action to be commenced to recover the forfeiture. Before an action is commenced, the commissioner may compromise the forfeiture.

(5) CRIMINAL PENALTY. Whoever intentionally violates or intentionally permits any person over whom he or she has authority to violate or intentionally aids any person in violating any section of this chapter, any rule promulgated to administer this chapter, or any order issued under s. 648.10 (2) that is effective under s. 601.63 is guilty of a Class I felony, unless a specific penalty is provided elsewhere in the statutes. Intent has the meaning expressed under s. 939.23.

648.45 Affiliates of permittee. (1) INFORMATION. A permittee and a person attempting to acquire or having control of a permittee, shall report to the commissioner the information concerning the permittee, its affiliates, and the person attempting to acquire control of the permittee that the commissioner requires by rule. The commissioner may promulgate rules prescribing the timing of reports under this subsection, including requiring periodic reporting and the form and procedure for filing reports.

(2) REPORT FOR AFFILIATES. The permittee may report on behalf of all affiliated entities if it provides all the information that would be required if each affiliate reported separately.

(3) CONSENT TO JURISDICTION. Every permittee shall promptly submit to the commissioner a statement from each of its affiliates that the affiliate agrees to be subject to the jurisdiction of the commissioner and the courts of this state for the purposes of this chapter. A governmental unit is not subject to this requirement. The commissioner may exempt other affiliates from this subsection.

(4) INFORMATION ORDER. The commissioner may, by order, require any permittee or any person attempting to acquire or having control of the permittee, to report information under sub. (1) or other information to the commissioner.

(5) TRANSACTIONS WITH AFFILIATES. Neither a permittee nor an affiliate of the permittee may enter into a transaction between the permittee and affiliate unless all of the following apply:

(a) The transaction at the time it is entered into is reasonable and fair to the interests of the permittee.

(b) The books, accounts, and records of each party to the transaction are kept in a manner that clearly and accurately discloses the nature and details of the transaction and, in accordance with generally accepted accounting principles, permits ascertainment of charges relating to the transaction.

(c) The permittee's financial condition following any dividends or distributions to shareholders or a person having control of the permittee is reasonable in relation to the permittee's outstanding liabilities and is adequate to its financial needs.

(d) The transaction complies with any other standard that the commissioner, after consulting with the department, prescribes by rule.

(6) TRANSACTIONS SUBJECT TO DISCLOSURE. (a) *Affiliated transactions to be reported.* 1. The commissioner, after consulting with the department, may promulgate rules requiring a permittee, a person attempting to acquire or having control of a permittee, and affiliates of a permittee to report a transaction or a group or series of transactions, if all of the following are satisfied:

a. The transaction is between a permittee and a person attempting to acquire or having control of the permittee or an affiliate of the permittee, or the transaction directly or indirectly benefits the person or affiliate.

b. The transaction is, or the group or series of transactions are, material to the permittee.

2. Transactions that are material to a permittee for the purposes of subd. 1. include management contracts, service contracts, and cost−sharing arrangements. The commissioner, after consulting with the department, may prescribe by rule standards for determining whether a transaction is material under this subsection.

3. No permittee, person attempting to acquire or having control of a permittee, or affiliate of the permittee may enter into a transaction required to be reported to the commissioner under this subsection unless the permittee, person, and affiliate report the transaction to the commissioner in the form and by the date before the effective date of the transaction that are prescribed by the commissioner by rule, after consulting with the department. The commissioner may not require the transaction to be reported earlier than 30 days before the effective date of the transaction.

(b) *Disapproval.* The commissioner may, within the period prescribed in par. (a) 3., disapprove any transaction reported under par. (a) if the commissioner finds, after consulting with the department, that it would violate the law or would be contrary to the interests of enrollees of the permittee, the department, or the public.

(c) *Transactions prohibited.* No permittee, person attempting to acquire or having control of the permittee, or affiliate of the permittee may enter into a transaction that is not reported as required under par. (a) or that is disapproved by the commissioner under par. (b).

(d) *Voidable transactions.* If a permittee, person attempting to acquire or having control of the permittee, or affiliate enters into a transaction in violation of this section, the permittee may void the transaction, obtain an injunction, and recover from the person or affiliate the amount necessary to restore the permittee to its condition had the transaction not occurred. The commissioner may order a permittee to void the transaction, to commence an action against the person or affiliate, or to take other action.

(e) *Required financial conditions.* The commissioner, after consulting with the department, may pro-

mulgate rules for determining adequacy of financial condition under this section.

(f) *Exemption if permittee reports.* Paragraph (a) does not apply to a person attempting to acquire or having control of, or an affiliate of, a permittee, if the permittee reports on behalf of the person or on behalf of the affiliate, and the transaction is not disapproved by the commissioner under par. (b).

(7) DIVIDENDS AND DISTRIBUTIONS. (a) A permittee may not pay a dividend or distribution, and an affiliate of a permittee may not accept a dividend or distribution, unless the permittee reports the dividend or distribution to the commissioner at least 30 days before payment and the commissioner does not disapprove the dividend or distribution within that period.

(b) The commissioner, after consulting with the department, may promulgate rules under this section that do any of the following:

1. Prescribe the form and content of and procedure for filing reports under this subsection.

2. Exempt dividends or distributions from the reporting requirement under par. (a) under conditions that the commissioner determines will not jeopardize the financial condition of the permittee.

(c) A permittee may declare a dividend or distribution that is conditioned upon the permitee's compliance with this subsection. A declaration of a dividend or distribution under this subsection does not confer rights to the proposed recipient of the dividend or distribution unless this subsection is complied with and is void if the dividend or distribution is disapproved by the commissioner under par. (a).

(d) In addition to any other remedies available, a permittee may recover from the recipient any dividend or distribution paid in violation of this subsection.

(8) DUTIES OF OFFICERS AND DIRECTORS. (a) No director or officer of a permittee or of an affiliate of a permittee may permit, participate in, or assent to a transaction or payment or acceptance of a dividend or distribution prohibited under this chapter.

(b) An officer or director of a permittee or of an affiliate of a permittee who knows, or reasonably should know, that the permittee or affiliate has entered into a transaction or paid a dividend or distribution that violates this chapter shall report the transaction, dividend, or distribution to the commissioner in writing within 30 days after attaining that knowledge. Section 648.15 (6) applies to a report under this section, and the report is confidential unless the commissioner finds it necessary to disclose the report for the purpose of enforcing this chapter.

648.50 Management changes. (1) APPROVAL REQUIRED. No proposed plan of merger or other plan for acquisition of control of a permittee may be executed unless the commissioner, after consulting with the department, approves the plan.

(2) GROUNDS FOR APPROVAL. The commissioner shall approve the plan under this section if the commissioner finds, after a hearing, that it would not violate the law or be contrary to the interests of the public, the department, or the enrollees.

(3) INFORMATION REQUIRED. A permittee shall report to the commissioner any changes in directors or principal officers after a permit is issued, together with biographical data on the new director or officer that the commissioner requires by rule.

648.55 Commissioner's summary orders. (1) The commissioner, after consulting with the department, may make and serve an order on a permittee, requiring it to stop providing services under the department contract, or to take corrective measures, without notice and before hearing, if it appears to the commissioner that irreparable harm to the property or business of the permittee or to the interests of its enrollees or the public, will occur unless the commissioner acts with immediate effect and one of the following applies:

(a) The permittee is not in compliance with a rule establishing standards for the financial condition of care management organizations.

(b) Grounds exist to suspend or revoke the permittee's permit.

(2) An order issued under this subsection is effective immediately.

(3) The permittee has the rights provided under s. 601.62. The commissioner may serve upon the permittee notice of hearing under the procedures under s. 601.62 simultaneously with service of the order under sub. (1).

(4) The commissioner may keep proceedings under this section confidential.

648.65 Enrollee immunity. (1) IMMUNITY. An enrollee of a care management organization is not liable for health care, service, equipment, or supply charges that are covered under the care management organization's contract with the department.

(2) PROHIBITED RECOVERY ATTEMPTS. No person may bill, charge, collect a deposit from, seek compensation from, file or threaten to file with a credit reporting agency with respect to, or have any recourse against an enrollee or any person acting on the enrollee's behalf, for any health care, service, equipment, or supply charges for which the enrollee or person acting on his or her behalf is not liable under sub. (1).

(3) IMMUNITY NOT AFFECTED. The immunity of an enrollee under subs. (1) and (2) is not affected by any of the following:

(a) A breach or default on an agreement by the care management organization or the failure of any person to compensate the provider.

(b) The insolvency of the care management organization or any person contracting with the care management organization or the commencement or the existence of conditions permitting the commencement of insolvency,

delinquency, or bankruptcy proceedings involving the care management organization or other person, regardless of whether the care management organization or other person has agreed to compensate, directly or indirectly, the provider for health care, services, equipment, or supplies for which the enrollee is not liable under sub. (1)

(c) The inability of the provider or other person who is owed compensation for health care, services, equipment, or supplies to obtain compensation from the care management organization.

648.75 Insolvency funding. (1) DEPOSIT REQUIRED. A permittee shall deposit an amount established by the contract with the department, and not less than $250,000, using the procedures under. s. 601.13.

(2) RELEASE OF DEPOSIT. A deposit under this section may be released only with the approval of the commissioner, after consulting with the department, by the procedures under s. 601.13 (10) and only in one of the following circumstances:

(a) To pay an assessment under sub. (3).

(b) To pay creditors of the permittee according to the priority determined by the department if the permittee is insolvent, dissolves, or is subject to an insolvency proceeding, including a bankruptcy proceeding.

(3) ASSESSMENT. The department may assess an amount from each permittee's deposit for the purpose of funding arrangements for, or to pay expenses related to, services for enrollees of an insolvent or financially hazardous permittee. The department's assessment shall be allocated to each permittee's deposit in an amount that reflects the permittee's proportionate share of projected enrollment in the department's annual contracting period. The commissioner may authorize release, and the department of administration shall pay to the department the assessed amount for the purposes of this subsection.

(4) RESTORATION. A permittee shall restore its deposit that is subject to an assessment under sub. (3) within 30 days after the assessment, unless the office, after consulting with the department, authorizes a longer period, which shall not exceed 2 years.

(5) RECOVERY. The department may recover, and may file a claim or bring civil action to recover, from the insolvent or financially hazardous permittee any amount that the department assesses and pays under sub. (3). Any amount recovered shall be restored to each permittee's deposit in the same proportion as the assessment.

SECTION 3200. 700.19 (2m) of the statutes is created to read:

700.19 **(2m)** DOMESTIC PARTNERS. If persons named as owners in a document of title, transferees in an instrument of transfer, or buyers in a bill of sale are described in the document, instrument, or bill of sale as domestic partners under ch. 770, or are in fact domestic partners under ch. 770, they are joint tenants, unless the intent to create a tenancy in common is expressed in the document, instrument, or bill of sale.

SECTION 3202. 704.31 (3) of the statutes is amended to read:

704.31 **(3)** This section does not apply to a lease to which a local professional baseball park district created under subch. III of ch. 229, the Wisconsin Quality Home Care Authority, or the Fox River Navigational System Authority is a party.

SECTION 3203m. 757.05 (1) (a) of the statutes is amended to read:

757.05 **(1)** (a) Whenever a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a financial responsibility violation under s. 344.62 (2), or 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 of state laws or municipal or county ordinances involving nonmoving traffic violations, violations under s. 343.51 (1m) (b), or safety belt use violations under s. 347.48 (2m), there shall be imposed in addition a penalty surcharge under ch. 814 in an amount of 26 percent of the fine or forfeiture imposed. If multiple offenses are involved, the penalty surcharge shall be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or in part, the penalty surcharge shall be reduced in proportion to the suspension.

SECTION 3205. 758.19 (8) (a) (intro.) of the statutes is amended to read:

758.19 **(8)** (a) (intro.) From the appropriation under s. 20.625 (1) (c), the director of state courts shall reimburse counties up to 4 times each year for the actual expenses paid for interpreters required by circuit courts to assist persons with limited English proficiency under s. 885.38 (8) (a) 1. ~~The amount of the reimbursement for mileage shall be 20 cents per mile going and returning from his or her residence if within the state; or, if without the state, from the point where he or she crosses the state boundary to the place of attendance, and returning by the usually traveled route between such points.~~ The amount of the maximum hourly reimbursement for court interpreters shall be as follows:

SECTION 3205r. 765.08 (2) of the statutes is amended to read:

765.08 **(2)** The county clerk may, at his or her discretion, issue a marriage license within less than 5 days after application if the applicant pays an additional fee of not more than ~~$10~~ $25 to cover any increased processing cost incurred by the county. The county clerk shall pay this fee into the county treasury.

SECTION 3209. 767.41 (3) (c) of the statutes is amended to read:

767.41 **(3)** (c) The court shall hold a hearing to review the permanency plan within 30 days after receiving a report under par. (b). At least 10 days before the date of the hearing, the court shall provide notice of the time, date, and purpose of the hearing to the agency that prepared the report, the child's parents, the child, if he or she is 12 years of age or over, and the child's foster parent~~, treatment foster parent~~ or the operator of the facility in which the child is living.

SECTION 3211p. 767.57 (1) (d) of the statutes is created to read:

767.57 **(1)** (d) The department or its designee shall offer to every individual to whom child support or family support payments are disbursed under this section the option to receive a paper statement of account that will be sent to the individual whenever money is received on behalf of or disbursed to the individual under this section. The department or its designee may not charge an individual a fee for providing the statements of account.

SECTION 3218. Chapter 770 of the statutes is created to read:

CHAPTER 770
DOMESTIC PARTNERSHIP

770.001 Declaration of policy. The legislature finds that it is in the interests of the citizens of this state to establish and provide the parameters for a legal status of domestic partnership. The legislature further finds that the legal status of domestic partnership as established in this chapter is not substantially similar to that of marriage. Nothing in this chapter shall be construed as inconsistent with or a violation of article XIII, section 13, of the Wisconsin Constitution.

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 on or after the 31st day beginning after the effective date of this paragraph .... [LRB inserts date], for a declaration of domestic partnership to the county clerk of the county in which at least one of the individuals has resided for at least 30 days immediately before applying.

(b) 1. Except as provided in subd. 2., the county clerk may not issue a declaration of domestic partnership until at least 5 days after receiving the application for the declaration of domestic partnership.

2. The county clerk may, at his or her discretion, issue a declaration of domestic partnership less than 5 days after application if the applicant pays an additional fee of not more than $10 to cover any increased processing cost incurred by the county. The county clerk shall pay this fee into the county treasury.

(c) No declaration of domestic partnership may be issued unless the application for it is subscribed to by the parties intending to form the domestic partnership; it contains the social security number of each party who has a social security number; and it is filed with the clerk who issues the declaration of domestic partnership.

(d) 1. Each party shall present satisfactory, documentary proof of identification and residence and shall swear, or affirm, to the application before the clerk who is to issue the declaration of domestic partnership. In addition to the social security number of each party who has a social security number, the application shall contain such informational items as the state registrar of vital statistics directs. The portion of the application form that is collected for statistical purposes only shall indicate that the address of an applicant may be provided by a county clerk to a law enforcement officer under the conditions specified under s. 770.18 (2).

2. Each applicant shall exhibit to the clerk a certified copy of a birth certificate, and each applicant shall submit a copy of any judgment, certificate of termination of domestic partnership, or death certificate affecting the domestic partnership status. If any applicable birth certificate, death certificate, notice of termination of domestic partnership, or judgment is unobtainable, other satisfactory documentary proof may be presented instead. Whenever the clerk is not satisfied with the documentary proof presented, he or she shall submit the proof, for an

opinion as to its sufficiency, to a judge of a court of record in the county of application.

(2) If sub. (1) and s. 770.05 are complied with, the county clerk shall issue a declaration of domestic partnership. With each declaration of domestic partnership the county clerk shall provide a pamphlet describing the causes and effects of fetal alcohol syndrome. After the application for the declaration of domestic partnership is filed, the clerk shall, upon the sworn statement of either of the applicants, correct any erroneous, false, or insufficient statement in the application that comes to the clerk's attention and shall notify the other applicant of the correction, as soon as reasonably possible.

770.10 Completion and filing of declaration. In order to form the legal status of domestic partners, the individuals shall complete the declaration of domestic partnership, sign the declaration, having their signatures acknowledged before a notary, and submit the declaration to the register of deeds of the county in which they reside. The register of deeds shall record the declaration and forward the original to the state registrar of vital statistics.

770.12 Terminating a domestic partnership. (1) (a) A domestic partner may terminate the domestic partnership by filing a completed notice of termination of domestic partnership form with the county clerk who issued the declaration of domestic partnership and paying the fee under s. 770.17. The notice must be signed by one or both domestic partners and notarized.

(b) If the notice under par. (a) is signed by only one of the domestic partners, that individual must also file with the county clerk an affidavit stating either of the following:

1. That the other domestic partner has been served in writing, in the manner provided under s. 801.11, that a notice of termination of domestic partnership is being filed with the county clerk.

2. That the domestic partner seeking termination has been unable to locate the other domestic partner after making reasonable efforts and that notice to the other domestic partner has been made by publication as provided in sub. (2).

(2) If a domestic partner who is seeking to terminate the domestic partnership is unable to find the other domestic partner after making reasonable efforts, the domestic partner seeking termination may provide notice by publication in a newspaper of general circulation in the county in which the residence most recently shared by the domestic partners is located. The notice need not be published more than one time.

(3) Upon receiving a completed, signed, and notarized notice of termination of domestic partnership, the affidavit under sub. (1) (b) if required, and the fee under s. 770.17, the county clerk shall issue to the domestic partner filing the notice of termination a certificate of termination of domestic partnership. The domestic partner shall submit the certificate of termination of domestic partnership to the register of deeds of the county in which the declaration of domestic partnership is recorded. The register of deeds shall record the certificate and forward the original to the state registrar of vital statistics.

(4) (a) Except as provided in par. (b), the termination of a domestic partnership is effective 90 days after the certificate of termination of domestic partnership is recorded under sub. (3).

(b) If a party to a domestic partnership enters into a marriage that is recognized as valid in this state, the domestic partnership is automatically terminated on the date of the marriage.

770.15 Forms. (1) The application and declaration of domestic partnership under s. 770.07 and the notice of termination of domestic partnership and certificate of termination of domestic partnership under s. 770.12 shall contain such information as the state registrar of vital statistics determines is necessary. The form for the declaration of domestic partnership shall require both individuals forming a domestic partnership to sign the form and attest to satisfying all of the criteria under s. 770.05 (1) to (5).

(2) The state registrar of vital statistics shall prepare the forms under sub. (1) and distribute the forms in sufficient quantities to each county clerk.

770.17 Fees to county clerk. Each county clerk shall receive as a fee for each declaration of domestic partnership issued and for each certificate of termination of domestic partnership issued the same amount that the clerk receives for issuing a marriage license under s. 765.15. Of the amount that the clerk receives under this section, the clerk shall pay into the state treasury the same amount that the clerk pays into the state treasury from the fee collected for issuing a marriage license. The remainder shall become a part of the funds of the county. For each declaration of domestic partnership issued and for each certificate of termination of domestic partnership issued, the clerk shall also receive a standard notary fee in the same amount that the clerk receives as a standard notary fee in connection with issuing a marriage license and that may be retained by the clerk if the clerk is operating on a fee or part−fee basis but which otherwise shall become part of the funds of the county.

770.18 Records. (1) The county clerk shall keep among the records in the office a suitable book called the declaration of domestic partnership docket and shall enter therein a complete record of the applications for and the issuing of all declarations of domestic partnership, and of all other matters which the clerk is required by this chapter to ascertain related to the rights of any person to obtain a declaration of domestic partnership. An application may be recorded by entering into the docket the completed application form, with any portion collected only for statistical purposes removed. The declaration of domestic partnership docket shall be open for public

inspection or examination at all times during office hours.

(2) A county clerk may provide the name of a declaration of domestic partnership applicant and, from the portion of the application form that is collected for statistical purposes, as specified under sub. (1), may provide the address of the declaration of domestic partnership applicant to a law enforcement officer, as defined in s. 51.01 (11). A county clerk shall provide the name and, if it is available, the address, to a law enforcement officer who requests, in writing, the name and address for the performance of an investigation or the service of a warrant. If a county clerk has not destroyed the portion of the declaration of domestic partnership application form that is collected for statistical purposes, he or she shall keep the information on the portion confidential, except as authorized under this subsection. If a written request is made by a law enforcement officer under this subsection, the county clerk shall keep the request with the declaration of domestic partnership application form. If the county clerk destroys the declaration of domestic partnership application form, he or she shall also destroy the written request.

SECTION 3221. 786.37 (3) of the statutes is amended to read:

786.37 **(3)** This section does not apply to the name change of a minor if the parental rights to the minor of both parents have been terminated, guardianship and legal custody of the minor have been transferred under subch. VIII of ch. 48, the minor has been placed in a permanent foster home ~~or a permanent treatment foster home~~, and the guardian and legal custodian of the minor have petitioned to change the minor's name to the name or names of the minor's foster parents ~~or treatment foster parents~~.

SECTION 3221d. 799.41 of the statutes is renumbered 799.41 (1).

SECTION 3221e. 799.41 (2) of the statutes is created to read:

799.41 **(2)** If the eviction seeks to remove a tenant whose tenancy is terminated as the result of a foreclosure judgment and sale under s. 708.02, the complaint shall identify the action as an eviction of the tenant due to a foreclosure action.

SECTION 3222. 801.50 (5) of the statutes is amended to read:

801.50 **(5)** Venue of an action for certiorari to review a probation, extended supervision, or parole revocation, a denial by ~~a program review committee~~ the earned release review commission under s. ~~302.113 (9g)~~ 302.1135 (5) of a petition for modification of a ~~bifurcated~~ sentence, or a refusal of parole shall be the county in which the relator was last convicted of an offense for which the relator was on probation, extended supervision, or parole or for which the relator is currently incarcerated.

SECTION 3222g. 802.03 (9) of the statutes is created to read:

802.03 **(9)** FORECLOSURE. In an action for foreclosure of real property, the complaint may not name a tenant of residential real property as a defendant unless the tenant has a lien or ownership interest in the real property.

SECTION 3224. 806.11 (1) (intro.) of the statutes is amended to read:

806.11 **(1)** (intro.) At the time of filing the warrant provided by s. 71.74 (14) ~~or~~, 71.91 (5), or 71.93 (8) (b) 5., the clerk of circuit court shall enter the warrant in the judgment and lien docket, including:

SECTION 3225. 806.11 (2) of the statutes is amended to read:

806.11 **(2)** If a warrant provided by s. 71.74 (14) ~~or~~, 71.91 (5), or 71.93 (8) (b) 5. is against several persons, the warrant shall be entered, in accordance with the procedure under sub. (1), in the judgment and lien docket under the name of each person against whom the warrant was issued.

SECTION 3226. 806.115 of the statutes is amended to read:

806.115 Filing of duplicate copy of warrant. The department of revenue may file in any county a duplicate copy of a warrant filed under s. 71.74 (14) ~~or~~, 71.91 (5), or 71.93 (8) (b) 5. and the clerk of circuit court shall enter the duplicate copy on the judgment and lien docket as provided in s. 806.11. When so entered, the duplicate copy shall have the same legal effect as the warrant filed under s. 71.91 (5).

SECTION 3227. 809.105 (13) of the statutes is amended to read:

809.105 **(13)** CERTAIN PERSONS BARRED FROM PROCEEDINGS. No parent, or guardian or legal custodian, if one has been appointed, or foster parent ~~or treatment foster parent~~, if the minor has been placed in a foster home ~~or treatment foster home~~, and the minor's parent has signed a waiver granting the department of children and families, a county department under s. 46.215, 46.22, or 46.23, ~~the foster parent~~ or the ~~treatment~~ foster parent the authority to consent to medical services or treatment on behalf of the minor, or adult family member, as defined in s. 48.375 (2) (b), of any minor who has initiated an appeal under this section may attend or intervene in any proceeding under this section.

SECTION 3228. 809.30 (1) (c) of the statutes is amended to read:

809.30 **(1)** (c) "Postconviction relief" means an appeal or a motion for postconviction relief in a criminal case, other than an appeal, motion, or petition under ss. 302.113 (7m), ~~302.113 (9g)~~ 302.1135, 973.19, 973.195, 974.06, or 974.07 (2). In a ch. 980 case, the term means an appeal or a motion for postcommitment relief under s. 980.038 (4).

SECTION 3231. 812.44 (5) (form) 2. of the statutes is amended to read:

812.44 **(5)** (form)

... 2. ~~(5) (form) paragraph 2.~~ I receive, am eligible for, or have within 6 months received, aid to families with dependent children, relief funded by a relief block grant under ch. 49, relief provided by counties under section 59.53 (21) of the Wisconsin Statutes, medical assistance, supplemental security income, food stamps, or veterans benefits based on need under 38 USC 501 to 562 or section 45.351 (1) of the Wisconsin Statutes.

Vetoed In Part

SECTION 3232r. 814.61 (5) (intro.) of the statutes is amended to read:

814.61 **(5)** JUDGMENTS, WRITS, EXECUTIONS, LIENS, WARRANTS, AWARDS, CERTIFICATES. (intro.) The clerk shall collect a fee of ~~$5~~ $10 for the following:

SECTION 3233c. 814.63 (1) (c) of the statutes is amended to read:

814.63 **(1)** (c) This subsection does not apply to an action for a violation of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), for a financial responsibility violation under s. 344.62 (2), 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).

SECTION 3233e. 814.63 (2) of the statutes is amended to read:

814.63 **(2)** Upon the disposition of a forfeiture action in circuit court for violation of a county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district ordinance, 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, for a financial responsibility violation under s. 344.62 (2), or for a violation under s. 343.51 (1m) (b) or a safety belt use violation under s. 347.48 (2m), the county, town, city, village, town sanitary district or public inland lake protection and rehabilitation district shall pay a nonrefundable fee of $5 to the clerk of circuit court.

SECTION 3233r. 814.65 (1) of the statutes is amended to read:

814.65 **(1)** COURT COSTS. In a municipal court action, 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, for a financial responsibility violation under s. 344.62 (2), or for a violation of an ordinance in conformity with s. 343.51 (1m) (b) or 347.48 (2m), the municipal judge shall collect a fee of not less than $15 nor more than $28 on each separate matter, whether it is on default of appearance, a plea of guilty or no contest, on issuance of a warrant or summons, or the action is tried as a contested matter. Of each fee received by the judge under this subsection, the municipal treasurer shall pay monthly $5 to the secretary of administration for deposit in the general fund and shall retain the balance for the use of the municipality.

SECTION 3234. 814.67 (1) (c) of the statutes is renumbered 814.67 (1) (c) (intro.) and amended to read:

814.67 **(1)** (c) (intro.) For traveling, ~~at the rate of 20 cents per mile~~ going and returning from his or her residence if within the state; or, if without the state, from the point where he or she crosses the state boundary to the place of attendance, and returning by the usually traveled route between such points~~.~~:

SECTION 3235. 814.67 (1) (c) 1. of the statutes is created to read:

814.67 **(1)** (c) 1. For witnesses, the rate of 20 cents per mile.

SECTION 3236. 814.67 (1) (c) 2. of the statutes is created to read:

814.67 **(1)** (c) 2. For interpreters, the mileage rate set under s. 20.916 (8).

SECTION 3237. 814.75 (22m) of the statutes is amended to read:

814.75 **(22m)** The supplemental food enforcement surcharge under s. ~~49.17~~ 253.06 (4) (c).

SECTION 3238. 814.76 (15m) of the statutes is amended to read:

814.76 **(15m)** The supplemental food enforcement surcharge under s. ~~49.17~~ 253.06 (4) (c).

SECTION 3239. 814.80 (11) of the statutes is amended to read:

814.80 **(11)** The supplemental food enforcement surcharge under s. ~~49.17~~ 253.06 (4) (c).

SECTION 3239m. 814.85 (1) (a) of the statutes is amended to read:

814.85 **(1)** (a) 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, for a financial responsibility violation under s. 344.62 (2), 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 $68 court support services 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) or 814.63 (1).

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~~ $21.50 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 3240m. 814.86 (1) of the statutes, as affected by 2009 Wisconsin Act .... (this act), 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, for a financial responsibility violation under s. 344.62 (2), 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 $21.50 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 ~~(1)~~ (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.

SECTION 3243. 846.04 (2) of the statutes is amended to read:

846.04 **(2)** Except as provided in sub. (3), if a mortgage foreclosure deficiency judgment is entered on property ~~devoted primarily to~~ under agricultural use, as defined in s. 91.01 ~~(5),~~ (2), for at least 12 consecutive months during the preceding 36−month period, an action on the deficiency judgment shall be commenced within 10 years after the date on which the mortgage foreclosure deficiency judgment is entered or be barred.

SECTION 3243c. 846.35 (1) (c) of the statutes, as created by 2009 Wisconsin Act 2, is renumbered 846.35 (6) and amended to read:

846.35 **(6)** PENALTIES. If a plaintiff fails to provide a notice under par. (a) in accordance with pars. (a) and (b), or fails to comply with sub. (5), the court shall award the tenant to whom the notice should have been given or who should not have named as a defendant $250 in damages, plus reasonable attorney fees. A tenant may not recover under this paragraph for more than one notice violation.

SECTION 3243e. 846.35 (4) of the statutes, as created by 2009 Wisconsin Act 2, is repealed.

SECTION 3243f. 846.35 (5) of the statutes is created to read:

846.35 **(5)** TENANT NOT NAMED IN COMPLAINT. In an action for foreclosure of residential real property, the complaint may not name a tenant as a defendant unless the tenant has a lien or ownership interest in the real property.

SECTION 3244. 851.08 of the statutes is created to read:

851.08 Domestic partner. "Domestic partner" has the meaning given in s. 770.01 (1) and "domestic partnership" has the meaning given in s. 770.01 (2).

SECTION 3245. 851.17 of the statutes is amended to read:

851.17 Net estate. "Net estate" means all property subject to administration less the property selected by the surviving spouse or surviving domestic partner under s. 861.33, the allowances made by the court under ss. 861.31, 861.35 and 861.41 except as those allowances are charged by the court against the intestate share of the recipient, administration, funeral and burial expenses, the amount of claims paid and federal and state estate taxes payable out of such property.

SECTION 3246. 851.295 of the statutes is created to read:

851.295 Surviving domestic partner. "Surviving domestic partner" means a person who was in a domestic partnership under ch. 770 with the decedent, at the time of the decedent's death.

SECTION 3247. 852.01 (1) (a) (intro.), 1. and 2. (intro.) and b., (b), (c), (d) and (f) (intro.) of the statutes are amended to read:

852.01 **(1)** (a) (intro.) To the spouse or domestic partner:

1. If there are no surviving issue of the decedent, or if the surviving issue are all issue of the surviving spouse or surviving domestic partner and the decedent, the entire estate.

2. (intro.) If there are surviving issue one or more of whom are not issue of the surviving spouse or surviving domestic partner, one−half of decedent's property other than the following property:

b. The decedent's interest in property held equally and exclusively with the surviving spouse or surviving domestic partner as tenants in common.

(b) To the issue, per stirpes, the share of the estate not passing to the spouse or surviving domestic partner, under par. (a), or the entire estate if there is no surviving spouse or surviving domestic partner.

(c) If there is no surviving spouse, surviving domestic partner, or issue, to the parents.

(d) If there is no surviving spouse, surviving domestic partner, issue, or parent, to the brothers and sisters and the issue of any deceased brother or sister per stirpes.

(f) (intro.) If there is no surviving spouse, surviving domestic partner, issue, parent, or issue of a parent, to the grandparents and their issue as follows:

SECTION 3248. 852.09 of the statutes is amended to read:

852.09 Assignment of home to surviving spouse or surviving domestic partner. If the intestate estate includes an interest in a home, assignment of that interest to the surviving spouse or surviving domestic partner is governed by s. 861.21.

SECTION 3249. 853.11 (2m) and (3) of the statutes are amended to read:

853.11 **(2m)** PREMARITAL OR PREDOMESTIC PARTNERSHIP WILL. Entitlements of a surviving spouse or surviving domestic partner under a decedent's will that was executed before marriage to the surviving spouse or before recording of the domestic partnership under ch. 770 are governed by s. 853.12.

(3) TRANSFER TO FORMER SPOUSE OR FORMER DOMESTIC PARTNER. A transfer under a will to a former spouse or former domestic partner is governed by s. 854.15.

SECTION 3250. 853.12 (title) of the statutes is amended to read:

853.12 (title) **Premarital will or predomestic partnership will.**

SECTION 3251. 853.12 (1), (2) (intro.) and (a), (3) (a) and (b) and (4) (a) of the statutes are amended to read:

853.12 **(1)** ENTITLEMENT OF SURVIVING SPOUSE OR SURVIVING DOMESTIC PARTNER. Subject to sub. (3), if the testator married the surviving spouse or recorded a domestic partnership under ch. 770 with the surviving domestic partner after the testator executed his or her will, the surviving spouse or surviving domestic partner is entitled to a share of the probate estate.

(2) VALUE OF SHARE. (intro.) The value of the share under sub. (1) is the value of the share that the surviving spouse or surviving domestic partner would have received had the testator died with an intestate estate equal to the value of the testator's net estate, but the value of the net estate shall first be reduced by the value of all of the following:

(a) All devises to or for the benefit of the testator's children who were born before the marriage to the surviving spouse or the domestic partnership with the surviving domestic partner and who are not also the children of the surviving spouse or surviving domestic partner.

(3) (a) It appears from the will or other evidence that the will was made in contemplation of the testator's marriage to the surviving spouse or domestic partnership with the surviving domestic partner.

(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:

854.15 **(5)** (am) 5. The decedent and the former spouse have remarried or entered into a new domestic partnership before the death of the decedent.

SECTION 3257. 859.25 (1) (g) of the statutes is amended to read:

859.25 **(1)** (g) Property assigned to the surviving spouse or surviving domestic partner under s. 861.41.

SECTION 3258. 861.21 (title) of the statutes is amended to read:

861.21 (title) **Assignment of home to surviving spouse or surviving domestic partner.**

SECTION 3259. 861.21 (1) (b) of the statutes is amended to read:

861.21 **(1)** (b) "Home" means any dwelling in which the decedent had an interest and that at the time of the decedent's death the surviving spouse or surviving domestic partner occupies or intends to occupy. If there

are several such dwellings, any one may be designated by the surviving spouse or surviving domestic partner. "Home" includes a house, a mobile home, a manufactured home, a duplex or multiple apartment building one unit of which is occupied by the surviving spouse or surviving domestic partner and a building used in part for a dwelling and in part for commercial or business purposes. "Home" includes all of the surrounding land, unless the court sets off part of the land as severable from the remaining land under sub. (5).

SECTION 3260. 861.21 (2), (4) and (5) of the statutes are amended to read:

861.21 **(2)** DECEDENT'S PROPERTY INTEREST IN HOME. Subject to subs. (4) and (5), if a married decedent or decedent in a domestic partnership has a property interest in a home, the decedent's entire interest in the home shall be assigned to the surviving spouse or surviving domestic partner if the surviving spouse or surviving domestic partner petitions the court requesting such a distribution and if a governing instrument does not provide a specific transfer of the decedent's interest in the home to someone other than the surviving spouse or surviving domestic partner. The surviving spouse or surviving domestic partner shall file the petition within 6 months after the decedent's death, unless the court extends the time for filing.

(4) PAYMENT BY SURVIVING SPOUSE OR SURVIVING DOMESTIC PARTNER. The court shall assign the interest in the home under sub. (2) to the surviving spouse or surviving domestic partner upon payment of the value of the decedent's interest in the home that does not pass to the surviving spouse or surviving domestic partner under intestacy or under a governing instrument. Payment shall be made to the fiduciary holding title to the interest. The surviving spouse or surviving domestic partner may use assets due him or her from the fiduciary to satisfy all or part of the payment in kind. Unless the court extends the time, the surviving spouse or surviving domestic partner shall have one year from the decedent's death to pay the value of the assigned interest.

(5) SEVERANCE OF HOME FROM SURROUNDING LAND. On petition of the surviving spouse or surviving domestic partner or of any interested person that part of the land is not necessary for dwelling purposes and that it would be inappropriate to assign all of the surrounding land as the home under sub. (2), the court may set off for the home as much of the land as is necessary for a dwelling. In determining how much land should be set off, the court shall take into account the use and marketability of the parcels set off as the home and the remaining land.

SECTION 3261. 861.31 (1m), (2) and (4) (intro.) and (b) of the statutes are amended to read:

861.31 **(1m)** The court may, without notice or on such notice as the court directs, order payment by the personal representative or special administrator of an allowance as the court determines necessary or appropriate for the support of the surviving spouse or surviving domestic partner and any minor children of the decedent during the administration of the estate. The court shall consider the size of the probate estate, other resources available for support, the existing standard of living, and any other factors it considers relevant.

(2) The court may order that an allowance be made to the spouse or surviving domestic partner for support of the spouse or surviving domestic partner and any minor children of the decedent, or that separate allowances be made to the spouse or surviving domestic partner and to the minor children of the decedent or their guardian, if any, if the court finds separate allowances advisable. If there is no surviving spouse or surviving domestic partner, the court may order that an allowance be made to the minor children of the decedent or to their guardian, if any.

(4) (intro.) The court may order that the allowance be charged against income or principal, either as an advance or otherwise, but the court may not order that an allowance for support of minor children of the decedent be charged against the income or principal interest of the surviving spouse or surviving domestic partner. The court may order that the allowance for support of the surviving spouse or surviving domestic partner, not including any allowance for support of minor children of the decedent, be applied in satisfaction of any of the following:

(b) Any right of the surviving spouse or surviving domestic partner to elect under s. 861.02.

SECTION 3262. 861.33 (title) of the statutes is amended to read:

861.33 (title) **Selection of personalty by surviving spouse or surviving domestic partner.**

SECTION 3263. 861.33 (1) (a) (intro.) and 1. and (b) of the statutes are amended to read:

861.33 **(1)** (a) (intro.) Subject to this section, in addition to all allowances and distributions, the surviving spouse or surviving domestic partner may file with the court a written selection of the following personal property, which shall then be transferred to the spouse or domestic partner by the personal representative:

1. Wearing apparel and jewelry held for personal use by the decedent or the surviving spouse or surviving domestic partner;

(b) The selection in par. (a) may not include items specifically bequeathed except that the surviving spouse or surviving domestic partner may in every case select the normal household furniture, furnishings, and appliances necessary to maintain the home. For this purpose antiques, family heirlooms, and collections that are specifically bequeathed are not classifiable as normal household furniture or furnishings.

SECTION 3264. 861.35 (title) of the statutes is amended to read:

861.35 (title) **Special allowance for support of spouse or domestic partner and support and education of minor children.**

SECTION 3265. 861.35 (1m), (2), (3) (a) and (4) of the statutes are amended to read:

861.35 **(1m)** If the decedent is survived by a spouse, domestic partner, or by minor children, the court may order an allowance for the support and education of each minor child until he or she reaches a specified age, not to exceed 18, and for the support of the spouse or domestic partner. This allowance may be made whether the estate is testate or intestate. If the decedent is not survived by a spouse or domestic partner, the court also may allot directly to the minor children household furniture, furnishings, and appliances. The court may not order an allowance under this section if any of the following applies:

(a) The decedent has amply provided for each minor child and for the spouse or domestic partner by the transfer of probate or nonprobate assets, or support and education have been provided for by any other means.

(b) In the case of minor children, the surviving spouse or surviving domestic partner is legally responsible for support and education and has ample means to provide them in addition to his or her own support.

(c) In the case of the surviving spouse or surviving domestic partner, he or she has ample means to provide for his or her support.

(2) The court may set aside property to provide an allowance and may appoint a trustee to administer the property, subject to the continuing jurisdiction of the court. If a child dies or reaches the age of 18, or if at any time the property held by the trustee is no longer required for the support of the spouse or domestic partner or the support and education of the minor child, any remaining property is to be distributed by the trustee as the court orders in accordance with the terms of the decedent's will or to the heirs of the decedent in intestacy or to satisfy unpaid claims of the decedent's estate.

(3) (a) The effect on claims under s. 859.25. The court shall balance the needs of the spouse, domestic partner, or minor children against the nature of the creditors' claims in setting the amount allowed under this section.

(4) The court may order that the allowance to the surviving spouse or surviving domestic partner, not including any allowance for the support and education of minor children, be applied in satisfaction of any of the following:

(a) Any entitlement of the surviving spouse or surviving domestic partner under s. 853.12.

(b) Any right of the surviving spouse or surviving domestic partner to elect under s. 861.02 (1).

SECTION 3266. 861.41 of the statutes is amended to read:

861.41 Exemption of property to be assigned to surviving spouse or surviving domestic partner. (1) After the amount of claims against the estate has been ascertained, the surviving spouse or surviving domestic partner may petition the court to set aside as exempt from the claims of creditors under s. 859.25 (1) (h) an amount of property reasonably necessary for the support of the spouse or domestic partner, not to exceed $10,000 in value, if it appears that the assets are insufficient to pay all claims and allowances and still leave the surviving spouse or surviving domestic partner such an amount of property in addition to selection and allowances.

(2) The court shall grant the petition if it determines that an assignment ahead of creditors is reasonably necessary for the support of the spouse or domestic partner. In determining the necessity and the amount of property to be assigned, the court must take into consideration the availability of a home to the surviving spouse or surviving domestic partner and all other assets and resources available for support.

SECTION 3267. 867.01 (1) (b) and (3) (f) of the statutes are amended to read:

867.01 **(1)** (b) Whenever the estate, less the amount of the debts for which any property in the estate is security, does not exceed $50,000 in value and the decedent is survived by a spouse or domestic partner, or one or more minor children or both.

(3) (f) *Order.* If the court is satisfied that the estate may be settled under this section, after 30 days have elapsed since notice to the department of health services under par. (d), if that notice is required, the court shall assign the property to the persons entitled to it. If the estate may be settled under sub. (1) (b), any property not otherwise assigned shall be assigned to the surviving spouse or surviving domestic partner, or minor children or both as an allowance under s. 861.31. The court shall order any person indebted to or holding money or other property of the decedent to pay the indebtedness or deliver the property to the persons found to be entitled to receive it. The court shall order the transfer of interests in real estate, stocks or bonds registered in the name of the decedent, the title of a licensed motor vehicle, or any other form of property. If the decedent immediately prior to death had an estate for life or an interest as a joint tenant in any property in regard to which a certificate of termination in accordance with s. 867.04 has not been issued, the order shall set forth the termination of that life estate or the right of survivorship of any joint tenant. Every tract of real property in which an interest is assigned or terminated or which is security for a debt in which an interest is assigned or terminated shall be specifically described.

SECTION 3269. 895.04 (2) and (6) of the statutes are amended to read:

895.04 **(2)** If the deceased leaves surviving a spouse or domestic partner under ch.770, and domestic partner

under s. 770.05, and minor children under 18 years of age with whose support the deceased was legally charged, the court before whom the action is pending, or if no action is pending, any court of record, in recognition of the duty and responsibility of a parent to support minor children, shall determine the amount, if any, to be set aside for the protection of such children after considering the age of such children, the amount involved, the capacity and integrity of the surviving spouse or surviving domestic partner, and any other facts or information it may have or receive, and such amount may be impressed by creation of an appropriate lien in favor of such children or otherwise protected as circumstances may warrant, but such amount shall not be in excess of 50% of the net amount received after deduction of costs of collection. If there are no such surviving minor children, the amount recovered shall belong and be paid to the spouse or domestic partner of the deceased; if no spouse or domestic partner survives, to the deceased's lineal heirs as determined by s. 852.01; if no lineal heirs survive, to the deceased's brothers and sisters. If any such relative dies before judgment in the action, the relative next in order shall be entitled to recover for the wrongful death. A surviving nonresident alien spouse or a nonresident alien domestic partner under ch. 770 and minor children shall be entitled to the benefits of this section. In cases subject to s. 102.29 this subsection shall apply only to the surviving spouse's or surviving domestic partner's interest in the amount recovered. If the amount allocated to any child under this subsection is less than $10,000, s. 807.10 may be applied. Every settlement in wrongful death cases in which the deceased leaves minor children under 18 years of age shall be void unless approved by a court of record authorized to act hereunder.

(6) Where the wrongful death of a person creates a cause of action in favor of the decedent's estate and also a cause of action in favor of a spouse, domestic partner under ch. 770, or relatives as provided in this section, such spouse, domestic partner, or relatives may waive and satisfy the estate's cause of action in connection with or as part of a settlement and discharge of the cause of action of the spouse, domestic partner, or relatives.

Vetoed In Part

SECTION 3272m. 895.446 (4) of the statutes is amended to read:

895.446 **(4)** Any recovery under this section shall be reduced by the amount recovered as restitution under ss. 800.093 and 973.20 and ch. 938 for the same act ~~or as recompense under s. 969.13 (5) (a) for the same act~~.

SECTION 3273. 895.485 (title) of the statutes is amended to read:

895.485 (title) **Civil liability exemption; agencies, foster parents~~, treatment foster parents~~ and family−operated group home parents.**

SECTION 3274. 895.485 (1) (c) of the statutes is repealed.

SECTION 3275. 895.485 (2) (intro.) of the statutes is amended to read:

895.485 **(2)** (intro.) Except as provided in ss. 167.10 (7) and 343.15 (2), any foster~~, treatment foster~~ or family−operated group home parent licensed under s. 48.62 or 48.625 is immune from civil liability for any of the following:

SECTION 3276. 895.485 (2) (a) of the statutes is amended to read:

895.485 **(2)** (a) An act or omission of the foster~~, treatment foster~~ or family−operated group home parent while that parent is acting in his or her capacity as a foster~~, treatment foster~~ or family−operated group home parent.

SECTION 3277. 895.485 (2) (b) of the statutes is amended to read:

895.485 **(2)** (b) An act or omission of a child who is placed in a foster home~~, treatment foster home~~ or family−operated group home while the child is in the foster~~, treatment foster~~ or family−operated group home parent's care.

SECTION 3278. 895.485 (3) of the statutes is amended to read:

895.485 **(3)** The immunity specified in sub. (2) does not apply if the act or omission of a foster~~, treatment foster~~ or family−operated group home parent was not done in good faith or was not in compliance with any written instructions~~,~~ received from the agency that placed the child~~,~~ regarding specific care and supervision of the child. The good faith of a foster~~, treatment foster~~ or family−operated group home parent and the compliance of the foster~~, treatment foster~~ or family−operated group home parent with any written instructions received from the agency that placed the child are presumed in a civil action. Any person who asserts that a foster~~, treatment foster~~ or family−operated group home parent did not act in good faith, or did not comply with written instructions received from the agency that placed the child, has the burden of proving that assertion.

SECTION 3279. 895.485 (4) (intro.) of the statutes is amended to read:

895.485 **(4)** (intro.) Any agency that acts in good faith in placing a child with a foster~~, treatment foster~~ or family−operated group home parent is immune from civil liability for any act or omission of the agency, the foster~~, treatment foster~~ or family−operated group home parent, or the child unless all of the following occur:

SECTION 3280. 895.485 (4) (a) of the statutes is amended to read:

895.485 **(4)** (a) The agency has failed to provide the foster~~, treatment foster.~~ or family−operated group home parent with any information relating to a medical, physical, mental, or emotional condition of the child that it is required to disclose under this paragraph. The department of children and families shall promulgate rules specifying the kind of information that an agency shall

disclose to a foster~~, treatment foster,~~ or family−operated group home parent ~~which~~ that relates to a medical, physical, mental, or emotional condition of the child.

SECTION 3283g. 895.61 of the statutes is created to read:

895.61 Asbestos successor corporation; limitation on liability. (1) DEFINITIONS. In this section:

(a) "Asbestos claim" means a claim for damages, losses, indemnification, contribution, or other relief arising out of or related in any way to asbestos, including all of the following:

1. A claim related to the health effects of exposure to asbestos, including a claim related to any of the following:

a. Personal injury or death.

b. Mental or emotional injury.

c. Increased risk of disease or other injury.

d. Costs of medical monitoring or surveillance.

2. A claim made by or on behalf of any person exposed to asbestos, or by a spouse, parent, child, or other relative of the person.

3. A claim related to the installation, presence, or removal of asbestos.

(b) "Corporation" means a domestic corporation for profit organized under the laws of this state or a foreign corporation for profit organized under laws other than the laws of this state.

(c) 1. "Successor asbestos−related liability" means any liability that is related to an asbestos claim and that was assumed or incurred by a corporation as a result of or in connection with any of the following:

a. A merger or consolidation with a transferor.

b. The plan of merger or consolidation with a transferor related to the merger or consolidation with or into another corporation.

c. An asbestos claim based on the exercise of control or ownership of stock or a corporation before the merger or consolidation with a transferor.

2. "Successor asbestos−related liability" includes liability that, after the time of the merger or consolidation with a transferor for which the fair market value of the total gross assets of the successor corporation was determined under sub. (4), was paid, discharged, or committed to be paid or discharged by or on behalf of the corporation, successor corporation, or transferor in connection with a settlement, judgment, or discharge in this state or in another jurisdiction.

(d) "Successor corporation" means a corporation that has assumed or incurred successor asbestos−related liabilities before January 1, 1972, or that is any of that successor corporation's successors.

(e) "Total gross assets" includes intangible assets.

(f) "Transferor" means a corporation from which a successor asbestos−related liability is or was assumed or incurred.

(2) APPLICABILITY. (a) The limitations in sub. (3) apply to any successor corporation, except as provided in par (b).

(b) The limitations in sub. (3) do not apply to any of the following:

1. Worker's compensation benefits paid under ch. 102 or a comparable worker's compensation law of another jurisdiction.

2. Any claim against a successor corporation that does not constitute a successor asbestos−related liability.

3. Any obligation under 29 USC 151, et seq., or under any collective bargaining agreement.

4. A successor corporation that, after a merger or consolidation with a transferor, continued in the business of mining asbestos, selling or distributing asbestos fibers, or manufacturing, distributing, removing, or installing asbestos−containing products that were the same or substantially the same as those products that were previously manufactured, distributed, removed, or installed by the transferor.

(3) MEASURE OF LIABILITY. (a) Except as provide in par. (b), the cumulative successor asbestos−related liabilities of a successor corporation are limited to the fair market value of the total gross assets of the transferor determined as of the time of the merger or consolidation with the successor corporation. Subject to par. (b), the successor corporation does not have responsibility for any successor asbestos−related liabilities in excess of this limitation.

(b) If the transferor to the successor corporation had assumed or incurred successor asbestos−related liability in connection with a prior merger or consolidation with a prior transferor, then the fair market value of the total assets of the prior transferor determined as of the time of the earlier merger or consolidation is substituted for the limitation under par. (a) for purposes of determining the limitation on liability of the successor corporation.

(4) ESTABLISHING THE FAIR MARKET VALUE OF TOTAL GROSS ASSETS. (a) A successor corporation may establish the fair market value of total gross assets for purposes of the limitations under sub. (3) by any reasonable method, including any of the following:

1. By reference to the going concern value of the assets.

2. By reference to the purchase price attributable to or paid for the assets in an arms−length transaction.

3. In the absence of other readily available information from which the fair market value can be determined, by reference to the value of the assets recorded on a balance sheet.

(b) To the extent that total gross assets include liability insurance that was issued to the transferor whose assets are being valued under this subsection, the applicability, terms, conditions, and limits of the insurance are not affected by this section. This section does not affect

the rights and obligations of an insurer, transferor, or successor corporation under any insurance contract or related agreement, including all of the following:

1. A preenactment settlement resolving a coverage−related dispute.

2. The right of an insurer to seek payment for applicable deductibles, retrospective premiums, or self−insured retentions.

3. The right of an insurer to seek contribution from a successor corporation for an uninsured or self−insured period or for a period when insurance is uncollectible or unavailable.

(c) Subject to par. (b), to the extent that total gross assets include any liability insurance, a settlement of a dispute concerning the liability insurance coverage entered into by the transferor or successor corporation with the insurer of the transferor before the effective date of this paragraph .... [LRB inserts date], shall be determinative of the total coverage of the liability insurance for inclusion in the calculation of the transferor's total gross assets.

(5) ADJUSTMENT OF FAIR MARKET VALUE. (a) Except as provided in pars. (b) to (d), the fair market value of the total gross assets at the time of the merger or consolidation with the transferor shall increase annually at a rate equal to the sum of the following:

1. The weekly prime rate for the first week of each calendar year since the merger or consolidation, as reported by the federal reserve board in federal reserve statistical release H. 15.

2. One percent.

(b) The rate under par. (a) may not be compounded.

(c) The adjustment of the fair market value of the total gross assets shall continue as provided in par. (a) until the date that the adjusted fair market value of the total gross assets is first exceeded by the cumulative amounts of successor asbestos−related liabilities paid or committed to be paid by or on behalf of the successor corporation or a predecessor of the successor corporation or by or on behalf of a transferor after the time of the merger or consolidation for which the fair market value of the total gross assets is determined.

(d) No adjustment of the fair market value of total gross assets may be applied to any liability insurance that is included in the definition of total gross assets under sub. (4) (b).

(6) LIBERAL CONSTRUCTION INTENDED. This section shall be liberally construed to effect its purposes with regard to successor corporations.

SECTION 3284. 905.05 (title) of the statutes is amended to read:

905.05 (title) **Husband−wife and domestic partner privilege.**

SECTION 3285. 905.05 (1), (2) and (3) (a), (b), (c) and (d) of the statutes are amended to read:

905.05 **(1)** GENERAL RULE OF PRIVILEGE. A person has a privilege to prevent the person's spouse or former spouse or domestic partner or former domestic partner from testifying against the person as to any private communication by one to the other made during their marriage or domestic partnership. As used in this section, "domestic partner" means a domestic partner under ch. 770.

(2) WHO MAY CLAIM THE PRIVILEGE. The privilege may be claimed by the person or by the spouse or domestic partner on the person's behalf. The authority of the spouse or domestic partner to do so is presumed in the absence of evidence to the contrary.

(3) (a) If both spouses or former spouses or domestic partners or former domestic partners are parties to the action.

(b) In proceedings in which one spouse or former spouse or domestic partner or former domestic partner is charged with a crime against the person or property of the other or of a child of either, or with a crime against the person or property of a 3rd person committed in the course of committing a crime against the other.

(c) In proceedings in which a spouse or former spouse or domestic partner or former domestic partner is charged with a crime of pandering or prostitution.

(d) If one spouse or former spouse or domestic partner or former domestic partner has acted as the agent of the other and the private communication relates to matters within the scope of the agency.

SECTION 3285gb. 908.03 (6m) (title) of the statutes is amended to read:

908.03 **(6m)** (title) ~~HEALTH~~ PATIENT HEALTH CARE ~~PROVIDER~~ RECORDS.

SECTION 3285gc. 908.03 (6m) (a) of the statutes is renumbered 908.03 (6m) (a) (intro.) and amended to read:

908.03 **(6m)** (a) *Definition.* (intro.) In this subsection~~, "health~~:

1. Health care provider" ~~means a massage therapist or bodyworker issued a certificate under ch. 460, a chiropractor licensed under ch. 446, a dentist licensed under ch. 447, a physician assistant licensed under ch. 448, or a health care provider as defined~~ has the meanings given in ~~s.~~ ss. 146.81 (1) and 655.001 (8).

SECTION 3285ge. 908.03 (6m) (a) 2. of the statutes is created to read:

908.03 **(6m)** (a) 2. "Patient health care records" has the meaning given in s. 146.81 (4).

SECTION 3285gg. 908.03 (6m) (b) of the statutes is amended to read:

908.03 **(6m)** (b) *Authentication witness unnecessary.* A custodian or other qualified witness required by sub. (6) is unnecessary if the party who intends to offer patient health care ~~provider~~ records into evidence at a trial or

hearing does one of the following at least 40 days before the trial or hearing:

1. Serves upon all appearing parties an accurate, legible and complete duplicate of the patient health care ~~provider~~ records for a stated period certified by the record custodian.

2. Notifies all appearing parties that an accurate, legible and complete duplicate of the patient health care ~~provider~~ records for a stated period certified by the record custodian is available for inspection and copying during reasonable business hours at a specified location within the county in which the trial or hearing will be held.

SECTION 3285gh. 908.03 (6m) (bm) of the statutes is created to read:

908.03 **(6m)** (bm) *Presumption.* Billing statements or invoices that are patient health care records are presumed to state the reasonable value of the health care services provided and the health care services provided are presumed to be reasonable and necessary to the care of the patient. Any party attempting to rebut the presumption of the reasonable value of the health care services provided may not present evidence of payments made or benefits conferred by collateral sources.

SECTION 3285gi. 908.03 (6m) (c) (intro.) of the statutes is amended to read:

908.03 **(6m)** (c) *Subpoena limitations.* (intro.) ~~Health~~ Patient health care ~~provider~~ records are subject to subpoena only if one of the following conditions exists:

SECTION 3285gk. 908.03 (6m) (c) 3. of the statutes is amended to read:

908.03 **(6m)** (c) 3. If upon a properly authorized request of an attorney, the health care provider refuses, fails, or neglects to supply within 2 business days a legible certified duplicate of its records for the fees ~~established~~ under ~~par. (d)~~ s. 146.83 (1f) (c) or (d) or (1h) (b) or (c), whichever are applicable.

SECTION 3285gm. 908.03 (6m) (d) of the statutes is repealed.

SECTION 3285p. 909.02 (11) (title) of the statutes is amended to read:

909.02 **(11)** (title) ~~HEALTH~~ PATIENT HEALTH CARE ~~PROVIDER~~ RECORDS.

SECTION 3286. 911.01 (4) (c) of the statutes is amended to read:

911.01 **(4)** (c) *Miscellaneous proceedings.* Proceedings for extradition or rendition; sentencing, granting or revoking probation, modification of a ~~bifurcated~~ sentence under s. ~~302.113 (9g)~~ 302.1135, adjustment of a bifurcated sentence under s. 973.195 (1r), release to extended supervision under s. 302.113 (2) (b) or 304.06 (1) or discharge under s. 973.01 (4m), issuance of arrest warrants, criminal summonses and search warrants; hearings under s. 980.09 (2); proceedings under s. 971.14 (1) (c); proceedings with respect to pretrial release under ch. 969 except where habeas corpus is utilized with respect to release on bail or as otherwise provided in ch. 969.

SECTION 3287. 938.02 (6) of the statutes is amended to read:

938.02 **(6)** "Foster home" means any facility that is operated by a person required to be licensed by s. 48.62 (1) ~~(a)~~ and that provides care and maintenance for no more than 4 juveniles or, if necessary to enable a sibling group to remain together, for no more than 6 juveniles or, if the department of children and families promulgates rules permitting a different number of juveniles, for the number of juveniles permitted under those rules.

SECTION 3288. 938.02 (17q) of the statutes is repealed.

SECTION 3289. 938.207 (1) (c) of the statutes is amended to read:

938.207 **(1)** (c) A licensed foster home ~~or a licensed treatment foster home~~ if the placement does not violate the conditions of the license.

SECTION 3290. 938.207 (1) (f) of the statutes is amended to read:

938.207 **(1)** (f) The home of a person not a relative if the person has not had a ~~foster home or treatment foster home~~ license under s. 48.62 refused, revoked, or suspended within the previous 2 years. ~~Such a~~ A placement under this paragraph may not exceed 30 days, unless the placement is extended by the court for cause for an additional 30 days.

SECTION 3290n. 938.21 (2) (e) of the statutes is created to read: **Vetoed In Part**

938.21 **(2)** (e) If present at the hearing, the parent shall be requested to provide the names and other identifying information of 3 relatives of the juvenile or family friends 18 years of age or over whose homes the parent requests the court to consider as placements for the juvenile. If the parent does not provide this information at the hearing, the county department shall make a reasonable effort to provide each parent with the opportunity to provide this information.

SECTION 3290p. 938.21 (3) (f) of the statutes is created to read:

938.21 **(3)** (f) If present at the hearing, the parent shall be requested to provide the names and other identifying information of 3 relatives of the juvenile or family friends 18 years of age or over whose homes the parent requests the court to consider as placements for the juvenile. If the parent does not provide this information at the hearing, the county department shall make a reasonable effort to provide each parent with the opportunity to provide this information.

SECTION 3291. 938.21 (5) (d) 2. of the statutes is amended to read:

938.21 **(5)** (d) 2. If a hearing is held under subd. 1, at least 10 days before the date of the hearing the court shall notify the juvenile, any parent, guardian, and legal custo-

dian of the juvenile, and any foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of the hearing.

SECTION 3292. 938.21 (5) (d) 3. of the statutes is amended to read:

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

Vetoed In Part

SECTION 3292h. 938.21 (5) (e) of the statutes is created to read:

938.21 **(5)** (e) 1. In this paragraph, "adult relative" means a grandparent, great−grandparent, aunt, uncle, or sibling of a juvenile, whether by blood, marriage, or legal adoption, who has attained 18 years of age.

2. The court shall order the county department to conduct a diligent search in order to locate and provide notice of the information specified in this subdivision to all adult relatives of the juvenile and to all other adult individuals whose homes are requested by the juvenile's parent under sub. (2) (e) or (3) (f) to be considered as placement options for the juvenile within 30 days after the date of the hearing unless the juvenile is returned to his or her home within that period. The county department may not provide that notice to an adult relative or other individual if the county department has reason to believe that it would be dangerous to the juvenile or to the parent if the juvenile were placed with that adult relative or individual. The notice shall include all of the following:

a. A statement that the juvenile has been removed from the custody of the juvenile's parent.

b. A statement that the juvenile may need a temporary or permanent placement outside of his or her home and an explanation of how the individual may request to have the juvenile placed with him or her.

c. An explanation of the programs and services that may be available to the adult relative or other individual if the juvenile is placed with him or her including foster care payments, kinship care payments, assistance with health care needs, child care assistance, and nutrition assistance.

d. A description of the types of expenses that the adult relative or other individual may incur if the juvenile is placed in his or her home and whether and when the adult relative or other individual may be reimbursed for those expenses.

Vetoed In Part

e. An explanation of how to receive notice of future proceedings relating to the juvenile if the adult relative or other individual provides contact information to the county department.

SECTION 3293. 938.27 (3) (a) 1. of the statutes is amended to read:

938.27 **(3)** (a) 1. The court shall notify, under s. 938.273, the juvenile, any parent, guardian, and legal custodian of the juvenile, any foster parent~~, treatment foster parent~~ or other physical custodian described in s. 48.62 (2) of the juvenile, and any person specified in par. (b), if applicable, of all hearings involving the juvenile under this subchapter, except hearings on motions for which notice must be provided only to the juvenile and his or her counsel. If parents entitled to notice have the same place of residence, notice to one constitutes notice to the other. The first notice to any interested party, foster parent, ~~treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) shall be in writing and may have a copy of the petition attached to it. Notices of subsequent hearings may be given by telephone at least 72 hours before the time of the hearing. The person giving telephone notice shall place in the case file a signed statement of the date and time notice was given and the person to whom he or she spoke.

SECTION 3294. 938.27 (3) (a) 1m. of the statutes is amended to read:

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

SECTION 3295. 938.27 (3) (a) 2. of the statutes is amended to read:

938.27 **(3)** (a) 2. Failure to give notice under subd. 1. to a foster parent~~, treatment foster parent~~ or other physical custodian described in s. 48.62 (2) does not deprive the court of jurisdiction in the action or proceeding. If a foster parent~~, treatment foster parent~~ or other physical custodian described in s. 48.62 (2) is not given notice of a hearing under subd. 1., that person may request a rehearing on the matter during the pendency of an order resulting from the hearing. If the request is made, the court shall order a rehearing.

SECTION 3296. 938.27 (6) of the statutes is amended to read:

938.27 **(6)** INTERSTATE COMPACT PROCEEDINGS; NOTICE AND SUMMONS. When a proceeding is initiated under s. 938.14, all interested parties shall receive notice and appropriate summons shall be issued in a manner specified by the court. If the juvenile who is the subject of the proceeding is in the care of a foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2), the court shall give the foster parent~~, treatment foster parent,~~ or other physical custodian notice and an opportunity to be heard as provided in sub. (3) (a).

SECTION 3297. 938.299 (1) (ag) of the statutes is amended to read:

938.299 **(1)** (ag) If a public hearing is not held, in addition to persons permitted to attend under par. (a), the juvenile's foster parent~~, treatment foster parent~~ or other physical custodian described in s. 48.62 (2) may be present, except that the court may exclude a foster parent~~, treatment foster parent~~ or other physical custodian described in s. 48.62 (2) from any portion of the hearing if that portion of the hearing deals with sensitive personal information of the juvenile or the juvenile's family or if the court determines that excluding the foster parent~~, treatment foster parent~~ or other physical custodian would be in the best interests of the juvenile.

SECTION 3298. 938.32 (1) (d) 2. of the statutes is amended to read:

938.32 **(1)** (d) 2. At least 10 days before the date of the hearing under subd. 1., the court shall notify the juvenile, any parent, guardian, and legal custodian of the juvenile, and any foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of the hearing.

SECTION 3299. 938.32 (1) (d) 3. of the statutes is amended to read:

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

SECTION 3300. 938.33 (4) (intro.) of the statutes is amended to read:

938.33 **(4)** OTHER OUT–OF–HOME PLACEMENTS. (intro.) A report recommending placement in a foster home, ~~treatment foster home,~~ group home, or nonsecured residential care center for children and youth, in the home of a relative other than a parent, or in the home of a guardian under s. 48.977 (2) shall be in writing, except that the report may be presented orally at the dispositional hearing if all parties consent. A report that is presented orally shall be transcribed and made a part of the court record. The report shall include all of the following:

SECTION 3301. 938.33 (5) of the statutes is amended to read:

938.33 **(5)** IDENTITY OF FOSTER PARENT ~~OR TREATMENT FOSTER PARENT~~; CONFIDENTIALITY. If the report recommends placement in a foster home ~~or a treatment foster home~~, and the name of the foster parent ~~or treatment foster parent~~ is not available at the time the report is filed, the agency shall provide the court and the juvenile's parent or guardian with the name and address of the foster parent ~~or treatment foster parent~~ within 21 days after the dispositional order is entered, except that the court may order the information withheld from the juvenile's parent or guardian if the court finds that disclosure would result in imminent danger to the juvenile or to the foster parent ~~or treatment foster parent~~. After notifying the juvenile's parent or guardian, the court shall hold a hearing prior to ordering the information withheld.

SECTION 3302. 938.335 (3g) (intro.) of the statutes is amended to read:

938.335 **(3g)** REASONABLE EFFORTS FINDING. (intro.) At hearings under this section, if the agency, as defined in s. 938.38 (1) (a), is recommending placement of the juvenile in a foster home, ~~treatment foster home,~~ group home, or residential care center for children and youth, or in the home of a relative other than a parent, the agency shall present as evidence specific information showing all of the following:

SECTION 3303. 938.34 (3) (c) of the statutes is amended to read:

938.34 **(3)** (c) A foster home ~~or treatment foster home~~ licensed under s. 48.62 or a group home licensed under s. 48.625.

SECTION 3304. 938.355 (2) (b) 2. of the statutes is amended to read:

938.355 **(2)** (b) 2. If the juvenile is placed outside the home, the name of the place or facility, including transitional placements, where the juvenile shall be cared for or treated, except that if the placement is a foster home ~~or treatment foster home~~ and the name and address of the foster parent ~~or treatment foster parent~~ is not available at the time of the order, the name and address of the foster parent ~~or treatment foster parent~~ shall be furnished to the court and the parent within 21 days ~~of~~ after the order. If, after a hearing on the issue with due notice to the parent or guardian, the court finds that disclosure of the identity of the foster parent ~~or treatment foster parent~~ would result in imminent danger to the juvenile~~, the foster parent~~ or the ~~treatment~~ foster parent, the court may order the name and address of the prospective foster parents ~~or treatment foster parents~~ withheld from the parent or guardian.

SECTION 3305. 938.355 (2d) (c) 2. of the statutes is amended to read:

938.355 **(2d)** (c) 2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court shall notify the juvenile, any parent, guardian, and legal custodian of the juvenile, and any foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of the hearing.

SECTION 3306. 938.355 (2d) (c) 3. of the statutes is amended to read:

938.355 **(2d)** (c) 3. The court shall give a foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the foster parent~~, treatment foster parent,~~ or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent~~, treatment foster parent,~~ or other physical custodian who receives a notice of a hearing under subd. 2. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 3307. 938.355 (4) (a) of the statutes is amended to read:

938.355 **(4)** (a) Except as provided under par. (b) or s. 938.368, an order under this section or s. 938.357 or 938.365 made before the juvenile attains 18 years of age that places or continues the placement of the juvenile in his or her home shall terminate at the end of one year after the date on which the order is granted unless the court specifies a shorter period of time or the court terminates the order sooner. Except as provided in par. (b) or s. 938.368, an order under this section or s. 938.357 or 938.365 made before the juvenile attains 18 years of age that places or continues the placement of the juvenile in a foster home, ~~treatment foster home,~~ group home, or residential care center for children and youth or in the home of a relative other than a parent shall terminate when the juvenile attains 18 years of age, at the end of one year after the date on which the order is granted, or, if the juvenile is a full−time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before attaining 19 years of age, when the juvenile attains 19 years of age, whichever is later, unless the court specifies a shorter period of time or the court terminates the order sooner.

SECTION 3308. 938.357 (1) (am) 1. of the statutes is amended to read:

938.357 **(1)** (am) 1. If the proposed change in placement involves any change in placement other than a change in placement under par. (c), the person or agency primarily responsible for implementing the dispositional order or the district attorney shall cause written notice of the proposed change in placement to be sent to the juvenile, the parent, guardian, and legal custodian of the juvenile, and any foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) of the juvenile. The notice shall contain the name and address of the new placement, the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement, and a statement of how the new placement satisfies objectives of the treatment plan ordered by the court.

SECTION 3309. 938.357 (1) (am) 2. of the statutes is amended to read:

938.357 **(1)** (am) 2. Any person receiving the notice under subd. 1. or notice of a specific foster ~~or treatment foster~~ placement under s. 938.355 (2) (b) 2. may obtain a hearing on the matter by filing an objection with the court within 10 days after receipt of the notice. Placements may not be changed until 10 days after that notice is sent to the court unless the parent, guardian, or legal custodian and the juvenile, if 12 or more years of age, sign written waivers of objection, except that changes in placement that were authorized in the dispositional order may be made immediately if notice is given as required under subd. 1. In addition, a hearing is not required for placement changes authorized in the dispositional order except when an objection filed by a person who received notice alleges that new information is available that affects the advisability of the court's dispositional order.

SECTION 3310. 938.357 (2m) (b) of the statutes is amended to read:

938.357 **(2m)** (b) *Hearing; when required.* The court shall hold a hearing prior to ordering any change in placement requested or proposed under par. (a) if the request states that new information is available that affects the advisability of the current placement. A hearing is not required if the requested or proposed change in placement does not involve a change in placement of a juvenile placed in the home to a placement outside the home, written waivers of objection to the proposed change in placement are signed by all parties entitled to receive notice under sub. (1) (am) 1., and the court approves. If a hearing is scheduled, the court shall notify the juvenile, the parent, guardian, and legal custodian of the juvenile, any foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) of the juvenile, and all parties who are bound by the dispositional order at least 3 days prior to the hearing. A copy of the request or proposal for the change in placement shall be attached to the notice. If all of the parties consent, the court may proceed immediately with the hearing.

SECTION 3311. 938.357 (2r) of the statutes is amended to read:

938.357 **(2r)** REMOVAL FROM FOSTER HOME OR PHYSICAL CUSTODIAN. If a hearing is held under sub. (1) (am) 2. or (2m) (b) and the change in placement would remove a juvenile from a foster home~~, treatment foster home,~~ or

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

SECTION 3312. 938.357 (2v) (c) 2. of the statutes is amended to read:

938.357 **(2v)** (c) 2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court shall notify the juvenile, any parent, guardian, and legal custodian of the juvenile, and any foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of the hearing.

SECTION 3313. 938.357 (2v) (c) 3. of the statutes is amended to read:

938.357 **(2v)** (c) 3. The court shall give a foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) who is notified of a hearing under subd. 2. an opportunity to be heard at the hearing by permitting the foster parent~~, treatment foster parent,~~ or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issues to be determined at the hearing. A foster parent~~, treatment foster parent,~~ or other physical custodian who receives a notice of a hearing under subd. 2. and an opportunity to be heard under this subdivision does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 3314. 938.357 (4) (c) 1. of the statutes is amended to read:

938.357 **(4)** (c) 1. If a juvenile is placed in a Type 2 juvenile correctional facility operated by a child welfare agency under par. (a) and it appears that a less restrictive placement would be appropriate for the juvenile, the department, after consulting with the child welfare agency that is operating the Type 2 juvenile correctional facility, may place the juvenile in a less restrictive placement, and may return the juvenile to the Type 2 juvenile correctional facility without a hearing under sub. (1) (am) 2. The ~~child welfare agency shall establish a~~ rate for each type of placement shall be established by the department of children and families, in consultation with the department, in the manner provided in s. 49.343.

SECTION 3315. 938.357 (4) (c) 2. of the statutes is amended to read:

938.357 **(4)** (c) 2. If a juvenile is placed in a Type 2 residential care center for children and youth under s. 938.34 (4d) and it appears that a less restrictive placement would be appropriate for the juvenile, the child welfare agency operating the Type 2 residential care center for children and youth shall notify the county department that has supervision over the juvenile and, if the county department agrees to a change in placement under this subdivision, the child welfare agency may place the juvenile in a less restrictive placement. A child welfare agency may also, with the agreement of the county department that has supervision over a juvenile who is placed in a less restrictive placement under this subdivision, return the juvenile to the Type 2 residential care center for children and youth without a hearing under sub. (1) (am) 2. The ~~child welfare agency shall establish a~~ rate for each type of placement shall be established by the department of children and families, in consultation with the department, in the manner provided in s. 49.343.

SECTION 3316. 938.357 (6) of the statutes is amended to read:

938.357 **(6)** DURATION OF ORDER. No change in placement may extend the expiration date of the original order, except that if the change in placement is from a placement in the juvenile's home to a placement in a foster home, ~~treatment foster home,~~ group home, or residential care center for children and youth or in the home of a relative who is not a parent, the court may extend the expiration date of the original order to the date on which the juvenile attains 18 years of age, to the date that is one year after the date of the change in placement order, or, if the juvenile is a full−time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before attaining 19 years of age, to the date on which the juvenile attains 19 years of age, whichever is later, or for a shorter period of time as specified by the court. If the change in placement is from a placement in a foster home, ~~treatment foster home,~~ group home, or residential care center for children and youth or in the home of a relative to a placement in the juvenile's home and if the expiration date of the original order is more than one year after the date of the change in placement order, the court shall shorten the expiration date of the original order to the date that is one year after the date of the change in placement order or to an earlier date as specified by the court.

SECTION 3317. 938.363 (1) (b) of the statutes is amended to read:

938.363 **(1)** (b) If a hearing is held, the court shall notify the juvenile, the juvenile's parent, guardian, and legal custodian, all parties bound by the dispositional order, the juvenile's foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2), and the district attorney or corporation counsel in the county in which the dispositional order was entered at least 3 days prior to the hearing. A copy of the request or pro-

posal shall be attached to the notice. If all parties consent, the court may proceed immediately with the hearing. No revision may extend the effective period of the original order, or revise an original order under s. 938.34 (3) (f) or (6) (am) to impose more than a total of 30 days of detention, nonsecure custody, or inpatient treatment on a juvenile.

SECTION 3318. 938.363 (1m) of the statutes is amended to read:

938.363 **(1m)** EVIDENCE AND STATEMENTS. If a hearing is held under sub. (1) (a), any party may present evidence relevant to the issue of revision of the dispositional order. In addition, the court shall give a foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) of the juvenile an opportunity to be heard at the hearing by permitting the foster parent~~, treatment foster parent,~~ or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of revision. A foster parent~~, treatment foster parent,~~ or other physical custodian who receives notice of a hearing under sub. (1) (a) and an opportunity to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 3319. 938.365 (2) of the statutes is amended to read:

938.365 **(2)** NOTICE. No order may be extended without a hearing. The court shall notify the juvenile or the juvenile's guardian ad litem or counsel, the juvenile's parent, guardian, legal custodian, all of the parties present at the original hearing, the juvenile's foster parent~~, treatment foster parent~~ or other physical custodian described in s. 48.62 (2), and the district attorney or corporation counsel in the county in which the dispositional order was entered of the time and place of the hearing.

SECTION 3320. 938.365 (2m) (ad) 2. of the statutes is amended to read:

938.365 **(2m)** (ad) 2. If a hearing is held under subd. 1., at least 10 days before the date of the hearing the court shall notify the juvenile, any parent, guardian, and legal custodian of the juvenile, and any foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) of the juvenile of the time, place, and purpose of the hearing.

SECTION 3321. 938.365 (2m) (ag) of the statutes is amended to read:

938.365 **(2m)** (ag) The court shall give a foster parent~~, treatment foster parent,~~ or other physical custodian described in s. 48.62 (2) who is notified of a hearing under par. (ad) 2. or sub. (2) an opportunity to be heard at the hearing by permitting the foster parent~~, treatment foster parent,~~ or other physical custodian to make a written or oral statement during the hearing, or to submit a written statement prior to the hearing, relevant to the issue of extension. A foster parent~~, treatment foster parent,~~ or other physical custodian who receives notice of a hearing under par. (ad) 2. or sub. (2) and an opportunity to be heard under this paragraph does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 3322. 938.365 (5) of the statutes is amended to read:

938.365 **(5)** DURATION OF EXTENSION. Except as provided in s. 938.368, an order under this section that continues the placement of a juvenile in his or her home or that extends an order under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified length of time not to exceed one year after its date of entry. Except as provided in s. 938.368, an order under this section that continues the placement of a juvenile in a foster home, ~~treatment foster home,~~ group home, or residential care center for children and youth or in the home of a relative other than a parent shall be for a specified length of time not to exceed the date on which the juvenile attains 18 years of age, one year after the date on which the order is granted, or, if the juvenile is a full−time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before attaining 19 years of age, the date on which the juvenile attains 19 years of age, whichever is later.

SECTION 3323. 938.371 (1) (intro.) of the statutes is amended to read:

938.371 **(1)** MEDICAL INFORMATION. (intro.) If a juvenile is placed in a foster home, ~~treatment foster home,~~ group home, residential care center for children and youth, or juvenile correctional facility or in the home of a relative other than a parent, including a placement under s. 938.205 or 938.21, the agency, as defined in s. 938.38 (1) (a), that placed the juvenile or arranged for the placement of the juvenile shall provide the following information to the foster parent, ~~treatment foster parent,~~ relative, or operator of the group home, residential care center for children and youth, or juvenile correctional facility at the time of placement or, if the information has not been provided to the agency by that time, as soon as possible after the date on which the agency receives that information, but not more than 2 working days after that date:

SECTION 3324. 938.371 (1) (a) of the statutes is amended to read:

938.371 **(1)** (a) Results of a test or a series of tests of the juvenile to determine the presence of HIV, as defined in s. 968.38 (1) (b), antigen or nonantigenic products of HIV, or an antibody to HIV, under s. 252.15 (5) (a) 19., including results included in a court report or permanency plan. At the time that the test results are provided, the agency shall notify the foster parent, ~~treatment foster parent,~~ relative, or operator of the group home, residential care center for children and youth, or juvenile correc-

tional facility of the confidentiality requirements under s. 252.15 (6).

SECTION 3325. 938.371 (3) (intro.) of the statutes is amended to read:

938.371 **(3)** OTHER INFORMATION. (intro.) At the time of placement of a juvenile in a foster home, ~~treatment foster home,~~ group home, residential care center for children and youth, or juvenile correctional facility or in the home of a relative other than a parent or, if the information is not available at that time, as soon as possible after the date on which the court report or permanency plan has been submitted, but no later than 7 days after that date, the agency, as defined in s. 938.38 (1) (a), responsible for preparing the juvenile's permanency plan shall provide to the foster parent, ~~treatment foster parent,~~ relative, or operator of the group home, residential care center for children and youth, or juvenile correctional facility information contained in the court report submitted under s. 938.33 (1) or 938.365 (2g) or permanency plan submitted under s. 938.355 (2e) or 938.38 relating to findings or opinions of the court or agency that prepared the court report or permanency plan relating to any of the following:

SECTION 3326. 938.371 (3) (d) of the statutes is amended to read:

938.371 **(3)** (d) Any involvement of the juvenile, whether as victim or perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02, 948.025, or 948.085, prostitution in violation of s. 944.30, sexual exploitation of a child in violation of s. 948.05, or causing a child to view or listen to sexual activity in violation of s. 948.055, if the information is necessary for the care of the juvenile or for the protection of any person living in the foster home, ~~treatment foster home,~~ group home, residential care center for children and youth, or juvenile correctional facility.

SECTION 3327. 938.38 (2) (intro.) of the statutes is amended to read:

938.38 **(2)** PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3), for each juvenile living in a foster home, ~~treatment foster home,~~ group home, residential care center for children and youth, juvenile detention facility, or shelter care facility, the agency that placed the juvenile or arranged the placement or the agency assigned primary responsibility for providing services to the juvenile under s. 938.355 (2) (b) 6g. shall prepare a written permanency plan, if any of the following conditions exists, and, for each juvenile living in the home of a relative other than a parent, that agency shall prepare a written permanency plan, if any of the conditions under pars. (a) to (e) exists:

Vetoed In Part

SECTION 3327p. 938.38 (4) (bm) of the statutes is amended to read:

938.38 **(4)** (bm) A statement as to the availability of a safe and appropriate placement with a fit and willing relative of the juvenile and~~, if~~ of what efforts were made to comply with an order under s. 938.21 (2) (e) or (3) (f) requiring notification of all adult relatives of the juvenile and all other adult individuals whose homes have been requested by the juvenile's parent to be considered as potential placements for the juvenile and to notify all other adult individuals whose homes have been requested by the juvenile to be considered as potential placements for the juvenile. If a decision is made not to place the juvenile with an available relative~~,~~ or individual identified by the juvenile's parent or the juvenile, the permanency plan shall include a statement as to why placement with the relative or other individual is not safe or appropriate.

Vetoed In Part

SECTION 3328. 938.38 (4) (f) (intro.) of the statutes is amended to read:

938.38 **(4)** (f) (intro.) A description of the services that will be provided to the juvenile, the juvenile's family, and the juvenile's foster parent, ~~the juvenile's treatment foster parent,~~ the operator of the facility where the juvenile is living, or the relative with whom the juvenile is living to carry out the dispositional order, including services planned to accomplish all of the following:

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 juvenile's foster parent ~~or treatment foster parent~~, the operator of the facility in which the juvenile is living, or the relative with whom the juvenile is living; the juvenile's counsel, and the juvenile's guardian ad litem; the agency that prepared the permanency plan; and the person representing the interests of the public of the date, time, and place of the hearing.

SECTION 3332. 938.38 (5m) (c) of the statutes is amended to read:

938.38 **(5m)** (c) Any person who is provided notice of the hearing may have an opportunity to be heard at the hearing by submitting written comments relevant to the determinations specified in sub. (5) (c) not less than 10 working days before the date of the hearing or by participating at the hearing. A foster parent, ~~treatment foster parent,~~ operator of a facility in which a juvenile is living, or relative with whom a juvenile is living who receives notice of a hearing under par. (b) and an opportunity to be heard under this paragraph does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and opportunity to be heard.

SECTION 3333. 938.38 (5m) (e) of the statutes is amended to read:

938.38 **(5m)** (e) After the hearing, the court shall make written findings of fact and conclusions of law relating to the determinations under sub. (5) (c) and shall provide a copy of those findings of fact and conclusions of law to the juvenile; the juvenile's parent, guardian, and legal custodian; the juvenile's foster parent ~~or treatment foster parent~~, the operator of the facility in which the juvenile is living, or the relative with whom the juvenile is living; the agency that prepared the permanency plan; and the person representing the interests of the public. The court shall make the findings specified in sub. (5) (c) 7. on a case−by−case basis based on circumstances specific to the juvenile and shall document or reference the specific information on which those findings are based in the findings of fact and conclusions of law prepared under this paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c) 7. without documenting or referencing that specific information in the findings of fact and conclusions of law or amended findings of fact and conclusions of law that retroactively correct earlier findings of fact and conclusions of law that do not comply with this paragraph are not sufficient to comply with this paragraph.

SECTION 3334. 938.48 (4) of the statutes is amended to read:

938.48 **(4)** CARE, TRAINING, AND PLACEMENT. Provide appropriate care and training for juveniles under its supervision under s. 938.183, 938.34 (4h), (4m), or (4n), or 938.357 (4), including serving those juveniles in their own homes, placing them in licensed foster homes ~~or licensed treatment foster homes~~ or licensed group homes under s. 48.63, contracting for their care by licensed child welfare agencies, or replacing them in juvenile correctional facilities or secured residential care centers for children and youth in accordance with rules promulgated under ch. 227, except that the department may not purchase the educational component of private day treatment programs for a juvenile in its custody unless the department, the school board, as defined in s. 115.001 (7), and the state superintendent of public instruction all determine that an appropriate public education program is not available for the juvenile. Disputes between the department and the school district shall be resolved by the state superintendent of public instruction.

SECTION 3334p. 938.48 (8p) of the statutes is created to read:

938.48 **(8p)** INDIAN JUVENILE PLACEMENTS. Reimburse tribes and county departments, from the appropriation under s. 20.410 (1) (kp), for unexpected or unusually high−cost out−of−home care placements of Indian juveniles who have been adjudicated delinquent. In this subsection, "unusually high−cost out−of−home care placements" means the amount by which the cost to a tribe or to a county department of out−of−home care placements of Indian juveniles who have been adjudicated delinquent exceeds $50,000 in a fiscal year.

SECTION 3335. 938.49 (2) (b) of the statutes is amended to read:

938.49 **(2)** (b) Notify the juvenile's last school district or, if the juvenile was last enrolled in a private school under the program under s. 119.23, the private school, in writing of its obligation under s. 118.125 (4).

SECTION 3336. 938.52 (1) (b) of the statutes is amended to read:

938.52 **(1)** (b) Foster homes ~~or treatment foster homes~~.

SECTION 3337. 938.538 (3) (a) 1p. of the statutes is amended to read:

938.538 **(3)** (a) 1p. Alternate care, including placement in a foster home, ~~treatment foster home,~~ group home, residential care center for children and youth, or secured residential care center for children and youth.

SECTION 3338. 938.57 (1) (c) of the statutes is amended to read:

938.57 **(1)** (c) Provide appropriate protection and services for juveniles in its care, including providing services for juveniles and their families in their own homes, placing the juveniles in licensed foster homes~~, licensed treatment foster homes,~~ or licensed group homes in this state or another state within a reasonable proximity to the agency with legal custody, placing the juveniles in the homes of guardians under s. 48.977 (2), contracting for services for them by licensed child welfare agencies, or replacing them in juvenile correctional facilities or secured residential care centers for children and youth in accordance with rules promulgated under ch. 227, except

that the county department may not purchase the educational component of private day treatment programs unless the county department, the school board, as defined in s. 115.001 (7), and the state superintendent of public instruction determine that an appropriate public education program is not available. Disputes between the county department and the school district shall be resolved by the state superintendent of public instruction.

SECTION 3339. 938.57 (3) (a) 4. of the statutes is amended to read:

938.57 **(3)** (a) 4. Is living in a foster home, ~~treatment foster home,~~ group home, residential care center for children and youth, or subsidized guardianship home under s. 48.62 (5).

Vetoed In Part

SECTION 3339j. 938.78 (2) (i) of the statutes is created to read:

938.78 **(2)** (i) Paragraph (a) does not prohibit an agency from disclosing information to a relative of a juvenile placed outside of his or her home only to the extent necessary to facilitate the establishment of a relationship between the juvenile and the relative or a placement of the juvenile with the relative. In this paragraph, "relative" includes a relative whose relationship is derived through a parent of the juvenile whose parental rights are terminated.

SECTION 3339L. 939.22 (20d) of the statutes is created to read:

939.22 **(20d)** "Offense against an elderly or vulnerable person" means a violation of s. 940.285 (2) (a) that caused death, great bodily harm, or bodily harm to the victim or s. 940.295 (3) (b) that caused death, great bodily harm, or bodily harm to the victim.

SECTION 3339n. 939.22 (20m) of the statutes is created to read:

939.22 **(20m)** "Offense related to ethical government" means a violation of s. 13.69 (6m), 19.58 (1) (b), or 946.12.

SECTION 3339p. 939.22 (20s) of the statutes is created to read:

939.22 **(20s)** "Offense related to school safety" means a violation of s. 948.605 or 948.61 (2) (b).

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.

SECTION 3347. 943.013 (1) (a) of the statutes is amended to read:

943.013 **(1)** (a) "Family member" means a parent, spouse, sibling, child, stepchild, ~~foster child~~ or ~~treatment~~ foster child.

SECTION 3348. 943.015 (1) of the statutes is amended to read:

943.015 **(1)** In this section, "family member" means a parent, spouse, sibling, child, stepchild, ~~foster child~~ or ~~treatment~~ foster child.

SECTION 3349. 943.017 (2m) (a) 1. of the statutes is amended to read:

943.017 **(2m)** (a) 1. "Family member" means a spouse, child, stepchild, foster child, ~~treatment foster child,~~ parent, sibling, or grandchild.

Vetoed In Part

SECTION 3349g. 943.245 (3m) of the statutes is amended to read:

943.245 **(3m)** Any recovery under this section shall be reduced by the amount recovered as restitution for the same act under ss. 800.093 and 973.20 ~~or as recompense under s. 969.13 (5) (a) for the same act~~ and by any amount collected in connection with the act and paid to the plaintiff under a deferred prosecution agreement under s. 971.41.

SECTION 3349r. 943.51 (3r) of the statutes is amended to read:

943.51 **(3r)** Any recovery under this section shall be reduced by the amount recovered as restitution for the same act under ss. 800.093 and 973.20 ~~or as recompense under s. 969.13 (5) (a) for the same act~~.

SECTION 3350. 946.13 (2) (g) of the statutes is amended to read:

946.13 **(2)** (g) Contracts with, or tax credits or payments received by, public officers or employees for wildlife damage claims or abatement under s. 29.889, for farmland preservation under s. 91.13, 2007 stats., or s. 91.60 or subch. IX of ch. 71 ~~and s. 91.13~~, soil and water resource management under s. 92.14, soil erosion control under s. 92.10, 1985 stats., animal waste management under s. 92.15, 1985 stats., and nonpoint source water pollution abatement under s. 281.65.

SECTION 3350d. 946.13 (12) (b) 2. a. of the statutes is amended to read:

946.13 **(12)** (b) 2. a. The contract together with all other contracts between the same parties require less than ~~$75,000~~ $250,000 in payments over a ~~24 month~~ 24−month period.

SECTION 3350m. 946.13 (12) (b) 2. b. of the statutes is repealed and recreated to read:

946.13 **(12)** (b) 2. b. The University of Wisconsin System submits the contract to the University of Wisconsin Board of Regents and, within 45 days, the University of Wisconsin Board of Regents does not notify the University of Wisconsin System that entering the contract would constitute a violation of sub. (1).

SECTION 3350s. 946.13 (12) (d) of the statutes is repealed.

SECTION 3351. 946.15 of the statutes is amended to read:

946.15 Public and publicly funded construction contracts at less than full rate. (1) Any employer, or any agent or employee of an employer, who induces any person who seeks to be or is employed pursuant to a public contract as defined in s. 66.0901 (1) (c) or who seeks to be or is employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.0903 (3), 66.0904 (4), 103.49 (3), 103.50 (3), or 229.8275 (3) or by a local governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) or 66.0904 (6) to give up, waive, or return any part of the compensation to which that person is entitled under his or her contract of employment or under the prevailing wage rate determination issued by the department or local governmental unit, or who reduces the hourly basic rate of pay normally paid to an employee for work on a project on which a prevailing wage rate determination has not been issued under s. 66.0903 (3) or (6), 66.0904 (4) or (6), 103.49 (3), 103.50 (3), or 229.8275 (3) during a week in which the employee works both on a project on which a prevailing wage rate determination has been issued and on a project on which a prevailing wage rate determination has not been issued, is guilty of a Class I felony.

(2) Any person employed pursuant to a public contract as defined in s. 66.0901 (1) (c) or employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.0903 (3), 66.0904 (4), 103.49 (3), 103.50 (3), or 229.8275 (3) or by a local governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) or 66.0904 (6) who gives up, waives, or returns to the employer or agent of the employer any part of the compensation to which the employee is entitled under his or her contract of employment or under the prevailing wage determination issued by the department or local governmental unit, or who gives up any part of the compensation to which he or she is normally entitled for work on a project on which a prevailing wage rate determination has not been issued under s. 66.0903 (3) or (6), 66.0904 (4) or (6), 103.49 (3), 103.50 (3), or 229.8275 (3) during a week in which the person works part−time on a project on which a prevailing wage rate determination has been issued and part−time on a project on which a prevailing wage rate determination has not been issued, is guilty of a Class C misdemeanor.

(3) Any employer or labor organization, or any agent or employee of an employer or labor organization, who induces any person who seeks to be or is employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.0903 (3), 66.0904 (4), 103.49 (3), 103.50 (3), or 229.8275 (3) or by a local governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) or 66.0904 (6) to permit any part of the wages to which that person is entitled under the prevailing wage rate determination issued by the department or local governmental unit to be deducted from the person's pay is guilty of a Class I felony, unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 USC ~~276c~~ 3142.

(4) Any person employed on a project on which a prevailing wage rate determination has been issued by the department of workforce development under s. 66.0903 (3), 66.0904 (4), 103.49 (3), 103.50 (3), or 229.8275 (3) or by a local governmental unit, as defined in s. 66.0903 (1) (d), under s. 66.0903 (6) or 66.0904 (6) who permits any part of the wages to which that person is entitled under the prevailing wage rate determination issued by the department or local governmental unit to be deducted from his or her pay is guilty of a Class C misdemeanor, unless the deduction would be permitted under 29 CFR 3.5 or 3.6 from a person who is working on a project that is subject to 40 ~~276c~~ 3142.

SECTION 3352. 948.01 (3) of the statutes is amended to read:

948.01 **(3)** "Person responsible for the child's welfare" includes the child's parent; stepparent; guardian; foster parent; ~~treatment foster parent;~~ an employee of a public or private residential home, institution, or agency; other person legally responsible for the child's welfare in a residential setting; or a person employed by one legally

responsible for the child's welfare to exercise temporary control or care for the child.

SECTION 3353. 948.085 (1) of the statutes is amended to read:

948.085 **(1)** Has sexual contact or sexual intercourse with a child for whom the actor is a foster parent ~~or treatment foster parent~~.

SECTION 3357. 949.01 (2) of the statutes is amended to read:

949.01 **(2)** "Dependent" means any spouse, domestic partner under ch. 770, parent, grandparent, stepparent, child, stepchild, adopted child, grandchild, brother, sister, half brother, half sister, or parent of spouse or of domestic partner under ch. 770, of a deceased victim who was wholly or partially dependent upon the victim's income at the time of the victim's death and includes any child of the victim born after the victim's death.

SECTION 3358. 949.06 (1m) (a) of the statutes is amended to read:

949.06 **(1m)** (a) In this subsection, "family member" means any spouse, domestic partner under ch. 770, parent, grandparent, stepparent, child, stepchild, adopted child, grandchild, foster child, treatment foster child, brother, sister, half brother, half sister, aunt, uncle, nephew, niece, or parent or sibling of spouse or of domestic partner under ch. 770.

SECTION 3359. 949.06 (1m) (a) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is amended to read:

949.06 **(1m)** (a) In this subsection, "family member" means any spouse, domestic partner under s. 770.05, parent, grandparent, stepparent, child, stepchild, adopted child, grandchild, foster child, ~~treatment foster child~~, brother, sister, half brother, half sister, aunt, uncle, nephew, niece, or parent or sibling of spouse or of a domestic partner under ch. 770.

SECTION 3360. 950.04 (1v) (f) of the statutes is amended to read:

950.04 **(1v)** (f) To have the ~~parole~~ earned release review commission make a reasonable attempt to notify the victim of applications for parole or release to extended supervision, as provided under s. 304.06 (1).

SECTION 3360n. 950.04 (1v) (g) of the statutes is amended to read:

950.04 **(1v)** (g) To have reasonable attempts made to notify the victim of hearings or court proceedings, as provided under ss. ~~302.113 (9g) (g) 2.,~~ 302.114 (6), 938.27 (4m) and (6), 938.273 (2), 971.095 (3) and 972.14 (3) (b).

SECTION 3361. 950.04 (1v) (gm) of the statutes is amended to read:

950.04 **(1v)** (gm) To have reasonable attempts made to notify the victim of ~~petitions~~ an offender who submits a petition for sentence adjustment as provided under s. 973.195 (1r) (d), an offender who applies for release to extended supervision under s. 302.113 (2) (b), 302.1135, or 304.06 (1), or an offender who applies for a reduction under s. 973.01 (4m).

SECTION 3362. 950.04 (1v) (nt) of the statutes is amended to read:

950.04 **(1v)** (nt) To attend a hearing on a petition for modification of a ~~bifurcated~~ sentence and provide a statement concerning modification of the ~~bifurcated~~ sentence, as provided under s. ~~302.113 (9g) (d)~~ 302.1135 (4).

SECTION 3362m. 950.04 (1v) (qm) of the statutes is repealed. **Vetoed In Part**

SECTION 3364. 961.41 (5) (c) 1. of the statutes is amended to read:

961.41 **(5)** (c) 1. The first $850,000 plus two−thirds of all moneys in excess of $1,275,000 collected in each fiscal year from drug surcharges under this subsection shall be credited to the appropriation account under s. 20.435 ~~(6)~~ (5) (gb).

SECTION 3364g. 969.13 (4) of the statutes is amended to read: **Vetoed In Part**

969.13 **(4)** Notice of the order of forfeiture under sub. (1) shall be mailed forthwith by the clerk to the defendant and the defendant's sureties at their last addresses. If the defendant does not appear and surrender to the court within 30 days from the date of the forfeiture and within such period the defendant or the defendant's sureties do not satisfy the court that appearance and surrender by the defendant at the time scheduled for the defendant's appearance was impossible and without the defendant's fault, the court shall upon motion of the district attorney enter judgment for the state against the defendant and any surety for the amount of the bail and costs of the court proceeding. ~~Proceeds~~ Except as provided in sub. (5), proceeds of the judgment shall be paid to the county treasurer. The motion and such notice of motion as the court prescribes may be served on the clerk who shall forthwith mail copies to the defendant and the defendant's sureties at their last addresses.

SECTION 3364m. 969.13 (5) (a) of the statutes is renumbered 969.13 (5) and amended to read:

969.13 **(5)** ~~A cash deposit made with the clerk pursuant to this chapter~~ The court may order the clerk to hold a cash deposit forfeited under this section for a period of time to be determined by the court. If the defendant is ordered to pay restitution under s. 973.20 during that period for the criminal action, the cash deposit shall be applied first to the payment of any ~~recompense determined under par. (b) and then, if the recompense~~ restitution ordered under s. 973.20 and then, if the restitution is paid in full, to the payment of costs. If any amount of such deposit remains after the payment of costs, it shall be applied to payment of the judgment of forfeiture. The person making the cash deposit shall be given written notice of the requirements of this ~~paragraph~~ subsection.

Vetoed In Part

SECTION 3364r. 969.13 (5) (b) of the statutes is repealed.

SECTION 3374. 971.17 (4m) (a) 2. of the statutes is amended to read:

971.17 **(4m)** (a) 2. "Member of the family" means spouse, domestic partner under ch. 770, child, sibling, parent or legal guardian.

SECTION 3375. 971.17 (6m) (a) 2. of the statutes is amended to read:

971.17 **(6m)** (a) 2. "Member of the family" means spouse, domestic partner under ch. 770, child, sibling, parent or legal guardian.

SECTION 3376. 971.23 (10) of the statutes is amended to read:

971.23 **(10)** PAYMENT OF COPYING COSTS IN CASES INVOLVING INDIGENT DEFENDANTS. When the state public defender or a private attorney appointed under s. 977.08 requests copies, in any format, of any item that is discoverable under this section, the state public defender shall pay any fee charged for the copies from the appropriation account under s. 20.550 (1) (f). If the person providing copies under this section charges the state public defender a fee for the copies, the fee may not exceed the ~~actual, necessary, and direct cost of providing the copies~~ applicable maximum fee for copies of discoverable materials that is established by rule under s. 977.02 (9).

Vetoed In Part

SECTION 3376p. 973.01 (2) (d) (intro.) of the statutes is repealed and recreated to read:

973.01 **(2)** (d) *Minimum and maximum term of extended supervision.* (intro.) Except for a Class B felony, a Class C felony, or a crime described in s. 301.45 (1d) (b), the term of extended supervision may not be less than 25 percent nor more than 75 percent of the length of the term of confinement in prison imposed under par. (b). For a Class B felony, a Class C felony, or a crime described in s. 301.45 (1d) (b), the minimum term of extended supervision may not be less than 25 percent of the term of confinement in prison imposed under par. (b) and the maximum term of extended supervision is subject to whichever of the following limits is applicable:

SECTION 3377. 973.01 (3d) of the statutes is created to read:

973.01 **(3d)** POSITIVE ADJUSTMENT TIME ELIGIBILITY. (a) The department shall apply to every person serving a sentence imposed under sub. (1) an objective risk assessment instrument supported by research to determine how likely it is that the person will commit another offense.

(b) If the department of corrections determines under par. (a) that the person poses a high risk of reoffending, the person shall be ineligible to earn positive adjustment time under s. 302.113 (2) (b).

Vetoed In Part

(c) This subsection does not apply to a person sentenced on or after the effective date of this paragraph .... [LRB inserts date].

SECTION 3378. 973.01 (4) of the statutes is amended to read:

973.01 **(4)** ~~NO GOOD TIME; EXTENSION~~ EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A person sentenced to a bifurcated sentence under sub. (1) shall serve the term of confinement in prison portion of the sentence without reduction for good behavior. The term of confinement in prison portion is subject to extension under s. 302.113 (3) and, if applicable, to reduction under s. 302.045 (3m), 302.05 (3) (c) 2. a.~~, 302.113 (9g)~~, or 973.195 (1r), or adjustment under s. 302.113 (2) (b), 302.1135 (6) (a), or 304.06 (1).

SECTION 3378r. 973.01 (4m) of the statutes is created to read:

973.01 **(4m)** DISCHARGE FROM EXTENDED SUPERVISION. (a) The department may discharge a person from extended supervision after he or she has served 2 years of extended supervision if the person has met the conditions of extended supervision and the reduction is in the interests of justice. This subsection does not apply if the court sentences a person for a violation of s. 940.03, 940.06, 940.11 (1), 940.235, 940.302, 940.31 (1), 940.32 (3), 941.21, 946.465, 948.03 (2) (a), or 948.40 (4) (a) or for an offense against an elderly or vulnerable person, as defined in s. 939.22 (20d), an offense related to ethical government, as defined in s. 939.22 (20m), or an offense related to school safety, as defined in s. 939.22 (20s).

(b) The department shall notify the victim of the person, as defined under s. 950.02 (4) (a), of its intent to discharge the person from extended supervision.

(c) The department may promulgate rules under ch. 227 establishing guidelines and criteria for the exercise of discretion under this section.

SECTION 3381. 973.01 (7) of the statutes is amended to read:

973.01 **(7)** ~~NO DISCHARGE~~ DISCHARGE. The department of corrections ~~may not~~ shall discharge a person who is serving a bifurcated sentence from custody, control and supervision ~~until~~ when the person has served the entire bifurcated sentence, as modified under sub. (4m) or s. 302.113 (2) (b) or (9h), 302.1135, or 304.06 (1), if applicable.

SECTION 3381m. 973.01 (8) (a) (intro.) of the statutes is amended to read:

973.01 **(8)** (a) (intro.) When a court imposes a bifurcated sentence under this section~~,~~ it shall explain~~, orally and~~ in writing~~,~~ all of the following to the person being sentenced:

Vetoed In Part

SECTION 3382. 973.01 (8) (a) 2. of the statutes is amended to read:

973.01 **(8)** (a) 2. The amount of time the person will serve in prison under the term of confinement in prison portion of the sentence, and the date upon which the person is eligible to be released to extended supervision under s. 302.113 (2) (b) or the date upon which the person

Vetoed In Part

may apply for release to extended supervision under s. 304.06.

SECTION 3383. 973.01 (8) (a) 3. of the statutes is amended to read:

973.01 **(8)** (a) 3. The amount of time the person will spend on extended supervision, assuming that the person does not commit any act that results in the extension of the term of confinement in prison under s. 302.113 (3), and the date upon which the person may be eligible for discharge under sub. (4m).

SECTION 3384. 973.015 (title) of the statutes is amended to read:

973.015 (title) ~~**Misdemeanors, special**~~ **Special disposition.**

SECTION 3385. 973.015 (1) (a) of the statutes is amended to read:

973.015 **(1)** (a) Subject to par. (b) and except as provided in par. (c), when a person is under the age of ~~21~~ 25 at the time of the commission of an offense for which the person has been found guilty in a court for violation of a law for which the maximum ~~penalty is~~ period of imprisonment ~~for one year or less in the county jail~~ is 6 years or less, the court may order at the time of sentencing that the record be expunged upon successful completion of the sentence if the court determines the person will benefit and society will not be harmed by this disposition. This subsection does not apply to information maintained by the department of transportation regarding a conviction that is required to be included in a record kept under s. 343.23 (2) (a).

SECTION 3386. 973.015 (1) (c) of the statutes is created to read:

973.015 **(1)** (c) No court may order that a record of a conviction for any of the following be expunged:

1. A Class H felony, if the person has, in his or her lifetime, been convicted of a prior felony offense, or if the felony is a violent offense, as defined in s. 301.048 (2) (bm), or is a violation of s. 940.32, 948.03 (2) or (3), or 948.095.

2. A Class I felony, if the person has, in his or her lifetime, been convicted of a prior felony offense, or if the felony is a violent offense, as defined in s. 301.048 (2) (bm), or is a violation of s. 948.23.

SECTION 3386m. 973.017 (2) (a) of the statutes is repealed.

SECTION 3387. 973.017 (6) (a) of the statutes is amended to read:

973.017 **(6)** (a) In this subsection, "person responsible for the welfare of the child" includes the child's parent, stepparent, guardian, ~~foster parent,~~ or ~~treatment~~ foster parent; an employee of a public or private residential home, institution, or agency; any other person legally responsible for the child's welfare in a residential setting; or a person employed by one who is legally responsible for the child's welfare to exercise temporary control or care for the child.

SECTION 3387m. 973.017 (10) of the statutes is repealed.

SECTION 3387t. 973.031 of the statutes is created to read:

973.031 Risk reduction sentence. Whenever a court imposes a sentence for a felony under s. 973.01, the court may order the person it sentences to serve a risk reduction sentence if the court determines that a risk reduction sentence is appropriate and the person agrees to cooperate in an assessment of his or her criminogenic factors and his or her risk of reoffending, and to participate in programming or treatment the department develops for the person under s. 302.042 (1). This section does not apply if the court sentences a person for a violation of s. 940.03, 940.06, 940.11 (1), 940.235, 940.302, 940.31 (1), 940.32 (3), 941.21, 946.465, 948.03 (2) (a), or 948.40 (4) (a) or for a felony murder under s. 940.03, an offense against an elderly or vulnerable person, as defined in s. 939.22 (20d), an offense related to ethical government, as defined in s. 939.22 (20m), or an offense related to school safety, as defined in s. 939.22 (20s).

SECTION 3388. 973.045 (1) (a) of the statutes is amended to read:

973.045 **(1)** (a) For each misdemeanor offense or count, ~~$60~~ $67.

SECTION 3389. 973.045 (1) (b) of the statutes is amended to read:

973.045 **(1)** (b) For each felony offense or count, ~~$85~~ $92.

SECTION 3390. 973.045 (1r) (a) 2. of the statutes is amended to read:

973.045 **(1r)** (a) 2. Part B equals ~~$20~~ $27 for each misdemeanor offense or count and ~~$20~~ $27 for each felony offense or count.

SECTION 3391. 973.045 (2m) of the statutes is amended to read:

973.045 **(2m)** The secretary of administration shall credit part A and 26 percent of part B of the crime victim and witness surcharge to the appropriation account under s. 20.455 (5) (g) and 74 percent of part B to the appropriation account under s. 20.455 (5) (gc).

SECTION 3391c. 973.045 (2m) of the statutes, as affected by 2009 Wisconsin Act .... (this act), is repealed and recreated to read:

973.045 **(2m)** (a) The secretary of administration shall credit to the appropriation account under s. 20.455 (5) (gc) the first $20 of part B of the crime victim and witness surcharge.

(b) The secretary of administration shall credit to the appropriation account under s. 20.455 (5) (g) part A of the crime victim and witness surcharge and any part of part B of the crime victim and witness surcharge that remains after the secretary of administration complies with par. (a).

SECTION 3392. 973.05 (2m) (r) of the statutes is amended to read:

973.05 **(2m)** (r) To payment of the enforcement surcharge under s. ~~49.17~~ 253.06 (4) (c) until paid in full.

Vetoed In Part

SECTION 3392b. 973.06 (1) (e) of the statutes is amended to read:

973.06 **(1)** (e) Attorney fees payable to the defense attorney by the county or the state. If the court determines at the time of sentencing that the defendant's financial circumstances are changed, the court may adjust the amount in accordance with s. 977.07 (1) (a) and ~~(2)~~ rules promulgated under s. 977.02 (3).

SECTION 3392d. 973.09 (3) (d) of the statutes is created to read:

Vetoed In Part Vetoed In Part Vetoed In Part

973.09 **(3)** (d) The department may petition the sentencing court to modify a person's period of probation and to discharge the person from probation if the person has completed less than 50 percent of his or her period of probation. The court may modify the person's period of probation and order the person discharged from probation if the person has complied with the conditions of his or her probation, has paid restitution ordered under s. 973.20, and has paid all ordered court costs, fines or forfeitures, and supervision fees.

Vetoed In Part

SECTION 3392s. 973.09 (5) (intro.) of the statutes is amended to read:

973.09 **(5)** (intro.) When the period of probation for a probationer has expired or a court has modified a probationer's period of probation under sub. (3) (d), the probationer shall be discharged from probation and the department shall do all of the following:

SECTION 3395g. 973.195 (1r) (a) of the statutes is amended to read:

973.195 **(1r)** (a) An inmate who is serving a sentence imposed under s. 973.01 before the effective date of this paragraph .... [LRB inserts date], for a crime other than a Class B felony may petition the sentencing court to adjust the sentence if the inmate has served at least the applicable percentage of the term of confinement in prison portion of the sentence. If an inmate is subject to more than one sentence imposed under this section, the sentences shall be treated individually for purposes of sentence adjustment under this subsection.

SECTION 3395r. 973.195 (1r) (j) of the statutes is created to read:

973.195 **(1r)** (j) An inmate who submits a petition under this subsection may not apply under s. 304.06 (1) (bg) 3. or 4. for release to extended supervision for any crime committed prior to the effective date of this paragraph .... [LRB inserts date].

Vetoed In Part

SECTION 3395t. 973.20 (9m) of the statutes is repealed.

SECTION 3396. 974.07 (4) (b) of the statutes is amended to read:

974.07 **(4)** (b) Notwithstanding the limitation on the disclosure of mailing addresses from completed information cards submitted by victims under ss. 51.37 (10) (dx), 301.046 (4) (d), 301.048 (4m) (d), 301.38 (4), 302.105 (4), 304.06 (1) (f), 304.063 (4), 938.51 (2), 971.17 (6m) (d), and 980.11 (4), the department of corrections, the ~~parole~~ earned release review commission, and the department of health services shall, upon request, assist clerks of court in obtaining information regarding the mailing address of victims for the purpose of sending copies of motions and notices of hearings under par. (a).

SECTION 3397. 976.03 (23) (c) of the statutes is amended to read:

976.03 **(23)** (c) The application shall be verified by affidavit, shall be executed in duplicate and shall be accompanied by 2 certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to a judge, stating the offense with which the accused is charged, or of the judgment of conviction or of the sentence. The prosecuting officer, ~~parole~~ earned release review commission, warden or sheriff may also attach such further affidavits and other documents in duplicate as he, she or it deems proper to be submitted with the application. One copy of the application, with the action of the governor indicated by endorsement thereon, and one of the certified copies of the indictment, complaint, information and affidavits, or of the judgment of conviction or of the sentence shall be filed in the office of the governor to remain of record in that office. The other copies of all papers shall be forwarded with the governor's requisition.

SECTION 3398r. 977.02 (3) of the statutes is renumbered 977.02 (3) (intro.) and amended to read: Vetoed In Part

977.02 **(3)** (intro.) Promulgate rules regarding the determination of indigency of persons entitled to be represented by counsel, other than persons who are entitled to be represented by counsel under s. 48.23, 51.60, 55.105, or 938.23, including the time period in which the determination must be made and the criteria to be used to determine indigency and partial indigency. The rules shall specify that, in determining indigency, the representative of the state public defender shall do all of the following:

SECTION 3398t. 977.02 (3) (a) to (d) of the statutes are created to read:

977.02 **(3)** (a) Consider the anticipated costs of effective representation for the type of case in which the person seeks representation.

(b) Subject to par. (d), consider assets in the manner described in s. 49.145 (3) (a) and treat assets as available to the person to pay the costs of legal representation if they exceed the resource limitation under s. 49.145 (3) (a), except that the representative of the state public defender shall exclude only the first $30,000 of the equity value of the home that serves as the person's homestead.

(c) Subject to par. (d), treat income as available to pay the costs of legal representation to the person only if it exceeds the income limitations in s. 49.145 (3) (b).

Vetoed In Part

(d) Treat assets or income of the person's spouse as the person's assets or income, unless the spouse was the victim of a crime that the person allegedly committed.

SECTION 3399. 977.02 (9) of the statutes is created to read:

977.02 **(9)** Promulgate rules establishing the maximum fees that the state public defender may pay for copies, in any format, of materials that are subject to discovery in cases in which the state public defender or counsel assigned under s. 977.08 provides legal representation. In promulgating the rules under this subsection, the board shall consider information regarding the actual, necessary, and direct cost of producing copies of materials that are subject to discovery.

SECTION 3400. 977.05 (4) (jm) of the statutes is amended to read:

977.05 **(4)** (jm) At the request of an inmate determined by the state public defender to be indigent or upon referral of ~~a court~~ the department of corrections under s. ~~302.113 (9g) (j)~~ 302.1135 (10), represent the inmate in proceedings for modification of a ~~bifurcated~~ sentence under s. ~~302.113 (9g) before a program review committee and the sentencing court~~ 302.1135 before the earned release review commission, if the state public defender determines the case should be pursued.

Vetoed In Part

SECTION 3400g. 977.06 (1) (a) of the statutes is amended to read:

977.06 **(1)** (a) Verify the information necessary to determine indigency under ~~s. 977.07 (2)~~ rules promulgated under s. 977.02 (3). The information provided by a person seeking assigned counsel that is subject to verification shall include any social security numbers provided on an application under sub. (1m), income records, value of assets, eligibility for public assistance, and claims of expenses.

SECTION 3400i. 977.06 (2) (a) of the statutes is amended to read:

977.06 **(2)** (a) A person seeking to have counsel assigned for him or her under s. 977.08, other than a person who is entitled to be represented by counsel under s. 48.23, 51.60, 55.105, or 938.23, shall sign a statement declaring that he or she has not disposed of any assets for the purpose of qualifying for that assignment of counsel. If the representative or authority making the indigency determination finds that any asset was disposed of for less than its fair market value for the purpose of obtaining that assignment of counsel, the asset shall be counted under ~~s. 977.07 (2)~~ rules promulgated under s. 977.02 (3) at its fair market value at the time it was disposed of, minus the amount of compensation received for the asset.

SECTION 3400k. 977.07 (2) of the statutes is repealed.

SECTION 3400n. 977.085 (3) of the statutes is amended to read:

977.085 **(3)** The board shall provide quarterly reports to the joint committee on finance on the status of reimbursement for or recoupment of payments under ss. 48.275, 51.605, 55.107, 757.66, 938.275, 977.06, ~~977.07 (2),~~ 977.075 and 977.076, including the amount of revenue generated by reimbursement and recoupment. The quarterly reports shall include any alternative means suggested by the board to improve reimbursement and recoupment procedures and to increase the amount of revenue generated. The department of justice, district attorneys, circuit courts and applicable county agencies shall cooperate by providing any necessary information to the state public defender.

Vetoed In Part

SECTION 3400p. 977.10 of the statutes is created to read:

977.10 Assistant state public defender retention pay. (1) Each fiscal year, the state public defender shall report to the attorney general the number of full−time equivalent assistant state public defender positions that are filled as of June 30th of that year.

(2) (a) In this subsection "amount per full−time equivalent position" means the amount transferred by the attorney general under s. 165.03 (2) (c) in a fiscal year divided by the number of full−time equivalent assistant state public defender positions that are filled as of June 30th of that year.

(b) If the attorney general transfers moneys under s. 165.03 (1) for retention pay in a fiscal year, the state public defender shall, from the appropriation under s. 20.550 (1) (kb), pay each individual who is a full−time equivalent assistant state public defender on June 30th the amount per full−time equivalent position and pay each individual who is less than a full−time equivalent assistant state public defender on June 30th a prorated amount of the amount per full−time equivalent position.

SECTION 3400s. 978.12 (1) (c) of the statutes is amended to read:

978.12 **(1)** (c) *Assistant district attorneys.* Assistant district attorneys shall be employed outside the classified service. For purposes of salary administration, the director of the office of state employment relations shall establish one or more classifications for assistant district attorneys in accordance with the classification or classifications allocated to assistant attorneys general. Except as provided in sub. (7) (b) and s. 111.93 (3), the salaries of assistant district attorneys shall be established and adjusted in accordance with the state compensation plan for assistant attorneys general whose positions are allocated to the classification or classifications established by the director of the office of state employment relations.

SECTION 3400v. 978.12 (7) of the statutes is created to read:

978.12 **(7)** ASSISTANT DISTRICT ATTORNEY RETENTION PAY. (a) Each fiscal year, the secretary of administration shall report to the attorney general the number of full−time equivalent assistant district attorney positions that are filled as of June 30th of that year.

Vetoed In Part

(b) 1. In this paragraph, "amount per full−time equivalent position" means the amount transferred by the attorney general under s. 165.03 (2) (b) in a fiscal year divided by the number of full−time equivalent assistant district attorney positions that are filled as of June 30th of that year.

2. If the attorney general transfers moneys under s. 165.03 (1) for retention pay in a fiscal year, the secretary of administration shall, from the appropriation under s. 20.475 (1) (kb) and subject to sub. (5) (c), pay each individual who is a full−time equivalent assistant district attorney on June 30th the amount per full−time equivalent position and pay each individual who is less than a full−time equivalent assistant district attorney on June 30th a prorated amount of the amount per full−time equivalent position.

SECTION 3401. 980.036 (10) of the statutes is amended to read:

980.036 **(10)** PAYMENT OF COPYING COSTS IN CASES INVOLVING INDIGENT RESPONDENTS. When the state public defender or a private attorney appointed under s. 977.08 requests copies, in any format, of any item that is discoverable under this section, the state public defender shall pay any fee charged for the copies from the appropriation account under s. 20.550 (1) (a). If the person providing copies under this section charges the state public defender a fee for the copies, the fee may not exceed the ~~actual, necessary, and, direct cost of providing the copies~~ applicable maximum fee for copies of discoverable materials that is established by rule under s. 977.02 (9).

SECTION 3405. 980.11 (1) (b) of the statutes is amended to read:

980.11 **(1)** (b) "Member of the family" means spouse, domestic partner under ch. 770, child, sibling, parent or legal guardian.

Vetoed In Part

SECTION 3405ay. 985.03 (1) (am) of the statutes is created to read:

985.03 **(1)** (am) Notwithstanding par. (a), a daily or weekly newspaper that is published at least 50 weeks of each year in a county having a population of 500,000 or more, has been published continuously for the past 10 years, has had a continuous circulation of at least 40,000 copies within the region for the past 10 years, as documented by a nationally recognized auditing company, and has the majority of its distribution within the county for which the legal notice is to be distributed, may be awarded and shall be entitled to any compensation or fee for the publishing of any legal notice.

SECTION 3405b. 985.03 (1) (c) of the statutes is amended to read:

985.03 **(1)** (c) A newspaper, under this chapter, is a publication appearing at regular intervals and at least once a week, containing reports of happenings of recent occurrence of a varied character, such as political, social, moral and religious subjects, designed to inform the general reader. The definition includes a daily newspaper published in a county having a population of 500,000 or more, devoted principally to business news and publishing of records, which has been designated by the courts of record of the county for publication of legal notices for a period of 6 months or more. The definition also includes a daily or weekly newspaper that is published at least 50 weeks of each year in a county having a population of 500,000 or more, has been published continuously for the past 10 years, has had a continuous circulation of at least 40,000 copies within the region for the past 10 years, as documented by a nationally recognized auditing company, and has the majority of its distribution within the county for which the legal notice is to be distributed.

Vetoed In Part

SECTION 3405s. 992.14 of the statutes is amended to read:

992.14 Revenue limit agreement. Notwithstanding s. 121.91, if a school district held a referendum before February 5, 2001, to exceed its revenue limit under s. 121.91 (2m) ~~(e)~~, and the resolution adopted by the school board and referred to in the question submitted to the electors specified a mill rate to be used to calculate the revenue limit increase, the amount by which the school district's revenue limit is increased as a result of the referendum for each year specified in the referendum is the dollar amount agreed to by the department of public instruction and the school board of that school district.

SECTION 3406. 2005 Wisconsin Act 25, section 9101 (4) (b) and (c), as last amended by 2007 Wisconsin Act 20, section 3936, is amended to read:

[2005 Wisconsin Act 25] Section 9101 (4) (b) The department of administration may offer any parcel of state−owned real property for sale in accordance with section 16.848 of the statutes, as created by this act, if the property is eligible for sale under that section and this subsection. If the department of administration receives an offer to purchase the property, the secretary of administration may submit a report to the secretary of the building commission recommending acceptance of the offer. The report shall contain a description of the property and the reasons for the recommendation. The secretary of administration may recommend the sale of a property with or without approval of the state agency having jurisdiction of the property. If, during the period on or before June 30, 2007, ~~or~~ the period beginning on ~~the effective date of this paragraph~~ October 27, 2007, and ending on June 30, 2009, or the period beginning on the effective date of this paragraph and ending on June 30, 2011, the building commission votes to approve the offer to purchase the property, the department of administration may sell the property.

(c) This subsection does not apply during the period beginning after June 30, 2007 and ending ~~the day before the effective date of this paragraph~~ on October 26, 2007, nor during the period beginning after June 30, 2009, and

ending before the effective date of this paragraph, nor during the period after June 30, 2011.

SECTION 3406m. 2005 Wisconsin Act 25, section 9105 (1) (h) 1. is amended to read:

(h) 1. *Projects financed by general fund supported borrowing:*

Madison —		
— Purchase of space at University Square project	$	39,850,000
(Total project all funding sources $56,850,000)		
— Sterling Hall renovation		37,500,000
(Total project all funding sources $39,500,000)		
Milwaukee — Golda Meir Library remodeling — Phase 1		3,508,000
(Total project all funding sources $4,908,000)		
— Columbia St. Mary's Columbia campus medical facilities acquisition and remodeling		56,530,000
(Total project all funding sources $112,120,000)		
Platteville — Tri−state initiative facilities		20,000,000
(Total project all funding sources $51,615,000)		
Stevens Point — Waste Management laboratory		1,789,000
Stout — Jarvis science wing addition and remodeling	~~40,637,000~~	48,737,000
Superior — Jim Dan Hill Library renovation	~~4,500,000~~	5,439,000
(Total project all funding sources $6,500,000)		
System — Classroom renovation/instructional technology		7,000,000
— Utility Improvements — 3 campuses		21,008,000
(Total project all funding sources $28,600,000)		
Whitewater — College of Business and Economics building		35,549,000
(Total project all funding sources $41,039,000)		

SECTION 3406p. 2005 Wisconsin Act 25, section 9105 (9), as last affected by 2007 Wisconsin Act 20, section 3936m, is repealed.

SECTION 3407. 2005 Wisconsin Act 25, section 9152 (5), as last affected by 2007 Wisconsin Act 20, section 3937, is renumbered 36.335 of the statutes and amended to read:

36.335 Sale of ~~real property~~ other land; buildings and structures. ~~If~~ Except as provided in s. 36.33, if the Board of Regents of the University of Wisconsin System sells any real property under its jurisdiction during ~~the period prior to July 1, 2007, and~~ the period beginning on ~~the effective date of this subsection~~ October 27, 2007, and ending on June 30, 2009, and the period beginning on the effective date of this section .... [LRB inserts date], the board shall credit the net proceeds of the sale to the appropriation account under ~~section~~ s. 20.285 (1) (iz) ~~of the statutes, as affected by this act~~, except that if there is any outstanding public debt used to finance the acquisition, construction, or improvement of any property that is sold, the board shall deposit a sufficient amount of the net proceeds from the sale of the property in the bond security and redemption fund under ~~section~~ s. 18.09 ~~of the statutes~~ to repay the principal and pay the interest on the debt, and any premium due upon refunding any of the debt. If the property was acquired, constructed, or improved with federal financial assistance, the board shall pay to the federal government any of the net proceeds required by federal law. If the property was acquired by gift or grant or acquired with gift or grant funds, the board shall adhere to any restriction governing use of the proceeds.

SECTION 3408. 2005 Wisconsin Act 25, section 9155 (1w) (b), as last affected by 2007 Wisconsin Act 5, is amended to read:

[2005 Wisconsin Act 25] Section 9155 (1w) (b) On June 30, ~~2009,~~ 2011, the secretary of administration shall eliminate up to 13.0 FTE attorney positions in all state agencies that are vacant on that date ~~are eliminated. If fewer than 13.0 FTE attorney positions in all state agencies are vacant on June 30, 2009, there are eliminated the requisite number of FTE attorney positions, as identified by the secretary of administration, so that a total of 13.0 FTE attorney positions are eliminated~~.

SECTION 3409. 2007 Wisconsin Act 20, section 1878d is repealed.

SECTION 3409n. 2007 Wisconsin Act 20, section 9105 (1) (a) 1. and 2. and (d) 1. are amended to read:

[2007 Wisconsin Act 20] Section 9105 (1)

(a) 1. *Projects financed by existing general fund supported borrowing authority:*

Preservation and storage facility — ~~Dane County~~ Madison	$	15,000,000
(Total project all funding sources $25,000,000)		

2. *Projects financed by program revenue supported borrowing:*

General Executive Facility 3 renovation — Madison		5,304,000
Preservation and storage facility — ~~Dane County~~ Madison	~~10,000,000~~	2,000,000
(Total project all funding sources $25,000,000)		
State Transportation Building replacement — Madison		50,000,000

(d) 1. *Projects financed by general fund supported borrowing:*

Sand Ridge Secure Treatment Center ~~300−bed~~ 200−bed addition and support facilities	$ ~~34,000,000~~	25,084,700
Wisconsin Resource Center 45−bed female treatment unit	~~11,056,000~~	18,103,700

SECTION 3409p. 2007 Wisconsin Act 20, section 9105 (1) (j) 1., 3. and 7. are amended to read:
[2007 Wisconsin Act 20] Section 9105 (1)

(j) 1. *Projects financed by general fund supported borrowing:*

Green Bay — Rose and Wood halls remodeling	$	6,734,000
La Crosse — Academic building		36,950,000
(Total project all funding sources $44,000,000)		
Madison — School of Human Ecology addition		22,500,000
(Total project all funding sources $47,950,000)		
Oshkosh — Academic building		45,946,000
(Total project all funding sources $54,296,000)		
— Elmwood Center remodeling and addition or replacement		8,464,000
Parkside — Communications Arts Center		35,300,000
(Total project all funding sources $37,376,000)		
Stout — Harvey Hall theater renovation		5,139,000
Superior — Academic building	~~24,143,000~~	29,143,000
(Total project all funding sources $32,343,000)		
System — Classroom renovation/instructional technology		3,500,000
— Utility Improvements — Madison		19,889,000
(Total project all funding sources $24,704,000)		

3. *Projects financed by program revenue supported borrowing:*

Eau Claire — Davies Center addition and remodeling or replacement		31,406,600
(Total project all funding sources $48,802,000)		
Extension — Lowell Hall guest room remodeling — Madison		3,600,000
La Crosse — Academic building		700,000
(Total project all funding sources $44,000,000)		
Madison — Parking ramps 36 and 46 expansion		4,432,000
(Total project all funding sources $7,132,000)		
— Chadbourne Residence Hall renovation — Phase 3 and Barnard Residence Hall renovation		14,627,000
— School of Human Ecology addition		2,950,000
(Total project all funding sources $47,950,000)		
— Union South replacement		85,700,000
(Total project all funding sources $87,700,000)		
— Memorial Union Theater wing renovation		40,500,000
(Total project all funding sources $52,000,000)		
Oshkosh — Academic building		350,000
(Total project all funding sources $54,296,000)		

— Suite style residence hall	34,000,000
Parkside — Suite style residence hall	17,740,000
Platteville — Williams Field House addition and remodeling	3,727,000
River Falls — George Fields South Forks Residence Hall addition	~~14,714,000~~ 18,935,000
Stevens Point — Residence halls renovation	19,995,000
— Suite style residence hall	36,205,000
Stout — Price Commons 2nd floor renovation	2,429,000
(Total project all funding sources $3,079,000)	
System — Utility Improvements — Madison	4,815,000
(Total project all funding sources $24,704,000)	
Whitewater — Drumlin Dining Hall renovation	1,275,000
— Suite style residence hall	35,728,000
7. *Projects financed by gifts, grants, and other receipts:*	
La Crosse — Academic building	6,000,000
(Total project all funding sources $44,000,000)	
— Stadium and fields	12,112,000
(Total project all funding sources $14,612,000)	
Madison — Music performance building	43,865,000
— School of Human Ecology addition	22,500,000
(Total project all funding sources $47,950,000)	
— Union South replacement	2,000,000
(Total project all funding sources $87,700,000)	
— Memorial Union theater wing renovation	11,500,000
(Total project all funding sources $52,000,000)	
Oshkosh — Academic building	8,000,000
(Total project all funding sources $54,296,000)	
— Softball stadium	500,000
Parkside — Communications Arts Center	2,076,000
(Total project all funding sources $37,376,000)	
Superior — Academic building	~~7,000,000~~ 2,000,000
(Total project all funding sources $32,343,000)	
Whitewater — Multisport facility — Phase 3	3,474,000

SECTION 3410. 2007 Wisconsin Act 20, section 9121 (6d) is renumbered 253.16 of the statutes, and 253.16 (2), (3) (intro.), (c) and (e) and (4) (intro.), (b) and (c), as renumbered, are amended to read:

253.16 **(2)** In a county with a population of at least 190,000 but less than 230,000, from the appropriation account under ~~section~~ s. 20.435 ~~(5)~~ (1) (eu) ~~of the statues, as created by this act~~, the department ~~of health and family services~~ shall ~~distribute $250,000~~ award a grant in each ~~state~~ fiscal ~~years~~ year to the city health department to provide a program of services to reduce fetal and infant mortality and morbidity.

(3) (intro.) Notwithstanding ~~section~~ s. 251.08 ~~of the statutes~~, in implementing the program under ~~paragraph (b)~~ sub. (2), the city health department shall, directly or by contract, do all of the following in or on behalf of areas of the county that are encompassed by the zip codes 53402 to 53406 and that are at risk for high fetal and infant mortality and morbidity, as determined by the department of health ~~and family~~ services:

(c) Develop and implement models of care for all women in the areas who meet risk criteria, as specified by the department of health ~~and family~~ services, and provide comprehensive prenatal and postnatal care coordination and other services, including home visits, by registered nurses who are public health nurses or who meet the qualifications of public health nurses, as specified in ~~section~~ s. 250.06 (1) ~~of the statutes~~, or by social workers, as defined in ~~section~~ s. 252.15 (1) (er) ~~of the statutes~~.

(e) Evaluate the quality and effectiveness of the services provided under ~~subdivisions 3. and 4.~~ pars. (c) and (d).

(4) (intro.) ~~the~~ The city health department shall prepare a report on fetal and infant mortality and morbidity in areas of the county that are encompassed by the zip codes 53402 to 53406. The report shall be derived, at least in part, from a multidisciplinary review of all fetal and infant deaths in the relevant year and shall specify causation found for the mortality and morbidity. The city

health department shall submit the report to all of the following:

(b) The department of health ~~and family~~ services.

(c) The legislature, in the manner provided under ~~section~~ s. 13.172 (3) ~~of the statutes~~.

SECTION 3411. 2007 Wisconsin Act 20, section 9122 (1) is repealed.

Vetoed In Part

SECTION 3412. 2007 Wisconsin Act 20, section 9201 (1c) (a) is amended to read:

[2007 Wisconsin Act 20] Section 9201 (1c) (a) Notwithstanding sections 20.001 (3) (a) to (c) and 25.40 (3) of the statutes, but subject to paragraph (d), the secretary of administration shall lapse to the general fund or transfer to the general fund from the unencumbered balances of appropriations to executive branch state agencies, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to $200,000,000 during the 2007−09 fiscal biennium ~~and $200,000,000 during the 2009−11 fiscal biennium~~. This paragraph shall not apply to appropriations to the Board of Regents of the University of Wisconsin System and to the technical college system board.

SECTION 3413. 2007 Wisconsin Act 20, section 9201 (1c) (b) is amended to read:

[2007 Wisconsin Act 20] Section 9201 (1c) (b) Notwithstanding section 20.001 (3) (a) to (c) of the statutes, but subject to paragraph (d), the secretary of administration shall lapse to the general fund or transfer to the general fund from the unencumbered balances of appropriations to the Board of Regents of the University of Wisconsin System, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to $25,000,000 during the 2007−09 fiscal biennium ~~and $25,000,000 during the 2009−11 fiscal biennium~~ from moneys allocated for University of Wisconsin System and campus administration.

SECTION 3414. 2007 Wisconsin Act 20, section 9201 (1c) (c) is amended to read:

[2007 Wisconsin Act 20] Section 9201 (1c) (c) Notwithstanding section 20.001 (3) (a) to (c) of the statutes, but subject to paragraph (d), the secretary of administration shall lapse to the general fund or transfer to the general fund from the unencumbered balances of appropriations to the technical college system board, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to $1,000,000 during the 2007−09 fiscal biennium ~~and $1,000,000 during the 2009−11 fiscal biennium~~.

SECTION 3415. 2007 Wisconsin Act 20, section 9441 (6n) is repealed.

SECTION 3416b. 2009 Wisconsin Act 2, section 9122 (1) (d) is amended to read:

[2009 Wisconsin Act 2] Section 9122 (1) (d) *Independent rural hospital supplement.* In state fiscal year 2008−09, from the appropriation account under section 20.435 (4) (b) of the statutes and, if the federal government authorizes federal financial participation under the federal Medicaid program for payments under this paragraph, from the appropriation account under section 20.435 (4) (o) of the statutes, the department of health services shall pay independent, rural, hospitals that are in counties that border another state and that are not critical access hospitals one of the following amounts:

1. If the percentage of the hospital's gross patient revenue that is attributable to the Medical Assistance Program under subchapter IV of chapter 49 of the statutes is less than 7 percent, ~~$250,000~~ $750,000.

2. If the percentage of the hospital's gross patient revenue that is attributable to the Medical Assistance Program under subchapter IV of chapter 49 of the statutes is equal to or greater than 7 percent, ~~$500,000~~ $1,000,000.

SECTION 3416bg. 2009 Wisconsin Act 2, section 9131 (1) (b) is amended to read:

[2009 Wisconsin Act 2] Section 9131 (1) (b) *Expenditure of federal economic stimulus funds for purposes other than transportation.* As soon as practical after the receipt of any federal economic stimulus funds, the governor shall submit to the joint committee on finance a plan or plans for the expenditure of the federal economic stimulus funds for all purposes, other than transportation purposes. After receiving the plan or plans, the cochairpersons of the joint committee on finance may direct the governor to implement the plan or plans. In lieu of directing the governor to implement the plan or plans, the cochairpersons shall convene a meeting of the joint committee on finance within 14 days after the plan or plans are submitted to either approve or modify and approve the plan or plans. The governor shall then implement the plan or plans as approved by the committee. This paragraph shall not apply to federal economic stimulus funds the expenditure of which is contained in ~~any bill introduced in either house of the legislature at the request of the governor~~ the 2009−11 biennial budget act.

SECTION 3416br. 2009 Wisconsin Act 2, section 9131 (1) (c) is amended to read:

[2009 Wisconsin Act 2] Section 9131 (1) (c) *Expenditure of federal economic stimulus funds for transportation purposes.* As soon as practical after the receipt of any federal economic stimulus funds, the governor shall submit to the joint committee on finance a plan or plans for the expenditure of the federal economic stimulus funds for transportation purposes. After receiving the plan or plans, the cochairpersons of the joint committee on finance may direct the governor to implement the plan or plans. In lieu of directing the governor to implement the plan or plans, the cochairpersons shall convene a meeting of the joint committee on finance within 14 days after the plan or plans are submitted to either approve or modify and approve the plan or plans. The governor shall then implement the plan or plans as approved by the committee. This paragraph shall not apply to federal economic stimulus funds the expenditure of which is ~~con-~~

~~tained in any bill introduced in either house of the legislature at the request of the governor, including federal economic stimulus funds~~ specified in SECTION 9150 (1) (b) 1. or contained in the 2009−11 biennial budget act.

SECTION 3416d. 2009 Wisconsin Act 2, section 9201 (1) (b) is amended to read:

[2009 Wisconsin Act 2] Section 9201 (1) (b) Notwithstanding section 20.001 (3) (a) to (c) and 25.40 (3) of the statutes, but subject to paragraph (c), the secretary of administration shall lapse or transfer to the general fund from the unencumbered balances of appropriations to executive branch state agencies, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to $125,000,000 before July 1, 2011~~, less the amount lapsed under paragraph (c) 3~~. The amounts lapsed or transferred under this paragraph shall be in addition to the amounts lapsed or transferred under 2007 Wisconsin Act 20, section 9201 (1c) (a) to (c). The amount required to be lapsed or transferred under this paragraph is increased by an additional $354,807,600 from available balances in appropriations and funds.

SECTION 3416f. 2009 Wisconsin Act 2, section 9201 (1) (c) 3. is amended to read:

[2009 Wisconsin Act 2] Section 9201 (1) (c) 3. The cochairpersons of the joint committee on legislative organization shall take actions before July 1, 2011, to ensure that from general purpose revenue appropriations to the legislature under section 20.765 of the statutes an amount equal to $500,000 is lapsed from sum certain appropriation accounts or is subtracted from the expenditure estimates for any other types of appropriations, or both. The amount required to be lapsed or subtracted under this subdivision is increased by an additional $12,205,000.

SECTION 3416fm. 2009 Wisconsin Act 15, section 31 (1) (a) 2. is amended to read:

[2009 Wisconsin Act 15] Section 31 (1) (a) 2. "County department" means the Milwaukee County department of social services under section ~~49.215~~ 46.215 of the statutes.

SECTION 3416g. 2009 Wisconsin Act 19, section 12 (2) is repealed.

SECTION 3416h. 2009 Wisconsin Act 19, section 13 (1) is amended to read:

[2009 Wisconsin Act 19] Section 13 (1) CHILD SAFETY ALARMS IN CHILD CARE VEHICLES. ~~Except as provided in subsection (2), this~~ This act first applies to a child care vehicle, as defined in section 48.658 (1) (b) of the statutes, as created by this act, that is used to transport children to or from a child care provider, as defined in section 48.658 (1) (a) of the statutes, as created by this act, on the effective date of this subsection.

SECTION 3416i. 2009 Wisconsin Act 19, section 13 (2) is repealed.

SECTION 3416j. 2009 Wisconsin Act 19, section 14 (intro.) is amended to read:

[2009 Wisconsin Act 19] Section 14 **Effective dates.** (intro.) This act takes effect on ~~the first day of the 12th month beginning~~ August 1, 2009, or on the day after publication of the 2009−11 biennial budget act, whichever is later, except as follows:

SECTION 9101. Nonstatutory provisions; Administration.

(1f) LOW−INCOME ASSISTANCE.

(a) In this subsection:

1. "Department" means the department of administration.

2. "Electric utility" has the meaning given in section 16.957 (1) (g) of the statutes.

2m. "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.

3. "Low−income assistance fee" means the fee that electric utilities are required to charge customers under section 16.957 (4) (a) of the statutes.

3m. "Stimulus portion" means the portion of moneys received under 42 USC 6861 to 6873 and 42 USC 8621 to 8629 in a fiscal year that is attributable to, as determined by the secretary of administration, the federal economic stimulus funds received in that fiscal year.

(b) Notwithstanding section 16.957 (4) (c) of the statutes, $9,139,700 shall be added to the amounts collected for low−income assistance fees for a fiscal year under the rules promulgated under section 16.957 (4) (b) of the statutes. The department shall take the actions it determines are necessary to ensure that electric utilities charge customers the additional amounts for low−income assistance fees required under this paragraph.

(c) Paragraph (b) applies to fiscal years 2009−10 and 2010−11.

(cm) Notwithstanding section 16.957 (4) (c) 1. of the statutes, in determining the amount of the low−income assistance fee for fiscal years 2009−10 and 2010−11, the stimulus portion received in the fiscal year shall be deducted from the sum of the amounts specified in section 16.957 (4) (c) 1. a. to c. of the statutes for that fiscal year.

(dm) In fiscal years 2009−10 and 2010−11, in determining whether the amount required under section 16.957 (2) (a) of the statutes, as affected by this act, is spent for weatherization or other energy conservation services, the amount of the stimulus portion spent for those purposes shall not be considered.

(3) ALTERNATIVES TO PROSECUTION AND INCARCERATION FOR PERSONS WHO USE ALCOHOL OR DRUGS. For each of calendar years 2010 and 2011, the office of justice assistance shall award the county with the highest crime rate among counties having a population of 500,000 or more, as reported by the office, a grant under section 16.964 (12) (b) of the statutes, as affected by this act, in the amount of $371,200 if the county submits to the office

by December 1 of the preceding year an application that demonstrates that the county shall use the grant funds to implement a program that satisfies the conditions under section 16.964 (12) (c) of the statutes. Notwithstanding section 16.964 (12) (b) of the statutes, as affected by this act, the office of justice assistance shall make the grant under this subsection from the appropriation under section 20.505 (6) (n) of the statutes.

(4) ASSESS, INFORM, AND MEASURE GRANT.

(a) From the appropriation under section 20.505 (6) (n) of the statutes, the office of justice assistance shall provide the county that has the highest crime rate among counties having a population of 500,000 or more, as reported by the office, $495,000 in each of calendar years 2010 and 2011 to conduct presentencing assessments if the county submits to the office by December 1 of the preceding year a plan that provides for all of the following:

1. Identification of a target group of offenders, from among persons who are convicted of a Class F, G, H, or I felony or a misdemeanor, whom the county shall assess.

2. Assessment of offenders in the target group to determine the risk that they will commit further crimes, their needs that are directly related to criminal behavior, the likelihood that they will respond positively to community−based treatment for the assessed needs, and an assessment of the availability of community−based treatment programs to serve the offenders.

3. Collection and dissemination of information relating to the accuracy of assessments performed, the value and usefulness of information contained in the assessment reports for purposes of making sentencing decisions, the effectiveness of community−based treatment programs in addressing the assessed needs of offenders, and the effect of the treatment programs with respect to recidivism.

4. Annual evaluation of the plan.

(b) At least 50 percent of the assessments performed by a county with funding provided under this subsection shall be of persons subject to sentencing in connection with a felony.

(5) WISCONSIN COVENANT SCHOLARS PROGRAM.

(a) *Rules.* The department of administration shall submit in proposed form the rules required under section 39.437 (5) of the statutes, as affected by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 12th month beginning after the effective date of this paragraph.

(b) *Emergency rules.* Using the procedure under section 227.24 of the statutes, the department of administration may promulgate the rules required under section 39.437 (5) of the statutes, as affected by this act, for the period before the effective date of the permanent rules submitted under paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of administration is not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph.

(6) YOUTH DIVERSION GRANT REDUCTIONS.

(a) Notwithstanding the amount specified under section 16.964 (8) (a) of the statutes, the office of justice assistance in the department of administration shall reduce the amount of money allocated under section 16.964 (8) (a) of the statutes by $20,400 in each of fiscal years 2009−10 and 2010−11.

(b) Notwithstanding the amounts specified under section 16.964 (8) (c) of the statutes, the office of justice assistance in the department of administration shall reduce the amount of money allocated for each of the 4 contracts that are funded with moneys from the appropriation accounts under section 20.505 (1) (kh) of the statutes, as created by this act, and section 20.505 (6) (d) and (kj) of the statutes by $11,800 in each of fiscal years 2009−10 and 2010−11 and shall reduce the amount of money allocated for the contract that is funded only with moneys from the appropriation account under section 20.505 (6) (kj) of the statutes by $9,000 in each of fiscal years 2009−10 and 2010−11.

(6f) GRANT FOR JUVENILE CRIME PREVENTION. Beginning on January 1, 2011, from the appropriation accounts under section 20.505 (6) (n) or (p) of the statutes, the office of justice assistance in the department of administration shall provide a 3−year grant, totaling $112,500 to the Cops−N−Kids Reading Program in the city of Racine.

(6q) BYRNE JUSTICE ASSISTANCE GRANTS. The office of justice assistance in the department of administration shall distribute $338,900 in fiscal year 2009−10 and $432,300 in fiscal year 2010−11 of the federal Byrne Justice Assistance Grant awards appropriated under section 20.505 (6) (n) of the statutes to the department of corrections under section 20.410 (1) (kx) of the statutes to expand the earned release program at the Robert E. Ellsworth Correctional Center and the operating while intoxicated program at the Drug Abuse Correctional Center.

(8c) TRANSFER OF HUMAN RESOURCES STAFF TO THE OFFICE OF EMPLOYMENT RELATIONS.

(a) In this subsection, "executive branch state agency" means any office, department, or independent agency in the executive branch of state government, other than the Board of Regents of the University of Wisconsin System, the department of employee trust funds, the department of justice, the investment board, the department of public instruction, the office of the state public defender, and the office of any district attorney.

(b) Before July 1, 2011, the secretary of administration may develop a proposal for the consolidation of the human resources functions of executive branch state

agencies in the office of state employment relations. The proposal shall specifically identify all authorized FTE positions to executive branch state agencies that are responsible for the performance of human relations functions for those agencies, and shall calculate the number of FTE positions to be transferred to the office of state employment relations to perform the human relations functions for executive branch state agencies and the number of FTE positions to be abolished.

(c) If the secretary of administration develops a proposal under paragraph (b), the secretary shall submit the proposal, in writing, to the joint committee on finance. If the cochairpersons of the joint committee on finance do not notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposal within 14 working days after the date of receipt of the proposal, the secretary may implement the proposal. If, within 14 working days after the date of receipt of the proposal, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the proposal, the secretary may implement the proposal only on approval of the committee.

(d) Employees transferred to the office of state employment relations pursuant to a proposal approved under paragraph (c) shall have all the rights and the same status under subchapter V of 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) Before July 1, 2011, if any employees are transferred under paragraph (c), 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.

(10) CHILD ADVOCACY CENTER GRANT REDUCTIONS. Notwithstanding the amount specified under section 16.964 (14) (intro.) of the statutes, the office of justice assistance in the department of administration shall reduce the amount of money provided for each of the child advocacy centers listed in section 16.964 (14) (a) to (n) of the statutes by $200 in each of fiscal years 2009−10 and 2010−11.

(11x) GENERATOR FOR THE TOWN OF OAKLAND. From the appropriation under section 20.505 (6) (mb) of the statutes, the office of justice assistance shall award a grant of $10,000 to the town of Oakland in Jefferson County in the first fiscal year of the fiscal biennium in which this subsection takes effect for the purchase of an emergency generator.

(11y) RULE−MAKING RELATED TO TRAFFIC STOP INFORMATION COLLECTION AND ANALYSIS. The office of justice assistance in the department of administration shall submit in proposed form the rules required under section 16.964 (16) (b) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than February 1, 2010.

(12x) REPORT RELATED TO TRAFFIC STOP INFORMATION COLLECTION AND ANALYSIS.

(a) In this subsection:

1. "Program costs" means the costs to implement and administer the requirements to collect traffic stop information under sections 16.964 (16) and 349.027 of the statutes, as created by this act.

2. "System" means an information technology system to implement the traffic stop information collection required under sections 16.964 (16) and 349.027 of the statutes, as created by this act.

(b) The secretary of administration shall submit a report to the joint committee on finance addressing all of the following:

1. The feasibility of developing the system.

2. The estimated initial development costs for the system and how the cost estimates were derived.

3. The estimated ongoing costs for the system and how the cost estimates were derived.

4. Timelines for development of the system.

5. The estimated costs to each participating state and local law enforcement agency, on a one−time and on an ongoing basis, to acquire any necessary system hardware and software, for any necessary communication lines, and for program costs.

6. The estimated costs to the office of justice assistance in the department of administration, on a one−time and on an ongoing basis, to acquire any necessary system hardware and software, for system maintenance, for any necessary communication lines, for staffing to compile and analyze the traffic stop information and produce any required reports, for staffing to administer the office's other responsibilities under section 16.964 (16) of the statutes, as created by this act, and for any other program costs.

7. Funding sources for the system and program costs sufficient to cover estimated system and program costs.

(c) If the cochairpersons of the joint committee on finance do not notify the secretary of administration that the committee has scheduled a meeting for the purpose of reviewing the report submitted under paragraph (b) within 14 working days after the date that the report is

submitted, the report is approved. If, within 14 working days after the date that the report is submitted, the cochairpersons of the committee notify the secretary that the committee has scheduled a meeting for the purpose of reviewing the report submitted under paragraph (b), the report is not approved. System development may not begin prior to the approval of the report, as originally submitted, or as modified by the joint committee on finance.

(13f) RESTORATIVE JUSTICE GRANT. From the appropriation to the department of administration under section 20.505 (6) (br), as created by this act, the office of justice assistance shall award $50,000 to Restorative Justice Programs, Inc., in the first fiscal year of the fiscal biennium in which this subsection takes effect for restorative justice programs.

SECTION 9103. Nonstatutory provisions; Agriculture, Trade and Consumer Protection.

(1) EMERGENCY RULES; WEIGHTS AND MEASURES. The department of agriculture, trade and consumer protection may promulgate rules to establish the initial amount of a fee or surcharge under section 98.16 (3) (intro.) of the statutes, as affected by this act, or sections 98.16 (2m) (a) or (b), 98.224 (2) (c) 1., 2., or 3., 98.245 (7m) (c) 1., 2., or 3., or 98.255 (2) of the statutes, as created by this act, as emergency rules under section 227.24 of the statutes. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection remain in effect until January 1, 2011, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(1f) SOIL AND WATER MANAGEMENT FUNDING. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for the purposes of the 2011−13 biennial budget bill, the department of agriculture, trade and consumer protection shall submit information concerning the appropriation under section 20.115 (7) (qf) of the statutes as though the amount appropriated for the 2010−11 fiscal year had been $308,000 more than was actually appropriated.

(2) VEHICLE TANK METER LICENSE SURCHARGE. Notwithstanding section 98.224 (2) (c) 2. of the statutes, as created by this act, the department of agriculture, trade and consumer protection may not collect a surcharge from an applicant who has operated a vehicle tank meter without a license unless the unlicensed operation occurred after the effective date of this subsection.

(2f) PURCHASE OF AGRICULTURAL CONSERVATION EASEMENT RULES. Using the procedure under section 227.24 of the statutes, the department of agriculture, trade and consumer protection may promulgate the rule required under section 93.73 (14) of the statutes, as created by this act, for the period before the effective date of the permanent rule, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph.

(3) AGRICULTURAL AND VEGETABLE SEED RULES. The department of agriculture, trade and consumer protection may use the procedure under section 227.24 of the statutes, to promulgate the rules required under section 94.45 (6) of the statutes, as affected by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection remain in effect until the first day of the 24th month beginning after the effective date of this subsection, or the date on which permanent rules are promulgated, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to determine that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(3f) GRANTS FOR AGRICULTURAL FACILITIES. During the 2009−11 fiscal biennium, the department of agriculture, trade and consumer protection may do any of the following with the encumbered moneys in the appropriation account under section 20.115 (4) (qm) of the statutes, as affected by this act, notwithstanding the purpose for which the moneys were originally encumbered:

(a) Make grants for the construction of soybean crushing facilities with the capacity to process more than 20,000,000 bushels of soybeans per year.

(b) Make a grant to a dairy cooperative with headquarters in this state for the construction of additional cheese−making facilities with the capacity to enable the processing of an additional 1,500,000 pounds of milk per day.

(c) Make a grant of $200,000 for the manufacturing of anaerobic digesters that are cost−effective for small farms.

(d) Make a grant of $200,000 for diversification of cheese−making capabilities.

(3g) COUNTY AND DISTRICT FAIR AIDS. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for the purposes of the 2011−13 biennial budget bill, the department of agriculture, trade and consumer protection shall submit information concerning the appropriation under section 20.115 (4) (b) of the statutes as though the amount

appropriated for the 2010−11 fiscal year had been $396,000.

(4i) LAND AND WATER CONSERVATION BOARD REPORT. The land and water conservation board, the department of agriculture, trade and consumer protection, and the department of natural resources shall investigate the board's responsibilities and authorities and shall, before January 1, 2010, report, to the governor, the joint committee on finance, and the appropriate standing committees of the legislature, recommendations for changes in those responsibilities and authorities to reflect changes in this state's soil and water programs.

SECTION 9106. Nonstatutory provisions; Building Commission.

(1) 2009−11 AUTHORIZED STATE BUILDING PROGRAM. For the fiscal years beginning on July 1, 2009, and ending on June 30, 2011, the Authorized State Building Program is as follows:

(a) DEPARTMENT OF ADMINISTRATION		
1. *Projects financed by general fund supported borrowing:*		
Consolidated laboratory — Madison	$	20,850,000
(Total project all funding sources $28,535,000)		
Preservation and storage facility — Madison		8,000,000
(Total project all funding sources $25,000,000)		
2. *Projects financed by existing general fund supported borrowing authority:*		
Preservation and storage facility — Madison		15,000,000
(Total project all funding sources $25,000,000)		
3. *Projects financed by program revenue supported borrowing:*		
Consolidated laboratory — Madison		7,685,000
(Total project all funding sources $28,535,000)		
One West Wilson State Office Building envelope repair — Madison		12,632,000
Capitol Heat and Power Plant boiler conversion — Madison		25,602,600
4. *Projects financed by existing program revenue supported borrowing authority:*		
Preservation and storage facility — Madison		2,000,000
(Total project all funding sources $25,000,000)		
5. *Agency totals:*		
General fund supported borrowing		28,850,000
Existing general fund supported borrowing authority		15,000,000
Program revenue supported borrowing		45,919,600
Existing program revenue supported borrowing authority		2,000,000
Total — All sources of funds	$	91,769,600
(b) DEPARTMENT OF CORRECTIONS		
1. *Projects financed by general fund supported borrowing:*		
Taycheedah Correctional Institution Segregation and Special Management Unit expansion	$	5,697,300
(Total project all funding sources $7,564,900)		
2. *Projects financed by existing general fund supported borrowing authority:*		
Taycheedah Correctional Institution Segregation and Special Management Unit expansion		1,867,600
(Total project all funding sources $7,564,900)		
3. *Projects financed by program revenue supported borrowing:*		
Fox Lake Correctional Institution — methane digester		5,442,900
4. Agency totals:		
General fund supported borrowing		5,697,300
Existing general fund supported borrowing authority		1,867,600
Program revenue supported borrowing		5,442,900
Total — All sources of funds	$	13,007,800
(c) DEPARTMENT OF MILITARY AFFAIRS		

1. *Projects financed by general fund supported borrowing:*

Helicopter parking and taxiways repair and expansion — Madison	$	4,429,100
(Total project all funding sources $54,589,200)		
Field Maintenance Shop #13 — Wausau		1,213,700
(Total project all funding sources $12,767,500)		
Armory — Wisconsin Rapids		13,000,000
(Total project all funding sources $41,400,000)		

2. *Projects financed by existing general fund supported borrowing authority:*

Helicopter parking and taxiways repair and expansion — Madison		600,000
(Total project all funding sources $54,589,200)		
Field Maintenance Shop #13 — Wausau		385,800
(Total project all funding sources $12,767,500)		

3. *Projects financed by federal funds:*

Armory — Wisconsin Rapids		28,400,000
(Total project all funding sources $41,400,000)		
Helicopter parking and taxiways repair and expansion — Madison		49,560,100
(Total project all funding sources $54,589,200)		
Field Maintenance Shop #13 — Wausau		11,168,000
(Total project all funding sources $12,767,500)		

4. *Agency totals:*

General fund supported borrowing		18,642,800
Existing general fund supported borrowing authority		985,800
Federal funds		89,128,100
Total — All sources of funds	$	108,756,700

(d) Department of Natural Resources

1. *Projects financed by existing general fund supported borrowing authority — stewardship property development and local assistance funds:*

Governor Thompson State Park Phase II development	$	2,722,200
Rib Mountain State Park entrance and visitor station and park development		6,116,900
Entrance and visitor stations — Black River State Forest and Lake Kegonsa State Park		1,611,800

2. *Projects financed by segregated fund supported borrowing:*

Wild Rose State Fish Hatchery renovation — Phase 3		1,979,700
Fire−control heavy−unit drive−thru vehicle storage garages — Boscobel, Brule, Poynette, and Wausaukee		2,889,500
Vehicle maintenance and equipment storage building — Jackson County		778,400

3. *Agency totals:*

Existing general fund supported borrowing authority — Stewardship property development and local assistance funds		10,450,900
Segregated fund supported borrowing		5,647,600
Total — All sources of funds	$	16,098,500

(e) State Historical Society

1. *Projects financed by general fund supported borrowing:*

Multiple historic sites initiative — Statewide	$	6,960,000
(Total project all funding sources $14,128,500)		

2. *Projects financed by gifts, grants, and other receipts:*

Multiple historic sites initiative — Statewide		7,168,500
(Total project all funding sources $14,128,500)		

3. *Agency totals:*

General fund supported borrowing		6,960,000
Gifts, grants, and other receipts		7,168,500
Total — All sources of funds	$	14,128,500

(f) DEPARTMENT OF TRANSPORTATION

1. *Projects financed by segregated fund supported revenue borrowing:*

Division of State Patrol gap filler towers — Statewide Phase 3	$	2,180,200
Green Bay Division of Motor Vehicles Service Center renovation		1,164,300
Truax Complex addition and security modifications — Madison		615,400

2. *Agency totals:*

Segregated fund supported revenue borrowing		3,959,900
Total — All sources of funds	$	3,959,900

(g) UNIVERSITY OF WISCONSIN SYSTEM

1. *Projects financed by general fund supported borrowing:*

Eau Claire — Education building	$	44,000,000
(Total project all funding sources $44,500,000)		
Madison —		
— Utility improvements		70,021,800
(Total project all funding sources $78,374,000)		
— Wisconsin Energy Institute		50,000,000
(Total project all funding sources $100,000,000)		
— Wisconsin Institutes for Medical Research		67,400,000
(Total project all funding sources $134,800,000)		
Milwaukee — Utility improvements		5,449,200
(Total project all funding sources $6,419,000)		
Stevens Point — Utility improvements		1,000,000
(Total project all funding sources $7,725,000)		
— Waste Management Center		2,761,000
(Total project all funding sources $4,550,000)		
System — Classroom renovation/instructional technology		5,000,000

2. *Projects financed by existing general fund supported borrowing authority:*

Stevens Point — Waste Management Center		1,789,000
(Total project all funding sources $4,550,000)		

3. *Projects financed by program revenue supported borrowing:*

La Crosse — Residence hall		44,500,000
(Total project all funding sources $49,500,000)		
Madison — Charter Street heating and cooling plant renovation and addition		250,636,600
— Gordon Commons relocation, parking, and offices — Phases 1 and 2		37,543,000
(Total project all funding sources $41,305,000)		
— Lakeshore Residence Hall and food service		57,775,000
(Total project all funding sources $59,463,000)		
— 21 North Park Street office building purchase		38,546,000
— Utility improvements		8,352,200
(Total project all funding sources $78,374,000)		
— West campus athletic facilities		3,973,500
(Total project all funding sources $7,947,000)		
Milwaukee — Utility improvements		969,800
(Total project all funding sources $6,419,000)		
Platteville — Residence hall upgrades		10,000,000

— Storage facility	284,000
(Total project all funding sources $1,700,000)	
— Williams Field House addition	4,500,000
(Total project all funding sources $11,700,000)	
River Falls — Ramer Field renovation	500,000
(Total project all funding sources $3,987,000)	
— Hagestad Hall renovation	3,125,000
(Total project all funding sources $4,000,000)	
Stevens Point — Utility improvements	6,725,000
(Total project all funding sources $7,725,000)	
Stout — Memorial Student Center renovation	18,000,000
Whitewater — Fisher and Wellers halls renovation	8,584,000
3. *Projects financed by existing program revenue supported borrowing authority:*	
Platteville — Storage facility	1,416,000
(Total project all funding sources $1,700,000)	
4. *Projects financed by program revenue:*	
La Crosse — Residence hall	5,000,000
(Total project all funding sources $49,500,000)	
Madison — Gordon Commons relocation, parking, and offices — Phases 1 and 2	1,000,000
(Total project all funding sources $41,305,000)	
— Lakeshore Residence Hall and food service	1,688,000
(Total project all funding sources $59,463,000)	
River Falls — Hagestad Hall renovation	875,000
(Total project all funding sources $4,000,000)	
5. *Projects financed by building trust funds:*	
Eau Claire — Education building	500,000
(Total project all funding sources $44,500,000)	
6. *Projects financed by gifts, grants, and other receipts:*	
Madison — Agricultural research station renovations — Various locations Phase 1	5,800,000
— Gordon Commons relocation, parking, and offices — Phases 2 and 3	2,762,000
(Total project all funding sources $41,305,000)	
— Kohl Center hockey facility addition	27,787,000
— Science museum	5,092,000
— Tandem Press relocation	4,616,000
— West campus athletic facilities	3,973,500
(Total project all funding sources $7,947,000)	
— Wisconsin Energy Institute	50,000,000
(Total project all funding sources $100,000,000)	
— Wisconsin Institutes for Medical Research	67,400,000
(Total project all funding sources $134,800,000)	
Platteville — Stadium locker room expansion	1,000,000
— Williams Field House addition	7,200,000
(Total project all funding sources $11,700,000)	
River Falls — Ramer Field renovation	3,487,000
(Total project all funding sources $3,987,000)	
7. *Agency totals:*	
General fund supported borrowing	245,632,000
Existing general fund revenue supported borrowing authority	1,789,000

Program revenue supported borrowing		494,014,100
Existing program revenue supported borrowing authority		1,416,000
Program revenue		8,563,000
Building trust funds		500,000
Gifts, grants, and other receipts		179,117,500
Total — All sources of funds	$	931,031,600
(h) AIDS Network		
1. *Projects financed by general fund supported borrowing:*		
Facilities renovation — Madison	$	300,000
2. *Agency totals:*		
General fund supported borrowing		300,000
Total — All sources of funds	$	300,000
(i) AIDS Resource Center of Wisconsin		
1. *Projects financed by general fund supported borrowing:*		
Facilities renovation — Green Bay, Milwaukee, or Kenosha	$	800,000
2. *Agency totals*:		
General fund supported borrowing		800,000
Total — All sources of funds	$	800,000
(j) Bradley Center Sports and Entertainment Corporation		
1. *Projects financed by general fund supported borrowing:*		
Bradley Center Renovation	$	5,000,000
3. *Agency totals:*		
General fund supported borrowing		5,000,000
Total — All sources of funds	$	5,000,000
(k) Dane County Yahara River Watershed initiative		
1. *Projects financed by existing general fund supported borrowing authority:*		
2 anaerobic digesters	$	6,600,000
2. *Agency totals:*		
Existing general fund supported borrowing authority		6,600,000
Total — All sources of funds	$	6,600,000
(L) Madison Children's Museum		
1. *Projects financed by general fund supported borrowing:*		
Madison Children's Museum renovation	$	250,000
2. *Agency totals:*		
General fund supported borrowing		250,000
Total — All sources of funds	$	250,000
(m) Myrick Hixon EcoPark, Inc.		
1. *Projects financed by general fund supported borrowing*		
Educational center	$	500,000
2. *Agency totals:*		
General fund supported borrowing		500,000
Total — All sources of funds	$	500,000
(n) City of Oshkosh		
1. *Projects financed by general fund supported borrowing:*		
Grand Opera House repair and restoration	$	500,000
(Total project all funding sources $1,500,000)		
2. *Projects financed by gifts, grants, and other receipts:*		
Grand Opera House repair and restoration		1,000,000
Total—All sources of funds	$	1,500,000

3. *Agency totals:*	
General fund supported borrowing	500,000
Gifts, grants, and other receipts	1,000,000
Total—All sources of funds	$ 1,500,000
(o) ALDO LEOPOLD NATURE CENTER, INC.	
1. *Projects financed by general fund supported borrowing:*	
Climate change classroom and interactive laboratory	$ 500,000
(Total project all funding sources $2,700,000)	
2. *Projects financed by gifts, grants, and other receipts:*	
Climate change classroom and interactive laboratory	2,200,000
(Total project all funding sources $2,700,000)	
3. *Agency totals:*	
General fund supported borrowing	500,000
Gifts, grants, and other receipts	2,200,000
Total—All sources of funds	$ 2,700,000
(p) CITY OF EAU CLAIRE	
1. *Projects financed by existing general fund supported borrowing authority:*	
L.E. Phillips Memorial Public Library remodeling	$ 125,000
2. *Agency totals:*	
Existing general fund supported borrowing authority	125,000
Total—All sources of funds	$ 125,000
(q) TOWN OF CHASE	
1. *Projects financed by building trust funds:*	
Stone Barn historic site restoration	$ 100,000
(Total project all funding sources $400,000)	
2. *Projects financed by gifts, grants, and other receipts:*	
Stone Barn historic site restoration	300,000
(Total project all funding sources $400,000)	
3. *Agency totals:*	
Building trust funds	100,000
Gifts, grants, and other receipts	300,000
Total—All sources of funds	$ 400,000
(r) ALL AGENCY PROJECT FUNDING	
1. *Projects financed by general fund supported borrowing:*	
Capital equipment acquisition	$ 2,000,000
Facilities maintenance and repair	114,000,000
(Total program all funding sources $145,650,600)	
Health, safety, and environmental protection	20,000,000
(Total program all funding sources $20,314,600)	
Land and property acquisition	2,000,000
(Total program all funding sources $2,159,000)	
Preventive maintenance	3,000,000
Programmatic remodeling and renovation	7,000,000
(Total program all funding sources $15,894,500)	
Utilities repair and renovation	52,000,000
(Total program all funding sources $68,987,400)	
2. *Projects financed by existing general fund supported borrowing authority — Stewardship property development and local assistance funds:*	
Facilities maintenance and repair	1,605,400
(Total program all funding sources $145,650,600)	

3. *Projects financed by program revenue supported borrowing:*

Energy conservation	50,000,000
Facilities maintenance and repair	17,415,000
(Total program all funding sources $145,650,600)	
Health, safety, and environmental protection	314,600
(Total program all funding sources $20,314,600)	
Land and property acquisition	159,000
(Total program all funding sources $2,159,000)	
Programmatic remodeling and renovation	7,550,500
(Total program all funding sources $15,894,500)	
Utilities repair and renovation	12,948,900
(Total program all funding sources $68,987,400)	

4. *Projects financed by segregated fund supported borrowing:*

Facilities maintenance and repair	2,330,700
(Total program all funding sources $145,650,600)	

5. *Projects financed by segregated fund supported revenue borrowing:*

Facilities maintenance and repair	3,021,200
(Total program all funding sources $145,650,600)	

6. *Projects financed by program revenue:*

Facilities maintenance and repair	6,958,000
(Total program all funding sources $145,650,600)	
Programmatic remodeling and renovation	1,094,000
(Total program all funding sources $15,894,500)	
Utilities repair and renovation	4,038,500
(Total program all funding sources $68,987,400)	

7. *Projects financed by gifts, grants, and other receipts:*

Programmatic remodeling and renovation	250,000
(Total program all funding sources $15,894,500)	

8. *Projects financed by federal funds:*

Facilities maintenance and repair	320,300
(Total program all funding sources $145,650,600)	

9. *All agency totals:*

General fund supported borrowing	200,000,000
Existing general fund supported borrowing authority — Stewardship property development and local assistance funds	1,605,400
Program revenue supported borrowing	88,388,000
Segregated fund supported borrowing	2,330,700
Segregated fund supported revenue borrowing	3,021,200
Program revenue	12,090,500
Gifts, grants, and other receipts	250,000
Federal funds	320,300
Total — All sources of funds	308,006,100

(s) SUMMARY

Total general fund supported borrowing	513,632,100
Total existing general fund supported borrowing authority	26,367,400
Total existing general fund supported borrowing authority — Stewardship property development and local assistance funds	12,056,300
Total program revenue supported borrowing	633,764,600
Total existing program revenue supported borrowing authority	3,416,000
Total segregated fund supported borrowing	7,978,300
Total segregated fund supported revenue borrowing	6,981,100
Total program revenue	20,653,500

Total building trust funds	600,000
Total gifts, grants, and other receipts	190,036,000
Total federal funds	89,448,400
Total — All sources of funds	$ 1,504,933,700

(2) PROGRAMS PREVIOUSLY AUTHORIZED. In addition to the projects and financing authority enumerated in subsection (1), the building and financing authority enumerated in the previous state building program is continued in the 2009−11 fiscal biennium.

(3) LOANS. During the 2009−11 fiscal biennium, the building commission may make loans from general fund supported borrowing or the building trust fund to state agencies, as defined in section 20.001 (1) of the statutes, for projects that are to be utilized for programs not funded by general purpose revenue and that are authorized under subsection (1).

(4) ADJUSTMENT OF TOTALS.

(a) In the 2005−07 Authorized State Building Program, the appropriate totals are adjusted to reflect the changes made by SECTIONS 3406m, 3406n, and 3406p of this act.

(b) In the 2007−09 Authorized State Building Program, the appropriate totals are adjusted to reflect the changes made by and SECTIONS 3409n and 3409p of this act.

(5) 2003−05 AUTHORIZED STATE BUILDING PROGRAM DELETIONS.

(a) In 2003 Wisconsin Act 33, section 9106 (1) (c) 1., under projects financed by general fund supported borrowing for the department of military affairs, the 2003−05 Authorized State Building Program project designated as "Repair and expansion of helicopter parking and taxiways — Madison" is deleted and the appropriate totals are adjusted accordingly.

(b) In 2003 Wisconsin Act 33, section 9106 (1) (c) 2., under projects financed by federal funds for the department of military affairs, the 2003−05 Authorized State Building Program project identified as "Repair and expansion of helicopter parking and taxiways — Madison" is deleted and the appropriate totals are adjusted accordingly.

(c) In 2003 Wisconsin Act 33, section 9106 (1) (d) 1., under projects financed with existing general fund supported borrowing authority — stewardship property development and local assistance funds for the department of natural resources, the 2003−05 authorized State Building Program project identified as "Rib Mountain State Park water supply system replacement" is deleted and the appropriate totals are adjusted accordingly.

(6) 2005−07 AUTHORIZED STATE BUILDING PROGRAM DELETIONS.

(a) In 2005 Wisconsin Act 25, section 9105 (1) (c) 1., under projects financed by general fund supported borrowing for the department of military affairs, the 2005−07 Authorized State Building Program project identified as "Field maintenance shop renovation/addition — Wausau" is deleted and the appropriate totals are adjusted accordingly.

(b) In 2005 Wisconsin Act 25, section 9105 (1) (c) 2., under projects financed by federal funds for the department of military affairs, the 2005−07 Authorized State Building Program project identified as "Field maintenance shop renovation/addition — Wausau" is deleted and the appropriate totals are adjusted accordingly.

(c) In 2005 Wisconsin Act 25, section 9105 (1) (h) 1., under projects financed by general fund supported borrowing for the University of Wisconsin System at the University of Wisconsin–Milwaukee, the 2005−07 Authorized State Building Program project identified as "Columbia St. Mary's Columbia campus medical facilities acquisition and remodeling" is deleted and the appropriate totals are adjusted accordingly.

(d) In 2005 Wisconsin Act 25, section 9105 (1) (h) 1., under projects financed by general fund supported borrowing for the University of Wisconsin System at the University of Wisconsin–Stevens Point, the 2005−07 Authorized State Building Program project identified as "Waste Management laboratory" is deleted and the appropriate totals are adjusted accordingly.

(e) In 2005 Wisconsin Act 25, section 9105 (1) (h) 3., under projects financed by program revenue supported borrowing for the University of Wisconsin system at the University of Wisconsin–Milwaukee, the 2005−07 Authorized State Building Program project identified as "Columbia St. Mary's Columbia campus medical facilities acquisition and remodeling" is deleted and the appropriate totals are adjusted accordingly.

(7) WISCONSIN ENERGY INSTITUTE. Notwithstanding subsection (1) (g) 1., if the Building Commission determines that this state has received federal funds distributed to this state under the American Recovery and Reinvestment Act of 2009 (Public Law 111−5) to finance the project identified as the "Wisconsin Energy Institute" at the University of Wisconsin–Madison, the amount of the project to be funded from general fund supported borrowing and the amount of the project to be funded from gifts, grants, and other receipts are decreased by equal amounts to offset the total amount of federal funds received by this state under that act for that project, as determined by the commission.

(8) AIDS NETWORK, INC. Notwithstanding section 13.48 (39) (b) of the statutes, as created by this act, the building commission shall not make a grant to the AIDS Network, Inc., for construction and renovation of facilities and purchase of equipment, as enumerated in subsection (1) (h), under section 13.48 (39) of the statutes, as

created by this act, unless the department of administration has reviewed and approved plans for the project. Notwithstanding sections 16.85 (1) and 16.855 (1) of the statutes, the department of administration shall not supervise any services or work or let any contract for the project. Section 16.87 of the statutes does not apply to the project.

(9) AIDS RESOURCE CENTER OF WISCONSIN, INC. Notwithstanding section 13.48 (40) (b) of the statutes, as created by this act, the building commission shall not make a grant to the AIDS Resource Center of Wisconsin, Inc., for construction and renovation of facilities in the cities of Green Bay, Milwaukee, or Kenosha and purchase of equipment, as enumerated in subsection (1) (i), under section 13.48 (40) of the statutes, as created by this act, unless the department of administration has reviewed and approved plans for the project. Notwithstanding section 16.85 (1) and 16.855 (1) of the statutes, the department of administration shall not supervise any services or work or let any contract for the project. Section 16.87 of the statutes does not apply to the project.

(10) BRADLEY CENTER SPORTS AND ENTERTAINMENT CORPORATION. Notwithstanding section 13.48 (41) (b) of the statutes, as created by this act, the building commission shall not make a grant to the Bradley Center Sports and Entertainment Corporation for capital maintenance and repair of its sports and entertainment facility, as enumerated in subsection (1) (j), under section 13.48 (41) of the statutes, as created by this act, unless the department of administration has reviewed and approved plans for the project. Notwithstanding sections 16.85 (1) and 16.855 (1) of the statutes, the department of administration shall not supervise any services or work or let any contract for the project. Section 16.87 of the statutes does not apply to the project.

(11) DANE COUNTY YAHARA RIVER WATERSHED PROJECT. Notwithstanding section 13.48 (43) (b) of the statutes, as created by this act, the building commission shall not make a grant to Dane County for construction of anaerobic digesters for the Dane County Yahara River Watershed Project, as enumerated in subsection (1) (k), under section 13.48 (43) of the statutes, as created by this act, unless the department of administration has reviewed and approved plans for the project. Notwithstanding sections 16.85 (1) and 16.855 (1) of the statutes, the department of administration shall not supervise any services or work or let any contract for the project. Section 16.87 of the statutes does not apply to the project.

(12) MADISON CHILDREN'S MUSEUM. Notwithstanding section 13.48 (42) (b) of the statutes, as created by this act, the building commission shall not make a grant to the Madison Children's Museum for construction of a museum facility in Madison, as enumerated in subsection (1) (L), under section 13.48 (42) of the statutes, as created by this act, unless the department of administration has reviewed and approved plans for the project. Notwithstanding sections 16.85 (1) and 16.855 (1) of the statutes, the department of administration shall not supervise any services or work or let any contract for the project. Section 16.87 of the statutes does not apply to the project.

(13) MILWAUKEE INITIATIVE. Notwithstanding section 18.04 (1) and (2) of the statutes, no public debt authorized for the Milwaukee initiative in section 20.866 (2) (s) 1., as created by this act, may be contracted until the board of regents of the University of Wisconsin System has approved an expenditure plan for the Milwaukee initiative that includes the identification of specific projects and sources of funding and the identified projects are enumerated pursuant to section 20.924 (1) (b) of the statutes.

(14) UTILITY IMPROVEMENTS AT UNIVERSITY OF WISCONSIN–MADISON CAMPUS. Notwithstanding section 18.04 (1) and (2) of the statutes, $38,470,600 in public debt authorized for the utility improvements at the University of Wisconsin−Madison campus, as enumerated in subsection (1) (g) 1., may not be contracted until after June 30, 2011.

(15) WISCONSIN INSTITUTES FOR MEDICAL RESEARCH. Notwithstanding section 18.04 (1) and (2) of the statutes, $67,400,000 in public debt authorized for the Wisconsin Institutes for Medical Research, as enumerated in subsection (1) (g) 1., may not be contracted until after June 30, 2011.

(16) MYRICK HIXON ECOPARK, INC. Notwithstanding section 13.48 (44) (b) of the statutes, as created by this act, the building commission shall not make a grant to Myrick Hixon EcoPark, Inc., to aid in the construction of an educational center facility in the city of La Crosse, as enumerated in subsection (1) (m), under section 13.48 (44) of the statutes, as created by this act, unless the department of administration has reviewed and approved plans for the project. Notwithstanding sections 16.85 (1) and 16.855 (1) of the statutes, the department of administration shall not supervise any services or work or let any contract for the project. Section 16.87 of the statutes does not apply to the project.

(17) JOINT MUSEUM FACILITY. From the appropriation account under section 20.867 (2) (r) of the statutes, the building commission shall allocate $4,000,000 to conduct planning, programming, and site identification for a joint museum facility to serve the state historical society and the department of veterans affairs.

(18) SUPPLEMENTATION OF FUNDING FOR UNIVERSITY OF WISCONSIN ACADEMIC BUILDINGS. Notwithstanding section 20.924 (1) of the statutes, the building commission may supplement the authorized amount of financing for any or all of the projects identified in 2007 Wisconsin Act 20, section 9105 (1) (j) as "La Crosse — Academic building," "Oshkosh — Academic building," and "Parkside — Communications Arts Center" with not more than a total of $3,000,000 from unallocated existing general fund supported borrowing authorized under section

20.866 (2) (s) of the statutes, as affected by this act, in the amounts determined by the commission. Moneys used to supplement the projects shall be a first draw from excess building authority under section 20.866 (2) (s) of the statutes, as affected by this act, under the 2009−11 authorized state building program that first comes available on or after the effective date of this subsection, as determined by the building commission.

(19) CITY OF BELOIT TURTLE ISLAND PARK RESTORATION. From the appropriation account under section 20.867 (2) (q) of the statutes, the building commission shall allocate $35,000 for a grant to the city of Beloit to be used for restoration of Turtle Island Park under section 13.48 (39g) of the statutes, as created by this act.

(20) WISCONSIN RAPIDS ARMORY. Notwithstanding section 18.04 (1) and (2) of the statutes, $13,000,000 in public debt authorized for the Wisconsin Rapids Armory, as enumerated in subsection (1) (c) 1., may not be contracted until federal funding is available for the project or until after June 30, 2011, whichever is earlier.

(21) UNIVERSITY OF WISCONSIN–EAU CLAIRE EDUCATION BUILDING. Notwithstanding section 18.04 (1) and (2) of the statutes, $44,000,000 in public debt authorized for the University of Wisconsin–Eau Claire education building, as enumerated in subsection (1) (g) 1., may not be contracted until after June 30, 2011.

(22) GRAND OPERA HOUSE IN OSHKOSH. Notwithstanding section 13.48 (39c) (b) of the statutes, as created by this act, the building commission shall not make a grant to the city of Oshkosh to aid in the repair and restoration of the Grand Opera House in the city of Oshkosh, as enumerated in subsection (1) (n), under section 13.48 (39c) of the statutes, as created by this act, unless the department of administration has reviewed and approved plans for the project. Notwithstanding sections 16.85 (1) and 16.855 (1) of the statutes, the department of administration shall not supervise any services or work or let any contract for the project. Section 16.87 of the statutes does not apply to the project.

(23) ALDO LEOPOLD CLIMATE CHANGE CLASSROOM AND INTERACTIVE LABORATORY. Notwithstanding section 13.48 (39d) (b) of the statutes, as created by this act, the building commission shall not make a grant to the Aldo Leopold Nature Center, Inc., to aid in the construction of a climate change classroom and interactive laboratory that will border the cities of Madison and Monona, as enumerated in subsection (1) (o), under section 13.48 (39d) of the statutes, as created by this act, unless the department of administration has reviewed and approved plans for the project. Notwithstanding sections 16.85 (1) and 16.855 (1) of the statutes, the department of administration shall not supervise any services or work or let any contract for the project. Section 16.87 of the statutes does not apply to the project.

(24) L. E. PHILLIPS MEMORIAL PUBLIC LIBRARY. Notwithstanding section 13.48 (39e) (b) of the statutes, as created by this act, the building commission shall not make a grant to the city of Eau Claire to aid in the remodeling of the L. E. Phillips Memorial Public Library in the city of Eau Claire, as enumerated in subsection (1) (p), under section 13.48 (39e) of the statutes, as created by this act, unless the department of administration has reviewed and approved plans for the project. Notwithstanding sections 16.85 (1) and 16.855 (1) of the statutes, the department of administration shall not supervise any services or work or let any contract for the project. Section 16.87 of the statutes does not apply to the project.

(25) STONE BARN HISTORIC SITE IN THE TOWN OF CHASE.

(a) Notwithstanding section 13.48 (39f) (a) of the statutes, as created by this act, the building commission shall not make a grant to the town of Chase to aid in the restoration of the Stone Barn historic site in the town of Chase, as enumerated in subsection (1) (q), under section 13.48 (39f) of the statutes, as created by this act, unless the department of administration has reviewed and approved plans for the project. Notwithstanding sections 16.85 (1) and 16.855 (1) of the statutes, the department of administration shall not supervise any services or work or let any contract for the project. Section 16.87 of the statutes does not apply to the project.

(b) From the appropriation account under section 20.867 (2) (q) of the statutes, the building commission shall allocate $100,000 for the grant under section 13.48 (39f) (a) of the statutes, as created by this act.

(25f) STUDY OF EXPANDING ACCESS TO DENTAL EDUCATION. From the appropriation under section 20.867 (2) (q) of the statutes, the Building Commission shall allocate $500,000 to conduct a study of the state's role in expanding access to dental education with a particular emphasis on increasing dental care in rural and underserved areas, including an examination of the possibility of construction of a new dental school in the city of Marshfield.

(26q) SCHOOL OF NURSING AT UNIVERSITY OF WISCONSIN–MADISON. From the appropriation under section 20.867 (2) (r) of the statutes, the building commission shall allocate $2,004,000 to conduct planning for a School of Nursing facility to be constructed at the University of Wisconsin−Madison in preparation for possible enumeration of the facility in the 2011−13 Authorized State Building Program. If the Board of Regents of the University of Wisconsin System allocates $1,002,000 from the appropriation under section 20.285 (1) (j) of the statutes for the same purpose, the building commission shall also use those moneys for planning of the facility.

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 the foster care services to which section 49.343 of the statutes, as affected by this act, applies as it charged for the administrative portion of those services on December 31, 2009.

(b) *Rules.*

Vetoed In Part

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.

Vetoed In Part

2m. 'Emergency rules.' Notwithstanding section 227.24 of the statutes, the department of children and families may not promulgate the rules required under section 49.343 (4) of the statutes, as created by this act, as emergency rules.

(cm) *Joint legislative council study.* The joint legislative council shall study the implementation of the rate regulation system provided under section 49.343 of the statutes, as affected by this act. In studying the implementation of that system, the joint legislative council shall also study alternative methods of reducing the cost of out−of−home care placements for children. The joint legislative council shall report its findings, conclusions, and recommendations to the joint committee on finance by December 31, 2009.

(3) FOSTER CARE LEVELS OF CARE.

(a) *Transition.* Notwithstanding section 48.62 (1) of the statutes, as affected by this act, beginning on the date specified in the notice under section 48.62 (9) of the statutes, as created by this act, a person who on the day before that date is licensed to operate a treatment foster home under section 48.62 (1) (b), 2007 stats., is considered to be licensed to operate a foster home under section 48.62 (1) of the statutes, as affected by this act, for the remainder of the term of the treatment foster home license under section 48.66 (1) (c), 2007 stats., or 48.75 (1r), 2007 stats. Beginning on the date specified in the notice under section 48.62 (9) of the statutes, as created by this act, the department of children and families, the department of corrections, or a county department of human or social services shall reimburse a person who under this paragraph is considered to be licensed to operate a foster home at the appropriate rate determined by that department or county department under the rules promulgated by the department of children and families under section 48.62 (8) (c) of the statutes, as created by this act.

(b) *Rules.*

Vetoed In Part

1. 'Permanent rules.' The department of children and families shall submit in proposed form the rules required under section 48.62 (8) 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 3rd month beginning after the effective date of this subdivision.

Vetoed In Part

2m. 'Emergency rules.' Notwithstanding section 227.24 of the statutes, the department of children and families may not promulgate the rules required under section 48.62 (8) of the statutes, as created by this act, as emergency rules.

(cm) *Review by joint committee on finance.* By December 1, 2009, the department of children and families shall submit to the joint committee on finance a detailed plan for the implementation of the rules promulgated under section 48.62 (8) of the statutes, as created by this act. If the cochairpersons of the committee do not notify the department that the committee has scheduled a meeting for the purpose of reviewing the plan within 14 working days after the date of submittal of the plan, the department may implement those rules. If, within 14 working days after the date of submittal of the plan, the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the plan, the department may implement those rules only upon approval of the committee.

(dm) *Evaluation.* The department of children and families shall evaluate the foster care system implemented under the rules promulgated under section 48.62 (8) of the statutes, as created by this act. That evaluation shall include an evaluation of the cost effectiveness of that system, its consistency in placing children in foster homes that provide an appropriate level of care for those children, the outcomes for children placed in foster homes under that system, and the increase or decrease in the availability of foster homes at each level of care provided under that system as a result of implementation of that system. The department shall report its findings, conclusions, and recommendations to the governor and to the joint committee on finance by February 1, 2011.

(5) FOSTER PARENT TRAINING.

(a) *Rules.*

Vetoed In Part

1. 'Permanent rules.' The department of children and families shall submit in proposed form the rules required under section 48.67 (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.

Vetoed In Part

2m. 'Emergency rules.' Notwithstanding section 227.24 of the statutes, the department of children and families may not promulgate the rules required under section 48.67 (4) of the statutes, as created by this act, as emergency rules.

(6) HOME VISITING SERVICES; RULES.

(a) *Permanent rules.* The department of children and families shall submit in proposed form the rules required under section 48.983 (2) of the statutes, as affected 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 paragraph.

(b) *Emergency rules.* Using the procedure under section 227.24 of the statutes, the department of children and families may promulgate the rules required under section 48.983 (2) of the statues, as affected by this act, for the period before the effective date of the rules submitted under paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph.

Vetoed In Part

(6f) BILL OF RIGHTS FOR FOSTER CHILDREN. Notwithstanding section 48.648 (2) of the statutes, as created by this act, by no later than the first day of the 3rd month beginning after the effective date of this subsection, the department of children and families, a county department of human services or social services, or a licensed child welfare agency shall provide a written copy of the foster children's bill of rights to all children who on the day before the effective date of this subsection were in a foster home placement under the care and placement responsibility of that department, county department, or child welfare agency.

(7f) CHILD CARE QUALITY RATING SYSTEM.

(a) *Review by joint committee on finance.* By June 30, 2011, the department of children and families shall submit to the joint committee on finance a specific plan for the implementation of the child care quality rating system under section 48.659 of the statutes, as created by this act. That plan shall include all of the following:

1. Various options for the design of the rating system. All of those options shall require the department to include in the rating system child care providers certified under section 48.651 of the statutes, as affected by this act.

2. Various options for quality assurance monitoring under the rating system.

3. Details of the estimated expenditures that will be made in providing the rating system, including the estimated expenditures that will be made for financial incentives to encourage child care providers to achieve a higher rating under the rating system.

4. The information and training that will be provided to child care providers participating in the rating system. That information and training shall include specific steps for quality improvement, which steps may not be limited merely to new licensure or certifications requirements.

5. A description of how the rating system will ensure that the quality rating information provided under the rating system will be made accessible, and presented in a way that is useful, to the child care providers that are rated under the rating system and the parents, guardians, and legal custodians of children who are recipients, or prospective recipients, of care and supervision from those providers.

6. The process for ongoing evaluation of the rating system. That process shall require the department to consider the input of child care providers and other participants in the programming provided of child care providers.

7. Any other information that is relevant to the implementation and administration of the rating system.

(b) *Implementation of rating system.* If the cochairpersons of the joint committee on finance do not notify the department of children and families that the committee has scheduled a meeting for the purpose of reviewing the plan submitted under paragraph (a) within 14 working days after the date of submittal of the plan, the department may implement the child care quality rating system under section 48.659 of the statutes, as created by this act, as provided in the plan. If, within 14 working days after the date of submittal of the plan, the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the plan, the department may implement that rating system only upon approval of the committee.

(8c) CONTRACT PROVISION REGARDING FEDERAL MATCHING FUNDS FOR CHILD SUPPORT INCENTIVE PAYMENTS. The department of children and families shall include in each contract with a county child support agency under section 59.53 (5) of the statutes that commences on January 1, 2011, a provision that specifies that, if federal legislation is enacted on or after the date on which the contract commences that provides for the matching of federal funds for federal child support incentive payments at a rate of 66 percent or more, the department will not pay any general purpose revenue from the appropriation under section 20.437 (2) (bc) of the statutes, as created by this act, for state child support incen-

tive payments beginning on the effective date of the federal legislation.

(8f) TRANSFER OF CHILD CARE SUBSIDY PROGRAM ADMINISTRATIVE FUNCTIONS.

(a) *Definitions.* In this subsection:

1. "County" means a county having a population of 500,000 or more.

2. "County department" means the county department of social services under section 46.215 of the statutes in the county.

3. "Department" means the department of children and families.

(b) *Transition plan.* On the effective date of this paragraph, the county and the department shall begin the transition from the county to the department of administrative functions for the programs specified in section 49.826 (2) (a) of the statutes, as created by this act, and shall cooperate in the transition. The department shall develop a transition plan that includes the reporting, exchange of information, and staff deployment that the department needs and that the county department must provide for the transition. The secretary of administration shall resolve any disagreement between the department and the county or county department.

(c) *Records.* By January 15, 2010, the county shall transfer to the department all records in the possession of the county that are related to the administrative functions specified in section 49.826 (2) (a) of the statutes, as created by this act. The county department and the department shall jointly identify those records and jointly develop and implement a plan for the orderly transfer of the records.

(d) *County administration.* In calendar year 2009, the county shall continue to perform the administrative functions specified in section 49.826 (2) (a) of the statutes, as created by this act, as provided under any contracts requiring those administrative functions until the department notifies the county that it is prepared to assume responsibility for the administrative functions. The county and department shall contract with respect to any functions that the department requires the county to perform to assist the department in performing the administrative functions specified in section 49.826 (2) (a) of the statutes, as created by this act, for the years after 2009.

(e) *Future operation.* The department and county shall identify the standards required for county operation of the child care subsidy program under section 49.155 of the statutes in the county and initiate discussions regarding who shall operate the child care subsidy program in the county in the future and how the program shall be operated.

(f) *Position increase.* The authorized FTE positions for the department of children and families are increased by 7.0 FED positions, to be funded from the appropriation under section 20.437 (2) (mc) of the statutes, for the purpose of performing child care subsidy program functions.

(8q) CONTRACT PROVISION PROHIBITING CERTAIN JOB SEARCHES. The department of children and families shall include in each contract with a Wisconsin Works agency for the years 2010 and 2011 a provision that prohibits the agency from requiring a Wisconsin Works applicant or participant to conduct a job search prior to actual participation in Wisconsin Works such that the effect is to delay, during the job search, the individual's participation in and receipt of benefits under Wisconsin Works.

(8u) MILWAUKEE CHILD WELFARE OMBUDSMAN. By January 1, 2010, the department of children and families shall submit to the joint committee on finance a plan for improving the effectiveness of the ombudsman contracted by that department in reviewing and resolving complaints concerning the bureau of Milwaukee child welfare in that department. **Vetoed In Part**

(8v) FOSTER CARE INFORMATION FUNDING. From the appropriation account under section 20.437 (1) (kx) of the statutes, the department of children and families shall expend $77,800 in each fiscal year of the fiscal biennium in which this subsection takes effect for the foster care public information campaign under section 48.47 (40) of the statutes, as created by this act.

(9k) SWIPE CARD SYSTEM. The department of children and families may request the joint committee on finance to take action under section 13.10 of the statutes to release funding from the committee's appropriation account under section 20.865 (4) (a) of the statutes for use by the department to implement a "swipe card" system to electronically record and monitor child care attendance in licensed child care facilities that receive reimbursement under the child care subsidy program under section 49.155 of the statutes, as affected by this act. Included with its request, the department shall provide a detailed plan of how the swipe card system would work and how the funds, if released, would be spent.

SECTION 9109. Nonstatutory provisions; Circuit Courts.

(1) COURT INTERPRETER PILOT PROGRAM. Notwithstanding section 758.19 (8) (a) of the statutes, the director of state courts may create a 2−year pilot program under which the director of state courts may establish a schedule of payments and make payments to court interpreters who provide court interpretative services for the circuit courts in the 7th judicial administrative district. The director of state courts may pay for circuit court interpreter services under this subsection from the amount appropriated under section 20.625 (1) (c) of the statutes, as affected by this act, if the counties in the 7th judicial administrative district agree to forego reimbursement for court interpreter services allowed under section 758.19 (8) (a) of the statutes during the term of the pilot program.

SECTION 9110. Nonstatutory provisions; Commerce.

(3) RURAL HEALTH DEVELOPMENT COUNCIL TRANSFER.

(a) *Members.* Notwithstanding section 15.917 (1) of the statutes, as affected by this act, any member who is serving on the rural health development council on the day before the effective date of this paragraph may continue to serve as a member of the council for the term for which the member was appointed or until his or her successor is appointed and qualified, whichever occurs later.

(b) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of commerce that is primarily related to the functions of the rural health development council, as determined by the secretary of administration, is transferred to the University of Wisconsin System.

(c) *Contracts.* All contracts entered into by the department of commerce in effect on the effective date of this paragraph that are primarily related to the functions of the rural health development council, as determined by the secretary of administration, remain in effect and are transferred to the University of Wisconsin System. The University of Wisconsin System shall carry out any obligations under such a contract until the contract is modified or rescinded by the University of Wisconsin System to the extent allowed under the contract.

(4) PHYSICIAN AND DENTIST LOAN ASSISTANCE PROGRAM TRANSFER.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of commerce primarily related to the physician and dentist loan assistance program, as determined by the secretary of administration, shall become the assets and liabilities of the University of Wisconsin System.

(b) *Contracts.* All contracts entered into by the department of commerce in effect on the effective date of this paragraph that are primarily related to the physician and dentist loan assistance program, as determined by the secretary of administration, remain in effect and are transferred to the University of Wisconsin System. The University of Wisconsin System shall carry out any obligations under such a contract until the contract is modified or rescinded by the University of Wisconsin System to the extent allowed under the contract.

(c) *Pending matters.* Any matter pending with the department of commerce on the effective date of this paragraph primarily related to the physician and dentist loan assistance program, as determined by the secretary of administration, is transferred to the University of Wisconsin System and all materials submitted to or actions taken by the department of commerce with respect to the pending matter are considered as having been submitted to or taken by the University of Wisconsin System.

(d) *Rules and orders.* All rules promulgated by the department of commerce primarily related to the physician and dentist loan assistance program, as determined by the secretary of administration, that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until amended or repealed by the University of Wisconsin System. All orders issued by the department of commerce primarily related to the physician and dentist loan assistance program, as determined by the secretary of administration, that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until modified or rescinded by the University of Wisconsin System.

(e) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of commerce that is primarily related to the physician and dentist loan assistance program, as determined by the secretary of administration, is transferred to the University of Wisconsin System.

(5) HEALTH CARE PROVIDER LOAN ASSISTANCE PROGRAM TRANSFER.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of commerce primarily related to the health care provider loan assistance program, as determined by the secretary of administration, shall become the assets and liabilities of the University of Wisconsin System.

(b) *Contracts.* All contracts entered into by the department of commerce in effect on the effective date of this paragraph that are primarily related to the health care provider loan assistance program, as determined by the secretary of administration, remain in effect and are transferred to the University of Wisconsin System. The University of Wisconsin System shall carry out any obligations under such a contract until the contract is modified or rescinded by the University of Wisconsin System to the extent allowed under the contract.

(c) *Pending matters.* Any matter pending with the department of commerce on the effective date of this paragraph primarily related to the health care provider loan assistance program, as determined by the secretary of administration, is transferred to the University of Wisconsin System and all materials submitted to or actions taken by the department of commerce with respect to the pending matter are considered as having been submitted to or taken by the University of Wisconsin System.

(d) *Rules and orders.* All rules promulgated by the department of commerce primarily related to the health care provider loan assistance program, as determined by the secretary of administration, that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until amended or repealed by the University of Wisconsin System. All orders issued by the department of commerce primarily related to the health care provider loan assistance program, as determined by the secretary of administration, that are in effect on the effective date of this paragraph remain in effect until their specified expiration date or until modified or rescinded by the University of Wisconsin System.

(e) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of commerce that is primarily related to the health care provider loan assistance program, as determined by the secretary of administration, is transferred to the University of Wisconsin System.

(6) JOBS TAX BENEFIT; EMERGENCY RULES. The department of commerce may use the procedure under section 227.24 of the statutes to promulgate rules under section 560.2055 (5) (f) of the statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection remain in effect until July 1, 2010, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(7) JOBS TAX BENEFIT; ECONOMIC IMPACT REPORT. Notwithstanding sections 227.137 (2) and 227.138 (2) of the statutes, if the secretary of administration requires the department of commerce to prepare an economic impact report for the rules required under section 560.2055 (5) (f) of the statutes, as created by this act, the department may submit the proposed rules to the legislature for review under section 227.19 (2) of the statutes before the department completes the economic impact report and before the department receives a copy of the report and approval under section 227.138 (2) of the statutes.

(8) FORWARD INNOVATION FUND; EMERGENCY RULES. The department of commerce may use the procedure under section 227.24 of the statutes to promulgate rules under section 560.301 of the statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection remain in effect until July 1, 2010, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(9) FORWARD INNOVATION FUND; ECONOMIC IMPACT REPORT. Notwithstanding sections 227.137 (2) and 227.138 (2) of the statutes, if the secretary of administration requires the department of commerce to prepare an economic impact report for the rules required under section 560.301 of the statutes, as created by this act, the department may submit the proposed rules to the legislature for review under section 227.19 (2) of the statutes before the department completes the economic impact report and before the department receives a copy of the report and approval under section 227.138 (2) of the statutes.

(10q) WISYS TECHNOLOGY FOUNDATION, INC., GRANT. **Vetoed In Part** In each of the fiscal years 2009−10 and 2010−11, from the appropriation under section 20.143 (1) (c) of the statutes, as affected by this act, the department of commerce shall award to the WiSys Technology Foundation, Inc., a grant of not less than $50,000, for providing intellectual property management services to the University of Wisconsin−Extension and all University of Wisconsin institutions and colleges other than the University of Wisconsin−Madison and the University of Wisconsin−Milwaukee.

(11f) COMMERCIAL CONSTRUCTION EROSION CONTROL FUNCTIONS.

(a) In this subsection, "commercial building site" means a building site for construction of public buildings and buildings that are places of employment.

(b) On or before the first day of the 7th month beginning after the effective date of this subsection, the department of commerce and the department of natural resources shall enter into a memorandum of understanding concerning the transfer of responsibilities relating to commercial building site erosion control from the department of commerce to the department of natural resources. The memorandum of understanding shall include all of the following:

1. The procedure that the department of commerce and the department of natural resources will use to transfer the responsibilities and records relating to erosion control at commercial building sites from the department of commerce to the department of natural resources.

2. The procedure that the department of commerce and the department of natural resources will use to coordinate the responsibilities of the department of natural resources relating to commercial building site erosion control under section 281.33 (3m) of the statutes, as affected by this act, with the responsibilities of the department of commerce relating to the review of essential drawings, calculations, and specifications under section 101.12 of the statutes and to construction site erosion control for one− and 2−family dwellings under section 101.653 of the statutes.

3. The procedure that the department of commerce will use to notify the department of natural resources when the department of commerce receives commercial building plans that may require an erosion control plan.

4. The procedure that the department of natural resources will use to notify the department of commerce when the department of natural resources receives an erosion control plan or a notice of such a plan for commercial building sites.

5. The procedure that the department of natural resources and the department of commerce will use to

coordinate the training of building inspectors who are authorized to conduct soil erosion or construction inspections at commercial building sites.

(c) The rules promulgated, and orders issued, by the department of commerce under section 101.1205, 2007 stats., relating to erosion control, sediment control, and storm water management for commercial building sites that are in effect on the effective date of this paragraph shall be considered rules and orders of the department of natural resources on the first day of the 7th month beginning after the effective date of this paragraph and shall remain in effect until rules are promulgated by the department of natural resources under section 281.33 (3m) of the statutes, as affected by this act, relating to erosion control, sediment control, and storm water management for commercial building sites. Any fees collected by the department of natural resources as authorized under the rules promulgated under section 101.1205, 2007 stats., shall be credited to the appropriation under section 20.370 (4) (bj) of the statutes, as affected by this act.

(d) Any matter pending with the department of commerce on the effective date of this paragraph that is primarily related to its commercial building site erosion control responsibilities under section 101.1205, 2007 stats., is transferred to the department of natural resources, and all materials submitted to or actions taken by the department of commerce with respect to the pending matter are considered as having been submitted to or taken by the department of natural resources.

(e) Any delegation of the authority to act under section 101.1205 (4), 2007 stats., made by the department of commerce to a county, city, village, or town that is in effect on the effective date of this paragraph remains in effect until revoked by the department of natural resources.

(f) The department of natural resources shall submit in proposed form the rules required under section 281.33 (3m) (h) of the statutes, as affected by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than January 1, 2011.

Vetoed In Part

(11r) REPORT ON AT−RISK BUSINESSES AND CREATION OF EMERGENCY RESPONSE TEAM. Not later than 30 days after the effective date of this subsection, the department of commerce shall submit to the cochairpersons of the joint committee on finance a report that identifies retention methods the department could use to identify companies at risk for relocation or expansion outside of this state and that includes a plan to identify businesses outside of this state that are seeking to relocate or expand, or that could be encouraged to relocate or expand through the use of incentives. The department of commerce shall also develop an emergency response team that could contact prospects for expansion or relocation within 24 hours after notification.

(11u) DIESEL TRUCK IDLING REDUCTION; FEDERAL MONEYS. If the department of commerce receives federal moneys under P.L. 111−5 that may be used to award grants under section 560.125 (4) of the statutes, as affected by this act, the department shall expend the federal moneys before expending moneys appropriated under section 20.143 (3) (sm) of the statutes, as affected by this act. When expending federal moneys received under P.L. 111−5 for diesel emission reduction activities, the department of commerce shall, to the extent permitted under federal law, give priority to diesel truck idling reduction activities for motor carriers eligible for grants under section 560.125 (4) of the statutes, as affected by this act. Notwithstanding section 20.143 (3) (sm) of the statutes, as affected by this act, and section 560.125 (2) and (4) (cm) of the statutes, as affected by this act, in fiscal year 2010−11, the department of commerce may not award a grant from the appropriation under section 20.143 (3) (sm) of the statutes, as affected by this act, unless the total amount of federal funds awarded in the 2009−11 fiscal biennium by the department of commerce and the department of natural resources for eligible costs under section 560.125 (4) (a) and (b) of the statutes is less than $2,000,000, in which case the department of commerce may award grants the total amount of which may not exceed the difference between the total amount of federal funds awarded by the department of commerce and the department of natural resources for eligible costs under section 560.125 (4) (a) and (b) of the statutes and $2,000,000. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for purposes of the 2011−13 biennial budget bill, the department of commerce shall submit information concerning the appropriation under section 20.143 (3) (sm) of the statutes, as affected by this act, as though the amount appropriated to the department under section 20.143 (3) (sm) of the statutes, as affected by this act, in fiscal year 2010−11 were $1,000,000.

Vetoed In Part

(12h) BELOIT CHILDREN'S PLAYGROUND GRANT. From the appropriation account under section 20.143 (1) (qm) of the statutes, as affected by this act, the department of commerce shall award a grant not to exceed $50,000 to the town of Beloit to pay for 50 percent of the costs of constructing a children's playground at Preservation Park.

(12u) TRANSITIONAL HOUSING AND SHELTER GRANTS. Notwithstanding section 20.143 (2) (fm) of the statutes, as affected by this act, and sections 560.9806 (2) (a) and 560.9808 (2) (a) of the statutes, in each fiscal year of the 2009−11 fiscal biennium, the department of commerce shall award $500,000 in grants under sections 560.9806 (2) (a) and 560.9808 (2) (a) of the statutes from the appropriation account under section 20.143 (2) (b) of the statutes, as affected by this act, except to the extent that the award of the grants from the appropriation account under section 20.143 (2) (b) of the statutes, as affected by this act, reduces the eligibility of the state or the department of commerce for federal funding.

Vetoed In Part

(13u) RURAL OUTSOURCING GRANTS. From the appropriations under section 20.143 (1) (ie), (ig), (im), and (ir) of the statutes, as affected by this act, the department of commerce may award grants during the 2009−11 fiscal biennium to businesses for outsourcing work to rural areas of this state. The department shall require grantees to obtain funding from sources other than the state in an amount at least equal to the amount of the grant. The total amount of grants awarded under this subsection may not exceed $250,000. The department may promulgate rules necessary to administer this subsection.

(14u) VALUE SUPPLY CHAIN GRANTS. From the appropriation under section 20.143 (1) (bt) of the statutes, as created by this act, the department of commerce shall award grants for the development of a value supply chain for the state based on regional economies to identify where supply chain gaps exist and how Wisconsin businesses can fill the gaps. The department may promulgate rules necessary to administer this subsection.

(15u) ECONOMIC COMPETITIVENESS STUDY. In fiscal year 2009−10, using funds from the appropriations under section 20.143 (1) (ie), (ig), (im), and (ir) of the statutes, as affected by this act, the department of commerce shall enter into a contract with a nationally recognized organization to conduct a national and international competitiveness study of the state's economy. The department shall allocate $50,000 for the study under this subsection. The study shall be submitted to the governor and to the legislature under s. 13.172 (2) no later than January 1, 2011. The department may promulgate rules necessary to administer this subsection.

(16i) GRANT TO ONEIDA SEVEN GENERATIONS CORPORATION. In each fiscal year of the 2009−11 fiscal biennium, the department of commerce shall award a grant to Oneida Seven Generations Corporation from funds that were encumbered in the appropriation under section 20.143 (1) (kj) of the statutes, as affected by this act, under section 560.138 of the statutes, as affected by this act, but were not disbursed for grants to Oneida Small Business, Inc., and Project 2000. The amount of each grant shall equal $1,000,000 or one−half of the total amount of funds that were encumbered but not disbursed, whichever is less. The department of commerce shall require Oneida Seven Generations Corporation to do all of the following:

(a) Submit project−specific plans to the department of commerce detailing the proposed use of the grants for approval by the secretary of commerce.

(b) Submit a statement to the department of commerce indicating that Oneida Seven Generations Corporation will obtain matching funds in an amount not less than 25 percent of the amount of each grant from sources other than the state for the proposed use indicated in the plans under paragraph (a).

(c) Enter into a written agreement with the department of commerce specifying conditions for the use of the proceeds of the grants, including reporting and auditing requirements, and requiring Oneida Seven Generations Corporation to submit to the department, within 6 months after spending the full amount of the grant, a report detailing how the proceeds of the grants were used.

(16u) EMERGENCY RULES. The department of commerce may promulgate rules implementing sections 560.255 and 560.45 of the statutes, as created by this act, and under SECTION 9110 (13u), (14u) , and (15u) of this act, as emergency rules under section 227.24 of the statutes. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

Vetoed In Part

(17q) GRANT TO PLEASANT PRAIRIE TECHNOLOGY INCUBATOR CENTER. In the 2011−13 fiscal biennium, but not later than July 31, 2011, from the appropriation under section 20.143 (1) (c) of the statutes, as affected by this act, the department of commerce shall award to Pleasant Prairie Technology Incubator Center a grant of $700,000, if Pleasant Prairie Technology Incubator Center obtains at least an additional $700,000 in funding from sources other than the state and enters into a written agreement with the department of commerce that does all of the following:

Vetoed In Part

Vetoed In Part

(a) Specifies conditions for the use of the proceeds of the grant, including reporting and auditing requirements.

(b) Requires Pleasant Prairie Technology Incubator Center to submit to the department, within 6 months after spending the full amount of the grant, a report detailing how the proceeds of the grant were used.

(17r) CONTRACTOR REGISTRATION RULES. Using the procedure under section 227.24 of the statutes, the department of commerce may promulgate rules required under section 101.147 (2) of the statutes, as created by this act, for the period before the effective date of the permanent rules promulgated under section 101.147 (2) of the statutes, as created by this act, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of commerce is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

Vetoed In Part

(18f) REGION ONE DEVELOPMENT MANAGER. Not later than October 1, 2009, the department of commerce shall fill the position of region one development manager.

SECTION 9111. Nonstatutory provisions; Corrections.

(2d) REPORTS TO JOINT COMMITTEE ON FINANCE. By January 4, 2010, the department of corrections shall submit to the cochairpersons of the joint committee on finance the following reports:

(a) A feasibility study and cost analysis for providing all correctional officers with a minimum of 16 hours of training in managing mentally ill inmates that is based on the Crisis Intervention Team Model best practices for correctional officer intervention with persons who may have a mental illness.

(b) A feasibility study and cost analysis for implementing, consistent with the National Commission on Correctional Health Care standards, screening methods of identifying current inmates with developmental disabilities, as defined under section 51.01 (5) (a) of the statutes, implementing tests to further evaluate inmates who are identified as potentially developmentally disabled, and integrating appropriate screening methods for developmental disabilities into the prisoner intake and transfer process.

(c) A feasibility study and cost analysis for providing appropriate services, support, and rehabilitation for inmates with developmental disabilities, as defined under section 51.01 (5) (a) of the statutes, including the costs of providing those services, support, and rehabilitation in existing facilities or housing units for the inmates whose levels of functioning permits placement in facilities or housing units and the costs of creating a separate special housing unit for the inmates whose needs require placement within an existing correctional facility.

(d) A feasibility study and cost analysis for a plan under which all controlled medications at all department of corrections facilities are distributed by trained medical personnel with credentials at least equal to credentials of licensed practical nurses under section 441.10 of the statutes.

Vetoed In Part

(2i) JUVENILE CORRECTIONAL SERVICES DEFICIT. The department of corrections and the department of administration shall jointly devise a statutory mechanism to address future deficits in the appropriation account under section 20.410 (3) (hm) of the statutes, as affected by this act. Those departments shall submit to the joint committee on finance a report on that mechanism, which shall include any proposed legislation that is necessary to implement that mechanism, by September 30, 2009.

(2j) YOUTH AIDS FUNDING DECREASE. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes, as affected by this act, for purposes of the 2011−13 biennial budget bill, the department of corrections shall submit information concerning the appropriation under section 20.410 (3) (cd) of the statutes as though the amount appropriated to the department under that appropriation for fiscal year 2010−11 had been the same as the amount appropriated to the department under that appropriation for fiscal year 2008−09.

Vetoed In Part

(2k) JUVENILE CORRECTIONAL SERVICES COMPREHENSIVE REVIEW. The department of corrections and the department of administration, together with any other state agency that provides services that are relevant to the the provision of juvenile correctional services, shall jointly conduct a comprehensive review of the juvenile correctional services provided in this state and of the funding of those services. As part of that review, those departments and other state agencies shall make an inventory of all of the juvenile correctional services provided by counties and nonprofit organizations in this state and shall provide a description of the mental health and alcohol and other drug abuse services that are available to juveniles who are placed in Type 1 juvenile correctional facilities, as defined in section 938.02 (19) of the statutes. In conducting the review, those departments and other state agencies shall include the participation of youth counselors who work directly with juveniles who are placed at the Ethan Allen School, the Lincoln Hills School, and the Southern Oaks Girls School.

Vetoed In Part

(3x) BOOK DONATIONS PROHIBITION. Within 60 days after the effective date of this subsection the department of corrections shall submit to the cochairpersons of the joint committee on finance a report demonstrating that the department of corrections has eliminated all prohibitions on inmates receiving donated books.

(12f) COUNCIL ON OFFENDER REENTRY. Notwithstanding the length of terms specified in section 15.145 (5) of the statutes, as created by this act, the governor shall appoint the members under section 15.145 (5) (a) to (e) of the statutes, as created by this act, for terms ending on July 1, 2011, and shall appoint the members under section 15.145 (5) (f) to (j) of the statutes, as created by this act, for terms ending on July 1, 2012; the director of state courts shall appoint the member under section 15.145 (5) (intro.) of the statutes, as created by this act, for a term ending on July 1, 2011; and the secretary of corrections shall appoint the member under section 15.145 (5) (intro.) of the statutes, as created by this act, for a term ending on July 1, 2012. The appointments shall occur by the first day of the 2nd month beginning after the effective date of this subsection.

Vetoed In Part

(12g) EARNED RELEASE AND CHALLENGE INCARCERATION PROGRAM. The department of corrections shall, by December 31, 2009, submit a report to the joint committee on finance that explains how the department has implemented the expansions of the programs under sections 302.045 and 302.05 of the statutes. The report shall specify the types of programs the department offers under those sections, the length of each program, and the number of participants in each program and shall name the facility where each program is operated.

SECTION 9113. Nonstatutory provisions; District Attorneys.

(1) DISTRICT ATTORNEY POSITION; ST. CROIX COUNTY. From the appropriation account under section 20.505 (6) (p) of the statutes, the office of justice assistance in the department of administration shall expend $82,700 in fiscal year 2009−10 and $84,400 in fiscal year 2010−11 to fund 1.0 assistant district attorney position in St. Croix County.

(2) DISTRICT ATTORNEY POSITION; CHIPPEWA COUNTY. From the appropriation account under section 20.505 (6) (p) of the statutes, the office of justice assistance in the department of administration shall expend $24,750 in fiscal year 2009−10 and $25,400 in fiscal year 2010−11 to fund 0.25 assistant district attorney position in Chippewa County.

(3) PROSECUTION OF DRUG CRIMES; ST. CROIX COUNTY. From the appropriation account under section 20.455 (2) (kp) of the statutes, the department of justice shall expend $103,000 in fiscal year 2009−10 and $106,000 in fiscal year 2010−11 to fund 1.0 assistant district attorney position in St. Croix County to prosecute criminal violations of chapter 961 of the statutes.

(4) PROSECUTION OF DRUG CRIMES; MILWAUKEE COUNTY. From the appropriation account under section 20.455 (2) (kp) of the statutes, the department of justice, and from the appropriation account under section 20.505 (6) (p) of the statutes, the office of justice assistance in the department of administration, shall expend $153,250 in fiscal year 2009−10 and $158,250 in fiscal year 2010−11 to fund 2.0 assistant district attorney positions in Milwaukee County to prosecute criminal violations of chapter 961 of the statutes. The department of administration shall determine the amounts to be expended from each appropriation account for each fiscal year.

(5) PROSECUTION OF DRUG CRIMES; DANE COUNTY. From the appropriation account under section 20.455 (2) (kp) of the statutes, the department of justice, and from the appropriation account under section 20.505 (6) (p) of the statutes, the office of justice assistance in the department of administration, shall expend $85,000 in fiscal year 2009−10 and $87,500 in fiscal year 2010−11 to fund 0.75 assistant district attorney position in Dane County to prosecute criminal violations of chapter 961 of the statutes. The department of administration shall determine the amounts to be expended from each appropriation account for each fiscal year.

(6x) AGENCY REQUEST RELATING TO GENERAL PROGRAM OPERATIONS. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for the purpose of the 2011−13 biennial budget bill, the department of administration shall submit information concerning the appropriation under section 20.475 (1) (d) of the statutes, as though the amounts appropriated to the department under that appropriation for fiscal year 2010−11 were $9,139,700 more than the amounts in the schedule.

SECTION 9115. Nonstatutory provisions; Employee Trust Funds.

(1x) SUPPLEMENTAL APPROPRIATIONS FOR DEPARTMENT OF EMPLOYEE TRUST FUNDS. During the 2009−11 fiscal biennium, the secretary of employee trust funds may submit one or more requests to the joint committee on finance to supplement the appropriation under section 20.515 (1) (w) of the statutes from the appropriation account under section 20.865 (4) (u) of the statutes for additional agency funding and authorized positions. Before submitting a request under this subsection, the secretary shall develop a methodology for determining the number of authorized positions the department of employee trust funds requires to exercise its powers and perform its duties under chapter 40 of the statutes. If the secretary intends to request additional authorized positions beyond the number derived from the methodology, the employee trust funds board must first approve the request before the secretary submits the request to the joint committee on finance. Any request submitted under this subsection shall be submitted by the applicable due date for agency requests for any of the joint committee on finance's quarterly meetings under section 13.10 of the statutes and shall also include the methodology used by the secretary. Notwithstanding section 13.101 (3) of the statutes, the joint committee on finance is not required to find that an emergency exists prior to making the supplementation under this subsection.

SECTION 9122. Nonstatutory provisions; Health Services.

(1) TRANSFER OF FOOD AND HUNGER PREVENTION PROGRAMS.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of children and families that are primarily related to the food distribution programs under section 49.171, 2007 stats., and section 49.1715, 2007 stats., to the hunger prevention program under section 49.172, 2007 stats., and to the state supplemental food program under section 49.17, 2007 stats., as determined by the secretary of administration, shall become the assets and liabilities of the department of health services.

(b) *Employee transfers.* The classified positions, and incumbent employees holding positions, in the department of children and families that are funded with general purpose revenue or program revenue and are primarily related to the food distribution programs under section 49.171, 2007 stats., and section 49.1715, 2007 stats., to the hunger prevention program under section 49.172, 2007 stats., and to the state supplemental food program under section 49.17, 2007 stats., as determined by the secretary of administration, are transferred to the department of health services.

(c) *Employee status.* Employees transferred under paragraph (b) shall have the same rights and status under subchapter V of chapter 111 and chapter 230 of the statutes in the department of health services that they enjoyed in the department of children and families 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 children and families that is primarily related to the food distribution programs under section 49.171, 2007 stats., and section 49.1715, 2007 stats., to the hunger prevention program under section 49.172, 2007 stats., and to the state supplemental food program under section 49.17, 2007 stats., as determined by the secretary of administration, shall be transferred to the department of health services.

(e) *Contracts.* All contracts entered into by the department of health and family services, before July 1, 2008, or by the department of children and families that are in effect on the effective date of this paragraph and that are primarily related to the food distribution programs under section 49.171, 2007 stats., and section 49.1715, 2007 stats., to the hunger prevention program under section 49.172, 2007 stats., and to the state supplemental food program under section 49.17, 2007 stats., as determined by the secretary of administration, remain in effect and are transferred to the department of health services. The department of health services shall carry out any such contractual obligations unless modified or rescinded by the department of health services to the extent allowed under the contract.

(f) *Pending matters.* Any matter pending with the department of children and families on the effective date of this paragraph that is primarily related to the food distribution programs under section 49.171, 2007 stats., and section 49.1715, 2007 stats., to the hunger prevention program under section 49.172, 2007 stats., and to the state supplemental food program under section 49.17, 2007 stats., as determined by the secretary of administration, is transferred to the department of health services and all materials submitted to or actions taken by the department of children and families with respect to the pending matter are considered as having been submitted to or taken by the department of health services.

(g) *Rules and orders.* All administrative rules that are primarily related to the food distribution programs under section 49.171, 2007 stats., and section 49.1715, 2007 stats., to the hunger prevention program under section 49.172, 2007 stats., and to the state supplemental food program under section 49.17, 2007 stats., as determined by the secretary of administration, and that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until amended or repealed by the department of health services. All orders issued by the department of health and family services, before July 1, 2008, or by the department of children and families that are primarily related to the food distribution programs under section 49.171, 2007 stats., and section 49.1715, 2007 stats., to the hunger prevention program under section 49.172, 2007 stats., and to the state supplemental food program under section 49.17, 2007 stats., as determined by the secretary of administration, and that are in effect on the effective date of this paragraph remain in effect until their specified expiration dates or until modified or rescinded by the department of health services.

(2) PERSONAL CARE PROVIDER AGENCY; RULES. Using the procedure under section 227.24 of the statutes, the department of health services may promulgate rules establishing criteria for certification of agencies that provide personal care services under the Medical Assistance Program, which shall remain in effect until the date on which permanent rules take effect, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(3) QUALITY HOME CARE; RULES. Using the procedure under section 227.24 of the statutes, the department of health services may promulgate rules under section 46.2898 (7) of the statutes, as created by this act, which shall remain in effect until the date on which permanent rules take effect, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(3f) QUALITY HOME CARE; COUNTY PARTICIPATION. For purposes of section 46.2898 (1) (cm) 1. a., (2) (b) and (c), and (4) of the statutes, as created by this act, a county in which an organization received a grant under section 46.48 (9), 2007 stats., is considered to act under section 46.2898 (2) (a) of the statutes, as created by this act, if the county department of human services notifies the Wisconsin Quality Home Care Authority of its intent to follow procedures under section 46.2898 of the statutes, as created by this act.

(4) FEDERAL MEDICAL ASSISTANCE PERCENTAGES.

(a) If permitted under federal law, and notwithstanding section 49.45 (25) and (41) of the statutes, as affected by this act, and section 49.45 (30), (30e), (39) (b), and

(45) of the statutes, for Medical Assistance services under section 49.45 (25) and (41) of the statutes, as affected by this act, and section 49.45 (30), (30e), (39) (b), and (45) of the statutes, for which the department of health services disburses to the provider the federal share, or a percentage of the federal share, of allowable costs for providing the service, the percentages used to determine the federal share shall be the following, regardless of whether the federal government increases the percentages:

1. For services provided during the period from October 1, 2008, through September 30, 2009, the federal Medical Assistance percentages for federal fiscal year 2009 that are published in the federal register on November 28, 2007, on pages 67304 to 67306.

2. For services provided during the period from October 1, 2009, through December 31, 2010, the federal Medical Assistance percentages for federal fiscal year 2010 that are published in the federal register on November 26, 2008, on pages 72051 to 72053.

(b) For services under section 49.45 (30m) (a) 1. of the statutes, the department of health services shall calculate the portion of the payment that is not provided by the federal government, and that the county shall provide, using the applicable federal Medical Assistance percentages under paragraph (a) 1. and 2.

(cq) For services under section 49.45 (30r) of the statutes, as created by this act, the department of health services shall calculate the portion of the payment that is not provided by the federal government, and that the county shall provide, using the federal Medical Assistance percentage that is applicable when the service is provided.

(4f) MEDICAL ASSISTANCE TRANSPORTATION MANAGER REPORTS.

Vetoed In Part

(a) Before contracting with an entity to provide management services for transportation to obtain nonemergency medical care, as specified under section 49.46 (2) (b) 3. of the statutes, as affected by this act, the department of health services shall submit a report to the joint committee on finance that describes the steps taken by the department of health services to guarantee that the entity with which the department of health services contracts will be required to do all of the following:

1. Coordinate management activities, on an ongoing basis, with existing local transit systems.

2. Guarantee adequate access, as defined by the department of health services, to nonemergency medical transportation services for medical assistance recipients throughout the state, including in rural counties.

(b) 1. In this paragraph, "transportation manager" means the entity with which the department of health services contracts to provide management for transportation services under section 49.46 (2) (b) 3. of the statutes, as affected by this act.

2. Before January 31, 2011, the department of health services shall prepare and submit to the joint committee on finance a report that analyzes all of the following:

a. Whether, through December 31, 2010, the transportation manager achieved savings or other efficiencies in the delivery of transportation services to medical assistance recipients.

b. Whether the transportation manager helped enable the state to claim additional federal financial participation for common carrier services.

c. How the transportation manager affected access to services for medical assistance recipients statewide.

Vetoed In Part

(4q) FAMILY CARE EXPANSION TO LANGLADE COUNTY. (a) The department of health services shall contract with an entity to provide the services under section 46.283 (3) of the statutes and section 46.283 (4) of the statutes, as affected by this act, as a resource center such that services of a resource center are available to residents of Langlade County on May 1, 2010.

(b) The department of health services shall contract with an entity as provided under section 46.284 (2) of the statutes to administer the family care benefit as a care management organization such that the family care benefit is available to residents of Langlade County on July 1, 2010.

(5d) VETERANS HOMES EXEMPTION FROM NURSING HOME BED ASSESSMENT. Notwithstanding section 50.14 (2) of the statutes, the Wisconsin Veterans Home at King and the Wisconsin Veterans Home at Union Grove are not required to pay the per−bed assessment on nursing homes under section 50.14 (2) (am) of the statutes during the fiscal biennium in which this subsection takes effect.

(5f) STUDY OF FAMILY CHILD CARE PROVIDER HEALTH INSURANCE COVERAGE. The department of health services shall conduct a study of the health insurance coverage of child care providers certified under section 48.651 of the statutes, as affected by this act, and of child care providers licensed under section 48.65 of the statutes, as affected by this act, or under section 48.69 of the statutes who provide care and supervision for not more than 8 children who are not related to those child care providers to determine the efficacy of the legislature authorizing that department to request from the secretary of the federal department of health and human services a medical assistance waiver to expand eligibility for benefits under the BadgerCare Plus Medical Assistance program under section 49.471 of the statutes, as affected by this act, to those child care providers.

(5i) HOSPITAL ASSESSMENT PAYMENTS. Notwithstanding 2009 Wisconsin Act 2, section 9122 (1) (a), the amounts of the 2 hospital assessment payments imposed on eligible hospitals under section 50.38 (2) of the statutes for the second fiscal year of the fiscal biennium in which this subsection takes effect need not be equal.

(5k) DENTAL HEALTH CLINIC GRANT. From the appropriation to the department of health services under section 20.435 (1) (dj) of the statutes, as created by this act, the department of health services shall award a grant to Milwaukee Health Services Incorporated for dental services and equipment at a clinic having an address with the zip code 53218.

(5u) SEAL-A-SMILE DENTAL SEALANT PROGRAM. The department of health services shall determine whether any federal moneys are available in federal fiscal year 2009−10 for the school−based dental sealant program under section 250.10 (1m) (b) of the statutes, as affected by this act, and, if such moneys are available, shall apply for them. If the department receives federal moneys for the school−based dental sealant program, it shall allocate to the recipient of the grant for the school−based dental sealant program under section 250.10 (1m) (b) of the statutes, as affected by this act, an amount of the federal moneys that is equal to moneys donated to the grant recipient by individuals and organizations for the school−based dental sealant program. The grant recipient shall use moneys allocated by the department of health services under this subsection to make grants for dental services, and may not use the moneys for its administrative costs. Federal moneys allocated by the department of health services under this subsection for the school−based dental sealant program shall be in addition to moneys appropriated for the program under section 20.435 (1) (de) of the statutes, as affected by this act.

(5v) SHORT-TERM FUNDING CHANGES; GRANTS. From the appropriation account under section 20.435 (1) (gm) of the statutes, as affected by this act, the department of health services shall allocate all of the following:

(a) To subsidize premium payments under sections 252.16 and 252.17 of the statutes, as affected by this act, for individuals with human immunodeficiency virus and for the reimbursement or supplement of the reimbursement of azidothymidine, pentamidine, and certain other drugs under section 49.686 of the statutes, as affected by this act, $363,100 in the second fiscal year of the fiscal biennium in which this paragraph takes effect.

(b) For the poison control program under section 255.35 of the statutes, as affected by this act, $102,200 in each fiscal year of the fiscal biennium in which this paragraph takes effect.

(c) For community health services grants under section 250.15 of the statutes, as affected by this act, $255,500 in each fiscal year of the fiscal biennium in which this paragraph takes effect.

(d) To the AIDS Network in Madison, Wisconsin, $25,000 in each fiscal year of the fiscal biennium in which this paragraph takes effect.

(e) To a health center located at Lincoln Plaza on South 108th Street in Milwaukee County that performs colposcopies for low−income women and performs loop electrosurgical excision procedures, $16,300 in each fiscal year of the fiscal biennium in which this paragraph takes effect to provide loop electrosurgical excision procedures and provide follow−up care, including hysterectomies, for patients treated for cervical cancer.

(f) To the Marquette University School of Dentistry, $8,800 in each fiscal year of the fiscal biennium in which this paragraph takes effect for clinical education under section 250.10 (1m) (a) of the statutes, as affected by this act.

(g) To Lakes Community Dental Center in Ashland County, $25,000 in each fiscal year of the fiscal biennium in which this paragraph takes effect for dental services.

(h) To La Crosse Community Dental, $25,000 in each fiscal year of the fiscal biennium in which this paragraph takes effect for dental services.

(i) To Health Care for the Homeless in Milwaukee, $25,000 in each fiscal year of the fiscal biennium in which this paragraph takes effect for primary health care services and other services described under section 46.972 of the statutes, as affected by this act.

(j) Twenty−five thousand dollars in each fiscal year of the fiscal biennium in which this paragraph takes effect, for services under section 253.16 of the statutes, as affected by this act, to reduce fetal and infant mortality and morbidity.

(5w) INDEPENDENT LIVING CENTER APPROPRIATION BASE AMOUNT. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for purposes of the 2011−13 biennial budget bill, the department of health services shall submit information concerning the appropriation under section 20.435 (7) (c) of the statutes as though the amount appropriated under that appropriation for the second fiscal year of the fiscal biennium in which this subsection takes effect had been $983,500.

(5x) INCOME MAINTENANCE MANAGEMENT REPORTS. The department of health services shall provide to the joint committee on finance copies of all reports documenting its management of the Milwaukee County income maintenance programs, including all monthly Milwaukee County Enrollment Services reports, that the department is required to provide to the plaintiffs in the litigation commenced against department officials and others, known as *West v. Timberlake*, under a settlement agreement entered into on April 16, 2009.

(6i) 2009−11 INDEPENDENT RURAL HOSPITAL SUPPLEMENTS. From the appropriation account under section 20.435 (4) (b) of the statutes and, if the federal government authorizes federal financial participation under the federal Medicaid program for payments under this subsection, from the appropriation account under section 20.435 (4) (o) of the statutes, the department of health services shall pay each independent, rural, hospital that is located in a county that borders another state and that is not a critical access hospital the following amounts:

(a) In the first fiscal year of the fiscal biennium in which this paragraph takes effect, $300,000.

(b) In the second fiscal year of the fiscal biennium in which this paragraph takes effect, $400,000.

(6q) GRANT FOR HIV INFECTION SERVICES. From the appropriation account under section 20.435 (1) (ma) of the statutes, as created by this act, the department of health services shall provide to the Black Health Coalition of Wisconsin, Inc., $100,000 in the first fiscal year of the fiscal biennium in which this subsection takes effect as a grant to provide human immunodeficiency virus infection outreach, education, referral, and other services.

(6v) POISON CONTROL FUNDING. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for the purposes of the 2011−13 biennial budget bill, the department of health services shall submit information concerning the appropriation under section 20.435 (1) (ds) of the statutes, as affected by this act, as though the amount in the schedule for fiscal year 2010−11 had been $425,000.

Vetoed In Part

(7i) COMMITTEE ON PRESERVATION OF INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED. The secretary of the department of health services shall appoint a committee to study and report on the need for existing intermediate care facilities for the mentally retarded in maintaining an effective, high−quality, planned system of services for persons with developmental disabilities. The membership of the committee shall include at least one member of the senate, at least one member of the assembly, representatives of operators and administrators of intermediate care facilities for the mentally retarded, and representatives of consumer advocates. The department of health services shall submit the committee's report, and any recommendations made by the committee, to the joint committee on finance by December 1, 2009 .

Vetoed In Part

(7v) COMMUNITY HEALTH SERVICES GRANTS FUNDING. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for the purposes of the 2011−13 biennial budget bill, the department of health services shall submit information concerning the appropriation under section 20.435 (1) (fh) of the statutes, as affected by this act, as though the amount in the schedule for fiscal year 2010−11 had been $6,100,000.

Vetoed In Part

(8v) BIRTH DEFECT PREVENTION AND SURVEILLANCE REPORT. Before December 1, 2009, the department of health services shall prepare and submit to the appropriate standing committees of the legislature under section 13.172 (3) of the statutes, a report including all of the following:

(a) Recommendations for improving the birth defect prevention and surveillance system under section 253.12 of the statutes.

(b) Standards for measuring the birth defect prevention and surveillance system performance. **Vetoed In Part**

(c) Individual privacy considerations involved in any recommendations under paragraph (a).

(d) A review of potential federal and private funding sources for the birth defect prevention and surveillance system.

(10q) MEDICAL ASSISTANCE QUALITY AND COST REDUCTION REPORT. **Vetoed In Part**

(a) Before January 1, 2010, the department of health services shall submit to the legislature in the manner provided under section 13.172 (2) of the statutes a report that discusses all of the following proposals:

5. Creating a surveillance system for adverse events that result in poor patient outcomes and include reporting of health care associated infections.

6. Requiring all medical assistance providers to participate in care coordination incentive programs.

7. Modifying how health maintenance organizations deliver services to medical assistance recipients, such as requiring health maintenance organizations to make available a toll−free, 24 hours per day, 7 days per week triage hotline and help desk staffed by nurses; provide prenatal case coordination; institute a chronic disease management program, including substance abuse screening and intervention and other lifestyle screening and intervention; report health care associated infections; and institute care coordination incentives.

8. Reducing funding to support the administrative component of the capitation payments the department of health services makes to health maintenance organizations for medical assistance recipients.

9. Reducing fee−for−service payments to health care providers in cases in which a patient, who receives medical assistance benefits, is readmitted to a hospital within 30 days of release from a hospital following treatment for the same condition, or following a preventable, adverse event.

10. Prohibiting inclusion of a provision in a contract between the department of health services and a managed care organization that would allow any managed care organization, or an agency with which the managed care organization contracts, to withhold, as confidential, proprietary, or a trade secret, information on provider payment rates pertaining to medical assistance recipients and modifying section 19.36 (5) of the statutes to specify that, in that subsection, information on provider payment rates is not a trade secret.

(b) The report under paragraph (a) shall include a discussion of all of the following for each proposal under paragraph (a) 5. to 10.:

1. The potential effect on improving the quality of care for medical assistance recipients.

2. The estimated savings that may result by implementation.

Vetoed In Part

3. The feasibility of implementation.

Vetoed In Part

(11q) JOINT COMMITTEE ON FINANCE REVIEW OF MEDICAL ASSISTANCE SPENDING PLAN. The department of health services shall by August 1, 2009, submit a plan to the joint committee on finance for administering the Medical Assistance Program under subchapter IV of chapter 49 of the statutes and the prescription drug assistance program for the elderly under section 49.688 of the statutes in the 2009−11 fiscal biennium within the funding appropriated for these programs under this act. The plan shall include a description of the measures the department intends to implement to realize cost efficiencies and cost reductions in the Medical Assistance Program and the prescription drug assistance program for the elderly. The plan shall include an estimate of savings in state and federal expenditures, by fiscal year, for each component of the plan and for the plan as a whole. The department may implement the plan unless the committee, by September 1, 2009, approves an alternative plan for administering the Medical Assistance Program and the prescription drug assistance program for the elderly within the funding appropriated for these programs under this act. If the committee meets to review the department's plan and approves an alternative plan by September 1, 2009, the department shall implement the alternative plan.

(12u) EMPLOYMENT AND TRAINING ACTIVITIES. The department of health services shall work with Portage, Adams, Wood, and Milwaukee counties to modify the employment and training program under section 49.79 (9) of the statutes in those counties for the purpose of increasing the amount of federal funding that the state receives under the program.

Vetoed In Part

SECTION 9125. Nonstatutory provisions; Housing and Economic Development Authority.

(1f) GRANT TO HOUSEHOLD ABUSE VICTIMS EMERGENCY NETWORK OF THE CITY OF MERRILL. Notwithstanding section 234.165 (2) (c) (intro.) of the statutes, the Wisconsin Housing and Economic Development Authority shall pay, in fiscal year 2009−10, a grant in the amount of $25,000 from its actual surplus under section 234.165 of the statutes and, in fiscal year 2010−11, a grant in the amount of $25,000 from its actual surplus under section 234.165 of the statutes to the Household Abuse Victims Emergency Network of the city of Merrill for the purpose of renovating a domestic abuse shelter serving Langlade, Lincoln, Taylor, Vilas, and Oneida counties.

SECTION 9126. Nonstatutory provisions; Insurance.

(1) RULES FOR UNIFORM APPLICATION. The commissioner of insurance shall submit in proposed form the rules required under section 601.41 (10) (a) 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 12th month beginning after the effective date of this subsection.

Vetoed In Part

SECTION 9130. Nonstatutory provisions; Justice.

(1q) REQUEST TO INVESTIGATE INCOME MAINTENANCE FRAUD. It is requested that the department of justice investigate whether county administrative fraud was committed before May 1, 2009, in connection with the administration of any income maintenance program, as defined in section 49.78 (1) (b) of the statutes, in Milwaukee County.

SECTION 9131. Nonstatutory provisions; Legislature.

Vetoed In Part

(2f) AUDIT OF MILWAUKEE CHILD WELFARE PROGRAM.

(a) *Performance evaluation audit.* The joint legislative audit committee is requested to direct the legislative audit bureau to conduct a performance evaluation audit of the programs administered by the bureau of Milwaukee child welfare in the department of children and families. If the committee directs the legislative audit bureau to conduct the audit, the audit shall address all of the following:

1. The timeliness of the bureau in investigating allegations of child abuse or neglect.

2. The effectiveness of the out−of−home care and in−home safety services provided by the bureau in achieving safety and permanence for children, including the effectiveness of the bureau in coordinating its services.

3. The effectiveness of the bureau in achieving the performance standards required under an agreement entered into to settle *Jeanine B. et al. v. James Doyle et al.*, No. 93−C−547 (E.D. Wis.).

(b) *Financial audit.* The joint legislative audit committee is requested to direct the legislative audit bureau to conduct a financial audit of the bureau of Milwaukee child welfare in the department of children and families. If the committee directs the legislative audit bureau to conduct the audit, the audit shall address the funding of the programs administered by the bureau and the appropriateness of the expenditures made by the bureau and by contractors of the bureau. If conducted, the audit shall also address issues concerning turnover, qualifications, training, workloads, and salaries of the staff of the bureau.

(cm) *Report.* If an audit is conducted under paragraph (a) or (b), the legislative audit bureau shall file a report of the audit as described in section 13.94 (1) of the statutes by July 1, 2010.

(2g) PENSION STUDY. The joint survey committee on retirement systems is requested to study the impact of increasing the initial amount of the normal form annuity under section 40.23 (2m) (b) of the statues from 65 percent to 70 percent of the participant's final average earnings for participants whose formula rate is determined

under section 40.23 (2m) (e) 3. of the statutes and to report its findings to the legislature before July 1, 2010.

(3q) OUT–OF–STATE TRAVEL BY EMPLOYEES OF LEGISLATIVE SERVICE AGENCIES. During the 2009−11 fiscal biennium, no employee of the legislative reference bureau, the legislative fiscal bureau, the legislative audit bureau, the legislative technology services bureau, and the legislative council staff may be reimbursed for any out−of−state travel expenses without the written approval of the senate committee on organization and the speaker of the assembly.

SECTION 9133. Nonstatutory provisions; Local Government.

(1) LEVY LIMITS. The repeal of 2007 Wisconsin Act 20, sections 1878d and 9441 (6n), applies notwithstanding section 990.03 of the statutes.

SECTION 9136. Nonstatutory provisions; Military Affairs.

Vetoed In Part

(1x) DISASTER AID REPORT. The department of military affairs, before expending any amount in excess of $1,347,000 from the appropriation under section 20.465 (3) (e) of the statutes during either fiscal year of the 2009−11 biennium, shall submit a report to the joint committee on finance indicating the amount of required additional funding necessary to match federal disaster aid, when the required match funding will be needed, and if any potential funding source in lieu of general purpose revenue may be used to provide the required match.

(2c) EMERGENCY RULE; MILITARY FAMILY FINANCIAL AID. Using the procedure under section 227.24 of the statutes, the department of military affairs shall promulgate the rules described under section 321.45 (2) of the statutes, as created by this act, for the period before the permanent rules become effective, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of military affairs is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for the rules promulgated under this subsection.

SECTION 9137. Nonstatutory provisions; Natural Resources.

(1) CLEAN WATER FUND BONDING AMOUNTS.

(a) In this subsection, "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.

(b) Notwithstanding the authority of this state to contract public debt for the purposes of the clean water fund program in the total amount specified under section 20.866 (2) (tc) of the statutes, as affected by this act, the state may not obligate, in fiscal years 2009−10 and 2010−11, a total amount exceeding $697,643,200 unless the department of administration first takes into account any federal economic stimulus funds received for purposes of the clean water fund program.

(1q) GRANT FOR RECYCLING BINS. In fiscal year 2010−11, the department of natural resources shall provide a grant of $46,000 from the appropriation under section 20.370 (6) (bu) of the statutes, as affected by this act, to the Town of Wrightstown in Brown County to purchase recycling bins. The department shall allocate the grant under this subsection before calculating grants under section 287.23 of the statutes for fiscal year 2010−11.

(2) HAZARDOUS WASTE FEE EMERGENCY RULES. The department of natural resources may promulgate the rule required under section 289.67 (2) (de) of the statutes, as created by this act, using the procedure under section 227.24 of the statutes before promulgating a permanent rule. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, an emergency rule promulgated under this subsection remains in effect until July 1, 2011, or the date on which the permanent rule takes effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(2i) REPORT ON CONCENTRATED ANIMAL FEEDING OPERATION FEES. The standing committee of each house of the legislature with jurisdiction over agricultural matters shall report to the presiding officer of each house of the legislature in the manner provided under section 13.172 (2) of the statutes, no later than July 1, 2010, recommendations for legislation imposing fees on a person who applies for a permit under section 283.31 of the statutes for a concentrated animal feeding operation.

Vetoed In Part

(3c) NONRESIDENT BOAT STICKER RULES. Using the procedure under section 227.24 of the statutes, the department of natural resources may promulgate rules under section 30.527 (4) (c) of the statutes, as created by this act, which shall remain in effect until the date on which permanent rules take effect, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(3u) DIESEL TRUCK IDLING, FEDERAL MONEYS. When expending any federal moneys received under P.L. 111−5 for diesel emission reduction activities, the department of natural resources shall, to the extent permitted under fed-

eral law, give priority to diesel truck idling reduction activities for motor carriers eligible for grants under section 560.125 (4) of the statutes, as affected by this act.

(3w) BALLAST WATER GRANTS. If the amount credited to the appropriation under section 20.370 (4) (aj) of the statutes, as created by this act, in the 2009−11 fiscal biennium exceeds the amount required by the department of natural resources to administer and enforce section 283.35 (1m) of the statutes, as created by this act, the department of natural resources shall award grants from the balance of funds in that appropriation to one or more persons for research and development projects relating to the treatment of ballast water for protection against invasive species. A grant awarded under this subsection may cover the full amount of the costs of a project. Each person who receives a grant under this subsection shall submit a report to the department of natural resources that contains the results or findings of the research or development activities conducted with the grant funds.

(4c) RECYCLING AND RENEWABLE ENERGY FUND REVENUES. If the revenues deposited in the recycling and renewable energy fund exceed the amounts estimated during the deliberations on this act, the department of natural resources shall, no later than March 1, 2011, submit a request to the joint committee on finance for a corresponding increase in the amount appropriated for fiscal year 2010−11 under section 20.370 (6) (bu) of the statutes for recycling grants for local recycling programs.

(4u) PUBLIC SHOOTING RANGE. From the appropriation under section 20.370 (5) (ar) of the statutes, as affected by this act, the department of natural resources shall provide $50,000 in fiscal year 2009−10 to Eau Claire County for the development of a public shooting range on the county's property. The county need not provide any matching funds.

(5q) FLOOD MITIGATION ASSESSMENT. In fiscal year 2009−10, the department of natural resources shall provide a grant of $19,000 from the appropriation account under section 20.370 (6) (dq), as affected by this act, to the Village of Bagley in Grant County to assess and survey storm sewer and flood mitigation projects.

(6f) FIRE SUPPRESSION GRANT. From the appropriation under section 20.370 (5) (by) of the statutes, the department of natural resources in fiscal year 2009−10 shall award a grant of $108,000 under the fire suppression aid program established under section 26.145 of the statutes to the village of Plum City for the Plum City−Township of Union Fire Department. Notwithstanding section 26.145 (1) of the statutes, the village of Plum City need not provide any matching funding or in−kind contributions. Notwithstanding section 26.145 (2) (b) of the statutes, the village of Plum City need not have entered an agreement with the department of natural resources to assist the department in suppression of forest fires.

(6i) LAKE KOSHKONONG STUDY. In fiscal year 2009−10, the department shall provide a grant of $100,000 from the appropriations under section 20.370 (6) (ac) of the statutes, as created by this act, and section 20.370 (6) (dq) of the statutes, as affected by this act, to the Rock−Koshkonong public inland lake protection and rehabilitation district for a comprehensive study of options and structures to preserve wetlands, shoreline, fish and wildlife habitat, and the navigability of Lake Koshkonong.

(6q) POSITIONS AT SERVICE CENTERS. The authorized FTE positions for the department of natural resources are increased by 1.26 FED positions on April 1, 2010, to be funded from the appropriation under section 20.370 (9) (mz) of the statutes, for the purpose of staffing walk−in service centers operated by the department of natural resources.

(6x) SNOWMOBILE RAIL CROSSING. From the appropriation under section 20.370 (3) (aq) of the statutes, as affected by this act, the department of natural resources shall provide $10,000 in fiscal year 2009−10 to Oneida County for a snowmobile rail crossing project located on STH 47 in Oneida County.

SECTION 9139. Nonstatutory provisions; Public Instruction.

(1j) CALCULATION OF STATE AID; 2009−11 FISCAL BIENNIUM. (a) Notwithstanding sections 121.07 and 121.08 of the statutes, as affected by this act, the department of public instruction shall calculate state aid to school districts under section 121.08 of the statutes for the 2009−10 fiscal year using the sum of the amount appropriated under section 20.255 (2) (ac) of the statutes and the amount appropriated under section 20.255 (2) (p) of the statutes, as created by 2009 Wisconsin Act 11.

(b) Notwithstanding section 121.08 of the statutes, in calculating the net general school aid payment for each school district in the 2009−10 and 2010−11 fiscal years, the department of public instruction shall run the school aid formula twice, the 2nd time as if an additional $147,001,900 were appropriated in each fiscal year under section 20.255 (2) (ac) of the statutes, as affected by this act, and section 20.255 (2) (p) of the statutes, as created by 2009 Wisconsin Act 11. For each school district, the department shall compute the percentage reduction in general school aid under the first aid run as compared to the 2nd aid run. The department shall then make the following adjustments to the net general school aid calculated under the first aid run for the following described school districts : **Vetoed In Part**

1. For each school district that satisfies the following criteria, the department shall multiply its net general school aid payment, as determined using the 2nd aid run, by 10 percent, and reduce the school district's net general school aid payment under the first aid run by the result : **Vetoed In Part Vetoed In Part**

a. The school district's percentage reduction in general school aid under paragraph (b) (intro.) is between 0.0 percent and 0.9 percent.

b. The school district's equalized valuation per member is greater than the statewide average equalized valuation per member.

c. Less than 35 percent of the school district's membership is eligible for a free or reduced−price lunch under 42 USC 1758 (b).

Vetoed In Part

2. The department shall determine the total amount of net general school aid reductions for all school districts under subdivision 1. and distribute that amount to school districts for which the percentage reduction in general school aid under paragraph (b) (intro.) is greater than 10 percent by decreasing each such school district's percentage of aid reduction in the following manner:

a. List those school districts in descending order of percentage of aid reduction under paragraph (b) (intro.).

b. Decrease the percentage of aid reduction of the school district with the greatest percentage of aid reduction to that of the school district with the 2nd greatest percentage of aid reduction.

c. If there are sufficient funds, decrease the percentage of aid reduction of the 2 school districts under subdivision 2. b., which now have identical percentages of aid reduction, to that of the school district with the 3rd greatest percentage of aid reduction.

d. Continue down the list of school districts, decreasing the percentage of aid reduction of the school districts with the greatest percentage of aid reduction to that of the school district with the next greatest percentage of aid reduction until the total amount to be distributed to school districts under this subdivision is depleted. If the total amount to be distributed is insufficient to complete any individual reduction, the department shall nevertheless decrease the percentage of aid reduction of the school districts with the greatest percentage of aid reduction to as close as possible to that of the school district with the next greatest percentage of aid reduction.

(2c) ENVIRONMENTAL EDUCATION CONSULTANT. The authorized FTE positions for the department of public instruction are increased by 1.0 SEG position, to be funded from the appropriation under section 20.255 (1) (q) of the statutes, as created by this act, for an environmental education consultant.

Vetoed In Part

(2q) OPEN ENROLLMENT PROGRAM; LIMITS. Notwithstanding section 118.51 (16) of the statutes, no school district located in whole or in part in Milwaukee County may receive more in additional state aid in the 2009−10 school year as a result of accepting pupils who reside in the Milwaukee Public Schools under the open enrollment program than the school district received in additional state aid in the 2008−09 school year as a result of accepting pupils who reside in the Milwaukee Public Schools under the open enrollment program.

(2x) ENERGY EFFICIENCY MEASURES; RULES. Using the procedure under section 227.24 of the statutes, the department of public instruction may promulgate the rules required under section 121.91 (4) (o) 1. of the statutes, as created by this act, for the period before the effective date of the permanent rule promulgated under that section but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of public instruction is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(3) MILWAUKEE PARENTAL CHOICE PROGRAM FEES; RULES. By the first day of the 3rd month beginning after the effective date of this subsection, using the procedure under section 227.24 of the statutes, the department of public instruction shall promulgate a rule specifying the amount of the fee under section 119.23 (2) (a) 3. of the statutes, as affected by this act, for the period before the effective date of the permanent rule promulgated specifying the fee but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of public instruction is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(4) MILWAUKEE PARENTAL CHOICE PROGRAM FEES; FEES FOR THE 2009−10 SCHOOL YEAR. Notwithstanding section 119.23 (2) (a) 3. of the statutes, as affected by this act, each private school participating in the program under section 119.23 of the statutes in the 2009−10 school year shall pay the fee required under section 119.23 (2) (a) 3. of the statutes, as affected by this act, no later than 30 days after the effective date of the rule promulgated under subsection (3).

(4r) MILWAUKEE PARENTAL CHOICE PROGRAM TEACHER CREDENTIALS; EMERGENCY RULES.

(a) The department of public instruction shall submit in proposed form the rules required under section 119.23 (2) (a) 6. c. of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 4th month beginning after the effective date of this paragraph.

(b) Using the procedure under section 227.24 of the statutes, the department of public instruction may promulgate rules required under section 119.23 (2) (a) 6. c. of the statutes, as created by this act, for the period before the effective date of the rules submitted under paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of the public peace,

health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph.

(5i) GLOBAL ACADEMY. From the appropriation account under section 20.255 (2) (er) of the statutes, as created by this act, in the 2009−10 fiscal year the department of public instruction shall award a $50,000 grant to the consortium of 7 school districts in Dane County known as the Global Academy to support planning and development.

(5x) FUTURE BUDGET REQUEST PROPOSING A DRIVER EDUCATION GRANT PROGRAM. In submitting information under section 16.42 of the statutes for purposes of the 2011−13 biennial budget act, the department of public instruction shall include a proposal for a driver education grant program and proposed administrative rules for the program.

(6i) DISTANCE LEARNING. From the appropriation account under section 20.255 (2) (es) of the statutes, as created by this act, in the 2009−10 fiscal year the department of public instruction shall award a $50,000 grant to the Chequamegon School District for a distance learning lab.

(7u) FIRST CLASS CITY SCHOOL DISTRICT; CONSTRUCTION PROJECTS. The board of school directors in charge of the public schools of a 1st class city shall ensure that at least 30 percent of the number of full−time equivalent employees hired to work on school district construction projects funded in whole or in part with federal economic stimulus funds, as defined in s. 16.705 (9) (a) of the statutes, as created by this act, or by a federal interest rate subsidy on bonds, reside within the community development block grant area located in the 1st class city, as determined by the board of school directors.

Vetoed In Part

(9i) SCHOOL DISTRICT GRANTS. From the appropriation under section 20.255 (2) (de) of the statutes, as created by this act, in the 2009−10 fiscal year the department of public instruction shall pay $60,000 to each of the following school districts for the specified purposes:

(a) Pepin Area, for technology improvements and technology to install a distance learning lab.

(b) Cochrane−Fountain City, for transportation, class−size reduction, and comprehensive education.

(c) Plum City, for transportation and specialized instruction.

SECTION 9141. Nonstatutory provisions; Public Service Commission.

Vetoed In Part

(1j) INITIAL MEMBERS OF 911 COUNCIL. Notwithstanding the length of terms specified for the members of the 911 council under section 15.793 (1) (a) of the statutes, as created by this act, the initial members shall be appointed for the following terms:

(a) The members specified under section 15.793 (1) (a) 1., 2., 3., and 4. of the statutes, as created by this act, and one member specified under section 15.793 (1) (a) 5. of the statutes, as created by this act, for terms expiring on July 1, 2013.

Vetoed In Part

(b) One member specified under section 15.793 (1) (a) 5. of the statutes, as created by this act, one member specified under section 15.793 (1) (a) 7. of the statutes, as created by this act, and the members specified under section 15.793 (1) (a) 6., 8., and 9. of the statutes, as created by this act, for terms expiring on July 1, 2014.

(c) One member specified under section 15.793 (1) (a) 7. of the statutes, as created by this act, and the members specified under section 15.793 (1) (a) 10., 11., 12., and 13. of the statutes, as created by this act, for terms expiring on July 1, 2015.

(2j) ENHANCED 911 PROGRAM POSITION. The authorized FTE positions for the public service commission are increased by 1.0 SEG position, to be funded from the appropriation under section 20.155 (3) (r) of the statutes, as created by this act, for the purpose of administering the requirements of section 256.35 (3g) of the statutes, as created by this act.

SECTION 9142. Nonstatutory provisions; Regulation and Licensing.

(1) MEDICAL BOARD SUPPORT. The secretary of regulation and licensing shall form a dedicated work unit in the department of regulation and licensing to support the work of the medical examining board and the affiliated credentialing boards attached to the medical examining board by performing all aspects of credential processing, examination, and complaint investigation, for any credential issued or renewed under chapter 448 of the statutes.

(1f) CHIROPRACTIC RADIOLOGICAL TECHNICIANS; EXEMPTIONS FROM CERTAIN CERTIFICATION REQUIREMENTS. Notwithstanding section 446.025 of the statutes, as created by this act, the chiropractic examining board shall grant a certificate under section 446.025 (2) of the statutes, as created by this act, to an individual who before the first day of the 13th month beginning after the effective date of this subsection provides sufficient evidence to the chiropractic examining board that the individual satisfies the requirements for delegation of X−ray services under section 446.02 (7) of the statutes and continues to perform delegated X−ray services under the supervision of a chiropractor licensed under chapter 446 of the statutes on the effective date of this subsection and at the time the individual seeks an exemption from the certification requirements under this subsection.

(1g) CHIROPRACTIC TECHNICIANS; EXEMPTIONS FROM CERTAIN CERTIFICATION REQUIREMENTS. Notwithstanding section 446.026 of the statutes, as created by this act, the chiropractic examining board shall grant a certificate under section 446.026 (2) of the statutes, as created by this act, to an individual who before the first day of the 13th month beginning after the effective date of this subsection provides sufficient evidence to the chiropractic examining board that the individual satisfies the require-

ments for delegation of adjunctive services under section 446.02 (7) of the statutes and continues to perform delegated adjunctive services under the supervision of a chiropractor licensed under chapter 446 of the statutes on the effective date of this subsection and at the time the individual seeks an exemption from the certification requirements under this subsection.

Vetoed In Part

(2u) INITIAL CREDENTIAL FEE; MEDICAL EXAMINING BOARD. Notwithstanding section 440.05 (1) (a) of the statutes, as affected by this act, for the 2009−11 fiscal biennium, the initial credential fee for credentials issued under chapter 448 of the statutes shall be $75.

SECTION 9143. Nonstatutory provisions; Revenue.

Vetoed In Part

(1q) EMERGENCY RULES CONCERNING WITHHOLDING AND WILLFUL MISCLASSIFICATION BY CERTAIN CONTRACTORS. The department of revenue may promulgate emergency rules under section 227.24 of the statutes relating to the withholding requirements under section 71.64 (6m) of the statutes, as created by this act, and to define "willful misclassification," as that concept is used in section 71.65 (6) of the statutes, as created by this act. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of revenue is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

Vetoed In Part

(2) INTERNAL REVENUE CODE UPDATE. Changes to the Internal Revenue Code made by Public Law 110−458 apply to the Internal Revenue Code definitions in chapter 71 of the statutes at the time that the changes first apply for federal tax purposes.

(2q) EXPENDITURE RESTRAINT PROGRAM.

(a) Notwithstanding section 79.05 (2) (c) of the statutes, as affected by this act, a municipality may increase its municipal budget, as defined in section 79.05 (1) (b) of the statutes, for 2010 beyond the amount otherwise allowed under section 79.05 of the statutes as specified under paragraph (b) and remain eligible for a payment under section 79.05 (3) of the statutes in 2011.

(b) The maximum allowable adjustment under paragraph (a) shall equal the difference between the municipality's entitlement under section 70.119 of the statutes, assuming that program is fully funded, and the municipality's actual payment received in 2009 under section 70.119 of the statutes. A municipality may claim the adjustment only if it does not finance any expenditures related to that additional expenditure authority with property tax revenues and the municipality submits a statement to that effect from its independent auditor to the department of revenue.

(3c) MUNICIPAL AID PAYMENT. Notwithstanding sections 79.02 (4) and 79.043 (6) of the statutes, as created by this act, for the distribution in 2010 and subsequent years, the city of Stanley shall receive a payment under sections 79.035 and 79.043 (6) of the statutes that is equal to the amount of the payment determined for the city of Stanley under section 79.02 (4) of the statutes in 2010, plus $37,200.

(3d) OMITTED PROPERTY. Notwithstanding section 70.44 (1) of the statutes, section 70.44 (1) of the statutes does not apply to property described under section 70.11 (4) (b), (4a), and (4d) of the statutes, as created by this act, for the years before 2009 during which the property was omitted from assessment.

(3q) MAIN STREET EQUITY ACT; LEASE OR RENTAL. Section 77.51 (7) of the statutes, as affected by 2009 Wisconsin Act 2, first applies to lease and rental contracts entered into on October 1, 2009, and has no effect on a lease or rental contract entered into before October 1, 2009, until the lease or contract is renewed, extended, or modified on or after October 1, 2009.

(4u) EMERGENCY RULES FOR AMBULATORY SURGICAL CENTER ASSESSMENT. Using the procedure under section 227.24 of the statutes, the department of revenue may promulgate the rule required under section 146.98 (5) of the statutes, as created by this act, for the period before the effective date of the permanent rule under that subsection, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

SECTION 9150. Nonstatutory provisions; Transportation.

(1) TRANSIT AUTHORITIES.

(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 Chippewa Valley regional transit authority.* Notwithstanding the length of terms specified for members of the board of directors of the Chippewa Valley regional transit authority under section 66.1039 (2) (c) and (3) (a) of the statutes, as created by this act, the initial terms shall be 2 years for each of the following:

1. One of the members appointed under section 66.1039 (3) (d) 1. b. of the statutes, as created by this act.

2. One of the members appointed under section 66.1039 (3) (d) 1. c. of the statutes, as created by this act, if applicable.

3. Each member appointed under section 66.1039 (3) (d) 1. d. of the statutes, as created by this act.

(d) *Initial terms of Chequamegon Bay regional transit authority.* Notwithstanding the length of terms specified for members of the board of directors of the Chequamegon Bay regional transit authority under section 66.1039 (2) (e) and (3) (a) of the statutes, as created by this act, the initial terms shall be 2 years for each of the following:

1. One member from each county appointed under section 66.1039 (3) (f) 1. b. of the statutes, as created by this act.

2. Each of the members appointed under section 66.1039 (3) (f) 1. c. of the statutes, as created by this act.

(3) BASEBALL SPECIAL PLATES. No later than the first day of the 3rd month beginning after the effective date of this subsection, the executive vice president of the Milwaukee Brewers Baseball Club LP shall consult with the department of transportation for all of the following purposes:

(a) To specify an initial design for the special group plates under section 341.14 (6r) (f) 60. of the statutes, as created by this act.

(b) To facilitate, if necessary, the department of transportation's obtaining of the approval described in section 341.14 (6r) (b) 1. of the statutes, as affected by this act.

(4c) GRANT TO VILLAGE OF BELLEVUE FOR STREET BEAUTIFICATION PROJECT. In fiscal year 2009−10, from the appropriation under section 20.395 (2) (jq) of the statutes, as created by this act, the department of transportation shall award a grant to the village of Bellevue in Brown County for a street beautification project on Huron Road.

Vetoed In Part

(4d) HIGHWAY PROJECT DEVELOPMENT REPORT. No later than January 1, 2010, the department of transportation shall submit a report to the joint committee on finance that provides each of the following:

(a) An assessment of the most appropriate uses of consultants for highway project development.

(b) Recommendations of actions that the department and local governments may take to improve efficiency, cost−effectiveness, and timeliness of local road construction projects.

(c) Proposed legislative changes that may help meet the goals in paragraph (b).

(5b) CHIPPEWA COUNTY REHABILITATION PROJECT ON CTH "X". In the 2009−11 fiscal biennium, from the appropriation under section 20.395 (2) (fx) of the statutes, the department of transportation shall provide funding for the rehabilitation of CTH "X" in Chippewa County between 57th Avenue and 184th Street if this rehabilitation project does not receive federal economic stimulus funding under Public Law 111−5. The amount of funds provided under this subsection shall be $430,000 or 80 percent of the total cost of the rehabilitation project, whichever is less.

(5bb) GRANT TO VILLAGE OF FOOTVILLE FOR PEDESTRIAN PATH. In fiscal year 2009−10, from the appropriation under section 20.395 (2) (jr) of the statutes, as created by this act, the department of transportation shall award a grant to the village of Footville in Rock County for the construction of a pedestrian path.

(5c) ALLOCATION OF FEDERAL SAFETY BELT PERFORMANCE GRANT FUNDS.

(a) In this subsection, "excess federal safety belt grant moneys" means any moneys in excess of $15,237,200 received by the department of transportation for fiscal year 2009−10 from any grant awarded under 23 USC 406.

(b) Excess federal safety belt grant moneys shall be credited to the appropriation under section 20.395 (3) (cx) of the statutes and allocated for safety−related infrastructure projects.

(5cc) RECONSTRUCTION PROJECT IN THE VILLAGE OF BELLEVUE. In the 2009−11 fiscal biennium, from the appropriation under section 20.395 (2) (fx) of the statutes, the department of transportation shall provide funding to the village of Bellevue in Brown County for the reconstruction of Manitowoc Road from Eaton Road to Allouez Avenue. The amount of funds provided under this subsection shall be $1,250,000 or 80 percent of the total cost of the reconstruction project, whichever is less.

Vetoed In Part

(5d) HARBOR ASSISTANCE PROGRAM REPORT. No later than July 1, 2010, the department of transportation shall submit a report to the joint committee on finance that provides an assessment of current and future harbor improvement needs, for both freight and non−freight industries, for the next 10 years.

(5dd) REQUEST RELATING TO POSITION AUTHORITY. The department of transportation may submit a request to the joint committee on finance under section 13.10 of the statutes to reallocate or transfer position authority and funding among the department's appropriations for the purpose of increasing the amount of highway project preparation work conducted by the department's staff. The department may not request under this subsection any reallocation of funds between expenditure categories within an appropriation account or transfer of funds between appropriation accounts in a total amount exceeding $726,300 in state funds and $594,300 in federal funds in fiscal year 2009−10 and $954,700 in state funds and $781,100 in federal funds in fiscal year 2010−11.

(5f) CITY OF RACINE STREETSCAPING PROJECTS.

(a) In the 2009−11 fiscal biennium, from the appropriation under section 20.395 (2) (nx) of the statutes, the department of transportation shall award a grant under section 85.026 (2) of the statutes to the city of Racine in Racine County for a streetscaping project on State Street from Memorial Drive to LaSalle Street if the department determines that the project is eligible for federal transportation enhancements funds. The amount of

the grant awarded under this paragraph shall be $400,000 or 80 percent of the total cost of the streetscaping project, whichever is less.

(b) In the 2009−11 fiscal biennium, from the appropriation under section 20.395 (2) (nx) of the statutes, the department of transportation shall award a grant under section 85.026 (2) of the statutes to the city of Racine in Racine County for a streetscaping project on Washington Avenue and 7th Street from 9th Street to Main Street if the department determines that the project is eligible for federal transportation enhancements funds. The amount of the grant awarded under this paragraph shall be $500,000 or 80 percent of the total cost of the streetscaping project, whichever is less.

(5i) USH 61 PROJECT IN GRANT COUNTY. The department of transportation shall complete, during the 2009−11 fiscal biennium, the pavement rehabilitation project on USH 61 between the village of Dickeyville and the city of Lancaster in Grant County.

(5q) SOUTHEASTERN REGIONAL TRANSIT AUTHORITY APPLICATION. No later than one year after the effective date of this subsection, the southeastern regional transit authority under section 59.58 (7) of the statutes, as created by this act, shall submit to the federal transit administration in the U.S. department of transportation an application to enter the preliminary engineering phase of the federal new starts grant program for the KRM commuter rail line, as defined in section 59.58 (7) (a) 3. of the statutes, as created by this act.

Vetoed In Part

(5x) FREIGHT RAIL PRESERVATION PROGRAM REPORT. No later than January 1, 2010, the department of transportation shall submit a report to the joint committee on finance that provides an assessment of potential freight rail improvements and acquisitions over at least the next 10 years and that contains all of the following:

(a) At least 3 scenarios, each at a different level of annual expenditure, for potential freight rail improvements and acquisitions.

(b) An assessment of the benefits and costs of the improvements under each scenario described in paragraph (a).

(c) A discussion of the potential benefits of each scenario described in paragraph (a) in relation to other potential uses of transportation fund resources. In preparing this discussion, the department of transportation shall allow and consider public comment on each scenario.

(d) An assessment of whether some potential improvements on publicly owned rail lines could have sufficiently high benefits to induce benefited railroads to fund a higher percentage of the cost.

(6j) SOUTH REID ROAD BRIDGE REPLACEMENT AND EXPANSION IN TOWN OF LA PRAIRIE. In the 2009−11 fiscal biennium, from the appropriation account under section 20.395 (2) (eq) or (ex) of the statutes, the department of transportation shall provide $250,000 to the town of La Prairie in Rock County for the replacement and expansion of a bridge on South Reid Road.

(7j) MADISON TO TWIN CITIES PASSENGER RAIL ROUTE REPORT. No later than January 1, 2011, the department of transportation shall submit a report to the joint committee on finance that addresses the alternatives for extending high speed passenger rail service from the city of Madison to the city of Minneapolis or the city of St. Paul or both in the state of Minnesota. The report shall consider, and provide a comparison of costs and potential benefits of, each of the following routes:

(a) A route traveling through the city of Eau Claire.

(b) A route traveling through the city of La Crosse.

(8i) BUSINESS SIGN IN BROWN COUNTY. Notwithstanding the eligibility criteria established under section 86.195 (3) (e) of the statutes, upon application and payment of fees ordinarily required for the mounting of business signs, the department of transportation shall mount business signs meeting the specifications under section 86.195 of the statutes, and rules promulgated under that section, for the National Railroad Museum in the city of Green Bay in Brown County.

Vetoed In Part

(8j) TRANSPORTATION PROJECTS COMMISSION STH 13 STUDY. No later than March 15, 2010, the department of transportation shall present a recommendation to the transportation projects commission regarding the preparation of an environmental assessment or an environmental impact statement for a potential major highway project involving STH 13 between the city of Marshfield and STH 29.

(9i) REQUEST RELATING TO STATE HIGHWAY REHABILITATION PROGRAM. In submitting information under section 16.42 of the statutes, as affected by this act, for purposes of the 2011−13 biennial budget bill, the department of transportation shall submit information concerning the appropriation under section 20.395 (3) (cq) of the statutes as though the total amount appropriated under section 20.395 (3) (cq) of the statutes for the 2010−11 fiscal year had been $102,356,100 greater than the total amount that was actually appropriated under section 20.395 (3) (cq) of the statutes for the 2010−11 fiscal year.

(9u) OPTIONAL VEHICLE FLEET REGISTRATION. The department of transportation may submit a request to the joint committee on finance under section 13.10 of the statutes to provide supplemental funding under section 13.101 (3) of the statutes for the appropriation under section 20.395 (5) (cq) of the statutes for data processing costs associated with implementing the provisions of section 341.307 of the statutes, as created by this act. Any request submitted under this subsection shall include a description of the provisions that the department proposes to include in the rules required under section 341.307 (6) of the statutes, as created by this act, and an estimate of the amount of additional transportation fund revenues that would be generated in the 2010−11 fiscal year as a result of these provisions. Notwithstanding sec-

tion 13.101 (3) of the statutes, the committee may supplement the appropriation under section 20.395 (5) (cq) of the statutes from the appropriation account under section 20.865 (4) (u) of the statutes for the purpose described in this subsection without finding that an emergency exists.

(10g) EISNER AVENUE PROJECT IN SHEBOYGAN COUNTY. Notwithstanding limitations on the amount and use of aids provided under section 86.31 of the statutes, as affected by this act, or on eligibility requirements for receiving aids under section 86.31 of the statutes, as affected by this act, the department of transportation shall award a grant of $500,000 in the 2009−11 fiscal biennium to the city of Sheboygan in Sheboygan County for the rehabilitation of Eisner Avenue in Sheboygan County if the city of Sheboygan and the town of Sheboygan in Sheboygan County reach an agreement on the amount of funds to be contributed by each toward the total local share of the project costs. Payment of the grant under this subsection shall be made from the appropriation under section 20.395 (2) (ft) of the statutes equally from funds allocated under section 86.31 (3m) of the statutes, as affected by this act, and from funds allocated under section 86.31 (3r) of the statutes, as affected by this act, and is in addition to the city of Sheboygan's entitlement, as defined in section 86.31 (1) (ar) of the statutes, to aids under section 86.31 of the statutes, as affected by this act.

(10x) TRANSPORTATION ENHANCEMENTS GRANT TO DOUGLAS COUNTY. Prior to July 1, 2011, from the appropriation under section 20.395 (2) (nx) of the statutes, the department of transportation shall award a grant under section 85.026 (2) of the statutes to Douglas County for the addition of bicycle lanes to CTH "B." The amount of the grant awarded under this subsection shall be $400,000 or 80 percent of the total cost of the project, whichever is less. The department may not rescind the grant under this subsection unless Douglas County informs the department that it does not intend to go forward with the project.

(11f) GRANT TO TOWN OF STOCKTON RAILROAD CROSSING IMPROVEMENTS. In the 2009−11 fiscal biennium, from the appropriation under section 20.395 (2) (gr) of the statutes, as affected by this act, the department of transportation shall award a grant of $175,000 to the town of Stockton in Portage County for railroad crossing improvements at the intersection of Old Highway 18 and the Canadian National Railroad tracks.

(11u) SHARED USE OF ADMINISTRATIVE FACILITIES IN OR NEAR CITY OF TOMAH. During the 2009−11 fiscal biennium, the department of transportation shall consult with the department of natural resources concerning the shared use of administrative facilities used by the state traffic patrol and the department of natural resources in or near the city of Tomah.

(11v) RULE-MAKING FOR COMPULSORY FINANCIAL RESPONSIBILITY FOR MOTOR VEHICLE OPERATION.

(a) The department of transportation shall submit in proposed form the rule required under section 344.66 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 9th month beginning after the effective date of this subsection.

(b) Using the procedure under section 227.24 of the statutes, the department of transportation shall promulgate the rule described under section 344.66 of the statutes, as created by this act, for the period before the permanent rule becomes effective, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of transportation is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for the rules promulgated under this subsection.

(12y) CTH "KP" PROJECT IN DANE COUNTY. In conjunction with the highway rehabilitation project on USH 14 between the village of Cross Plains and the village of Mazomanie, the department of transportation shall complete, after the completion of the USH 14 project and during the 2009−2011 fiscal biennium, a repaving project on CTH "KP" between the village of Cross Plains and the village of Mazomanie.

(14q) RECONCILIATION PROVISION RELATED TO PRIMARY ENFORCEMENT OF SEAT BELTS. If this subsection takes effect after June 30, 2009, the treatment of sections 347.48 (2m) (gm) and 347.50 (2m) (a) of the statutes by this act and SECTIONS 9350 (4) and 9450 (6) of this act are void.

SECTION 9154. Nonstatutory provisions; University of Wisconsin System.

(1) WISCONSIN GENOMICS INITIATIVE. Of the moneys appropriated to the Board of Regents of the University of Wisconsin System under section 20.285 (1) (a) of the statutes for the 2009−10 fiscal year, the board shall allocate $2,000,000 for support of the establishment of the Wisconsin Genomics Initiative for research into personalized health care for disease identification and prevention.

(2) BIOTECHNOLOGY, NANOTECHNOLOGY, AND INFORMATION TECHNOLOGIES. Of the moneys appropriated to the Board of Regents of the University of Wisconsin System under section 20.285 (1) (a) of the statutes for the 2010−11 fiscal year, the board shall allocate $8,198,200 to support interdisciplinary research into biotechnology, nanotechnology, and information technologies that enhances human health and welfare.

(3f) AGENCY REQUEST RELATING TO GENERAL PROGRAM OPERATIONS. Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section

16.42 of the statutes for the purpose of the 2011−13 biennial budget bill, the Board of Regents of the University of Wisconsin System shall submit information concerning the appropriation under section 20.285 (1) (a) of the statutes, as though the amounts appropriated to the board under that appropriation for fiscal year 2010−11 were $15,500,000 more than the amounts in the schedule.

(3g) DIRECTOR OF WISCONSIN INSTITUTE FOR SUSTAINABLE TECHNOLOGY. Of the moneys appropriated to the Board of Regents of the University of Wisconsin System under section 20.285 (1) (s) of the statutes, as created by this act, for the 2009−10 and 2010−11 fiscal years, the board shall allocate $110,000 in each fiscal year to the Wisconsin Institute for Sustainable Technology at the University of Wisconsin−Stevens Point to provide funding for the position of the director of the institute.

(3i) COLLABORATIVE NURSING PROGRAM. Of the moneys appropriated to the Board of Regents of the University of Wisconsin System under section 20.285 (1) (a) and (im) of the statutes, the board shall allocate a total of $170,000 in each fiscal year of the 2009−11 fiscal biennium for a collaborative nursing program operated by the University of Wisconsin–Rock County, the University of Wisconsin–Oshkosh, and Blackhawk Technical College.

(3q) INNOVATION ENTREPRENEURSHIP INSTITUTE. Of the moneys appropriated to the Board of Regents of the University of Wisconsin System under section 20.285 (1) (s) of the statutes, as created by this act, for the 2009−10 and 2010−11 fiscal years, the board shall allocate $50,000 in each fiscal year to the Innovation Entrepreneurship Institute through the Environmental Management and Business Institute at the University of Wisconsin−Green Bay to promote green innovations symposia.

(3r) FACULTY AND ACADEMIC STAFF FURLOUGHS. Notwithstanding sections 36.09 (1) (j), 36.13, 36.15, and 36.21 of the statutes and the administrative rules promulgated under the authority of those sections, the governor may require each member of the University of Wisconsin System faculty and academic staff, as defined in section 36.05 (1) and (8) of the statutes, to take up to 8 days or their equivalent of unpaid leave during each fiscal year of the 2009−11 fiscal biennium.

SECTION 9155. Nonstatutory provisions; Veterans Affairs.

(1c) PRIMARY MORTGAGE LOAN SERVICING STUDY. No later than October 1, 2010, the department of veterans affairs shall submit a report on the evaluation of the viability of servicing veterans primary mortgage loans at the department, including the staffing and services that would be needed, changes necessary in the loan origination and administrative procedures, and the costs and revenues of the proposal, to the legislature under section 13.172 (2) of the statutes, the joint committee on finance, and the governor.

(2q) FEASIBILITY STUDY FOR KENOSHA COUNTY ASSISTED LIVING FACILITY. From the appropriation account under section 20.485 (2) (u) of the statutes, as affected by this act, the department of veterans affairs shall provide $25,000 to Kenosha County as the state share of the cost of a feasibility study on constructing an assisted living facility on property adjacent to Brookside Care Center, Kenosha County, to serve veterans and Kenosha County residents in need of assistance with activities of daily living who wish to live as independently as possible. No money may be expended under this subsection until the secretary of the department of veterans affairs determines that Kenosha County is providing $25,000 as the county's share of the cost of the feasibility study.

SECTION 9155m. Nonstatutory provisions; Wisconsin Quality Home Care Authority.

(1) INITIAL TERMS OF WISCONSIN QUALITY HOME CARE AUTHORITY BOARD. Notwithstanding the length of terms specified for the members of the board of the Wisconsin Quality Home Care Authority specified in section 52.05 (1) (c) of the statutes, as created by this act, the initial members shall be appointed for the following terms:

(a) The members specified under section 52.05 (1) (c) 1. and 3. of the statutes, as created by this act, and 3 members specified under section 52.05 (1) (c) 9. of the statutes, as created by this act, for terms that expire on July 1, 2010.

(b) The members specified under section 52.05 (1) (c) 2., 4., and 6. of the statutes, as created by this act, and 4 members specified under section 52.05 (1) (c) 9. of the statutes, as created by this act, for terms that expire July 1, 2011.

(c) The members specified under section 52.05 (1) (c) 5., 7., and 8. of the statutes, as created by this act, and 4 members specified under section 52.05 (1) (c) 9. of the statutes, as created by this act, for terms that expire July 1, 2012.

(2) INITIAL CHAIRPERSON OF WISCONSIN QUALITY HOME CARE AUTHORITY BOARD. The secretary of the department of health services, or his or her designee, shall serve as the chairperson of the board until such time as the governor designates a member of the board to serve as its chair.

(3f) EXISTING HOME CARE ORGANIZATION BOARD. Notwithstanding section 52.05 (1) of the statutes, as created by this act, the members of the board of an organization that received a grant under section 46.48 (9), 2007 stats., to provide services to consumers and providers of supportive home care and personal care that exists before the effective date of this subsection may serve on the board of directors of the Wisconsin Quality Home Care Authority for the remainder of their terms without need for appointment by the governor. If a member of the board of the organization elects to serve on the board of directors of the Wisconsin Quality Home Care Authority, he or she will serve in place of a board member specified in

section 52.05 (1) (c) 9. of the statutes, as created by this act.

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.

(e) *Pending matters.* Any matter pending with the department of workforce development on the effective date of this paragraph that is primarily related to refugee assistance services, as determined by the secretary of administration, is transferred to the department of children and families. All materials submitted to or actions taken by the department of workforce development with respect to the pending matter are considered as having been submitted to or taken by the department of children and families.

(f) *Contracts.* All contracts entered into by the department of workforce development in effect on the effective date of this paragraph that are primarily related to refugee assistance services, as determined by the secretary of administration, remain in effect and are transferred to the department of children and families. The department of children and families shall carry out any obligations under those contracts unless modified or rescinded by the department of children and families to the extent allowed under the contract.

(g) *Rules and orders.* All rules promulgated by the department of workforce development in effect on the effective date of this paragraph that are primarily related to refugee assistance services, remain in effect until their specified expiration dates or until amended or repealed by the department of children and families. All orders issued by the department of workforce development in effect on the effective date of this paragraph that are primarily related to refugee assistance services, remain in effect until their specified expiration dates or until modified or rescinded by the department of children and families.

(1d) PREVAILING WAGE APPLICABILITY; LEGISLATIVE INTENT. The treatment of sections 66.0903 (1) (a), (d), (dr), (g) 1. and 2., (h), and (im), (2), (3) (am) (with respect to improvement of a public facility) , (ar), (br), and (dm), (4) (a) 1. and 2. and (b) 1. and 2., (5) (b) and (c), (8), (9) (b) and (c), (10) (a) and (b), (11) (b) 2., 3., 4., and 5., and (12) (d) and 103.49 (1) (a), (bg), (bj), (d) 1. and 2., (dm), (f), and (fm), (1m), (2) (with respect to improvement of a public facility) , (2m) (a) 1. and 2. and (b) 1. and 2., (3) (a), (am), and (c), (3g) (b) and (c), (4r) (b) and (c), (5) (a) and (b), (6m) (b), (c), (d), and (e), and (7) (d) of the statutes by this act is intended to restate, clarify, and affirm the intent, interpretation, and enforcement of sections 66.0903, 2007 stats., and 103.49, 2007 stats., with respect to the types of projects of public works described in those provisions. No expansion or other change in that intent, interpretation, or enforcement is intended by the treatment of those provisions.

Vetoed In Part

Vetoed In Part

(2c) VOCATIONAL REHABILITATION APPROPRIATION BASE AMOUNTS.

(a) Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for the purposes of the 2011−13 biennial budget bill, the department of workforce development shall submit information concerning the appropriation under section 20.445 (5) (a) of the statutes as though the amount appropriated under that appropriation for the second fiscal year of the fiscal biennium in which this paragraph takes effect had been $15,060,100.

(b) Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information under section 16.42 of the statutes for the purposes of the 2011−13 biennial budget bill, the department of workforce development shall submit information concerning the appropriation under section 20.445 (5) (kg) of the statutes as though the amount appropriated under that appropriation for the second fiscal year of the fiscal biennium in which this paragraph takes effect had been $350,000.

(2f) DAY CARE PROVIDER COLLECTIVE BARGAINING. The terms of the Memorandum of Agreement between the department of health and family services and the

department of workforce development and the Wisconsin Child Care Providers Together, American Federation of State, County and Municipal Employees, AFSCME Councils 40 and 48, AFL−CIO, entered into on July 21, 2008, remain in effect until the earlier of June 30, 2011, or the date on which a collective bargaining agreement is ratified between an employer under section 111.02 (7) (a) 4. of the statutes, as created by this act, and a labor organization representing employees under section 111.02 (6) (am) of the statutes, as created by this act. Upon ratification of the collective bargaining agreement, the collective bargaining agreement shall supersede the Memorandum of Agreement with regard to wages, hours, and conditions of employment of the employees.

(2q) MILWAUKEE AREA WORKFORCE INVESTMENT BOARD. From the appropriation account under section 20.445 (1) (fr) of the statutes, as created by this act, the department of workforce development shall provide a grant in the amount of $2,000,000 during the 2009−11 state fiscal biennium to the Milwaukee Area Workforce Investment Board, Inc., if during that biennium the city of Milwaukee also provides a grant in the amount of $1,500,000 to that board.

Vetoed In Part

Vetoed In Part

(3i) CONSTRUCTION CONTRACTORS; EMERGENCY RULES. Using the procedures under section 227.24 of the statutes, the department of workforce development may promulgate the rules required under section 111.327 of the statutes, as created by this act, for the period before the effective date of the permanent rules promulgated under that section, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

SECTION 9157. Nonstatutory provisions; Other.

(2f) LIABILITY, REPRESENTATION, AND EXPENSES ARISING FROM AGREEMENTS WITH MINNESOTA.

(a) For purposes of sections 893.82 and 895.46 of the statutes, any employee of the state of Minnesota performing services for this state pursuant to an agreement made under executive order number 272, dated January 13, 2009, is considered to have the same status as an employee of this state performing the same services for this state, and any employee of this state who performs services for the state of Minnesota pursuant to such an agreement is considered to have the same status as when performing the same services for this state in any action brought under the laws of this state.

(b) The department of justice shall represent any employee of the state of Minnesota who is named as a defendant in any action brought under the laws of this state as a result of performing services for this state under an agreement specified in paragraph (a) and any employee of this state who is named as a defendant as a result of performing services for the state of Minnesota under such an agreement in any action brought under the laws of this state.

(c) Any employee of the state of Minnesota who is named as a defendant and who is found liable as a result of performing services for this state under an agreement specified in paragraph (a) shall be indemnified by this state to the same extent as an employee of this state performing the same services for this state pursuant to section 895.46 of the statutes.

(d) Witness fees in any action specified in this subsection shall be paid in the same manner as provided in section 885.07 of the statutes. The attorney general may compromise and settle any action specified in this subsection in the same manner as provided in section 165.25 (6) (a) of the statutes.

(e) Paragraphs (a) to (d) do not apply after January 2, 2011.

(2g) VILLAGE OF DE FOREST INTEREST PAYMENTS. From the appropriation under section 20.566 (2) (hm) of the statutes, the department of revenue shall make a one−time payment of $9,950 to the village of De Forest for interest costs incurred on borrowing by the village relating to a department oversight in recertifying the base value of the village's amended tax incremental financing district.

(2i) REQUIRED GENERAL FUND STRUCTURAL BALANCE. Section 20.003 (4m) of the statutes shall not apply to the 2010−11 fiscal year.

(2L) STATE AGENCY CONTRACTUAL SERVICES SPENDING. **Vetoed In Part**

(a) In this subsection, "agency" means an office, department, agency, institution of higher education, association, society, or other body in the executive branch of state government created or authorized to be created by the constitution or any law, which is entitled to expend moneys appropriated by law.

(b) Each agency shall review its contractual services contracts for private contractors and consultants for the purpose of reducing spending for contractual services by an amount equal to 1 percent during the 2009−11 fiscal biennium. Before January 1, 2010, each agency shall submit a report to the joint committee on finance, specifying either how contractual services spending can be reduced to achieve the 1 percent expenditure reduction goal or why the agency is unable to reduce its contractual services expenditures to achieve the 1 percent expenditure goal.

(c) The joint committee on finance may take appropriate action to reduce each agency's spending for contractual service during the 2009−11 fiscal biennium by an amount up to 1 percent.

(2u) LOCAL PURCHASES AND PROJECTS. The department of administration shall pay the following amounts

for the purposes specified from the appropriation under section 20.855 (4) (fc) of the statutes, as created by this act:

(a) The sum of $25,000 to Wisconsin Indianhead Technical College−Ladysmith Branch for a job retraining program to help dislocated workers in Rusk County.

(b) The sum of $10,000 to the Love Incorporated Food Bank in Burlington in Racine County.

(c) The sum of $5,000 to the Union Grove Food Bank in Racine County.

(d) The sum of $5,000 to the Rio Area Food Pantry.

(e) The sum of $5,000 to the Lodi Food Pantry.

(f) The sum of $25,000 to the City of Racine for new programming for the Root River Environmental Education Community Center.

(g) The sum of $10,000 to the Friends of Beckman Mill for restoration and renovation activities in Beckman Mill Park in Rock County.

(hx) The sum of $5,000 to the Human Concerns of South Milwaukee Food Pantry.

SECTION 9203. Fiscal changes; Agriculture, Trade and Consumer Protection.

(1) AGRICULTURAL CHEMICAL CLEANUP FUND TRANSFER. There is transferred from the agricultural chemical cleanup fund to the general fund $500,000 in fiscal year 2009−10 and $500,000 in fiscal year 2010−2011.

(2) AGRICHEMICAL MANAGEMENT FUND TRANSFER. There is transferred from the agrichemical management fund to the general fund $500,000 in fiscal year 2009−10 and $1,000,000 in fiscal year 2010−2011.

SECTION 9208. Fiscal changes; Children and Families.

(1) MILWAUKEE CHILD WELFARE SERVICES. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of children and families under section 20.437 (1) (cx) of the statutes, as affected by the acts of 2009, the dollar amount is increased by $3,000,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect for the purpose for which the appropriation is made.

(3f) CHILD CARE LICENSING AND CERTIFICATION ACTIVITIES. The unencumbered balance in the appropriation account under section 20.437 (1) (jm) of the statutes, as affected by this act, that is attributable to day care center licensing activities under section 48.65, 2007 stats., or to fees received under section 48.65 (3), 2007 stats., is transferred to the appropriation account under section 20.437 (2) (jn) of the statutes, as created by this act, on the effective date of this subsection.

SECTION 9210. Fiscal changes; Commerce.

(1) HEALTH PROFESSIONAL LOAN PROGRAMS. The unencumbered balance in the appropriation account under section 20.143 (1) (jL), 2007 stats., and the unencumbered balance in the appropriation account under section 20.143 (1) (jm), 2007 stats., are transferred to the appropriation account under section 20.285 (1) (jc) of the statutes, as affected by this act.

(1f) PETROLEUM INSPECTION FUND TRANSFER TO TRANSPORTATION FUND. There is transferred from the petroleum inspection fund to the transportation fund $10,000,000 in fiscal year 2009−10 and $17,800,000 in fiscal year 2010−11.

(1g) PETROLEUM INSPECTION FUND TRANSFER TO RECYCLING AND RENEWABLE ENERGY FUND. In each fiscal year of the fiscal biennium in which this subsection takes effect, $2,000,000 is transferred from the petroleum inspection fund to the recycling and renewable energy fund.

(1q) PETROLEUM INSPECTION FUND TRANSFER TO GENERAL FUND IN 2010−11. There is transferred from the petroleum inspection fund to the general fund $9,200,000 in fiscal year 2010−11.

(2f) PETROLEUM INSPECTION FUND TRANSFER. There is transferred from the petroleum inspection fund to the general fund $12,500,000 in fiscal year 2009−10.

(2u) DIESEL TRUCK IDLING REDUCTION MONEYS; LAPSE. On June 30, 2011, the unencumbered balance in the appropriation to the department of commerce under section 20.143 (3) (sm) of the statutes, as affected by this act, is transferred to the general fund.

(3f) DEVELOPMENT FUND; LAPSE. Notwithstanding section 20.001 (3) (b) of the statutes, on July 1, 2010, there is lapsed to the general fund $14,850,000 from the appropriation account of the department of commerce under section 20.143 (1) (tm) of the statutes, as affected by the acts of 2009.

(3q) TRANSFER FROM PETROLEUM INSPECTION FUND TO ENVIRONMENTAL FUND. There is transferred from the petroleum inspection fund to the environmental fund $230,000 in the first fiscal year of the fiscal biennium in which this subsection takes effect. There is transferred from the petroleum inspection fund to the environmental fund $530,000 in the second fiscal year of the fiscal biennium in which this subsection takes effect.

SECTION 9211. Fiscal changes; Corrections.

(1) JUVENILE CORRECTIONAL SERVICES DEFICIT REDUCTION.

(a) Subject to paragraph (b), if notwithstanding sections 16.50 (2), 16.52, 20.002 (11), as affected by this act, and 20.903 of the statutes there is a deficit in the appropriation account under section 20.410 (3) (hm), 2007 stats., at the close of fiscal year 2008−09, any unencumbered balance in the appropriation account under section 20.410 (3) (ho), 2007 stats., at the close of fiscal year 2008−09, less the amounts required under that paragraph to be remitted to counties or transferred to the appropriation account under section 20.410 (3) (kx) of the statutes, and any unencumbered balance in the appropriation account under section 20.410 (3) (hr), 2007 stats., at the close of fiscal year 2008−09, shall be transferred to the

appropriation account under section 20.410 (3) (hm) of the statutes, as affected by SECTION 313 of this act, except that the total amount of the unencumbered balances transferred under this paragraph may not exceed the amount of that deficit.

(b) If the deficit specified in paragraph (a) is less than the total amount of the unencumbered balances available for transfer under paragraph (a), the total amount transferred from the appropriation accounts under section 20.410 (3) (ho) and (hr), 2007 stats., to the appropriation account under section 20.410 (3) (hm) of the statutes, as affected by SECTION 313 of this act, under paragraph (a) shall equal the amount of that deficit and the amount transferred from each of those appropriation accounts shall be in proportion to the respective unencumbered balance available for transfer from each of those appropriation accounts.

(2i) DEPARTMENT OF CORRECTIONS APPROPRIATION CHANGES FOR 2008−09.

(a) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (a) of the statutes, as affected by the acts of 2009, the dollar amount is increased by $15,907,700 for the second fiscal year of the fiscal biennium in which this paragraph takes effect to increase funding for the purposes for which the appropriation is made.

(b) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (ab) of the statutes, as affected by the acts of 2009, the dollar amount is increased by $3,000,000 for the second fiscal year of the fiscal biennium in which this paragraph takes effect to increase funding for the purposes for which the appropriation is made.

(c) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (1) (b) of the statutes, as affected by the acts of 2009, the dollar amount is increased by $2,500,000 for the second fiscal year of the fiscal biennium in which this paragraph takes effect to increase funding for the purposes for which the appropriation is made.

(d) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of corrections under section 20.410 (3) (cg) of the statutes, as affected by the acts of 2009, the dollar amount is increased by $2,936,400 for the second fiscal year of the fiscal biennium in which this paragraph takes effect to increase funding for the purposes for which the appropriation is made.

SECTION 9215. Fiscal changes; Employee Trust Funds.

(1) TRANSFER OF CERTAIN MONEYS RELATING TO THE PHARMACY BENEFITS PROGRAM TO THE DEPARTMENT OF HEALTH SERVICES. Before July 1, 2011, the secretary of employee trust funds shall transfer from the employee trust fund to the appropriation account under section 20.435 (4) (jz) of the statutes, as affected by this act, any remaining moneys related to the pharmacy benefits program under section 40.53, 2007 stats. The secretary shall develop a methodology to determine the amount to be transferred.

SECTION 9220. Fiscal changes; Governor.

(1c) APPROPRIATIONS LAPSES AND REESTIMATES. The governor shall take actions during the 2009−11 fiscal biennium to ensure that from general purpose revenue appropriations to the office of the governor under section 20.525 of the statutes an amount equal to $662,800 is lapsed from sum certain appropriation accounts or is subtracted from the expenditure estimates for any other types of appropriations, or both.

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.

(1c) MEDICAL ASSISTANCE GENERAL PURPOSE REVENUE INCREASE. 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) (b) of the statutes, as affected by the acts of 2009, the dollar amount is increased by $15,000,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect to increase funding for the purposes for which the appropriation is made.

(1d) MEDICAL ASSISTANCE GENERAL PURPOSE REVENUE BALANCE. Notwithstanding section 20.001 (3) (b) of the statutes, any unencumbered balance in the appropriation to the department of health services under section 20.435 (4) (b) of the statutes, as affected by the acts of 2009, does not revert to the general fund at the end of the second fiscal year of the fiscal biennium in which this subsection takes effect; and the department of health services may in the 2009−11 fiscal biennium expend the amount equal to this unencumbered balance in addition to the amount in the schedule under section 20.005 (3) of the statutes for the appropriation under section 20.435 (4) (b) of the statutes for state fiscal years 2009−10 and 2010−11.

(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 $91,881,500 for the second fiscal year of the fiscal biennium in which this subsection takes effect for the purposes for which the appropriation is made.

(2u) MEDICAL ASSISTANCE ADMINISTRATION. 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) (jw) of the statutes, as affected by the acts of 2009, the dollar amount is increased by $234,400 for the second fiscal year of the fiscal biennium in which this subsection takes effect to increase funding 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.

(d) The unencumbered balance of the appropriation to the department of health services under section 20.435 (5) (ma) of the statutes, as affected by this act, is transferred to the appropriation account under section 20.435 (1) (ma) of the statutes, as created by this act, on the effective date of this paragraph.

(e) The unencumbered balance of the appropriation to the department of health services under section 20.435 (5) (md) of the statutes, as affected by this act, is transferred to the appropriation account under section 20.435 (1) (md) of the statutes, as created by this act, on the effective date of this paragraph.

(f) The unencumbered balance of the appropriation to the department of health services under section 20.435 (5) (na) of the statutes, as affected by this act, is transferred to the appropriation account under section 20.435 (1) (na) of the statutes, as created by this act, on the effective date of this paragraph.

(4i) 2008−09 HOSPITAL ASSESSMENT.

(a) *Hospital assessment amount.* 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) (xc) of the statutes, as affected by the acts of 2009, the dollar amount is increased by $60,500,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect to increase funding for the purposes for which the appropriation is made.

(b) *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 $27,782,900 for the second fiscal year of the fiscal biennium in which this subsection takes effect to increase funding for the purposes for which the appropriation is made.

(c) *Administrative costs.* 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) (jw) of the statutes, as affected by the acts of 2009, the dollar amount is increased by $138,900 for the second fiscal year of the fiscal biennium in which this subsection takes effect to increase funding for the purposes for which the appropriation is made.

(d) *Medical Assistance general purpose revenue 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) (b) of the statutes, as affected by the acts of 2009, the dollar amount is decreased by $26,644,000 for the second fiscal year of the fiscal biennium in which this subsection takes effect to decrease funding for the purposes for which the appropriation is made.

(4q) NURSING HOME OPERATING DEFICITS. 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) (b) of the statutes, as affected by the acts of 2009, the dollar amount is increased by $10,193,500 for the second fiscal year of the fiscal biennium in which this subsection takes effect to increase funding for the purposes for which the appropriation is made.

(4v) FOSTER CARE CAMPAIGN TRANSFER. There is transferred from the appropriation to the department of health services under section 20.435 (1) (gm) of the statutes to the appropriation to the department of children and families under section 20.437 (1) (kx) of the statutes $77,800 in each fiscal year of the fiscal biennium in which this subsection takes effect.

(5w) LAPSE TO GENERAL FUND; VITAL RECORDS FEES. Notwithstanding section 20.001 (3) (a) of the statutes, there is lapsed to the general fund $2,535,700 in the first fiscal year of the fiscal biennium in which this subsection takes effect and $2,735,700 in the second fiscal year of the fiscal biennium in which this subsection takes effect from the appropriation account of the department of health services under section 20.435 (1) (gm) of the statutes, as affected by the acts of 2009.

SECTION 9225. Fiscal changes; Housing and Economic Development Authority.

(1c) TRANSFER OF SURPLUS TO GENERAL FUND. Notwithstanding section 234.165 (2) of the statutes, the Wisconsin Housing and Economic Development Authority shall pay to the state in fiscal year 2009−10 $225,000 of its actual surplus under section 234.165 of the statutes and in fiscal year 2010−11 shall pay to the state $225,000 of its actual surplus under section 234.165 of the statutes.

The amount paid to the state under this subsection shall be deposited in the general fund.

SECTION 9226. Fiscal changes; Insurance.

(1d) LAPSE TO GENERAL FUND; GENERAL PROGRAM OPERATIONS. Notwithstanding section 20.001 (3) (a) of the statutes, there is lapsed to the general fund $11,378,100 in the first fiscal year of the fiscal biennium and $11,392,200 in the second fiscal year of the fiscal biennium from the appropriation account of the office of the commissioner of insurance under section 20.145 (1) (g) of the statutes, as affected by this act.

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 $26,200 in fiscal year 2009−10.

(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.

(6) 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) (ft) of the statutes there is lapsed to the conservation fund $24,100 in fiscal year 2009−10 and $15,700 in fiscal year 2010−2011.

(7) MISSISSIPPI AND ST. CROIX RIVERS MANAGEMENT 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) (fw) of the statutes there is lapsed to the conservation fund $7,500 in fiscal year 2009−10 and $4,900 in fiscal year 2010−2011.

(7f) FORESTRY OUTDOOR ACTIVITIES GRANT PROGRAM 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) (bz) of the statutes there is lapsed to the conservation fund $1,000,000 in fiscal year 2009−10.

(8) FACILITIES ACQUISITION, DEVELOPMENT AND MAINTENANCE 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) (hq) of the statutes there is lapsed to the conservation fund $1,100 in fiscal year 2009−10 and $700 in fiscal year 2010−2011.

(9) RECYCLING AND RENEWABLE ENERGY FUND TRANSFER FOR WILDLIFE DAMAGE CLAIMS AND ABATEMENT. In fiscal year 2010−11, the department of natural resources may transfer to the appropriation account under section 20.370 (5) (fq) of the statutes from the recycling and renewable energy fund the amount necessary to pay wildlife damage claims, but not more than $350,000.

(9f) RECYCLING AND RENEWABLE ENERGY FUND TRANSFER TO GENERAL FUND. In fiscal year 2009−10, $14,850,000 is transferred from the recycling and renewable energy fund to the general fund.

(10u) WILD ANIMAL CONTROL LAPSE. Notwithstanding section 20.001 (3) (c) of the statutes, from the appropriation account to the department of natural resources under section 20.370 (1) (Ls) of the statutes there is lapsed to the conservation fund $500,000 on the effective date of this subsection.

SECTION 9239. Fiscal changes; Public Instruction.

(1) AID TO PUBLIC LIBRARY SYSTEMS; GENERAL FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of public instruction under section 20.255 (3) (e) of the statutes, the dollar amount is decreased by $11,297,400 for the 2008−09 fiscal year to decrease funding for the purpose for which the appropriation is made.

(2) AID TO PUBLIC LIBRARY SYSTEMS; UNIVERSAL SERVICE FUND. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of public instruction under section 20.255 (3) (qm) of the statutes, the dollar amount is increased by $11,297,400 for the 2008−09 fiscal year to increase funding for the purpose for which the appropriation is made.

SECTION 9247. Fiscal changes; Supreme Court.

(1c) APPROPRIATIONS LAPSES AND REESTIMATES. The chief justice of the supreme court, acting as administrative head of the judicial system, shall take actions during the 2009−11 fiscal biennium to ensure that from general purpose revenue appropriations to the circuit courts under section 20.625 of the statutes, to the court of appeals under section 20.660 of the statutes, and to the

supreme court under section 20.680 of the statutes an amount equal to $7,411,400 is lapsed from sum certain appropriation accounts or is subtracted from the expenditure estimates for any other types of appropriations, or both.

SECTION 9254. Fiscal changes; University of Wisconsin System.

(1j) GENERAL OPERATIONS RECEIPTS LAPSE. Notwithstanding section 20.001 (3) (c) of the statutes, from the appropriation account to the Board of Regents of the University of Wisconsin System under section 20.285 (1) (iz) of the statutes, as affected by this act, there is lapsed to the general fund $49,000,000 in the second fiscal year of the fiscal biennium in which this subsection takes effect.

SECTION 9301. Initial applicability; Administration.

(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 9308. Initial applicability; Children and Families.

(2) FRAUD INVESTIGATION RECOVERIES. The treatment of sections 20.437 (2) (g) and 49.197 (2) (title), (b), (c) (intro.), 1., 2., and 3. and (d) of the statutes, the renumbering and amendment of section 49.197 (2) (a) of the statutes, and the creation of section 49.197 (2) (a) 1. of the statutes first apply to moneys recovered by a county department, Wisconsin Works agency, or tribal governing body on the effective date of this subsection.

(2f) FRAUD INVESTIGATION RECOVERIES. The amendment of section 49.197 (2) (c) (by SECTION 1262m) of the statutes and the creation of section 49.197 (2) (cm) of the statutes first apply to recovery activities that are commenced on the effective date of this subsection.

(3) CHILD WELFARE PROVIDER RATE REGULATION.

(a) SECTION 9108 (2) (a) of this act first applies to a contract for the provision of services that is in effect on December 31, 2009, and that contains provisions that are inconsistent with that treatment on the day on which the contract expires or is extended, modified, or renewed, whichever occurs first.

(b) The repeal and recreation of section 49.343 (1g) of the statutes first applies to a contract for the provision of services that is in effect on December 31, 2010, and that contains provisions that are inconsistent with that treatment on the day on which the contract expires or is extended, modified, or renewed, whichever occurs first.

(4) MISCELLANEOUS PARTICIPATION REQUIREMENTS UNDER WISCONSIN WORKS. The treatment of sections 49.147 (3) (c), (4) (as), (av), and (b), (5) (b) 1. (intro.), a., c., d., and e. and 2. and (bs), and (5m) (a) (intro.), 49.148 (1) (c) and (4) (b), 49.151 (1) (intro.) and (b), 49.1515, and 49.153 (1) (a), (b), and (c) of the statutes and the amendment of section 49.148 (1m) (a) and (b) of the statutes first apply to individuals participating in Wisconsin Works on the effective date of this subsection.

(8) INCLUDING CHILD SUPPORT IN INCOME. The treatment of section 49.155 (1m) (c) 1. (intro.) (by SECTION 1155c) (with respect to including child or family support in income), 1g. (with respect to including child or family support in income), and 1h. (by SECTION 1210) (with respect to including child or family support in income) of the statutes first applies to all of the following:

(a) Initial eligibility determinations and copayment determinations made on October 1, 2009, or on the effective date of this paragraph, whichever is later.

(b) For individuals who, on October 1, 2009, or the effective date of this paragraph, whichever is later, are already receiving a child care subsidy under section 49.155 of the statutes, as affected by this act, continued eligibility determinations made on April 1, 2010.

(8d) CHILD SUPPORT PASS−THROUGH. The treatment of sections 49.145 (2) (s) (by SECTION 1155c) and 49.775 (2) (bm) (by SECTION 1369c) of the statutes first applies to moneys received by the department of children and families on the effective date of this subsection.

(9) ARREARAGES COLLECTED. The treatment of section 49.1452 of the statutes first applies to arrearages collected on the effective date of this subsection.

(10i) WISCONSIN WORKS GRANTS FOR UNMARRIED, PREGNANT WOMEN. The treatment of section 49.148 (1m) (title) and (c) (intro.) and 3. and 49.159 (4) of the statutes, the renumbering and amendment of section 49.148 (1m) (a) and (b) of the statutes, and the creation of section 49.148 (1m) (a) (intro.) and 2. of the statutes first apply to individuals who are determined, on the effective date of this subsection, to be eligible for the Wisconsin Works program under sections 49.141 to 49.161 of the statutes, as affected by this act.

(11) DAY CARE CENTER LICENSING FEES. The treatment of section 48.65 (3) (a) of the statutes first applies to a day care center license issued or continued on the effective date of this subsection.

(12f) CHILD CARE PROVIDER SERVICES UNIT; COLLECTIVE BARGAINING. The treatment of sections 63.03 (2) (r) and 111.70 (1) (a) (with respect to a memorandum of understanding regarding municipal employees performing services for the child care provider services unit) and (3p) of the statutes first applies to any employee of a county having a population of 500,000 or more who is covered by a collective bargaining agreement that contains provisions inconsistent with this act on the day on which the collective bargaining agreement expires or is extended, modified, or renewed, whichever occurs first.

SECTION 9309. Initial applicability; Circuit Courts.

(1) EXPUNGEMENT. The treatment of section 973.015 (1) (a) and (c) of the statutes first applies to sentencing orders that occur on the effective date of this subsection.

(3f) SUCCESSOR ASBESTOS–RELATED LIABILITY. The treatment of section 895.61 of the statutes first applies to asbestos claims filed against a successor corporation on the effective date of this subsection and to asbestos claim actions pending against a successor corporation in which a trial has not commenced on the effective date of this subsection.

(4c) The treatment of sections 802.03 (9) and 846.35 (1) (c), (4), and (5) of the statutes, the renumbering of section 799.41 of the statutes, and the creation of section 799.41 (2) of the statutes, first apply to actions commenced on the effective date of this subsection.

SECTION 9311. Initial applicability; Corrections.

(2) RELEASE TO EXTENDED SUPERVISION FOR MEDICAL REASONS BY DEPARTMENT OF CORRECTIONS. The treatment of sections 301.03 (3) (as it relates to a petition filed under section 302.1135 of the statutes, as affected by this act), 302.113 (9g) (a) (intro.), 1., and 2., (b) (intro.), 1., 2., and 3., (c), (cm), (d), (e), (f) (intro.), 1., and 2., (g) 1., 2., and 3., (h), (i), and (j), 302.1135 (title), (1) (a), and (6) (a) (intro.) and (b), 801.50 (5), 911.01 (4) (c) (as it relates to a petition filed under section 302.1135 of the statutes, as affected by this act), 950.04 (1v) (g), (gm), and (nt), 973.01 (7) (as it relates to a petition filed under section 302.1135 of the statutes, as affected by this act), and 977.05 (4) (jm) of the statutes first applies to petitions submitted on the effective date of this subsection.

(4) SENTENCING ADJUSTMENT. The renumbering and amendment of section 302.113 (2) of the statutes, the amendment of sections 301.03 (3), 301.048 (2) (am) 3., 301.21 (1m) (c), 301.21 (2m) (c), 302.045 (3), 302.05 (3) (b), 302.11 (1g) (b) (intro.), 302.11 (1g) (b) 2., 302.11 (1g) (c), 302.11 (1g) (d), 302.11 (1m), 302.11 (7) (c), 302.113 (1), 302.113 (3) (d), 302.113 (7), 302.113 (9) (c), 302.114 (9) (c), 304.01 (title), 304.01 (1), 304.01 (2) (intro.), 304.01 (2) (b), 304.01 (2) (c), 304.01 (2) (d), 304.06 (title), 304.06 (1) (b), 304.06 (1) (c) (intro.), 304.06 (1) (d) 1., 304.06 (1) (d) 2., 304.06 (1) (d) 3m., 304.06 (1) (d) 4., 304.06 (1) (e), 304.06 (1) (eg), 304.06 (1) (em), 304.06 (1) (f), 304.06 (1) (g), 304.06 (1m) (intro.), 304.06 (1q) (b), 304.06 (1q) (c), 304.06 (1x), 304.06 (2m) (d), 304.06 (3), 304.06 (3e), 304.06 (3m), 304.071 (1), 809.30 (1) (c), 911.01 (4) (c), 950.04 (1v) (f), 950.04 (1v) (gm), 973.01 (4), 973.01 (7), 973.01 (8) (a) 2., 973.01 (8) (a) 3., 974.07 (4) (b) and 976.03 (23) (c) of the statutes, and the creation of sections 302.113 (2) (b), 302.113 (3) (e), 302.113 (9h), 304.06 (1) (bg), 304.06 (1) (bn), 304.06 (1) (br), 973.01 (3d), and 973.01 (4m) of the statutes first apply to a person sentenced on December 31, 1999.

Vetoed In Part

(4q) REVOCATION OF EXTENDED SUPERVISION. The renumbering and amendment of section 302.113 (9) (am) of the statutes and the creation of section 302.113 (9) (am) 2. and 3m. of the statutes first apply to revocations of extended supervision that occur on the effective date of this subsection.

Vetoed In Part

SECTION 9315. Initial applicability; Employee Trust Funds.

(1e) RETIREMENT BENEFITS FOR EDUCATIONAL SUPPORT PERSONNEL EMPLOYEES. The treatment of section 40.22 (2m) (a) of the statutes first applies to creditable service earned by participating employees under the Wisconsin Retirement System for periods of covered employment that begin on the effective date of this subsection.

(1f) EARLY RETIREMENT CREDITABLE SERVICE CALCULATIONS FOR CERTAIN PART–TIME EMPLOYEES UNDER THE WISCONSIN RETIREMENT SYSTEM. The treatment of section 40.23 (2m) (fm) of the statutes first applies to participants in the Wisconsin Retirement System who are participating employees in the Wisconsin Retirement System on the effective date of this subsection.

(2j) DOMESTIC PARTNER BENEFITS FOR STATE EMPLOYEES AND ANNUITANTS.

(a) Except as provided in paragraph (b), the treatment of sections 40.02 (20), (21c), (21d), and (25) (b) 3., 40.51 (2m), and 40.52 (2) of the statutes first applies to coverage under group insurance plans offered by the group insurance board on January 1, 2010.

(b) If the effective date of this paragraph is on or after August 1, 2010, the treatment of sections 40.02 (20), (21c), (21d), and (25) (b) 3., 40.51 (2m), and 40.52 (2) of the statutes first applies to coverage under group insurance plans offered by the group insurance board on January 1, 2011.

SECTION 9316. Initial applicability; Employment Relations Commission.

(1x) QUALIFIED ECONOMIC OFFERS. The treatment of section 111.70 (1) (dm), (fm), (nc), and (ne) and (4) (cm) 5s., 6. a. and am., 8p., and 8s. and (m) 6. of the statutes first applies to petitions for arbitration that relate to collective bargaining agreements that cover periods beginning on or after July 1, 2009, and that are filed under section 111.70 (4) (cm) 6. of the statutes, as affected by this act, on the effective date of this subsection.

(2j) MUNICIPAL EMPLOYMENT RELATIONS ACT. The treatment of section 111.70 (1) (b), (3) (a) 4., and (4) (cm) 5., 7., 7g., 7r. (intro.), and 8m. a., b., and c., (cn), and (d) 2. a. of the statutes first applies to collective bargaining agreements entered into, extended, modified, or renewed, whichever occurs first, on the effective date of this subsection.

SECTION 9317. Initial applicability; Financial Institutions.

(1) SECURITIES FEES. The treatment of section 551.614 (2) of the statutes first applies to filings received by the division of securities on the effective date of this subsection.

(2) SECURITIES FEES. The treatment of section 551.614 (1) (a) and (b) 1. a. and b. and 2. a. and b. of the statutes first applies to filings received by the division of securities on the effective date of this subsection.

SECTION 9322. Initial applicability; Health Services.

(1) FAMILY CARE ENTITLEMENT. The treatment of section 46.286 (3) (c) of the statutes first applies to care management organizations that implement the family care benefit on January 1, 2008.

(2) INSPECTION FEES. The treatment of sections 49.45 (47) (e), 50.03 (5g) (cm), 50.033 (3), 50.034 (10), 50.04 (4) (dm), 50.36 (4), 50.49 (4), and 50.93 (5) of the statutes first applies to enforcement actions taken on the effective date of this subsection.

Vetoed In Part

(3f) MEDICAL ASSISTANCE SERVICES BY MANAGED CARE ORGANIZATIONS. The treatment of section 49.45 (24d), (44g), and (50m) of the statutes first applies to contracts between the department of health services and a managed care organization entered into on the effective date of this subsection.

(5f) MENTAL HEALTH INSTITUTE SERVICES. The treatment of section 49.45 (30r) of the statutes first applies to services provided on the effective date of this subsection.

(7) SUPPLEMENTAL SECURITY INCOME CARETAKER SUPPLEMENT.

(a) *Arrearages collected.* The treatment of section 49.776 of the statutes first applies to arrearages collected on the effective date of this paragraph.

(b) *Disregard of child support.* The treatment of section 49.775 (2m) of the statutes first applies to eligibility determinations made or reviewed on the effective date of this paragraph.

(9) RELIEF BLOCK GRANTS. The treatment of sections 20.435 (4) (h) (by SECTION 354), 46.21 (1) (d), 46.215 (1) (d) and (fm), 46.22 (1) (b) 1. d. and h., 46.23 (2) (a), 49.002, 49.01 (3m) and (8j), 49.015 (1) (a) and (c) and (3) (a), 49.02 (1) (intro.), (a), (b), and (c) (intro.), 1., 2., and 4., (1e), and (2) (b) and (f), 49.025, 49.027, 49.031, 49.141 (1) (s), and 49.45 (6y) (am) and (b) of the statutes and the repeal of section 20.435 (4) (bt) of the statutes first apply with respect to assistance or health care services provided on July 1, 2009.

(9c) PATIENT HEALTH CARE RECORD FEES. The treatment of sections 146.81 (1) (q), (r), and (s) and (4), 146.83 (1) (intro.), (a), (b), and (c), (1f), (1g), (1h), (1k), (1m) (a) and (b), and (3m), and 146.84 (2) (a) 1. , (d), (e), and (f) of the statutes first applies to requests to inspect patient health care records and requests for copies of patient health care records that are made on the effective date of this subsection.

Vetoed In Part

SECTION 9323. Initial applicability; Higher Educational Aids Board.

(1q) REIMBURSEMENT OF VETERANS AND DEPENDENTS.

(a) *Educational assistance reimbursement.* The treatment of sections 20.235 (1) (fz), 36.27 (3n) (bm) and (3p) (bm), 38.24 (7) (bm) and (8) (bm), and 39.50 (3m) (title) and (4) of the statutes first applies to a student who is enrolled in the fall 2009 semester.

(b) *Fee remission.* The treatment of sections 36.27 (3n) (b) (intro.) and (bg) and (3p) (b) and (bg) and 38.24 (7) (b) (intro.) and (bg) and (8) (b) and (bg) of the statutes first applies to a student who is enrolled in the spring 2010 semester.

SECTION 9326. Initial applicability; Insurance.

(1) AGENT APPOINTMENT FEES. The treatment of section 601.31 (1) (n) of the statutes first applies to fees for appointments and renewals of appointments paid on the effective date of this subsection.

(3) MODIFICATIONS AT RENEWAL. The treatment of section 632.7497 of the statutes first applies to individual major medical or comprehensive health benefit plans that are renewed on the effective date of this subsection.

(3u) RENEWAL EXCEPTION FOR SHORT−TERM PLANS. The treatment of section 632.7495 (5) of the statutes, the renumbering and amendment of section 632.7495 (4) of the statutes, and the creation of section 632.7495 (4) (b), (c), and (d) of the statutes first apply to individual health benefit plans that are short−term plans and that are issued or renewed on the effective date of this subsection.

(4) PREEXISTING CONDITION EXCLUSIONS. The treatment of section 632.76 (2) (ac) and (b) of the statutes first applies to individual disability insurance policies that are issued or renewed on the effective date of this subsection.

(6) MOTOR VEHICLE INSURANCE COVERAGES. The treatment of sections 62.67, 121.555 (2) (a), 344.55 (1) (intro.), 631.43 (3), and 632.32 (2) (a), (am), (c), (cm), (d), (e), (f), and (g), (4) (title), (intro.), (a) (title), 1., 2., 2m., and 3., (bc), (4m), and (5) (f), (g), (h), (i) , and (j) of the statutes, the repeal of section 632.32 (4) (b) (title) of the statutes, and the renumbering and amendment of section 632.32 (4) (b) of the statutes first apply to motor vehicle insurance policies issued or renewed on the effective date of this subsection.

Vetoed In Part

(6f) PROHIBITED BASES FOR ASSESSING RISK FOR MOTOR VEHICLE INSURANCE. The treatment of section 632.355 of the statutes first applies to motor vehicle insurance policies issued or renewed on the effective date of this subsection.

(7) FINANCIAL RESPONSIBILITY.

(a) The treatment of section 344.15 (1) of the statutes first applies with respect to accidents occurring on the effective date of this paragraph.

(b) The treatment of sections 344.01 (2) (d) and 344.33 (2) of the statutes first applies to proof of financial responsibility or proof of financial responsibility for the future that is furnished on the effective date of this paragraph.

(8) PAYMENT FOR HEALTH CARE SERVICES.

(a) Subject to paragraph (b), the treatment of section 632.845 of the statutes first applies to claims for payment

of health care services that are made on the effective date of this paragraph.

(b) If a health care plan that is in effect on the effective date of this paragraph contains a provision that is inconsistent with the treatment of section 632.845 of the statutes, the treatment of section 632.845 of the statutes first applies to that health care plan on the date on which it is renewed.

(8L) INSURANCE COVERAGE FOR AUTISM TREATMENT. The treatment of sections 609.87 and 632.895 (12m) of the statutes first applies to all of the following:

(a) Except as provided in paragraphs (b) and (c), disability insurance policies that are issued or renewed, and self−insured governmental or school district health plans that are established, extended, modified, or renewed, on the first day of the 5th month beginning after publication.

(b) Disability insurance policies covering employees who are affected by a collective bargaining agreement containing provisions inconsistent with this act that are issued or renewed on the earlier of the following:

1. The day on which the collective bargaining agreement expires.

2. The day on which the collective bargaining agreement is extended, modified, or renewed.

(c) Self−insured governmental or school district health plans covering employees who are affected by a collective bargaining agreement containing provisions inconsistent with this act that are established, extended, modified, or renewed on the earlier of the following:

1. The day on which the collective bargaining agreement expires.

2. The day on which the collective bargaining agreement is extended, modified, or renewed.

(9f) COVERAGE OF CONTRACEPTIVES AND DEPENDENTS. The treatment of sections 40.51 (8) and (8m), 66.0137 (4), 111.91 (2) (n) and (nm), 120.13 (2) (g), 185.981 (4t), 185.983 (1) (intro.), 609.755, 609.805, 632.885, and 632.895 (17) of the statutes first applies to all of the following:

(a) Except as provided in paragraphs (b) and (c), disability insurance policies that are issued or renewed, and governmental or school district self−insured health plans that are established, extended, modified, or renewed, on the effective date of this paragraph.

(b) Disability insurance policies covering employees who are affected by a collective bargaining agreement containing provisions inconsistent with this act that are issued or renewed on the earlier of the following:

1. The day on which the collective bargaining agreement expires.

2. The day on which the collective bargaining agreement is extended, modified, or renewed.

(c) Governmental or school district self−insured health plans covering employees who are affected by a collective bargaining agreement containing provisions inconsistent with this act that are established, extended, modified, or renewed on the earlier of the following:

1. The day on which the collective bargaining agreement expires.

2. The day on which the collective bargaining agreement is extended, modified, or renewed.

(9q) COVERAGE OF LICENSED MENTAL HEALTH PROFESSIONALS SERVICES. If a group health insurance policy that is in effect on the effective date of this subsection contains a provision that is inconsistent with the treatment of section 632.89 (1) (dm) and (e) 4. of the statutes, the treatment of section 632.89 (1) (dm) and (e) 4. of the statutes first applies to that insurance policy on the date on which it is renewed.

(10q) COVERAGE OF PSYCHOLOGISTS SERVICES. If a group health insurance policy that is in effect on the effective date of this subsection contains a provision that is inconsistent with the treatment of section 632.89 (1) (e) 3. of the statutes, the treatment of section 632.89 (1) (e) 3. of the statutes first applies to that insurance policy on the date on which it is renewed.

SECTION 9330. Initial applicability; Justice.

(1) CRIME LABORATORIES AND DRUG LAW ENFORCEMENT SURCHARGE. The treatment of section 165.755 (1) (a) of the statutes first applies to violations committed on the effective date of this subsection.

SECTION 9333. Initial applicability; Local Government.

(1m) FIRST CLASS CITY POLICE OFFICER SALARY AFTER DISCHARGE. The treatment of section 62.50 (18) (a) and (b) of the statutes first applies to any member of the police force who is covered by a collective bargaining agreement that contains provisions inconsistent with the treatment of section 62.50 (18) (a) and (b) on the day on which the collective bargaining agreement expires or is extended, modified, or renewed, whichever occurs first.

SECTION 9337. Initial applicability; Natural Resources.

(1) RECYCLING TIPPING FEE. The treatment of section 289.645 (3) of the statutes first applies to solid waste disposed of on October 1, 2009.

(3) WILDLIFE DAMAGE CLAIM PROGRAM. The treatment of section 29.889 (7) (b) 1., 2., and 4. of the statutes first applies to wildlife damage claims filed on the effective date of this subsection.

(3e) CONSTRUCTION LANDFILL FEES. The treatment of sections 289.63 (1), 289.64 (1), (2), (5), and (7) (a), 289.645 (1), (2), (5) (intro.), and (7) (a), and 289.67 (1) (a), (b), (g), and (i) 1. of the statutes first applies to building waste disposed of on January 1, 2010. **Vetoed In Part**

SECTION 9338. Initial applicability; Public Defender Board. **Vetoed In Part**

(1j) INDIGENCY DETERMINATIONS. The treatment of sections 20.550 (1) (fb), 303.065 (5) (dm), 973.06 (1) (e), 977.06 (1) (a) and (2) (a), 977.07 (2), and 977.085 (3) of

Vetoed In Part

the statutes, the renumbering and amendment of section 977.02 (3) of the statutes, and the creation of section 977.02 (3) (a) to (d) of the statutes first apply to cases opened on the effective date of this subsection.

SECTION 9339. Initial applicability; Public Instruction.

(2) REVENUE LIMIT; CONSOLIDATED SCHOOL DISTRICT. The treatment of section 121.91 (2m) (t) of the statutes first applies to a school district consolidation that takes effect on July 1, 2009.

(4q) MILWAUKEE PARENTAL CHOICE PROGRAM CHANGES. Except as provided in subsection (5), the treatment of sections 118.125 (4), 118.30 (1g) (a) 1. and 3., (1s) and (2) (b) 1., 2., and 5., 118.33 (1) (f) 2m. and 3. and (6) (c), 119.23 (1) (a), (ae), (am), and (as), (2) (a) 8., (3) (a), (6m), and (7) (b) (intro.), 1., 2., 2m., 3., 3m., 4., 5., 6., 7., and 8. and (e) 1. and (10) (a) 5., 6., and 7., and 938.49 (2) (b) of the statutes, the renumbering and amendment of section 119.23 (2) (a) 6. and 7. and (b) and (9) of the statutes, and the creation of section 119.23 (2) (a) 6. b. and c., and 7. b. and c. and (b) 1., 2., and 3. and (9) (b) of the statutes, first apply to private schools participating in the program under section 119.23 of the statutes and to pupils who apply to attend, and to pupils who attend, a private school under section 119.23 of the statutes in the 2010−11 school year.

(5) MILWAUKEE PARENTAL CHOICE PROGRAM; TEACHER AND ADMINISTRATOR REQUIREMENTS. The treatment of section 119.23 (2) (a) 6. of the statutes first applies to private schools participating in the program under section 119.23 of the statutes and to teachers and administrators in those private schools in the 2010−11 school year.

(5u) MILWAUKEE PARENTAL CHOICE PROGRAM; TEACHER'S AIDE REQUIREMENTS. The treatment of section 119.23 (7) (b) 3. of the statutes first applies to private schools participating in the program under section 119.23 of the statutes and to teacher's aides in those private schools in the 2010−11 school year.

(6) REVENUE LIMIT ADJUSTMENTS.

(a) The treatment of section 121.91 (4) (L), (m), and (n) of the statutes first applies to the calculation of a school district's revenue limit for the 2011−12 school year.

(b) The treatment of section 121.91 (4) (o) of the statutes first applies to the calculation of a school district's revenue limit for the 2009−10 school year.

(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 2008−09 school year.

(7i) GENERAL AID; CONSOLIDATION. The treatment of section 121.07 (6) (e) 1. and (7) (e) 1. of the statutes first applies to the distribution of school aid in the 2009−10 school year.

Vetoed In Part

(7j) OPEN ENROLLMENT; SUPPLEMENTAL AID. The treatment of section 118.51 (16) (e) of the statutes first applies to the number of pupils who attend public school in a nonresident school district in the 2008−09 school year.

(8e) MILWAUKEE PUBLIC SCHOOLS MEMBERSHIP. The treatment of sections 121.004 (5), 121.05 (2), (3), and (4), and 121.83 (1) (a) 2. of the statutes first applies to the calculation of state aid distributed in the 2010−11 school year.

(8x) PUPIL TRANSPORTATION; PRIVATE SCHOOLS. The renumbering and amendment of section 121.55 (3) of the statutes and the creation of section 121.55 (3) (b) of the statutes first applies to contracts entered into on the effective date of this subsection.

Vetoed In Part

SECTION 9341. Initial applicability; Public Service Commission.

(1j) ENHANCED 911 SURCHARGES.

(a) The creation of section 256.35 (3g) (a) 1. of the statutes first applies to bills provided to subscribers on the effective date of this paragraph.

(b) The creation of section 256.35 (3g) (a) 2. a. of the statutes first applies to retail transactions occurring on the effective date of this paragraph.

SECTION 9342. Initial applicability; Regulation and Licensing.

(1m) CHIROPRACTIC EXAMINATIONS. The renumbering and amendment of section 446.02 (3) of the statutes and the creation of section 446.02 (3) (intro.) of the statutes first apply to applications for licensure under section 446.02 (2) of the statutes received by the examining board on the first day of the 18th month beginning after the effective date of this subsection.

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 section 71.775 (4) (bm) 1., (bn), (cm), (dm), (em), (fm), (g), (h), and (L) of the statutes first apply to taxable years beginning on January 1, 2009.

Vetoed In Part

(3i) WITHHOLDING BY CERTAIN CONTRACTORS. The treatment of section 71.64 (6m) of the statutes first applies to taxable years beginning after December 31, 2009.

(3x) HOMESTEAD TAX CREDIT; DEPENDENT DEDUCTION. The treatment of section 71.52 (5) of the statutes first applies to taxable years beginning after December 31, 2009.

Vetoed In Part

(4f) LEASED PROPERTY VALUES. The treatment of section 70.32 (1a) of the statutes first applies to the property tax assessments as of January 1, 2010.

(5) RETURNS AND SCHEDULES. The treatment of sections 71.13 (1m), 71.20 (1m) and (3), 71.36 (4), and 71.83 (1) (a) 10. of the statutes, the renumbering and amendment of section 71.83 (3) of the statutes, and the creation of section 71.83 (3) (b) of the statutes first apply to taxable years beginning on January 1, 2010.

(5c) MILITARY FAMILY RELIEF FUND CHECKOFF. The treatment of section 71.10 (5i) of the statutes first applies to taxable years beginning on January 1 of the year in which this subsection takes effect, except that if this subsection takes effect after July 31 the treatment of section 71.10 (5i) of the statutes first applies to taxable years beginning on January 1 of the year following the year in which this subsection takes effect.

(6q) SECOND HARVEST FOOD BANKS. The treatment of section 71.10 (5j) of the statutes first applies to taxable years beginning on January 1 of the year in which this subsection takes effect, except that if this subsection takes effect after July 31 the treatment of section 71.10 (5j) of the statutes first applies to taxable years beginning on January 1 of the year following the year in which this subsection takes effect.

(7) FIRST DOLLAR CREDIT DISTRIBUTION. The treatment of section 79.10 (2) (a) and (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 b. of the statutes first applies to distributions in 2010.

(11) ITEMIZED DEDUCTION CREDIT. The treatment of section 71.07 (5) (a) 3. of the statutes first applies to taxable years beginning on January 1, 2009.

(12) FILING WITHHOLDING STATEMENTS, EXTENSIONS. The treatment of section 71.65 (5) (b) of the statutes first applies to taxable years beginning on January 1, 2009.

(12d) ADVANCE PAYMENTS; EARNED INCOME TAX CREDIT. The treatment of section 71.07 (9e) (g) of the statutes first applies to taxable years beginning on January 1 of the year in which this subsection takes effect, except that if this subsection takes effect after August 31 the treatment of section 71.07 (9e) (g) of the statutes first applies to taxable years beginning on January 1 of the year following the year in which this subsection takes effect.

(13) TAXATION OF CAPITAL GAINS. The treatment of section 71.05 (6) (b) 9. and 9m. of the statutes first applies to taxable years beginning on January 1 of the year in which this subsection takes effect, except that if this subsection takes effect after August 31 the treatment of section 71.05 (6) (b) 9. and 9m. of the statutes first applies to taxable years beginning on January 1 of the year following the year in which this subsection takes effect.

(13x) CHANGES TO EDVEST INCOME TAX DEDUCTION. The treatment of section 71.05 (6) (b) 32. (intro.) and a. and 33. (intro.) and a. of the statutes first applies to taxable years beginning on January 1, 2010.

(14) ETHANOL AND BIODIESEL FUEL PUMP CREDIT. The treatment of sections 71.07 (5j) (b) and 71.08 (1) (intro.) (as it relates to section 71.07 (5j)) of the statutes first applies retroactively to taxable years beginning after December 31, 2007.

(15) TECHNOLOGY ZONES CREDIT. The treatment of section 71.45 (2) (a) 10. (as it relates to section 71.47 (3g)) of the statutes first applies retroactively to taxable years beginning on or after January 1, 2002.

(16) REAL ESTATE TRANSFER FEE. The treatment of sections 77.25 (8n) of the statutes first applies to conveyances recorded on the effective date of this subsection.

(17) SUPPLEMENT TO FEDERAL HISTORIC REHABILITATION CREDIT. The treatment of sections 44.02 (24), 71.07 (9m) (c), (cm), (f), and (g), 71.28 (6) (c), (cm), (f), and (g), and 71.47 (6) (c), (cm), (f), and (g) of the statutes first applies to property placed in service on or after June 30, 2008.

(20) INDIVIDUAL INCOME TAX BRACKETS. The treatment of sections 71.06 (1p) (d) and (e) and (2) (g) 4. and 5. and (h) 4. and 5. and 71.09 (11) (f) of the statutes first applies to taxable years beginning on January 1 of the year in which this subsection takes effect, except that if this subsection takes effect after August 31 the treatment of sections 71.06 (1p) (d) and (e) and (2) (g) 4. and 5. and (h) 4. and 5. and 71.09 (11) (f) of the statutes first applies to taxable years beginning on January 1 of the year following the year in which this subsection takes effect.

(21b) COMBINED REPORTING.

(a) The treatment of sections 71.04 (7) (a) (as it relates to the sales percentage), (df) 3., (dh) 4., (dj) 2., and (dk) 2., 71.22 (1r) (as it relates to Public Law 86−272), 71.25 (9) (a) (as it relates to the sales percentage), (df) 3., (dh) 4., (dj) 2., and (dk) 2., 71.255 (2) (a), (2m), (3) (c), (4) (e), (f), (h), and (i), (6) (a), (b), and (c) 1., (7) (a), (b) (intro.), (c), and (d), and (11), and 71.80 (24) of the statutes first applies to taxable years beginning on January 1, 2009.

(b) The treatment of sections 71.04 (7) (a) (as it relates to applying section 71.04 (7) (b) 2m. and 3. and (c) of the statutes), 71.22 (1r) (as it relates to doing business in this state for any part of the taxable years), and 71.25 (9) (a) (as it relates to applying section 71.25 (9) (b) 2m. and 3. and (c) of the statutes) of the statutes applies retroactively to any period for which the statute of limitations has not expired.

(21cd) LOW−INCOME HOUSING.

(a) The treatment of section 70.11 (intro.), (4a), and (4b) of the statutes, the renumbering and amendment of

section 70.11 (4) (except as it relates to retirement homes for the aged) of the statutes, and the creation of section 70.11 (4) (b) of the statutes first apply to the property tax assessments as of January 1, 2009.

(b) The treatment of section 70.11 (4d) of the statutes and the renumbering and amendment of section 70.11 (4) (as it relates to retirement homes for the aged) of the statutes first apply to the property tax assessments as of January 1, 2010.

(21f) RETAILERS DISCOUNT. The treatment of section 77.61 (4) (c) of the statutes first applies to the taxes that are payable on August 1, 2009.

(21g) STUDENT HOUSING FACILITIES. The treatment of section 70.11 (3m) of the statutes first applies to the property tax assessments as of January 1, 2010.

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 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 surrender by the department of transportation on the effective date of this subsection.

(3) OPERATING AFTER REVOCATION. The treatment of section 343.44 (2) (as) of the statutes first applies to violations that occur on the effective date of this subsection.

(4) PRIMARY ENFORCEMENT OF SAFETY BELTS. The treatment of section 347.50 (2m) (a) of the statutes first applies to violations committed on the effective date of this subsection.

(8) OPERATING RECORD SEARCH FEE. The treatment of section 343.24 (2) (intro.), (b), (c), and (d) of the statutes first applies to searches of vehicle operators' records requested on the effective date of this subsection.

(10q) TRANSPORTATION ENHANCEMENT GRANTS FOR BICYCLE AND PEDESTRIAN FACILITIES. The treatment of section 85.026 (2) (b) of the statutes first applies with respect to grants awarded on the effective date of this subsection. **Vetoed In Part**

SECTION 9354. Initial applicability; University of Wisconsin System.

(1) TUITION EXEMPTION FOR ALIENS. The treatment of section 36.27 (2) (cr) of the statutes first applies to persons who enroll for the semester or session following the effective date of this subsection.

(2f) TUITION AWARD PROGRAM. The treatment of section 36.27 (4) (a) of the statutes first applies to persons who enroll for the semester or session following the effective date of this subsection.

SECTION 9355. Initial applicability; Veterans Affairs.

(1) TUITION REIMBURSEMENT. The treatment of section 45.20 (2) (c) 2. a. and (f) of the statutes first applies to applications for tuition reimbursement for an academic term that begins after the effective date of this subsection.

SECTION 9356. Initial applicability; Workforce Development.

(1) PREVAILING WAGES AND HOURS ON PUBLICLY FUNDED PRIVATE PROJECTS. 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 a project proposal, including a preliminary plat or final plat under chapter 236 of the statutes, for a publicly funded private construction project, as defined in section 66.0904 (1) (i) of the statutes, as created by this act, submitted to a local governmental unit for approval 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) (am) and 103.49 (5) (am) of the statutes first applies to work performed on the effective date of this subsection, except that, if that worked 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.

(5f) PREVAILING WAGE; REMEDIES. The treatment of section 103.49 (6m) (f) of the statutes, the renumbering of section 103.49 (6m) (a) of the statutes, the renumbering and amendment of section 66.0903 (11) (a) of the statutes, and the creation of sections 66.0903 (11) (a) 2.and 4. and 103.49 (6m) (ag) of the statutes first applies to hours worked on the effective date of this subsection.

Vetoed In Part

SECTION 9357. Initial applicability; Other.

(1f) EXPEDITED MARRIAGE LICENSE FEE. The treatment of section 765.08 (2) of the statutes first applies to marriage license applications that are submitted to county clerks on the effective date of this subsection.

SECTION 9400. Effective dates; general. Except as otherwise provided in SECTIONS 9401 to 9457 of this act, this act takes effect on July 1, 2009, or on the day after publication, whichever is later.

SECTION 9401. Effective dates; Administration.

(1f) LOW–INCOME ASSISTANCE. The repeal of section 16.957 (2) (d) 2m. of the statutes takes effect on June 30, 2011.

(3q) AMERICAN INDIAN TRIBAL COMMUNITY REINTEGRATION PROGRAM. The treatment of section 16.964 (17) of the statutes takes effect on July 1, 2010.

(4g) RESTORATIVE JUSTICE. The repeal of section 20.505 (6) (br) of the statutes takes effect on July 1, 2010.

SECTION 9403. Effective dates; Agriculture, Trade and Consumer Protection.

(1) AGRICULTURAL AND VEGETABLE SEEDS. The treatment of sections 94.38 (3), (4), (4m), (5), (6), (8), (9), (12), (13), (15), (19), (20), (21), (22), (23), and (24), 94.385, 94.39, 94.41 (1) (a), (b), (e), (f), and (g) and (2) (a) and (e), 94.43 (1), and 94.44 of the statutes takes effect on the first day of the 19th month beginning after publication.

(1f) COUNTY AND DISTRICT FAIR AIDS. The treatment of section 93.23 (1) (intro.) (by SECTION 1973f) of the statutes and the repeal of section 20.115 (4) (t) of the statutes take effect on July 1, 2011.

SECTION 9408. Effective dates; Children and Families.

(1) ASSIGNMENT OF SUPPORT. The treatment of sections 48.57 (3m) (b) 2. and (3n) (b) 2., 49.145 (2) (s) (by SECTION 1369), and 49.775 (2) (bm) (by SECTION 1369) of the statutes and SECTION 9108 (1) of this act take effect on October 1, 2009, or on the day after publication, whichever is later.

(2) OVERPAYMENTS UNDER AFDC. The treatment of section 49.175 (1) (intro.) (by SECTION 1227) of the statutes and the repeal of sections 20.437 (2) (cr) and 49.175 (1) (k) of the statutes take effect on July 1, 2011.

(4) RETROACTIVE ALLOCATION. The treatment of section 49.175 (1) (ze) 1. of the statutes takes effect on the day after publication, or retroactively to June 30, 2009, whichever is earlier.

(5) CHILD WELFARE PROVIDER RATE REGULATION. The treatment of section 938.357 (4) (c) 1. and 2. of the statutes, the repeal of section 49.343 (1m) of the statutes, and the repeal and recreation of section 49.343 (1g) and (2) (a) of the statutes take effect on January 1, 2011.

(5f) BILL OF RIGHTS FOR FOSTER CHILDREN. The treatment of sections 48.648 and 48.649 of the statutes and SECTION 9108 (6f) of this act take effect on January 1, 2010.

Vetoed In Part

(6) FOSTER CARE LEVELS OF CARE. The repeal of sections 48.02 (17q), 48.48 (17) (a) 10., 48.62 (1) (b), 49.001 (7), 619.01 (1) (c) 4m., 619.01 (9m), 895.485 (1) (c), and 938.02 (17q) of the statutes, the renumbering of section 48.62 (1) (a) of the statutes, the amendment of sections 20.410 (3) (ho) (by SECTION 316), 20.437 (1) (b), 20.437 (1) (cf), 20.437 (1) (dd) (by SECTION 474), 20.437 (1) (jm), 20.437 (1) (pd) (by SECTION 480), 46.10 (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 (1) (gg), 48.02 (6), 48.195 (2) (d) 5., 48.207 (1) (c), 48.207 (1) (f), 48.207 (3), 48.21 (5) (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) (d) (by SECTION 1018), 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.), 48.67 (4), 48.675 (1), 48.675 (2), 48.675 (3) (intro.), 48.675 (3) (a), 48.685 (1) (b), 48.685 (2) (c) 1., 48.685 (2) (c) 2.,

48.685 (4m) (a) (intro.) (by SECTION 1072d), 48.685 (4m) (ad) (by SECTION 1074d), 48.685 (5) (bm) (intro.), 48.685 (5m) (by SECTION 1078d), 48.685 (6) (a) (by SECTION 1080d), 48.70 (2), 48.73, 48.75 (title), 48.75 (1d), 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), 49.175 (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), 49.32 (9) (a), 49.34 (1), 49.343 (1d) (a) and (b), (1g) (by SECTION 1276m), (1m) (by SECTION 1278g), and (2) (a), (b), and (c), 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., 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), 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), 767.41 (3) (c), 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), 938.38 (2) (intro.), 938.38 (4) (f) (intro.), 938.38 (5) (b), 938.38 (5) (e), 938.38 (5m) (b), 938.38 (5m) (c), 938.38 (5m) (e), 938.48 (4), 938.52 (1) (b), 938.538 (3) (a) 1p., 938.57 (1) (c), 938.57 (3) (a) 4., 940.201 (1) (a), 940.203 (1) (a), 940.205 (1), 940.207 (1), 940.43 (1), 940.45 (1), 943.011 (1) (a), 943.013 (1) (a), 943.015 (1), 943.017 (2m) (a) 1., 948.01 (3), 948.085 (1), 949.06 (1m) (a) (by SECTION 3359), and 973.017 (6) (a) of the statutes, and the creation of section 48.62 (8) of the statutes and SECTION 9108 (3) (a) of this act take effect on the date stated in the notice provided by the secretary of children and families and published in the Wisconsin Administrative Register under section 48.62 (9) of the statutes, as created by this act.

(7) MODIFICATIONS TO WISCONSIN WORKS. The treatment of sections 49.147 (3) (c), (4) (as), (av), and (b), (5) (b) 1. (intro.), a., c., d., and e. and 2. and (bs), and (5m) (a) (intro.), 49.148 (1) (c) and (4) (b), 49.151 (1) (intro.) and (b), 49.1515, and 49.153 (1) (a), (b), and (c) of the statutes, and SECTION 9308 (4) of this act take effect on October 30, 2009, or on the 30th day beginning after publication, whichever is later.

(8) FOSTER CARE RATES. The treatment of section 48.62 (4) of the statutes takes effect on January 1, 2010, or on the day after publication, whichever is later.

(9) MISCELLANEOUS PARTICIPATION REQUIREMENTS UNDER WISCONSIN WORKS. The amendment of section 49.148 (1m) (a) and (b) of the statutes takes effect on October 30, 2009, or on the 30th day beginning after publication, whichever is later.

(10i) WISCONSIN WORKS GRANTS FOR UNMARRIED, PREGNANT WOMEN. The treatment of sections 49.148 (1m) (title) and (c) (intro.) and 3. and 49.159 (4) of the statutes, the renumbering and amendment of section 49.148 (1m) (a) and (b) of the statutes, the creation of section 49.148 (1m) (a) (intro.) and 2. of the statutes, and SECTION 9308 (10i) of this act take effect on January 1, 2010.

(11) FOSTER PARENT TRAINING. The creation 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) of this act takes effect on the day after publication or retroactively to June 30, 2009, whichever is earlier.

(13d) CHILD SUPPORT PASS–THROUGH. The treatment of sections 49.145 (2) (s) (by SECTION 1155c) and 49.775 (2) (bm) (by SECTION 1369c) of the statutes and SECTION 9308 (8d) of this act take effect on October 1, 2010.

(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.

(14f) FRAUD INVESTIGATION AND AID TO FAMILIES WITH DEPENDENT CHILDREN RECOVERIES. The amendment of section 49.197 (2) (c) (by SECTION 1262m) of the statutes, the renumbering and amendment of section 49.195 (4) of the statutes, the creation of sections 49.195 (4) (b) 2. and 49.197 (2) (cm) of the statutes, and SECTION 9308 (2f) 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.

(2f) SUCCESSOR ASBESTOS–RELATED LIABILITY. The treatment of section 895.61 of the statutes and SECTION

9309 (3f) of this act take effect on the first day of the 2nd month beginning after publication.

SECTION 9410. Effective dates; Commerce.

(2f) COMMERCIAL CONSTRUCTION EROSION CONTROL. The treatment of sections 20.370 (4) (bj), 30.443 (1) (a) and (b) and (2), 59.69 (4c), 92.07 (15), 101.1205 (title), (1), (2), (3), (4), (5), (5m), (6), and (7), and 281.33 (title) and (3m) (title) of the statutes takes effect on the first day of the 7th month beginning after publication.

(2i) CONSTRUCTION CONTRACTORS. The treatment of sections 71.63 (3) (d), 71.65 (6), 101.02 (20) (a) and (21) (a), 101.147, 102.07 (8) (d), 108.24 (2) and (2m), and 111.327 of the statutes takes effect on January 1, 2010.

SECTION 9411. Effective dates; Corrections.

(1) JUVENILE CORRECTIONAL SERVICES DEFICIT REDUCTION. The treatment of section 20.410 (3) (hm) (by SECTION 317), (ho) (by SECTION 319), and (hr) (by SECTION 319) of the statutes takes effect on July 1, 2010.

(1f) COUNCIL ON OFFENDER REENTRY. The treatment of sections 15.145 (title) and (5) and 301.095 of the statutes and SECTION 9111 (12f) of this act take effect on January 4, 2010.

(2) FISCAL CHANGE; CORRECTIONS. SECTION 9211 (2i) (a), (b), (c), and (d) of this act takes effect retroactively to June 30, 2009, or on the day after publication, whichever is earlier.

(2u) SENTENCING. The repeal of section 302.113 (9) (at) and (9g) (a) 1. and (cm) of the statutes, the renumbering and amendment of section 302.113 (2), (9) (am), and (9g) (a) (intro.) and 2., (b) (intro.), 1., 2., and 3., (c), (d), (e), (f) (intro.), 1., and 2., (g) 1., 2., and 3., (h), (i), and (j) of the statutes, the amendment of sections 301.03 (3), 301.048 (2) (am) 3., 301.21 (1m) and (2m) (c), 302.045 (3), 302.05 (3) (b), 302.11 (1g) (b) (intro.) and 2., (c), (d), (1m), and (7) (c), 302.113 (1), (3) (d), (7), and (9) (b) and (c), 302.114 (9) (c), 304.01 (title), (1), and (2) (intro.), (b), (c), (d), 304.06 (title), (1) (b), (c) (intro.), (d) 1., 2., 3m., and 4., (e), (eg), (em), (f), (g), (1m) (intro.), (1q) (b) and (c), (1x), (2m) (d), (3), (3e), and (3m), 304.071 (1), 801.50 (5), 809.30 (1) (c), 911.01 (4) (c), 950.04 (1v) (f), (g), (gm), and (nt), 973.01 (4), (7), and (8) (a) 2. and 3., 973.09 (5) (intro.), 973.195 (1r) (a), 974.07 (4) (b), 976.03 (23) (c), and 977.05 (4) (jm) of the statutes, the creation of sections 302.042, 302.045 (3m) (d), 302.05 (3) (c) 3., 302.113 (2) (b) and (c), (3) (e), (3m), (9) (am) 2., and (9h), 302.1135 (title), (1) (a), and (6) (a) (intro.) and (b), 304.06 (1) (bg), (bk), (bn), and (br), 973.01 (3d) and (4m), 973.031, 973.09 (3) (d), and 973.195 (1r) (j) of the statutes, the repeal and recreation of section 973.01 (2) (d) (intro.) of the statutes, and SECTION 9311 (2) and (4q) of this act take effect on October 1, 2009, or on the 90th day beginning after publication, whichever is later.

Vetoed In Part **Vetoed In Part** **Vetoed In Part** **Vetoed In Part**

SECTION 9413. Effective dates; District Attorneys.

(1u) ASSISTANT DISTRICT ATTORNEY RETENTION PAY. The treatment of sections 20.475 (1) (kb) and 978.12 (1) (c) and (7) of the statutes takes effect on July 1, 2010. **Vetoed In Part**

(2x) SALARIES AND FRINGE BENEFITS; PUBLIC BENEFITS. The repeal of section 20.475 (1) (s) of the statutes takes effect on June 30, 2011.

SECTION 9415. Effective dates; Employee Trust Funds.

(1j) DOMESTIC PARTNER BENEFITS FOR STATE EMPLOYEES AND ANNUITANTS. The treatment of sections 40.02 (2m) and (8) (a) 2., 40.08 (9), 40.23 (4) (e) and (f) (intro.), 40.24 (7) (a) (intro.) and (b), 40.25 (3m), 40.55 (1), 40.65 (5) (b) 1. and (c) and (7) (am) (intro.), 1., and 2. and (ar) 1., and 40.80 (2r) (a) 2. of the statutes takes effect on January 1, 2010.

SECTION 9416. Effective dates; Employment Relations Commission.

(1g) UNIVERSITY OF WISCONSIN RESEARCH ASSISTANTS. The treatment of sections 111.81 (17m), 111.825 (2) (g), (h), and (i), and 111.935 of the statutes takes effect on July 1, 2010.

SECTION 9417. Effective dates; Financial Institutions. **Vetoed In Part**

(1f) CREDIT UNION CONVERSIONS. The treatment of sections 186.314 (intro.) (except 186.314 (title)), (1m) (title), and (2), 214.40 (3), and 214.66 (intro.) (except 214.66 (title)), (1m) (title), and (2) of the statutes takes effect on January 1, 2010.

SECTION 9419. Effective dates; Government Accountability Board.

(1q) LOBBYING ELECTRONIC DATA AND LICENSE FEES.

(a) The treatment of section 13.75 (1) (by SECTION 20k) and (1m) (by SECTION 20m) of the statutes takes effect on January 1, 2011.

(b) The treatment of section 13.75 (1) (by SECTION 20L) and (1m) (by SECTION 20n) of the statutes and the repeal of section 13.685 (8) of the statutes take effect on January 1, 2015.

SECTION 9422. Effective dates; Health Services.

(1) BADGERCARE PLUS CHANGES. The treatment of sections 46.286 (1) (b) (intro.) (except 46.286 (1) (b) (title)), 1c., 1m., and 3. and (3) (a) 4m., 49.45 (18) (b) 2., 49.471 (2), (3) (a) 1. and (b) 1. (intro.) and c. and 2., (4) (a) 4. a. and 7. and (b) 1m. and 4. a., (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 (b) 4. g. and 5., and (12) (b), and 49.665 (6) of the statutes, the renumbering and amendment of sections 49.45 (18) (am) and 49.471 (5) (c) and (6) (a) of the statutes, and the creation of sections 49.45 (18) (am) 2. and 49.471 (5) (c) 1. and (6) (a) 1. of the statutes take effect retroactively on February 1, 2008.

(2) VITAL RECORD FEES. The treatment of section 69.22 (1) (a), (b), (c), and (d), (1m), and (1q) of the statutes takes effect on July 1, 2010.

(3) TRANSFER OF PHARMACY BENEFITS PROGRAM TO THE DEPARTMENT OF HEALTH SERVICES. The treatment of sections 20.435 (4) (a), (bm) (by SECTION 347), (jw) (by SECTION 357), and (jz) (by SECTION 359), 40.53, and 146.45 (4) of the statutes takes effect on January 1, 2011.

(6) RELIEF BLOCK GRANTS. The treatment of sections 20.435 (4) (h) (by SECTION 354), 46.21 (1) (d), 46.215 (1) (d) and (fm), 46.22 (1) (b) 1. d. and h., 46.23 (2) (a), 46.495 (1) (am), 49.001 (5p), 49.002, 49.01 (3m) and (8j), 49.015 (1) (a) and (c) and (3) (a), 49.02 (1) (intro.), (a), (b), and (c) (intro.), 1., 2., and 4., (1e), and (2) (b) and (f), 49.025, 49.027, 49.031, 49.141 (1) (s), 49.45 (6m) (br) 1. and (6y) (am) and (b), and 49.688 (3) (d) of the statutes, the repeal of section 20.435 (4) (bt) of the statutes, and SECTION 9322 (9) of this act take effect on July 1, 2011.

(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.

(7x) DENTAL HEALTH CLINIC GRANT. The repeal of section 20.435 (1) (dj) of the statutes, as created by this act, takes effect on July 1, 2010.

(8) MEDICAL ASSISTANCE APPROPRIATIONS. SECTION 9222 (1), (1c), and (2u) of this act takes effect on the day after publication.

(8f) MENTAL HEALTH INSTITUTE SERVICES. The treatment of section 49.45 (30r) of the statutes and SECTION 9322 (5f) of this act take effect on January 1, 2010.

(9) FEDERAL MEDICAL ASSISTANCE PERCENTAGES. SECTION 9122 (4) of this act takes effect on the day after publication.

(10) MEDICAL ASSISTANCE TRUST FUND APPROPRIATION. SECTION 9222 (2) of this act takes effect on on the day after publication.

(11) NURSING HOME OPERATING DEFICITS. The treatment of section 49.45 (6u) (b) of the statutes and SECTION 9222 (4q) of this act take 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.

(12r) PSYCHOTHERAPY AND ALCOHOL AND DRUG ABUSE SERVICES. The treatment of sections 49.45 (30f) and 49.46 (2) (b) 6. (intro.) and Lr. of the statutes takes effect on January 1, 2011.

(13i) 2008−09 HOSPITAL ASSESSMENT. SECTIONS 3416b, 9122 (5i), and 9222 (4i) of this act take effect on the day after publication.

(13v) LICENSING REVENUE APPROPRIATION. The treatment of section 20.435 (1) (gm) (by SECTION 327d) of the statutes takes effect on July 1, 2011.

(13x) SUPPLEMENTAL PAYMENTS FOR FOOD STAMP ADMINISTRATION. The repeal of sections 20.435 (4) (np) and 49.78 (8) (c) of the statutes takes effect on July 1, 2011.

(14g) MEDICAL ASSISTANCE SERVICES BY MANAGED CARE ORGANIZATIONS. The treatment of section 49.45 (24d), (44g), and (50m) and SECTION 9322 (3f) of the statutes take effect on January 1, 2010. **Vetoed In Part**

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.

(1q) REIMBURSEMENT OF VETERANS AND DEPENDENTS.

(a) *Educational assistance reimbursement.* The treatment of sections 20.235 (1) (fz), 36.27 (3n) (bm) and (3p) (bm), 38.24 (7) (bm) and (8) (bm), and 39.50 (3m) (title) and (4) of the statutes takes effect on August 15, 2009.

(b) *Fee remission.* The treatment of sections 36.27 (3n) (b) (intro.) and (bg) and (3p) (b) and (bg) and 38.24 (7) (b) (intro.) and (bg) and (8) (b) and (bg) of the statutes takes effect on January 1, 2010.

SECTION 9426. Effective dates; Insurance.

(2) MOTOR VEHICLE COVERAGES, PROHIBITED RISK FACTORS, AND LIABILITY PROVISIONS. The treatment of sections 62.67, 121.555 (2) (a), 227.01 (13) (zz), 344.01 (2) (am) and (d), 344.11, 344.15 (1), 344.33 (2), 344.55 (1) (intro.), 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), 632.355, 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), (6f), (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. **Vetoed In Part**

(3f) CONTRACEPTIVE AND DEPENDENT COVERAGE. The treatment of sections 40.51 (8) and (8m), 66.0137 (4), 111.91 (2) (n) and (nm), 120.13 (2) (g), 185.981 (4t), 185.983 (1) (intro.), 609.755, 609.805, 632.885, and 632.895 (17) of the statutes and SECTION 9326 (9f) of this act take effect on the first day of the 7th month beginning after publication.

(3u) PREEXISTING CONDITION EXCLUSIONS. The treatment of section 632.76 (2) (ac) and (b) of the statutes and SECTION 9326 (4) of this act take effect on the first day of the 7th month beginning after publication.

(4u) RENEWAL MODIFICATIONS AND EXCEPTION. The treatment of sections 632.7495 (5) and 632.7497 of the statutes, the renumbering and amendment of section 632.7495 (4) of the statutes, the creation of section 632.7495 (4) (b), (c), and (d) of the statutes, and SECTION

9326 (3) and (3u) of this act take effect on on the first day of the 7th month beginning after publication.

SECTION 9430. Effective dates; Justice.

(1) MOTOR VEHICLE STOP DATA COLLECTION. The treatment of section 165.85 (4) (b) 1d. f. of the statutes takes effect on the day after publication.

(1f) CRIMINAL HISTORY DATABASE FEE. The treatment of section 165.82 (1) (a) (by SECTION 2448d) and (am) of the statutes takes effect on July 1, 2011.

(1j) CRIME VICTIM AND WITNESS SURCHARGE. The treatment of section 20.455 (5) (g) (by SECTION 537c) and (gc) (by SECTION 538c) of the statutes and the repeal and recreation of section 973.045 (2m) of the statutes take effect on July 1, 2011.

Vetoed In Part

(2u) FUNDING FOR ASSISTANT DISTRICT ATTORNEY AND PUBLIC DEFENDER PAY. The treatment of sections 20.455 (3) (kb), 111.91 (2) (t), and 165.03 of the statutes takes effect on July 1, 2010.

SECTION 9437. Effective dates; Natural Resources.

(1) NONPOINT SOURCE POLLUTION PROGRAM COST SHARING. The treatment of section 281.65 (8) (jm) of the statutes takes effect on January 1, 2010.

(2) WATER USE FEES. The treatment of sections 20.370 (4) (ai) and 281.346 (12) of the statutes takes effect on January 1, 2011.

(4) AIR EMISSION PERMIT FEES. The treatment of sections 20.370 (2) (bg) and (bh), (3) (bg), (8) (mg), and (9) (mh) and 285.69 (1) (a) 3., (1g), (2) (title), (a) (intro.), (c) (intro.), (f), (g), (h), and (i), and (2m) of the statutes takes effect on January 1, 2010.

(5) BOBCAT HUNTING AND TRAPPING PERMITS. The treatment of section 29.563 (14) (a) 1. and 1m. of the statutes takes effect on March 31, 2010.

(5u) PUBLIC SHOOTING RANGE. The repeal and recreation of section 20.370 (5) (ar) of the statutes takes effect on July 1, 2010.

(6x) SNOWMOBILE RAIL CROSSING. The repeal and recreation of section 20.370 (3) (aq) of the statutes takes effect on July 1, 2011.

SECTION 9438. Effective dates; Public Defender Board.

Vetoed In Part

(1j) INDIGENCY DETERMINATIONS. The treatment of sections 20.550 (1) (fb), 303.065 (5) (dm), 973.06 (1) (e), 977.06 (1) (a) and (2) (a), 977.07 (2), and 977.085 (3) of the statutes, the renumbering and amendment of section 977.02 (3) of the statutes, and the creation of section 977.02 (3) (a) to (d) of the statutes and SECTION 9338 (1j) of this act take effect on June 30, 2011.

Vetoed In Part

(1u) ASSISTANT STATE PUBLIC DEFENDER RETENTION PAY. The treatment of sections 20.550 (1) (kb) and 977.10 of the statutes takes effect on July 1, 2010.

SECTION 9439. Effective dates; Public Instruction.

(1) FEDERAL AID. The treatment of section 20.255 (2) (m) and (n) of the statutes takes effect on the day after publication.

(2) AID TO PUBLIC LIBRARY SYSTEMS. SECTION 9239 (1) and (2) of this act takes effect on the day after publication.

Vetoed In Part

(3c) MILWAUKEE PARENTAL CHOICE PROGRAM; PAYMENTS FROM SCHOOLS BARRED FROM THE PROGRAM. The treatment of section 119.23 (10) (e) of the statutes takes effect retroactively to July 1, 2006.

SECTION 9441. Effective dates; Public Service Commission.

(1j) POLICE AND FIRE PROTECTION FEE.

(a) The amendment of sections 196.202 (2), 196.203 (1), and 196.499 (1) (intro.) of the statutes and the creation of sections 20.155 (3) (t), 25.17 (1) (ku), 25.99, 77.54 (55), and 196.025 (6) of the statutes take effect on September 1, 2009.

Vetoed In Part

(b) The repeal of sections 20.155 (3) (t), 25.17 (1) (ku), 25.99, and 196.025 (6) of the statutes and the repeal and recreation of sections 196.202 (2), 196.203 (1), and 196.499 (1) (intro.) of the statutes take effect on June 30, 2011.

(2j) ENHANCED 911 PROGRAM. The treatment of sections 15.793, 20.155 (3) (r), 25.17 (1) (kb), 25.985, 77.51 (12m) (b) 10. and (15b) (b) 10., 77.54 (37), and 256.35 (1) (cs), (ee), (gm), (3), (3g), (3m) (a) 2., 3., and 4., (5), (7), and (8) of the statutes and SECTION 9141 (1j) and (2j) of this act take effect on July 1, 2011.

SECTION 9442. Effective dates; Regulation and Licensing.

(1f) CHIROPRACTIC EXAMINATIONS. The renumbering and amendment of section 446.02 (3) of the statutes and the creation of section 446.02 (3) (intro.) of the statutes take effect on the first day of the 18th month beginning after publication.

(1g) CHIROPRACTIC RADIOLOGICAL TECHNICIANS AND CHIROPRACTIC TECHNICIANS; CERTIFICATION REQUIRED. The treatment of sections 446.02 (7) (a), (c), and (d), 446.025, and 446.026 of the statutes takes effect on the first day of the 13th month beginning after publication.

Vetoed In Part

(1q) CREDENTIAL FEE METHODOLOGY CHANGE. The treatment of sections 227.01 (13) (zx), 440.03 (9) (c) and (d) and (14) (a) 1. c., 2. c., and 3. c., (am), and (c), 440.05 (1) (a) and (2), 440.08 (2) (a) (intro.), 1. to 14d., 14g. to 21., 21m. (by SECTION 2994mk), 22. to 27., 29. to 51., 54., 55., and 56., 61. to 67x., and 68b. to 72. and (c) and (3) (a), 440.26 (3) and (5m) (a) 4. and (b), 440.42 (1) (c), 440.43 (1) (c), 440.44 (1) (c), 440.62 (2) (a), 440.63 (2), 440.71 (2) (a) and (3), 440.88 (4), 440.91 (1) (b) 2. and (c) 1., (2) (intro.), and (4), 440.92 (1) (b) 2. and (c), 440.966 (1), 440.972 (2), 440.98 (6), 440.982 (1m) (b), 440.983 (1), 440.992 (1), 440.9935, 441.06 (3) (by SECTION 2995d), 441.10 (3) (b) (by SECTION 2995dg),

Vetoed In Part

441.15 (3) (a) 2. and (b) (by SECTION 2995e), 442.08 (1) and (2) (intro.), 442.083, 442.09, 443.07 (6), 443.08 (3) (a) and (b), 443.10 (2) (b) and (e) and (5), 445.04 (2), 445.06, 445.105 (3), 446.02 (4), 447.05, 449.06 (1), 450.06 (2) (c), 450.065 (2) (d), 450.07 (1), 450.08 (2) (a) and (b), 451.04 (4), 452.025 (1) (c) and (5) (b), 451.10 (3), 452.12 (2) (c), (5) (a), and (6) (e) 1. and 2., 453.062 (1), 454.06 (1) (a) and (8), 454.08 (3) and (9), 455.06, 455.07 (2), 456.07 (2), 457.20 (3) (a), 458.11, 459.09 (1) (a), 459.24 (5) (a), 460.07 (2) (a), 461.02 (1), (4), (5) (a), (6), and (8), 470.045 (3) (a) and (b), 470.07, and 480.08 (3) (b) and (5) of the statutes takes effect on July 1, 2011.

SECTION 9443. Effective dates; Revenue.

(1) REVOKED SELLER'S PERMIT. The treatment of section 73.03 (64) of the statutes takes effect on the first day of the 2nd calendar quarter beginning after publication.

(2) FUEL PUMPS TAX CREDITS. The treatment of section 71.30 (3) (ed) of the statutes takes effect retroactively on January 1, 2008.

(3) ELECTRONIC FILING. The treatment of section 71.80 (20) of the statutes takes effect on January 1, 2010.

(4) ADMINISTRATION OF TAX INCREMENTAL DISTRICTS, FEES. The treatment of sections 20.566 (2) (hm), 60.85 (6) (am), 66.1105 (6) (ae), and 66.1106 (7) (am) of the statutes takes effect on October 1, 2009.

(5f) TANGIBLE PERSONAL PROPERTY CONSUMED IN MANUFACTURING.

(a) The renumbering of section 77.54 (6m) (a) of the statutes, the renumbering and amendment of section 77.54 (6m) (intro.) and (b) of the statutes, the amendment of sections 71.07 (3s) (a) 1., 71.28 (3) (a) 1., 71.47 (3) (a) 1., and 77.54 (2) and (2m) of the statutes, and the creation of section 77.51 (7h) (a) 3. and (b), (10b), and (10c) of the statutes take effect on the first day of the 2nd month beginning after publication.

(b) The repeal and recreation of section 77.54 (2) and (2m) of the statutes takes effect on October 1, 2009, or on the day after publication, whichever is later.

(6) OFFSET AGREEMENTS. The renumbering of section 73.03 (52) of the statutes and the creation of section 73.03 (52) (b) of the statutes take effect on the first day of the 14th month beginning after publication.

(7) FINANCIAL RECORD MATCHING PROGRAM. The treatment of sections 20.566 (1) (hc) and 71.91 (8) of the statutes takes effect on the first day of the 6th month beginning after publication.

(8) SALES TAX EXEMPTION FOR AMERICAN INDIAN TRIBES OR BANDS. The treatment of section 77.54 (9a) (ed) of the statutes takes effect on the first day of the 2nd month beginning after publication.

(8bu) ANAEROBIC DIGESTION. The repeal and recreation of section 77.54 (56) of the statutes takes effect on October 1, 2009.

(8d) FUEL SOLD TO CHARTERED FISHING BOATS. The treatment of section 77.54 (30) (a) 7. of the statutes takes effect on the first day of the 2nd month beginning after publication.

(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.

(9d) DISREGARDED ENTITIES. The repeal and recreation of sections 77.51 (10) and 77.61 (19m) (b) of the statutes takes effect on October 1, 2009.

(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 (57) of the statutes takes effect on January 1, 2012.

(14) CIGARETTE AND TOBACCO PRODUCTS TAX RATES. The treatments of section 139.31 (1) (a) and (b), 139.76 (1), and 139.78 (1) of the statutes takes effect on September 1, 2009, or on the first day of the 2nd month beginning after publication, whichever is later.

(14a) DIRECT MARKETING OF CIGARETTES AND TOBACCO PRODUCTS. The repeal and recreation of section 77.61 (11) of the statutes takes effect on October 1, 2009, or on the day after publication, whichever is later.

(14e) TRANSIT AUTHORITY TAX. The amendment of section 77.77 (1) (a) and (b) of the statutes and the repeal and recreation of sections 77.71 (1), (2), (3), and (4), 77.73 (2), and 77.75 of the statutes takes effect on October 1, 2009.

(14q) MAIN STREET EQUITY ACT.

(a) The repeal of section 77.522 (2) of the statutes, the amendment of sections 77.51 (1a) (b), 77.51 (2), 77.51 (3rm) (intro.), 77.51 (13) (k), 77.51 (13g) (a), 77.51 (14) (j), 77.51 (17x), 77.51 (20), 77.51 (24), 77.52 (1) (a), 77.52 (1) (b), 77.52 (2) (a) 10., 77.52 (12), 77.522 (1) (b) (intro.), 77.522 (1) (b) 5. b., 77.522 (3) (a), 77.522 (3) (d), 77.53 (1), 77.54 (1), 77.54 (3) (a), 77.54 (4), 77.54 (6) (a), 77.54 (6) (b), 77.54 (7) (a), 77.54 (7m), 77.54 (9a) (intro.), 77.54 (18), 77.54 (23m), 77.54 (30) (a) 6., 77.54 (35), 77.54 (49), 77.54 (50), 77.54 (54), 77.55 (1) (intro.), 77.55 (2), 77.55 (3), 77.56 (1), 77.58 (6), 77.59 (9n) (c), and 77.73 (3) of the statutes, the repeal and recreation of sections 77.585 (8), and 77.994 (1) (intro.) of the statutes, and the creation of sections 77.51 (1a) (a) 5., 77.51 (14a), 77.61 (20), and 77.994 (4) of the statutes take effect on October 1, 2009.

(b) The repeal and recreation of sections 77.51 (7h) (a) (intro.), 77.51 (7h) (a) 3., 77.51 (7h) (b), 77.52 (2) (a) 8m., 77.53 (16m), 77.58 (3) (a), 77.708 (1), 77.73 (1) of the statutes takes effect on October 1, 2009, or on the day after publication, whichever is later.

Vetoed In Part

(14r) MILWAUKEE COUNTY TAX. The repeal and recreation of section 77.70 (1), (2), and (3) of the statutes takes effect on October 1, 2009.

Vetoed In Part

(14u) BURNETT COUNTY TAX. The repeal and recreation of section 77.70 (1) of the statutes takes effect on October 1, 2009.

(14x) LOCAL PROFESSIONAL BASEBALL PARK DISTRICT. The repeal and recreation of section 77.705 of the statutes takes effect on October 1, 2009.

SECTION 9450. Effective dates; Transportation.

(1) COMMERCIAL DRIVER LICENSES AND COMMERCIAL MOTOR VEHICLES.

(a) The treatment of sections 343.03 (7) (c), 343.16 (1) (b) 2., 343.20 (2) (b), 343.23 (4) (a), 343.245 (4) (b), 343.315 (1), (1g), (2) (a) (intro.), 5., and 8., (am), (b), (bm), (c), (e), (f) (intro.) and 2., (fm), (h), (i), (j) (intro.), and (L), (3) (b) and (bm), and 343.44 (1) (c), (2) (bm), and (4r) of the statutes, the amendment of section 343.23 (2) (b) of the statutes, and SECTION 9350 (1) of this act take effect on the first day of the 7th month beginning after publication.

(b) The repeal and recreation of section 343.23 (2) (b) of the statutes takes effect on the first day of the 7th month beginning 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 later.

(2) NO FEE IDENTIFICATION CARDS.

(a) The treatment of sections 343.43 (1) (a) and 343.50 (5m) (by SECTION 2961) of the statutes, the repeal of section 343.35 (1) (b) of the statutes, the renumbering and amendment of sections 343.35 (1) (a) and 343.50 (5) of the statutes, the creation of section 343.50 (5) (a) 2. of the statutes, and SECTION 9350 (2) of this act take effect on the first day of the 4th month beginning after publication.

(b) The repeal and recreation of section 343.50 (5) of the statutes takes effect on the first day of the 4th month beginning 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 later.

(3) TRANSIT AUTHORITIES. The repeal and recreation of section 40.02 (28) of the statutes takes effect on January 1, 2010.

(4) SECOND ENDANGERED RESOURCES LICENSE PLATE. The treatment of sections 20.370 (1) (fs), 25.29 (1) (f), 25.40 (1) (a) 25., 341.14 (6r) (b) 1. (by SECTION 2811) and 12., 341.14 (6r) (c) (by SECTION 2918), 341.14 (6r) (e) (by Section 2820), 341.14 (6r) (f) 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.

(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.

(6q) SAFETY BELT PERFORMANCE GRANT FUNDS. SECTION 9150 (5c) of this act takes effect on the day after publication.

(7q) RECONCILIATION PROVISION RELATED TO PRIMARY ENFORCEMENT OF SEAT BELTS. SECTION 9150 (14q) of this act takes effect on the day after publication.

(10) AUTOMATED VEHICLE TITLE RECORDS. The treatment of sections 341.01 (2) (ac) and 342.09 (4) of the statutes takes effect on the first day of the 4th month beginning after publication.

(11) ELECTRONIC PROCESSING OF TITLE LIENS.

(a) The treatment of sections 342.20 (2) and (3), 342.22 (2), and 342.245 of the statutes, the renumbering and amendment of sections 342.19 (2) and 342.22 (1) of the statutes, and the creation of sections 342.19 (2) (a) 2. and 342.22 (1) (b) of the statutes take effect on July 1, 2010.

(b) The treatment of sections 25.40 (1) (a) 3. (by SECTION 669), 84.59 (2) (b) (by SECTION 1927), 341.255 (4), and 342.14 (2) of the statutes takes effect on January 1, 2010.

(12) OPERATING RECORD SEARCH FEE. The treatment of section 343.24 (2) (intro.), (b), (c), and (d) of the statutes and SECTION 9350 (8) of this act take effect on January 1, 2010.

(14c) VILLAGE OF FOOTVILLE GRANT. The repeal of section 20.395 (2) (jr) of the statutes takes effect on July 1, 2011.

(14d) VILLAGE OF BELLEVUE GRANT. The repeal of section 20.395 (2) (jq) of the statutes takes effect on July 1, 2011.

(14f) OVERWEIGHT PERMITS FOR STH 31. The treatment of sections 348.25 (4) (intro.) and 348.27 (4m) of the statutes takes effect on the first day of the 4th month beginning after publication.

(14g) VEHICLE WEIGHT LIMITS AND RAW FOREST PRODUCTS PERMITS.

(a) The amendment of sections 348.175 and 348.27 (9m) (a) 1. of the statutes takes effect on the first day of the 2nd month beginning after publication.

(b) The repeal and recreation of sections 348.175, 348.21 (3g) (intro.), and 348.27 (9m) (a) 1. of the statutes takes effect on January 1, 2011.

(14v) OPTIONAL VEHICLE FLEET REGISTRATION. The treatment of sections 25.40 (1) (a) 3. (by SECTION 669d), 84.59 (2) (b) (by SECTION 1927d), and 341.307 of the statutes and SECTION 9150 (9u) of this act take effect on July 1, 2010.

(15v) COMPULSORY FINANCIAL RESPONSIBILITY FOR MOTOR VEHICLE OPERATION.

(a) The treatment of sections 25.40 (1) (a) 27., 165.755 (1) (b), 302.46 (1) (a), 344.14 (2) (L), 344.25 (7), 757.05 (1) (a), 814.63 (1) (c), 814.63 (2), 814.65 (1), 814.85 (1) (a), and 814.86 (1) (by SECTION 3240m) and

subchapter VI of chapter 344 of the statutes takes effect on the first day of the 12th month beginning after publication.

(b) SECTION 9150 (11v) of this act takes effect on the day after publication.

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.

(2j) GENERAL OPERATIONS RECEIPTS LAPSE. SECTION 9254 (1j) of this act takes effect on the day after publication.

SECTION 9456. Effective dates; Workforce Development.

(1x) PREVAILING WAGE. The treatment of sections 19.36 (12), 66.0903 (1) (a), (am), (d), (dr), (e), (g) 1. and 2., (h), (i), and (im), (2), (3) (am), (ar), (av), (br), and (dm), (4) (a) 1. and 2. and (b) 1. and 2., (8), (9) (b) and (c), (10) (a), (am), (b), and (c), (11) (b) 2., 3., (f), 4., and 5., and (12) (d), 66.0904, 103.49 (1) (a), (am), (bg), (bj), (bm), (d) 1. and 2., (dm), (e), and (fm), (1m), (2), (2m) (a) 1. and 2. and (b) 1. and 2., (3) (a), (am), (ar), and (c), (4r) (b) and (c), (5) (a), (am), (b), and (c), (6m) (b), (c), (d), (e), and (f), and (7) (d), 103.50 (4m) and (7) (d) and (e), 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, the renumbering of section 103.49 (6m) (a) of the statutes, the renumbering and amendment of sections 66.0903 (5) and (11) (a) and 103.49 (3g) of the statutes, and the creation of sections 66.0903 (5) (b) and (c) and (11) (a) 2. and 4. and 103.49 (3g) (b) and (c) and (6m) (ag) of the statutes take effect on January 1, 2010.

Vetoed In Part

Vetoed In Part

Vetoed In Part

Vetoed In Part

(2q) MILWAUKEE AREA WORKFORCE INVESTMENT BOARD. The repeal of section 20.445 (1) (fr) of the statutes takes effect on July 1, 2011.

(3x) UNEMPLOYMENT INSURANCE ADMINISTRATION. The treatment of sections 20.445 (1) (n) (by SECTION 519a) and 20.445 (1) (nf) of the statutes takes effect on October 1, 2009.

SECTION 9457. Effective dates; Other.

(1) ELIMINATION OF ATTORNEY POSITIONS. SECTION 3408 of this act takes effect on the day after publication.

(2i) EXTENDING THE LIFE OF CERTAIN TAX INCREMENTAL DISTRICTS. The treatment of sections 66.1103 (2) (k) 20. and 66.1105 (2) (a), (ab), and (bq) and (6) (c) and (g) of the statutes takes effect on October 1, 2009.