The State of Wisconsin

LEGISLATIVE REFERENCE BUREAU
201 North, State Capitol
Madison, Wisconsin 53702

Telephone Area Code 608
Reference: 266-0341
Bill Drafting: 266-3561

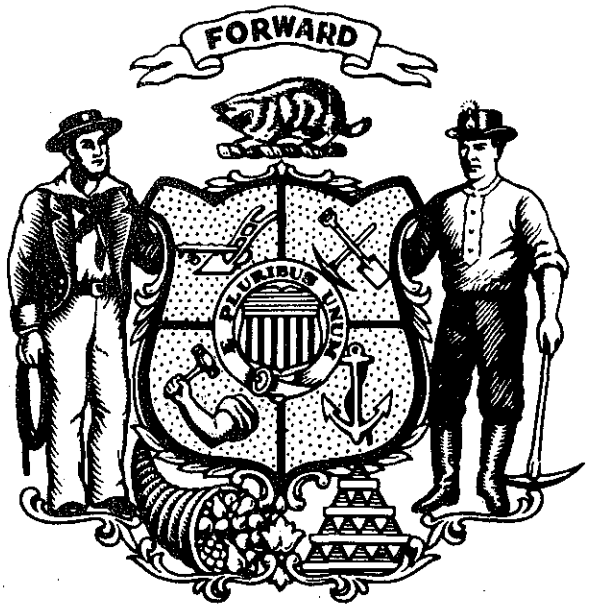
Dr. H. Rupert Theobald, Chief

SUMMARY OF THE 1981 WISCONSIN LEGISLATIVE SESSION

Chapters 1 to 394, Laws of 1981

Research Bulletin 82-RB-1

June 1982



SUMMARY OF THE 1981 WISCONSIN LEGISLATIVE SESSION

Chapters 1 to 394, Laws of 1981

Table of Contents

		Page
I.	**Introduction**	1
II.	**Highlights**	3
	Agriculture	3
	Business, Industry and Finance	4
	Children's Code	5
	Courts and Procedure	6
	Crimes	6
	Education	7
	Employment	7
	Energy	9
	Environment	9
	Health and Social Services	10
	Municipal Law	10
	Reapportionment	11
	State Government	11
	Taxation	11
	Transportation	13
III.	**Major Proposals that Failed to Pass**	15
IV.	**Summary of Proposals Passed by the 1981 Legislature**	17
	Agriculture	17
	Beverages	18
	Buildings	19
	Business, Industry and Finance	20
	Cable Television	20
	Consumer Transactions	20
	Financial Institutions	20
	Franchises	21
	Housing Loan Programs	21
	Incorporated Organizations	22
	Insurance	22
	Landlord-Tenant	24
	Securities	24
	Trade Practices	24
	Children's Code	24
	Constitutional Amendments	25
	First Consideration	25
	Second Consideration	25
	Correctional System	26
	Courts and Procedure	27
	Crimes	29
	Discrimination	31
	Domestic Relations	32
	Education	33
	Primary and Secondary Education	33
	Vocational, Technical and Adult Education	35
	University of Wisconsin System	35
	Other Educational Agencies	36
	Elections	36
	Eminent Domain	37
	Employment	37
	Energy	38
	Environment	39
	Health and Social Services	41
	Welfare	41
	Health	42
	Drugs	44
	Mental Health	45
	Miscellaneous	45
	Military Affairs	45
	Municipal Law	46
	Natural Resources	48
	Occupational Regulation	49
	Retirement	50
	State Employment	52
	Collective Bargaining Agreements	52
	Other State Employment	53
	State Government	55
	Claims Against the State	55
	State Building Program	55
	Other State Government	56
	Taxation	59
	Transportation	61
	Agricultural Vehicles	61
	Driver Licensing and Vehicle Registration	61
	Elderly and Handicapped Transportation	62
	Freeway Demapping	62
	Handicapped Parking	62
	Motorcycles, Motor Bicycles and Mopeds	62
	Motor Carriers	63
	Motor Vehicle Dealers	63
	Safety Responsibility	63
	School Busses	63
	Size, Weight or Number of Vehicles; Permits	63
	Towing Operations	64
	Other Transportation Legislation	64
	Trusts and Estates; Probate	66

Research Bulletin 82-1 June 1982

SUMMARY OF THE 1981 WISCONSIN LEGISLATIVE SESSION

Chapters 1 to 394, Laws of 1981

INTRODUCTION

This bulletin provides an overview of the 1981 legislation enacted through June 1982. The main body of the bulletin is divided according to subject matter; beneath each subject heading the acts of the Legislature are individually described. The various budget acts, which affect many different areas of state law, are described separately under the appropriate subject headings rather than under a heading devoted exclusively to the budget. Included in the *HIGHLIGHTS* section of this bulletin are synopses of those acts that received special attention by the Legislature.

The 1981 Legislature took its oath of office on January 5, 1981. Its regular session was organized into 5 floorperiods:

I — January 27 to February 20, 1981
II — April 7 to June 30, 1981 or budget passage
III — September 30 to October 30, 1981
IV — January 27 to April 2, 1982
V — May 26 to May 28, 1982

Floorperiod II was extended to July 22, 1981, the date the biennial budget passed both houses; floorperiod IV was extended to May 20, 1982; and floorperiod V was extended to June 14, 1982.

In addition to these floorperiods, the Governor called 4 special sessions. From November 4 to November 19, 1981, the Legislature considered 6 bills of which 3 were enacted — Nov. Spec. Sess. Senate Bill 1 to adjust the state's budget, Nov. Spec. Sess. Senate Bill 2 to change the timing of November 1981 shared revenue payments and Nov. Spec. Sess. Senate Bill 3 to make miscellaneous changes to the usury laws.

During April 1982, the Governor called 2 special sessions. The Legislature passed, on first consideration, a constitutional amendment that would allow the use of sales tax revenues to reduce property taxes levied for education purposes and a new law to reinstate a mechanism triggering extended unemployment compensation benefits. No law resulted from the 2nd April Special Session. On April 19, 1982, the Governor issued a call for the Legislature to consider 4 additional subjects in special session, but this call was rescinded by the Governor on April 26, 1982. Although another budget adjustment bill and legislative reapportionment bill were on the Governor's calls for consideration during the April special sessions, the Legislature extended floorperiod IV of its regular session to also consider budget adjustment and legislative reapportionment. The Legislature passed a budget adjustment bill but failed to pass any bill reapportioning the state's Senate and Assembly districts. The Legislature suspended its efforts regarding legislative redistricting on May 4, 1982, allowing the extended floorperiod and the April special sessions to continue with no further activity scheduled. Upon receiving notice that the U.S. District Court for the Eastern District of Wisconsin was considering reducing the size of the Legislature in its redistricting order, the Legislature reconvened on May 20, 1982, and passed April Spec. Sess. Senate Bill 3 to reapportion the legislative seats. The Legislature then adjourned the April special sessions and the extended floorperiod.

Prepared by the Legal Section of the Legislative Reference Bureau

On May 23, 1982, the Governor vetoed April Spec. Sess. Senate Bill 3. An attempt by the Legislature to override this veto failed on June 14, 1982, a few days after the U.S. District Court's order had been issued.

During the May 1982 Special Session, which lasted 3 days, the Legislature considered 10 bills of which 9 were enacted. The acts made the emergency telephone number system optional, modified the law relating to adoptive placements and investigations, clarified the method of computing general school aids, revised laws governing the Wisconsin retirement system, changed the Milwaukee prison site for a medium security institution, created a temporary early retirement program for state employes, changed eligibility for relief to needy Indian persons, extended time limits for compliance with effluent limitations for publicly owned treatment works and eliminated the transfer of certain segregated funds to the general fund.

The Legislature also called itself into "extraordinary session" on December 16 and 17, 1981, in order to reapportion Wisconsin's congressional districts. During this time, the Legislature expanded the call of the extraordinary session. Nine acts were enacted which authorized additional bonding for the Hughes Hall conversion, provided for mental health institute remodeling and ratified agreements with 7 state employe unions. The extraordinary session ended on January 26, 1982, and during floorperiod IV the Legislature passed 2 acts reapportioning Wisconsin's 9 congressional districts.

All bills passed by the 1981 Legislature are numbered into the regular sequence of session laws, including the bills passed during the November 1981 Special Session, April 1982 Special Session and May 1982 Special Session. Special session bills are distinguished from bills introduced during regular floorperiods by their titles.

Of the members originally elected to the Senate, 19 were Democrats and 14 were Republicans. Of the members originally elected to the Assembly, 60 were Democrats and 39 were Republicans. Changes through resignation since the commencement of the 1981 session have been:

Legislator	**Successor**
	Senate
None	None
	Assembly
Jonathan B. Barry (Dem.)	John Manske (Rep.)
William B. Broydrick (Dem.)	Thomas Meaux (Dem.)
John C. Shabaz (Rep.)	John Schober (Rep.)

The average age of the members elected to the Senate was 44 while the average age of members elected to the Assembly was 43. Three out of 33 senators were new to their positions, while 12 out of 99 representatives were serving for the first time.

The 1981 Legislature enacted 394 acts through June 1982, compared to 362 acts enacted by the 1979 Legislature. During the 1981 session the Legislature approved on 2nd consideration 6 constitutional amendments for submission to the electorate. The number of bills introduced increased to 2,009, compared to 1,940 in the previous session. Of the bills introduced, 1,161 originated in the Assembly and 848 originated in the Senate. Only 19.6% of the bills introduced became law, but the ideas contained in many unenacted bills were, in the legislative process, grafted onto other proposals. Even these figures do not tell the entire story. Most bills were redrafted a number of times prior to introduction and many bills had one or more complete substitute versions. Bills ranged in length from only a few words to over 330,000 words estimated for one budget substitute. The Legislative Reference Bureau received 14,487 drafting requests for the 1981 session compared to 15,423 requests received during the 1979 session.

Although the 1981 Legislature eliminated the requirement that the Governor introduce a budget review bill, several budget adjustment bills were introduced following on the heels of the biennial budget bill to revise state law across a broad spectrum of topics. The versions of these bills recommended by the Joint Committee on Finance were modified in each house by a series of complex "super amendments" and amendments to these super amendments, until a majority consensus was reached. Budgetary acts during the 1981 session were Chapter 1 (budget adjustment); Chapter 20 (biennial budget); Chapter 93 (budget "trailer") and Chapter 317 (budget adjustment).

The major areas of interest addressed by the 1981 Legislature included stabilizing the state budget, reapportionment, marital property revision, criminal law, reorganizing the Milwaukee metropolitan sewerage district, solid and hazardous waste management, taxation, interest rates, motor carrier regulation and retirement. Each of these areas was treated by several bills or by the budget and budget adjustment bills.

As of June 1982, Governor Lee Sherman Dreyfus vetoed 11 bills in their entirety during the 1981 session, down from 19 totally vetoed bills in the 1979 session. The Legislature overrode the vetoes of 2 bills. The Governor vetoed parts of 11 appropriation bills, up from 9 in the prior session. Of these, the partial vetoes in one measure were overridden.

HIGHLIGHTS

Agriculture

Chapter 123 limits the remedies that a court may order if an agricultural use or practice is found to be a nuisance. If the use or practice is conducted on land that is not under an exclusive agricultural use zoning ordinance the following apply:

1. The court may not order closure as a remedy unless the agricultural use or practice is a threat to public health and safety. (The term "closure" is not defined.)
2. The court may assess only nominal damages if the use or practice was conducted in substantially the same manner before the plaintiff acquired an interest in the affected property.
3. The court may order the defendant to adopt agricultural practices that may reduce the offensive aspects of the use or practice.

If the agricultural use or practice is conducted on land that is under an exclusive agricultural zoning ordinance the court may not substantially restrict or regulate the use or practice unless it is necessary to protect public health or safety.

The act also establishes that if the agricultural use or practice is found not to be a nuisance the court must provide that the defendant recovers the amount of the costs and expenses reasonably incurred in connection with the defense of the action.

Chapter 283 makes extensive revisions in the Agricultural Marketing Act. The act changes the procedures for petitioning for and adopting a marketing order or marketing agreement and for amending and terminating an order or agreement. The act also changes the voting requirements and expands the use of bloc voting.

The act makes clear the differences between a marketing order and a marketing agreement and enables a marketing order to contain a provision allowing an affected producer to obtain a refund of assessments paid under an order if he or she does not favor the program developed under the order. The act also requires that all the costs of administering a marketing order be paid from assessments collected under the order and allows the marketing board of each marketing order to control and invest the moneys collected.

Chapter 345 repeals the statutory prohibition on the sale of any nondairy food product that purports to be, or is represented as, a dairy product and creates labeling requirements for the sale of any nondairy food product that is made to resemble a dairy product. The act provides that a nondairy food product cannot be sold in Wisconsin after January 1, 1983, unless the label clearly states that the food is an artificial product and states the major differences in ingredients and nutritional value between the artificial product and the dairy product it is made to resemble.

Chapter 346 revises the soil and water conservation program. The state Board of Soil and Water Conservation Districts is replaced with a Land Conservation Board. Unlike the old board which was attached to the University of Wisconsin System, the new board is attached to the Department of Agriculture, Trade and Consumer Protection. The local soil and water conservation district is replaced with a land conservation committee created by the county board. In addition to these structural changes, the act makes several substantive changes including: a) condemnation powers formerly exercised by the districts are not given to the county land conservation committee; however, the power to enter land remains substantially unchanged; b) land conservation planning is encouraged and, under certain circumstances, required; c) a statewide soil erosion program is established; and d) a county may adopt land use regulations subject to approval by municipal referendum.

Business, Industry and Finance

Chapters 45 and 100 affect consumer lending practices, including indefinite extension of the removal of interest rate limits on residential mortgage loans. For closed-end credit not offered by licensed lenders (applies principally to banks, credit unions and merchants), the interest rate ceiling is the greater of 18% or the 6-month U.S. treasury bill rate plus 6%. For closed-end credit offered by licensed lenders (applies to finance companies), the interest rate ceiling is the greater of 23% on loans under $3,000 and 21% on loans of $3,000 or more, or the 2-year U.S. treasury note or the 6-month U.S. treasury bill rate plus 6% for all loans. For open-end credit (applies principally to banks, credit unions and merchants), there is no interest rate ceiling for at least 272 days if the constant maturity yield on 2-year U.S. treasury notes exceeds an annual rate of 15% for each of 5 successive Thursdays, otherwise the ceiling is 18%. For motor vehicle loans (applies only to motor vehicle dealers), the interest rate ceiling is the greater of 18% or the 6-month U.S. treasury bill rate plus 6%, but no interest rate ceiling applies to mobile home loans or to sales of motor vehicles used for commercial purposes. Notwithstanding these restrictions, state-chartered banks, credit unions, savings and loan associations and mutual savings banks may charge interest at rates permitted for comparable federally chartered institutions. Insurance premium finance agreements in which the related insurance contract is for personal use are subject to the same interest rate ceiling applicable to closed-end credit not offered by licensed lenders. Other agreements are not subject to an interest rate ceiling. No interest rate ceiling applies to agricultural purpose consumer credit transactions other than sales of farm equipment, which are subject to the interest rate ceiling for closed-end credit not offered by licensed lenders. No interest rate ceiling exists for transactions after October 31, 1981, if not otherwise regulated by statute. Finally, no interest rate ceiling exists for any transaction from November 1, 1984 to October 31, 1987. On November 1, 1987, interest rate ceilings in effect on October 31, 1984, will resume effect.

Chapter 349 makes substantial changes to the organization, powers and duties of the Wisconsin Housing Finance Authority (WHFA) and establishes a Homeownership Mortgage Loan Program in the Department of Development funded by up to $300 million in WHFA bonds. The program has the following major features:

1. Banks, savings and loan associations, credit unions and mortgage bankers are authorized lenders for homeownership mortgage loans.

2. Eligible borrowers include families having a combined income from all sources not exceeding 125% of the median income in the family's county of residence if the family did not own a home during the previous 3 years or not exceeding 100% of the median income in the family's county of residence if the family did own a home during the previous 3 years.

3. An eligible property includes a one- or 2-unit residential structure or a dwelling unit in a condominium or cooperative, if the property is used as the principal residence of the eligible borrower.

4. The amount of a homeownership mortgage loan may not exceed the lesser of 95% of the purchase price of the eligible property or 250% of the eligible borrower's annual income.

5. A homeownership mortgage loan may be made to purchase, construct or substantially rehabilitate an eligible property and may be used for temporary or long-term financing.

Children's Code

Chapter 81 repeals the law permitting the adoption of a child with the consent of the child's parents without a termination of the parents' rights. The act prohibits consent adoptions and requires instead that, if the adoptive parents in an independent adoption are unrelated to the child, the child's custodial birth parent and the prospective adoptive parents must jointly petition the juvenile court for the adoptive placement of the child and for the termination of the rights of both birth parents. The act requires an investigation of the proposed placement, the appointment of an agency guardian and the recommendation of an agency before the court may order the placement. Placement of a child in a relative's home for adoption without a court order is permitted.

The act also specifies the responsibilities of persons who bring foreign children under individual guardianship into Wisconsin for adoption, and revises the bonding requirements for those who bring children from another state into this state for adoptive or foster placement.

The act creates the following crimes, subject to a fine of not more than $10,000 or imprisonment for not more than 2 years or both:

1. Placing a child for adoption for anything of value in excess of the actual cost of the parent's expenses in connection with the child's birth.

2. Soliciting, negotiating or arranging the placement of a child for adoption other than as provided by law.

3. Giving anything in excess of actual expenses in order to receive a child for adoption.

This act also changes all references to "natural parent" in the Children's Code to "birth parent."

Chapter 359 requires DHSS to maintain a medical and genetic history of each child who is the subject of a petition for the termination of parental rights after May 7, 1982. The record must be made available, upon request, to the child if the child is 18 years of age or over, or to certain other persons who provide care or services for the child. If DHSS does not have a medical and genetic history of a child on file, the child or any of the other specified persons may require DHSS to conduct a search for the child's birth parents to obtain medical and genetic information that is medically necessary. The act specifies the procedures for obtaining the information and provides that the circuit court may order a birth parent to disclose information if good cause is shown.

The act also creates a procedure under which an adopted child or a child whose parent's rights were terminated may, under certain circumstances, obtain the identity and location of his or her birth parents. Such a child, if he or she is 21 years of age or over, may request the information from DHSS. DHSS may disclose the information only if each known birth parent has filed an affidavit with DHSS consenting to the disclosure or if one birth parent has been dead for at least one year and the other has filed the required affidavit.

If an affidavit from either known birth parent is not on file, DHSS upon request must try to find the parent to seek permission to disclose the requested information which may be disclosed if both

birth parents consent, if one birth parent has been dead for at least one year and the other consents or if one cannot be located and the other consents.

If a birth parent is dead, DHSS must provide the child with any nonidentifying social history information it has on file about that parent. A child may petition the circuit court to order DHSS to disclose any information that may not be disclosed under the provisions of this act.

Courts and Procedure

Chapter 183 implements the constitutional amendment relating to bail (1981 Assembly Joint Resolution 5). The major provisions of the act are:

1. The act revises existing statutory provisions on conditions of release to reflect those changes. A definition of "bail" is provided to specify that the term refers to "monetary" conditions of release.

Under the act, judges are authorized to impose any condition of release which is reasonably necessary to assure appearance in court and any nonmonetary condition of release which is reasonably necessary to protect members of the community from serious bodily harm or prevent intimidation of witnesses.

2. The act authorizes circuit courts to deny bail in certain limited circumstances:

Bail may be denied to 3 types of persons: persons charged with first-degree murder, charged with first-degree sexual assault, or charged with committing or attempting to commit a violent crime if the person has a previous conviction for committing or attempting to commit a violent crime (referred to as a repeater-violent offender).

The district attorney for a county initiates denial of bail proceedings by alleging that the person has committed first-degree murder or sexual assault or is a repeater-violent offender, and that available conditions of release will not adequately protect members of the community or prevent witness intimidation. The court may hold the defendant in custody and deny bail pending a hearing.

Any bail denial hearing must be held within 10 days from the date the defendant is taken into custody. At the hearing, the state must show by clear and convincing evidence that the person fits into one of the 3 specified categories (first-degree murder, first-degree sexual assault or repeater-violent offender) and that available conditions of release will not adequately protect members of the community or prevent witness intimidation. If the court makes these findings, it may continue to deny bail to the defendant. If the court does not make both of the findings, the defendant must be released on bail.

If denial of bail is continued, it may be for a period not to exceed 60 days. If the time period passes and the defendant is still eligible for release (conviction has not occurred), the defendant must be released on bail.

Chapter 369 requires the circuit courts of this state to grant full faith and credit to the judicial acts, records, proceedings and valid judgments of the Menominee Indian Tribe of Wisconsin and to the acts of the Menominee tribal legislature, if the tribal court grants full faith and credit to judgments of this state's courts and to acts, records and proceedings of governmental entities of Wisconsin. The act establishes the standards under which acts of the tribal legislature and judicial documents qualify for admission as evidence in a circuit court and the criteria by which a circuit court may determine whether a tribal court is a court of record and a tribal court judgment is a valid judgment for purposes of determining admissibility as evidence. The act provides that no lien or attachment based on a tribal court judgment may be filed, docketed or recorded in this state unless the judgment has been given full faith and credit by a circuit court.

Crimes

Chapter 20 makes numerous changes in the laws concerning operating a motor vehicle while intoxicated (OWI) and related laws. The most significant provisions include:

1. The act revises (generally increases) the various suspension and revocation periods for OWI and related offenses and for refusing to take a chemical test for intoxication. Court-ordered education or treatment may not substitute for all or part of a suspension. Municipal courts may suspend or revoke a license for violation of a local ordinance prohibiting OWI. If any court fails to suspend or revoke any license for OWI or for a refusal to take a chemical test for intoxication, the Department of Transportation is authorized to make the necessary order.

2. The act revises (generally increases) the penalties for OWI and related offenses. Court-ordered education or treatment may not substitute to reduce forfeitures, fines or imprisonments. In addition, 2 new sanctions will apply. A driver assessment surcharge of $150 will be imposed for OWI or related offenses. A person who operates a motor vehicle after license suspension or revocation may have his or her vehicle impounded.

3. Previously, assessment or treatment of persons convicted of OWI or refusing to take a chemical test for intoxication was optional with the person. The act makes the assessment and treatment mandatory, unless the person is currently in or has recently completed the assessment and treatment.

4. The act limits plea bargaining once a person has been charged with OWI or a related offense. The court could authorize a revision of the charges only if it finds the new charge is consistent with the public's interest.

5. The act revises OWI and related offenses by providing that it is illegal to operate a motor vehicle if a person has a blood alcohol concentration of 0.1% or more by weight of alcohol or 0.1 grams or more alcohol in 210 liters of the person's breath.

6. The Department of Transportation is required to study the effectiveness of the OWI revisions and report its findings to the Legislature not later than December 31, 1986.

Education

Chapter 340 requires all city school districts to reorganize into either common or unified school districts by July 1, 1983. (Unlike a common or unified school district, fiscal control of a city school district is exercised by a fiscal control board.) Reorganization may occur upon petition by the electors or upon adoption of a resolution by either the school board or the fiscal board. The act provides for a referendum on the form of district structure into which the city school district will be reorganized, if requested by 15% of the electors in the school district.

Employment

Chapter 36 makes various changes to the unemployment compensation (UC) law for the purpose of conforming state law to federal law in order to maintain this state's certification which enables state participation in federal UC and other employment security programs, permits federal funding of state administrative costs and qualifies Wisconsin employers to receive a credit on their federal unemployment taxes. The national "trigger" which activates the federal-state extended benefit program during periods of high unemployment is deleted and the state "trigger" is changed to make the program more difficult to activate. (The effective date of the state "trigger" changes was modified by *Chapter 185*.) Requirements to qualify for benefits after the 26th week of unemployment are made more stringent during an extended benefit period. Extended benefits due an individual are offset by any federal trade readjustment allowance payments received by that individual. Moneys received as interest and penalties for late filings of UC contributions (taxes) are permitted to be used to pay interest to the federal government on loans made to maintain the solvency of the state Unemployment Reserve Fund (interest became payable on such loans beginning on April 1, 1982).

The act also makes other changes in the UC law, including appeal procedures, treatment of tips, eligibility for receipt of benefits by individuals receiving total disability worker's compensation benefits, imposition of tardy payment or late filing fees and delinquent UC payments.

Chapter 334 substantially revises the state fair employment law, which prohibits employment discrimination. The act places into the statutes certain concepts regarding employment discrimination which are presently the law because of Wisconsin Supreme Court decisions. These concepts involve discrimination because of pregnancy, the definition of handicapped individual and the consideration of safety in dealing with handicapped employes and applicants.

The act adds the following new concepts to the fair employment law. An employer may not discriminate on the basis of age against any individual between 40 and 70, rather than between 40 and 65 as under prior state law. Exposure to physical danger, rather than mere employment in a hazardous occupation, is required before an employer can exercise an age distinction. An employer must deal with each handicapped person individually, and may not issue blanket rules regarding handicap as previously permitted under state case law. An employer must reasonably accommodate an employe's or applicant's handicap or religion. With respect to religion, this reverses a state Supreme Court interpretation of the fair employment law. An employer may not discriminate on the basis of marital status. Sexual harassment is sex discrimination and is prohibited. Social clubs and fraternal and religious associations not organized for private profit are no longer completely exempt from the fair employment law. The prohibition against discrimination on the basis of conviction record applies to juvenile records and military dishonorable discharge records. The prohibition against discriminating against an individual who is not bondable under an equivalent bond applies to bondability under a bond issued by a federal program for ex-offenders.

This act also requires employers to notify employes about any hairstyle, facial hair or clothing requirement, at the time of hiring.

Chapter 360 directs the Department of Industry, Labor and Human Relations (DILHR) to promulgate rules setting standards to protect the health and safety of public employes (employes of the state and its agencies and political subdivisions). The standards must provide protection at least equal to that provided to private sector employes under the federal Occupational Safety and Health Act. The standards must address issues like the use of protective equipment and technological procedures to control hazards; exposure to toxic substances and harmful physical agents; and informing employes of workplace hazards, precautions and emergency treatment. A public employer may apply to DILHR for a temporary, experimental or permanent variance to any standard.

The act permits a DILHR representative to make reasonable inspections to determine compliance with standards and variances, directs DILHR to issue an order to the public employer if it finds a violation posing a recognized hazard likely to cause death or serious physical harm to a public employe and permits DILHR to seek injunctive relief if imminent death or serious harm is threatened. A public employer or employe may obtain review of a DILHR order or decision.

The act requires a public employer to record employe exposures to toxic materials and harmful physical agents, and to record and report work-related injuries and illnesses. The act prohibits public employer retaliation against any public employe who exercises rights under the act and permits a public employe who believes his or her employer has acted in retaliation to file a complaint and receive a hearing and appropriate relief. The act imposes a number of other procedural duties upon DILHR and upon public employers, and provides that DILHR need not use resources to enforce the act in a political subdivision with 10 or fewer employes unless it receives a complaint.

Chapter 364 creates the "employes' right to know law." The act grants to employes and employe representatives the right to know about toxic substances, infectious agents and pesticides present in the workplace. The act applies to employes of both public and private employers.

The act provides that upon request of an employe or employe representative, any employer other than an agricultural employer must provide written information regarding the identity of any health hazards, special precautions and emergency measures applicable to a toxic substance or infectious agent. An employer must post certain notification regarding these materials, and must provide

employes with education and training before routine exposure to any toxic substance or infectious agent. An agricultural employer need not comply with the requirements relating to toxic substances or infectious agents, but must provide notification and information regarding pesticides in the workplace.

The act requires manufacturers and suppliers to provide employers with information relating to toxic substances and infectious agents. This act permits an employer to obtain an exemption from the act's requirements if the federal Occupational Safety and Health Administration promulgates a toxic substance regulation with requirements comparable to those in the act, or if the information required to be disclosed is confidential (for example, because it is a trade secret).

Under the act, an employe may refuse to work with a material if he or she has requested information about it which the employer or agricultural employer has not properly provided. An employer or agricultural employer may not discipline or otherwise discharge an employe for exercising his or her rights under the act, and may not request an employe to waive his or her rights.

Energy

Chapter 354 allows owners of solar energy systems to rely on existing zoning restrictions when installing a solar collector to be shade-free. If a collector is later shaded by a structure built because zoning restrictions in place when the collector was installed have been changed, the owner of the collector is entitled to damages, court costs and attorney fees.

Counties and municipalities are authorized to issue solar access permits under a procedure that requires notice to neighbors who would be restricted by a permit, and to provide an opportunity for a hearing and an agency determination of the effect of the permit on the development rights of neighbors. If a permit is granted, notified property owners may not block sunlight needed for the solar collector.

A county or municipality may not restrict the use of solar energy systems unless the restriction relates to public health and safety or would allow for a system of comparable cost and efficiency.

The act clarifies the right of landowners to negotiate wind and solar access easements for the protection of wind and solar energy systems.

The act authorizes counties and municipalities to consider solar access in land use planning decisions, to require the dedication of solar access easements as a condition of subdivision approval and to regulate vegetation which blocks solar energy from a collector surface.

Environment

Chapter 374 extensively revises the solid and hazardous waste management law. These changes include the following:

1. The act creates a negotiation and arbitration procedure to address certain items of concern between the applicant proposing a new waste facility and the affected municipalities. Arbitration awards are decided by a vote of at least 4 members of a new 6-member waste facility siting board. If 4 members cannot reach an agreement, the Governor issues the arbitration award.

2. This act requires an applicant to apply for local approvals. The act specifies that local approvals in effect for at least 15 months are generally applicable to new waste facilities; however, other provisions for the applicability of these ordinances may be specified through negotiation or arbitration.

3. The act permits a request for a hearing to be conducted as a contested case only at the feasibility report stage of the approval process.

4. The act creates special provisions to deal with certain types of facilities such as PCB storage and treatment facilities and mining waste facilities.

5. This act deregulates automobile junk yards and permits open burning of certain wastes for facilities serving larger communities than was previously allowed.

6. The act makes revisions to the solid waste management grant program, inspection powers, review of Department of Natural Resources' decisions and the applicability of state standards.

7. The act revises the requirements for proof of financial responsibility to ensure proper closure and long-term care of waste facilities to allow compliance with these requirements through use of a net-worth test.

8. The act revises the Waste Management Fund so that a minimum $100 payment by facility owners or operators is required annually but tonnage fees are not applicable to small facilities. The act also clarifies permissible uses of moneys from this fund.

9. The act provides for a groundwater study, regulation of certain property transfers and a variety of other changes.

Health and Social Services

Chapter 134 creates a new method of determining death, specifying that irreversible cessation of circulatory and respiratory functions or irreversible cessation of all functions of the entire brain, including the brain stem, constitutes death.

Municipal Law

Chapter 282 reorganizes the laws relating to the Milwaukee Metropolitan Sewerage District. Formerly, a city sewerage commission and a metropolitan sewerage commission jointly governed the district, although the county board of supervisors had fiscal control over the district. This act replaces that format with a single unified commission that governs the district and determines the financing for the district.

This act expands the size of the unified commission to 11 members — 7 chosen by the mayor of the City of Milwaukee and 4 chosen by an executive council that consists of the elected executive officers of municipalities within the district, except the City of Milwaukee. The act also provides a method of decennial reapportionment to change the ratio of appointments between the mayor and the executive council as the relative populations change. To accomplish reapportionment, the size of the commission may decrease to 9 or increase to 13 members.

This act allows the district to conduct its own financing with its own debt limit. The act also makes available to the district a variety of methods of financing capital improvements, most of which are presently available to municipalities. These methods include bonding, bond anticipation notes, other forms of borrowing and tax levying. Financing must be approved by a two-thirds vote of all commissioners.

Former law allowed the metropolitan sewerage district to expand its boundaries but provided no method for contraction. This act requires the commission to review periodically the district boundaries and to redefine the boundaries as needed to reflect its best estimate of areas that likely will be receiving sewerage service from the district in the near future. Areas likely to receive service only in 25 years or more must be excluded from the district; areas likely to receive service in 10 to 25 years may be included in the district; and areas likely to receive service within 10 years must be included in the district.

This act includes provisions for 3 audits of the district. A performance audit created by *Chapter 20* is included in the reorganization of the district, the commission is required to audit its financial transactions annually and municipalities or counties within the district may demand one audit per year, to be conducted by the Public Service Commission.

Chapter 383 makes establishment of an emergency telephone number system ("911") optional for units of government which provide or are authorized to provide emergency service. Under former

law, the governmental units were required to establish the emergency telephone number system by December 31, 1987.

Reapportionment

Chapters 154 and 155 recreate Wisconsin's 9 congressional districts based on the results of the 1980 federal census of population.

State Government

Chapter 335 recodifies, clarifies and amplifies state law concerning access to public records. Under former law, any person was entitled to examine or copy most public records during office hours, subject to such orders and regulations as the custodian prescribed. This act clarifies what constitutes a public record, reinforces the right of inspection of such records and provides specific procedures for making requests for inspection and copying of records appearing in various formats. The act also authorizes requests for copies of records to be made by mail and permits requests to be made anonymously, except that identification may be required if a record is kept at a private residence or if security reasons or federal law or regulations so require. Under the act, agencies and officers must provide inspection and copying facilities comparable to those used by their employes.

The act requires agencies and officers having custody of records, with certain exceptions, to designate a custodian who is empowered to respond to requests for inspection or copying of records. Most agencies and officials must also post a notice informing the public of the times and places at which and the custodians from whom requests for inspection or copying may be made. (These requirements are new.) In most cases, requests for inspection and copying may be made under the act at any time during regular office hours. Prompt access to records kept at locations where office hours are not maintained is also required, subject to notice requirements. The act also makes records custodians responsible for providing access to records produced or collected by private persons under public contract to the same extent as if the records were maintained by public agencies or officers. The act generally continues the former law as developed in cases and opinions in effect for the purposes of determining when access to records may be denied.

Under the act, the requester may ask the district attorney of the county where a record is found or the Attorney General to seek an order directing release of the record if it is withheld, or may seek such an order directly. A new provision requires the award of attorney fees, damages of not less than $100 and other actual costs to the requester in a successful court action appealing the decision of a records custodian. If a court finds that an agency or officer having custody of a record has arbitrarily and capriciously denied or delayed response to a request or charged excessive fees, it may award punitive damages or impose a civil forfeiture.

Taxation

Chapter 20 discontinues the payments to municipalities and counties for manufacturing machinery and equipment and for personal property tax relief and incorporates them into other shared revenue payments. The act replaces the per person dollar amount in the shared revenue payment formula with a provision that varies that amount as the state's population varies. The act specifies the percentage of average local purpose revenues that will be paid to counties. The act sets the standard valuation component of the shared revenue payment formula so that the exact amount of shared revenue to which each county and municipality is entitled will be distributed. The act changes the definition of local purpose revenues, reduces minimum payments, establishes a 1981 payment of $11,700,000 based on 1975 manufacturing machinery and equipment payments, sets the level of 1981 payments at $541,700,000, moves the date of some credit disbursements from March to July, adds an additional school aid entitlement formula for credit distributions, specifies that growth in payments will equal growth in general fund tax revenue within limits of 5% and 12%, creates a

1982 payment of $54,417,900 based on the former personal property tax relief formula and 1982 and 1983 payments based on allocable shares (property tax rate) and creates a school tax levy formula for distribution of credits.

The act adopts the federal computation of depreciation (accelerated depreciation) and disallows the corporate deduction for federal and state income, excess profits, war profits, capital stock and windfall profits taxes. The act extends the former highest corporate income tax rate, 7.9%, to all brackets. For the following taxable years, the act excludes the following percentages of capital gains from taxation: 1982, 20%; 1983, 40%; and 1984 and thereafter, 60%. The act creates a minimum tax on the following tax preferences: adjusted itemized deductions, accelerated depreciation of real property and of leased personal property, stock options, the depletion allowance and intangible drilling costs.

The act increases the following excise taxes: the tax on intoxicating liquor from $2.60 to $3.25 per wine gallon, the tax on wine from 19.5 cents to 25 cents per wine gallon and the tax on cigarettes from 16 cents to 20 cents per pack (from 32 cents to 40 cents for heavier cigarettes). The tax on cigarettes is also increased by *Chapter 317*. The act also creates a new excise tax on tobacco products equal to 20% of the manufacturer's list price.

The act requires the Department of Health and Social Services in regard to delinquent child support payments, and allows other departments, to request that the Department of Revenue (DOR) reduce the amount of tax refund or credit due an individual by the amount owed by that individual to the state agency making the request. The act increases the real estate transfer fee from 10 cents to 30 cents per $100 of value and reduces the percentage retained by the county from 50% to 20%. The act changes the percentage of sales tax receipts that a retailer may retain. Retailers annually may retain 2% of the first $10,000, 1% of the next $10,000 and 0.5% of the amount above $20,000. The act creates a Property Tax Deferral Program whereby elderly persons will receive a loan to pay their property taxes in return for granting a lien on their home to DOR. The loan is due upon transfer of the home.

Chapter 86 revises the net proceeds tax on mining of metallic minerals and the distribution of the funds from that tax. This act specifies that the tax is calculated on the basis of each mine rather than on the combined taxable income of a person engaged in mining. The act also discontinues the 3-year averaging of proceeds. The act increases the available deductions, lowers the rates and indexes the brackets. The tax is made deductible for purposes of the income and franchise tax.

The act establishes a Badger Fund administered by a Badger Board. The excess over $20,000,000 in the Investment and Local Impact Fund is transferred to the Badger Fund. Fifty percent of the interest on the fund is directed to be spent on school aids and 50% on recreation aids. This act creates a "first-dollar payment," which goes to counties, municipalities and Native American groups, and the act changes the distribution of payments from the tax collections to those entities. The act also provides for payments to them during the period when mines are being constructed. Those payments are funded from construction fees charged to mining companies.

Chapter 93 exempts transfers of property between spouses from the gift tax and the inheritance tax and specifies that the basis of property acquired from a spouse upon the death of that spouse is the fair market value of the property at the date of death. This "stepped up" basis will lower the income tax payable by the surviving spouse if the property is sold. This act sets the shared revenue payment for 1982 at $675,000,000 minus a $38,000,000 lapse to the general fund. The act establishes minimum and maximum levels for both shared revenue payments and credits. Reductions in payments and credits because of the maximum limit fund the supplements that are needed to ensure minimum payments and credits. The act creates a special 1981 adjustment to provide additional payments to municipalities and counties the estimated payments of which are lower than their actual payments. The act also changes the date when some credits are distributed from March to July.

Chapter 167 authorizes counties and 1st class cities, by action of the county board or city council, to add an additional penalty of 6% or less to the present interest rate on delinquent property taxes. The board or council is given some flexibility in determining the applicability of the penalty.

Chapter 317 imposes a 10% surtax for taxable years 1982 and 1983 on the taxable income of corporations.

The act does not adopt the following recent federal changes in the income taxation of individuals: the deduction for 2-earner married couples, the deduction for interest earned on all-saver's certificates, the exclusion for dividends reinvested in public utilities and the charitable contribution deduction for persons who do not itemize.

The act specifies that the depreciation deduction formerly allowed under federal law, rather than accelerated depreciation, is available for property acquired by utilities during taxable years 1981 to 1983.

The act creates a system for withholding earnings to ensure the payment of income taxes by out-of-state entertainers, athletes and public speakers.

The act provides that the income from farms, mines and quarries and the income from the sale of petroleum at the wellhead are taxable by this state, subject to the rules for apportioning income among states.

The act raises the sales tax and the use tax rate from 4% to 5% from May 1, 1982 to June 30, 1983, and provides that the higher rate will remain in effect permanently if a constitutional amendment authorizing that higher rate is approved by referendum. The act extends the sales tax to interstate telephone calls placed in this state, to interstate telegraph services and to landscaping services.

The act provides $75,000,000 in property tax relief in 1983 to municipalities. One-half of that amount is distributed according to a school tax levy formula and one-half according to a school aid formula. In 1984 and thereafter if the sales tax rate is 5%, an amount equal to 10% of the prior year's sales and use tax collections is directed to be expended for property tax relief; and if the sales tax rate is 4%, an amount equal to 12.5% of the prior year's sales and use tax collections is directed to be expended for property tax relief.

The act increases the tax on cigarettes by 5 cents a pack (10 cents a pack for heavier cigarettes) from May 1, 1982 to September 30, 1983.

Transportation

Chapter 20 prohibits local authorities from arresting any person for failing "to pay a forfeiture for violation of any stopping, standing or parking" ordinance. This has been interpreted by at least one circuit court and several city attorneys to bar arrests on parking tickets only after court judgment. The Attorney General, however, has found that both prejudgment and postjudgment arrests were barred.

The act also makes significant changes in the area of transportation finance. The revenue generating package includes:

1. Increasing the excise tax rate on motor fuel and special fuel from 9 cents to 13 cents per gallon.
2. Imposing a tax of 6 cents per gallon on aviation fuel sold to general aviation users in lieu of the sales tax.
3. Increasing the annual registration fee for automobiles from $18 to $25.
4. Increasing the annual registration fee for motor trucks of more than 8,000 pounds from a range of $117 to $1,602 to a range of $135 to $1,682; and increasing the annual registration fee for farm trucks from $18 to $21.
5. Increasing the annual registration fee for mopeds from $5 to $7.
6. Revising the permit fees for oversize/overweight trucks.

7. Increasing the additional fee for quarterly registration of vehicles from $1 to $5.

8. Revising the aircraft registration fee schedule from a range of $14 to $202 to a range of $30 to $3,125.

9. Allocating 40% of the money collected for vehicle weight and size violations to the Transportation Fund.

10. Providing $67,000,000 in bonding authority for major highway development. Not more than $28,000,000 of the bonding authority may be used in the 1981-83 biennium.

11. Shifting payments for local transportation, connecting highway lift bridges and mass transit aids from June of one fiscal year to July of the next fiscal year.

12. Changing the funding source for several transportation-related programs which are conducted by state agencies other than the Department of Transportation (DOT) from the segregated fund to the general fund.

13. Directing the sale of excess lands adjacent to DOT's administrative facilities.

Chapter 165 revises the procedures for nonmoving traffic violations. The act limits the power of a local authority to utilize the preexisting warrant and arrest procedure against a person who fails to mail the forfeiture or arrange a court appearance for a parking ticket. Instead, the traffic violation and registration program is expanded and the local authority is authorized to notify DOT if the person does not respond to a parking ticket. Upon notification, DOT suspends the registration or refuses to register any vehicle for the person until the person pays the forfeiture or appears in court. Notification of DOT tolls the statute of limitation for 4 years.

In lieu of the above procedures a warrant may be issued. The warrant directs an officer, who makes personal contact with the person, to accept a deposit of money or the person's driver's license in lieu of serving the warrant. If the person refuses to deposit money or the license, the warrant may be served and the person arrested. Once the person appears in court, the usual traffic court procedures are applicable.

Chapter 347 changes the standard to be used for determining whether to issue an authority to a motor carrier, eliminates regulation of motor carrier rates by the Transportation Commission (TC) and reorganizes and reduces the size of the TC.

Prior to this act, the legislative intent in regulating motor carriers was stated as preserving and fostering transportation systems. A common motor carrier was required to have a certificate of authority from the TC and a contract motor carrier was required to have a license from the TC. The authority determined the routes and scope of service of the carrier. The TC was required to base its decision on the issuance of a certificate or license on considerations of the "public interest," "public convenience and necessity" and "existing transportation facilities." Common carrier certificates were issued only after a hearing. A hearing on issuance of contract carrier licenses was held upon request by any interested person. The TC was required to hold a hearing on any rate action by a common carrier which had a general effect or upon request, and the TC could prescribe minimum and maximum rates for contract carriers.

This act essentially eliminates the differences between common and contract motor carriers. The TC grants the authority applied for without a hearing if the applicant is "fit, willing and able" and complies with the insurance requirements. With the exception of carriers transporting passengers, the applicant determines whether the applicant will operate as a common motor carrier under a certificate or as a contract motor carrier under a license.

The act raises the license fee for a contract motor carrier from $25 to $500; and raises the fee for a certificate from $40 to $500 for a common motor carrier of property and to $50 for a common motor carrier of passengers. Persons holding current authority receive the new expanded authority without paying the fee.

The act eliminates all rate regulation for intrastate motor carriers and creates new minimum insurance requirements which are the levels established by the federal government. The act also reduces the TC from a 3-member commission to a one-member agency, attached to DOT, which is called the Office of the Commissioner of Transportation.

MAJOR PROPOSALS THAT FAILED TO PASS

Beverages

Assembly Bill 221 and Senate Bill 172 proposed a mandatory deposit on certain beverage containers.

Assembly Bills 220, 229, 250, 258 and 649 and Senate Bills 159, 220 and 533 proposed to raise the drinking age and the age for obtaining alcohol beverage licenses and permits to either 19 or 21.

Assembly Bill 690 would have prohibited 18-year-olds from consuming alcohol beverages away from licensed premises.

Senate Bill 829 proposed to raise the drinking age to 19, except for 18-year-olds who had graduated from high school.

Business, Industry and Finance

Senate Bill 245 would have authorized petitioning and distribution of literature in the common areas of privately owned shopping centers which are open to the public.

Senate Bill 473 would have established a comprehensive system for compensating persons injured in motor vehicle accidents regardless of fault.

Senate Bills 493 and 764 would have established compulsory motor vehicle insurance.

Courts and Procedure

Assembly Bill 29 would have created a determinate term sentencing system.

Crimes

Assembly Bills 56 and 240 and Senate Bills 335 and 453 would have revised the obscenity law.

Senate Bill 222 would have restricted the sale and use of drug paraphernalia.

Domestic Relations

Assembly Bill 284 proposed to change the laws governing property interests of married persons, with respect to debt and credit, property division, marriage agreements and probate.

Assembly Bill 370, known as the "marital property reform bill," proposed establishment of a system similar to that followed in the 8 community property states, under which most property acquired by a husband and wife after their marriage would have been owned by both of them equally.

Employment

Assembly Bills 452 and 510 and Senate Bills 395 and 636 would have authorized collective bargaining for members of the University of Wisconsin System faculty or academic staff, or both. *Assembly Bill 730 and Senate Bill 242* would have authorized collective bargaining for graduate assistants employed by the University of Wisconsin System.

Senate Bill 147 would have prohibited employment discrimination on the basis of age against any individual 40 years of age or over.

Senate Bill 524, known as the "whistle-blower bill," would have prohibited retaliatory disciplinary action against certain employes who had disclosed information regarding improper activities in state government.

Environment

Assembly Bills 533 and 1064 proposed to extend the ban on the sale of cleaners containing phosphates beyond July 1, 1982.

Assembly Bill 958 would have created a groundwater protection program in several different state agencies.

Senate Bill 230 proposed to establish a comprehensive wetland protection program. (see *section IV-Environment* for the more limited wetlands act).

Health and Social Services

Assembly Bill 621 would have prohibited all 3rd trimester abortions in public hospitals except as needed to save the mother's life; the bill would also have prevented 1st and 2nd trimester abortions in public hospitals except as needed to save the mother's life or to prevent grave, long-lasting physical health damage due to a preexisting medical condition, where the pregnancy was caused by rape or incest or where the fetus suffered from a severe genetic or developmental disorder.

Reapportionment

April 1982 Special Session Senate Bill 3, 2nd April 1982 Special Session Assembly Bill 1, and Senate Bills 712, 713 and 771 would have revised legislative district boundaries based on the 1980 federal census of population.

State Government

Assembly Bill 364 would have prohibited the Board of Commissioners of Public Lands, the Investment Board and the Board of Regents of the University of Wisconsin System from investing public funds in stocks or obligations of any person or firm included on a Department of Industry, Labor and Human Relations list of labor law violators.

Assembly Bill 403 and Senate Bill 79 would have regulated governmental practices regarding personal information.

Assembly Bill 1115 would have repealed and recreated the Uniform Unclaimed Property Act.

Senate Joint Resolution 4 would have approved on 2nd consideration a constitutional amendment to limit the Governor's authority to partially veto appropriation bills.

Senate Bill 759 would have abolished the Office of the Commissioner of Banking, the Office of the Commissioner of Savings and Loan and the Office of the Commissioner of Credit Unions and would have created an Office of the Commissioner of Financial Institutions.

Taxation

Assembly Bill 117 would have created a tax equal to 1% of gross income on fuel sold by large petroleum companies.

Assembly Bill 167 and Senate Bill 105 would have allowed municipalities to apply to the Department of Development for designation of enterprise zones, in which owners of businesses would have been eligible for income tax benefits and exempt from certain state laws and local ordinances.

Assembly Bill 500 would have changed the occupational tax on cigarettes to an excise tax, thus allowing collection of the tax on sales by Indians to non-Indians on reservations.

Assembly Bill 1070 and Senate Bills 133 and 752 would have discontinued the inheritance tax (on recipients), leaving the present estate tax (on estates), which is equal only to the amount that may be credited against the federal estate tax for state estate taxes paid.

Senate Bill 465 would have replaced the property tax with a municipal income tax.

Transportation

Assembly Bill 907 and Senate Bill 660 would have eliminated economic regulation of motor carriers and railroads and would have abolished the Transportation Commission.

SUMMARY OF PROPOSALS PASSED BY THE 1981 LEGISLATURE

Agriculture

Chapter 20 extends the provisions of the brucellosis program operated by the Department of Agriculture, Trade and Consumer Protection (DATCP) to American bison and creates in that department an indemnification program for the control and eradication of sheep scrapie.

Chapter 57 recreates the Fertilizer Research Council in DATCP. The council was created in May of 1978 to recommend projects to be financed by fertilizer research funds. The statutory authorization for the council ended on July 1, 1981. This act recreates the original provisions effective November 19, 1981.

Chapter 66 creates a licensure requirement for animal food processors and collectors of dead animals in addition to the current licensure requirement for renderers. The act creates a license fee and an initial inspection fee for a required DATCP inspection. DATCP may not issue a license unless the plant or business location meets all applicable standards concerning location, construction, equipment and sanitary conditions.

Chapter 123 limits the remedies that a court may order if an agricultural use or practice is found to be a nuisance (see *HIGHLIGHTS*).

Chapter 124 clarifies the law prohibiting unfair discrimination in the purchase of milk from producers. The act limits the scope of the law to the purchases of milk whereas previously it applied to purchases of milk, cream or butterfat. The act eliminates the criminal sanctions for violations, replaces them with civil forfeitures and enables DATCP to issue orders enjoining violations.

Chapter 166 repeals the requirement that the assessor of each village, town or county collect agricultural statistics when making the annual property assessment and directs DATCP to collect agricultural surveys by mail and other appropriate means.

Chapter 219 makes a person who is in the business of processing, distributing or selling food products immune from civil liability for any injury to a person caused by food donated or sold at a minimal cost by the person to a charitable organization if the donor has complied with all applicable state and federal laws. The act also limits the liability of a charitable organization for any personal injury caused by food products distributed by such organization under certain conditions.

Chapter 283 makes extensive revisions in the Agricultural Marketing Act (see *HIGHLIGHTS*).

Chapter 285 makes various changes in the laws relating to dogs, including:

1. Clarifying and strengthening the quarantine provisions under the rabies control program.
2. Limiting the circumstances under which a dog may be killed.
3. Consolidating and revising the liability provisions for damage caused by a dog. Under the act, if a dog injures a person, livestock or property, the dog owner is liable for the full amount of damages if the owner is without notice of prior injury caused by the dog and for double the amount of damages after notice of prior injury caused by the dog.

4. Increasing the penalties for damage caused by a dog.
5. Increasing kennel license fees.

Chapter 305 increases the number of Potato Industry Board members from 9 to 11, reduces the number of appointive districts for board membership from 5 to 4 and changes the counties of which each district is composed. The act also increases from one cent to 2 cents the amount that may be assessed per hundredweight of potatoes for potato growers and handlers. The act enables the board to adjust the assessment rate by rule subject to the prior approval of the participating potato producers if the adjustment exceeds one-quarter cent per hundredweight within a fiscal year.

Chapter 345 repeals the statutory prohibition on the sale of any food product that purports to be, or is represented as, a dairy product and creates labeling requirements for the sale of any nondairy food product that is made to resemble a dairy product (see *HIGHLIGHTS*).

Chapter 357 creates a dairy promotion program in DATCP and enables DATCP to grant advertising funds to nonprofit organizations for the promotion of dairy products. The act directs DATCP to stimulate and advertise the dairy industry, promote the sale of Wisconsin dairy products, encourage cooperation with dairy promotion objectives and provide research and planning. DATCP is also directed to initiate programs to promote commodities produced in this state.

Beverages

Chapter 23 permits municipalities to issue alcohol beverage operators' (bartenders') licenses for either one or 2 years.

Chapter 44 relates to ID cards issued by a county (see *Transportation*).

Chapter 46 permits counties to adopt ordinances strictly conforming to state statutes regulating the possession and procurement of alcohol beverages by minors, and the furnishing of alcohol beverages to minors. Cities, villages and towns already have this authority.

Chapter 48 authorizes brewers, bottlers and wholesalers of beer to contribute money or other items of value to, or to purchase advertising from, private, tax-exempt colleges and universities, if the contribution or purchase is not for the use or benefit of premises or operations for the sale of beer and is not contingent on the use of the donor's or purchaser's product or the exclusion of competitors' products by the institution.

Chapter 49 prohibits alcohol beverage brewers, manufacturers, rectifiers and wholesalers from furnishing things of value to University of Wisconsin System campuses that sell alcohol beverages. This prohibition previously applied only to contributions made by brewers, manufacturers, rectifiers and wholesalers to retail alcohol beverage licensees (holders of bar licenses). Brewers, manufacturers, rectifiers and wholesalers are, however, permitted to contribute money or other items of value to campuses, or to purchase advertising from a campus, if the contribution or purchase is not for the use or benefit of premises or operations for the sale of alcohol beverages and is not contingent on the use of the donor's or purchaser's products or the exclusion of competitors' products by the campus. The act also specifies that sales of alcohol beverages to campuses must comply with the wholesale uniform pricing requirement.

Chapter 76 permits the Department of Revenue (DOR) to issue licenses for the sale of alcohol beverages for consumption on any U.S. Coast Guard-certified vessel moored in this state, if the vessel has a passenger capacity of at least 100 people and customarily leaves its place of mooring, and if the sale of alcohol beverages accounts for less than 50% of the gross receipts of the vessel.

Chapter 77 authorizes cities, villages and towns to adopt ordinances permitting minors unaccompanied by an adult parent, guardian or spouse to be on premises licensed to sell alcohol beverages (bars) for the purpose of marching or drilling with a group. No alcohol beverages may be sold or consumed in the room where the minors are present. The licensee must obtain an

authorization from a local law enforcement agency for each date on which minors will be present on the premises.

Chapter 79 recodifies the laws relating to the sale and consumption of fermented malt beverages and intoxicating liquor and removes certain obsolete, unnecessary or unenforceable provisions of preexisting law.

Chapter 158 repeals the laws prohibiting alcohol beverage licensees from giving away free meals on the licensed premises and prohibiting restaurant operators from giving away free alcohol beverages.

Chapter 170 permits municipalities to issue temporary bartenders' licenses, valid for a period of up to 14 days, to persons employed by or donating their services to nonprofit corporations. No one may hold more than one license of this kind per year.

Chapter 202 incorporates *Chapters 44, 46, 48, 49, 76 and 77*, which were enacted prior to the passage of *Chapter 79* (see summaries above), into the Alcohol Beverage Code. The act also reinstates a phrase inadvertently omitted from the recodification, which permits stores holding "Class A" liquor licenses to remain open after 9 p.m. for business other than the sale of intoxicating liquor.

Chapter 220 limits the authority of DOR to issue retail intoxicating liquor permits to clubs by restricting the issuance of club permits to those clubs located in municipalities that do not issue retail liquor licenses. The act requires each municipality that issues retail "Class B" (bar) licenses to issue such a license to each club that holds a "Class B" club license issued by DOR on June 30, 1982. The municipality is required to renew these licenses annually unless they are revoked. The quota of each municipality affected by this act is permanently increased by the number of new licenses it is required to issue.

Chapter 235 permits a municipality to transfer a retail beer or liquor license to the spouse of a licensee who becomes disabled during the license year, if the spouse meets the qualifications for a license holder and complies with the requirements that apply to an initial applicant. The spouse to whom the license is transferred is exempt from the license fee for the remainder of the license year.

Chapter 265 creates an exception to the prohibition on the presence of minors on licensed premises by permitting minors to be present on the premises of private tennis clubs licensed to sell alcohol beverages.

Buildings

Chapter 320 changes the laws relating to fire detection, prevention and suppression devices in places of employment and public buildings. Previous law provided that rules of the Department of Industry, Labor and Human Relations (DILHR) must require owners of almost all places of employment and public buildings over 60 feet tall and built after July 3, 1974, to install appropriate fire detection, prevention and suppression devices, including automatic sprinkler systems. This act provides that DILHR's rules must cover almost all places of employment and public buildings regardless of height. As under previous law, the rules must require places and buildings over 60 feet tall built after July 3, 1974, to contain automatic sprinkler systems. The rules governing places and buildings under 60 feet tall must substantially conform with Article 17 of the Building Officials and Code Administrators International, Inc., 1981 code. The following places and buildings are exempt under this act: buildings under 60 feet tall built before May 7, 1982; hospitals, nursing homes, community-based residential facilities and day care centers under 60 feet tall; and buildings used for farming purposes or primarily for the sale of farm machinery.

Chapter 341 creates a Historic Building Code Council, to exist for 3 years, in the Department of Industry, Labor and Human Relations (DILHR). The act directs the Historic Building Code

Council to recommend a historic building code for adoption by DILHR. The code must provide alternative building standards applicable to historic buildings, in order to permit the use of original construction techniques and original or duplicates of original materials, and the maintenance of the building's original appearance. An owner of a qualified historic building who elects to be subject to the alternative standards in the historic building code may not be required to comply with any other building code, with respect to any matter addressed in the historic building code. The act permits DILHR to grant a variance to any rule or alternative rule if the building owner's proposal is acceptable.

The act codifies the home rule authority of cities and villages, and provides statutory authority for counties and towns, to adopt and enforce historic landmark and historic district ordinances. The act directs the Building Commission to include a historic public building preservation and restoration program in the state's long-range building program.

Business, Industry and Finance

Cable Television

Chapter 271 requires cable television connections to be fitted with a device that can prevent reception and transmission of messages, if the subscriber requests the device. The act also institutes measures to protect the privacy of subscribers and their families.

Consumer Transactions

Chapters 45 and 100 make substantial changes in consumer lending practices (see *HIGHLIGHTS*).

Chapter 128 states that there is no implied warranty that cattle, hogs, sheep or horses are free from sickness or disease when a sale is consummated if all state and federal regulations pertaining to animal health are complied with by the seller, unless the seller knows that the animals are sick or diseased.

Financial Institutions

Chapter 5 increases the insurance coverage for deposits in state-chartered credit unions from $50,000 to the greater of $100,000 or any higher amount offered by any state-chartered financial institution. The act also limits the type of central credit union which a credit union may join to corporate central credit unions primarily serving other credit unions.

Chapter 84 repeals the prohibition against persons holding trust funds acquiring property on margin and using the trust funds to cover future fluctuations in the price of the property, exempts directors of bank-owned banks servicing only other banks from county residence requirements, allows the Commissioner of Banking to set state bank reserve requirements and removes the criminal penalty for unlawful use of "bank" in any sign or other written matter.

Chapter 156 makes miscellaneous changes affecting credit unions including: clarification of the status of corporate or association members; permitting the Commissioner of Credit Unions to authorize a credit union to borrow in excess of 50% of its total savings, deposits and reserves; authorizing limited services offices if an employer maintains an office or facility in this state; authorizing the board of directors to appoint and delegate its powers to an executive committee; restricting eligibility for directorship to members of at least 3 months' standing; requiring a membership officer to maintain a record of his or her actions and establishing the right of appeal to the board of directors for persons denied membership; authorizing the board of directors to determine whether prorated dividends will be paid for deposits made during a dividend period; and permitting dissolution if the total membership has voted and no majority shows for or against dissolution, a

majority of members attending a meeting called by the board of directors votes for dissolution and the commissioner approves dissolution.

Chapter 192 permits a savings and loan association to disclose information from its books and records for purposes of a credit report.

Chapter 194 increases the permitted size and duration of unsecured personal obligation loans made by mutual savings banks from a maximum amount of $15,000 over a maximum period of 5 years and 32 days to a maximum amount of $25,000 over a maximum period of 10 years.

Chapter 259 permits a check sold by a bank chartered under the laws of another state or a foreign country or a national bank authorized to do business in another state to include any form of "bank," "savings bank" or "banker," if the bank is licensed to sell checks in this state.

Chapter 279 makes technical adjustments to state bank reserve requirements.

Chapter 319 authorizes savings and loan associations and credit unions to maintain trust accounts for real estate brokers and attorneys and to contract for the provision of trust services to members by a trust company or other financial institution with trust powers. The act also clarifies the authority of credit unions to provide federally approved pension savings programs and deferred income accounts and authorizes them to act as trustee of funds permitted by federal law to be deposited as deferred income or a tax-deferral device.

Chapter 338 authorizes the relocation of a bank's principal office within the same city and continued operation of the former principal office as a branch, if the principal office is located in a blighted area or an area in need of rehabilitation or conservation work and its deposit growth, retention of earnings or return on invested capital has been substantially below average over at least the preceding 5 years. Not more than 4 branches may be approved under the act and all approvals must occur before May 7, 1984. The branch must continue operation for at least 5 years and may not cease operation without the approval of the Commissioner of Banking and the Banking Review Board. Cessation may be approved only after a public hearing and consideration of various factors.

Chapter 344 permits a branch bank to be established within 25 miles of the home bank or within the county of the home bank, whichever is greater, if the branch is not within 0.75 miles of another bank's branch or within 1.5 miles of another home bank. Numerous exceptions to these limitations are provided for. The act also permits a branch to be established in another state if within 25 miles of the home bank. Finally, the act permits a bank to acquire real estate near its home or branch for use as a remote paying and receiving facility. The real estate must be within 0.5 miles of the home or branch if located within a federal standard metropolitan statistical area containing a 1st class city; otherwise, within one mile.

FRANCHISES

Chapter 54 makes miscellaneous changes to the franchise investment law including the content and timing of required disclosures before the sale of a franchise exempt from registration, the content and timing of required offering circulars before the sale of a franchise subject to registration, use of the Federal Trade Commission form for application for registration and the enforcement powers and procedures of the Commissioner of Securities.

HOUSING LOAN PROGRAMS

Chapter 20 permits a redevelopment authority in a 1st class city to issue bonds to finance mortgage loans on owner-occupied dwellings located in an abandoned highway corridor. The act also requires the state Building Commission to approve all local government and Wisconsin Housing Finance Authority debt obligations, if the moneys raised are to be used to fund loans secured by mortgages on owner-occupied residences.

Chapter 21 changes the housing rehabilitation loan program administered by the Department of Development and funded by Wisconsin Housing Finance Authority bonds. The program is extended to 1985, bonding authority is increased by $75,000,000, certain improvements are excluded from financing, the range of eligible housing is narrowed, a loan is limited to $15,000, low- and negative-interest income eligibility limits are increased, loan interest rates may not be more than 3% above the rate needed to pay bond principal and interest and improvements qualifying for lower interest loans are specified.

Chapter 336 eliminates the use of convertible obligations to fund the veterans housing loan program, increases the general obligation bonding authority for the program by $50,000,000 and prohibits the use of revenue obligations to fund the program until all general obligation bonding authority has been utilized.

Chapter 349 makes numerous changes in the organization, powers and duties of the Wisconsin Housing Finance Authority, enlarges the powers and duties of the Department of Development and establishes a home ownership mortgage loan program (see *HIGHLIGHTS*).

Chapter 355 names as legislative members of the Wisconsin Housing Finance Authority one senator and one representative to the Assembly, appointed as are members of standing committees in the respective houses. Formerly, legislative members were chairpersons of the Senate and Assembly committees dealing with local affairs.

Incorporated Organizations

Chapter 337 makes changes to filing and recording laws for corporate and cooperative documents as follows: any document which must be filed and recorded becomes effective on filing with the Secretary of State; the Secretary of State receives extra originals and recording fees and forwards them to the appropriate registers of deeds for recording, unless the incorporator chooses to take responsibilities for recording; all documents submitted for filing must identify the counties where the document must be recorded; and time limits for recording articles of merger or consolidation or of merger of subsidiary corporations after filing and for notice that a document received for filing does not conform to law are eliminated.

Insurance

Chapter 20 increases fees for filing various documents with the Commissioner of Insurance.

Chapter 38 changes the regulation of agents by the Commissioner of Insurance. Separate regulation of insurance adjusters and consultants and the apprentice permit system are eliminated. Immediate reinstatement of an agent's license suspended for nonpayment of fees and agent disclosure of dual compensation is provided for. A corporation may not hold an agent's or broker's license. Separate regulation of insurance sold through vending machines is eliminated but, sale by vending machine is still limited to personal travel accident policies.

Chapter 39 reorganizes the statutes containing mandatory coverages for health insurance policies and eliminates required tuberculosis coverage, minimum coverage levels and exceptions to required skilled nursing care coverage. The act also excepts service insurance corporations from kidney treatment and organ transplant coverage requirements.

Chapter 40 removes the maximum coverage limit under group term life insurance.

Chapter 41 eliminates the town mutual exemption from certificate of authority and continuation fees and sets a 5-day limit within which an employer must give a terminating employe notice of health insurance continuation and conversion rights.

Chapter 51 permits insurers to charge interest on life insurance policy loans at a specified rate not exceeding 12% per year or an adjustable rate not exceeding Moody's corporate bond yield average.

Chapter 55 requires life, health and disability insurers to afford equal weight to certifications of disability signed by physicians and chiropractors, if the certifications are rendered within the scope of the respective professional licenses.

Chapter 82 regulates medicare supplement policies including minimum standards for loss ratios, right of return and exclusions from coverage. The act also permits the Commissioner of Insurance to require insurers to deliver to prospective buyers of life or disability insurance information that will improve their ability to select appropriate coverage.

Chapter 83 makes many changes to the health insurance risk sharing plan including exempting from contribution insurers whose required contribution is less than the insurance commissioner's cost in levying the assessment, covering persons who terminate medical assistance coverage, clarifying or limiting coverage for inpatient treatment, outpatient services, home care and skilled nursing care and carryover of last quarter medical expenses to satisfy the deductible for the following year.

Chapter 85 requires insurance policies covering treatment for diabetes to cover expenses incurred by the installation and use of an insulin infusion pump or other equipment or supplies in the treatment of diabetes.

Chapter 99 requires every group health insurance policy which provides coverage of dependent children and maternity coverage for any individual to provide maternity coverage for dependent children.

Chapter 178 permits an insurer to charge a higher rate for a motor vehicle liability insurance policy on the basis of an accident occurring in the course of the insured's business or employment only if the policy covers the insured for that kind of use of the motor vehicle. The act also requires the Department of Transportation to keep accident records by type of operator's license.

Chapter 205 requires health insurance policies and cooperative sickness care plans to cover optometrist's services if the same services are covered when performed by another health care provider.

Chapter 218 permits a town mutual to insure real property and contents in villages and cities partially located in its specified territory, clarifies an applicant's duty to sign an undertaking to pay assessments and premiums, requires an assessable town mutual policy conspicuously to display on the first page "This policy is assessable," and limits assessment of terminated members to the annual premium of the terminated policy if the assessment is made within 4 months of termination for the purpose of paying certain losses and expenses.

Chapter 304 prohibits disability insurance policies from excluding or limiting coverage of health care services provided outside this state, if the services are provided within 75 miles of the insured's residence in a facility licensed or approved by the state in which the facility is located.

Chapter 307 permits the maximum interest rates which may be used to calculate reserves and nonforfeiture benefits for newly issued life insurance policies and annuity contracts to vary according to Moody's monthly average of the composite yield on seasoned corporate bonds. The maximum interest rates are recalculated at 12-month intervals and adjusted if the recalculation produces a significant change. New mortality tables are specified for newly issued individual life insurance. These tables were adopted by the National Association of Insurance Commissioners and reflect recent mortality rates. Mortality tables for all types of newly issued insurance contracts adopted in the future by the association are substituted for those specified, if the tables are also adopted by rule of the Commissioner of Insurance. The same procedure is utilized for new morbidity tables used to calculate disability benefits under policies and contracts. The commissioner may by rule regulate the minimum reserves and nonforfeiture benefits for plans of life insurance not regulated by statute. The act also expands various limitations on insurance company investments.

Chapter 381 requires the state employes health insurance program to cover expenses incurred by the installation and use of an insulin infusion pump or other equipment or supplies in the treatment of diabetes.

LANDLORD-TENANT

Chapter 286 prohibits parties to a residential tenancy from agreeing to waive statutory duties of maintenance and repair, makes the parties subject to a local housing code applicable to the premises, permits the tenant to vacate without liability for future rent if the landlord commits a material violation of the local housing code and does not eliminate the violation or if eliminating the violation would impose an undue hardship on the tenant, permits the landlord to terminate the tenancy if the tenant commits a material violation of the local housing code, and prohibits the landlord from taking retaliatory action against the tenant for complaints about the condition of the premises or for exercising a legal right relating to the tenancy.

Chapter 300 requires a nonresident party to a residential tenancy to designate an agent in this state for service of process and to file the designation with the Secretary of State. The act also specifies the county where the premises are located or all parties reside as venue for a small claims action involving a residential tenancy.

SECURITIES

Chapter 16 changes the scope of the statutes regulating target company takeover offers and the registration procedures for the others. The act also removes the expense assessment limit for the cost of registration proceedings.

Chapter 53 makes miscellaneous changes in the securities law including enforcement powers and procedures of the Commissioner of Securities, duties of broker-dealers, agents and other licensees and creation of a specific civil remedy for a fraudulent sale or offer of securities.

TRADE PRACTICES

Chapter 351 clarifies the ability of a retailer to redeem a manufacturer's coupons whether or not the retailer is the agent of the manufacturer, permits coupons to be redeemed for merchandise, permits the offering of a prize in conjunction with a sale if the offer is an in-pack chance promotion meeting various conditions, exempts lawful in-pack chance promotions from the prohibitions under the gambling laws and permits advertising the inclusion in a sale of property or services other property or services without stating the actual price of the latter, if it is custom-made property or advertised at the "regular price."

Children's Code

Chapter 7 requires juvenile courts, before the initiation of a proceeding to terminate the rights of parents whose children were placed outside their home before September 1, 1980, to notify the parents of the statutory grounds for the termination of parental rights and to set a time for the parents to appear before the court for an explanation of these grounds.

Chapter 20 provides that, with certain specified exceptions, the parent or guardian of a child adjudged delinquent or in need of protection or services must reimburse the state or county for the cost of legal counsel provided for the child during the proceedings.

The act establishes a limit on the number of children that may by kept in long-term foster care.

The act eliminates the requirement that the Department of Health and Social Services (DHSS) establish maximum rates for child-caring institutions and day treatment facilities. The act permits residential child care centers to set their own rates and requires them to notify DHSS of those rates and to charge each client the same rate.

Chapter 29 authorizes the Governor to commence the transfer of a convicted person who is a citizen or national of a foreign country to his or her home country at the person's request if a treaty allowing the transfer is in effect between the United States and the foreign country. In addition, if a treaty allows a child adjudged delinquent who is a citizen or national of a foreign country to be transferred to his or her home country, the Governor may commence such a transfer upon the request of the child and the child's parent, guardian, legal custodian or the juvenile court.

Chapter 81 eliminates consent adoptions and establishes procedures for independent adoptions and foreign adoptions (see *HIGHLIGHTS*).

Chapter 333 provides that if a child was placed for adoption with the consent of his or her parents before February 1, 1982, a petition for the child's adoption may be filed before January 1, 1983, without the necessity of a proceeding to terminate the rights of the child's birth parents.

Chapter 359 provides for the disclosure to adoptees of certain medical and identifying information about their birth parents (see *HIGHLIGHTS*).

Chapter 384 permits juvenile courts to order all county departments of public welfare or social services to perform adoption investigations in any case where the proposed adoptive parent is the child's stepparent. The act also permits child welfare agencies, other than those licensed to accept guardianship of children, to make adoptive placements at the request of an agency that is the guardian of a child. Finally, the act permits a juvenile court to terminate the rights of a child's birth parent without a court appearance by the parent if the child is to be adopted by his or her stepparent and if the birth parent files an affidavit giving consent to the termination.

Constitutional Amendments

First Consideration

Senate Joint Resolution 51 (Enrolled Joint Resolution 30) provides that equality of rights or equal protection under the law may not be denied on the basis of sex. The joint resolution states the legislative intent that the constitutional amendment extend to all persons any benefits and protections provided to one sex, but that the amendment not affect sex-segregated sanitary facilities, discrimination on the basis of sexual orientation, Congress' ability to conscript for military service, or the legislature's power to prohibit, regulate or allow abortion.

April 1982 Special Session Assembly Joint Resolution 1 (1981 Enrolled Joint Resolution 43) sets aside an amount equal to 40% of any state sales or use taxes for a school property tax credit. The joint resolution provides that 50% of the amount shall be made available to municipalities in proportion to their share of the total property tax levied for education purposes and 50% of the amount shall be made available to municipalities on the basis of the general equalization school aid formula.

Second Consideration

Senate Joint Resolution 2 (Enrolled Joint Resolution 6) amends the Wisconsin Constitution to require that a primary election be held whenever more than one candidate competes at a recall election for the nomination of a party entitled to a separate ballot for a partisan office. The constitutional amendment also provides that whenever more than 2 candidates compete at a recall election for a nonpartisan office and no candidate receives a majority of the votes cast, a runoff election shall be held between the 2 candidates receiving the greatest number of votes to determine the winner. Prior to adoption of this constitutional amendment, the candidate receiving the greatest number of votes for any partisan or nonpartisan office at a recall election was elected, regardless of the number of candidates or the percentage of votes received by the candidate. (Ratified April 7, 1981)

Senate Joint Resolution 5 (Enrolled Joint Resolution 7) amends the Wisconsin Constitution to allow large sewerage districts to incur debts up to 5% of their equalized valuation and to allow these districts or large cities or counties to repay debts related to sewage treatment over a 50-year period. (Ratified April 7, 1981)

Assembly Joint Resolution 5 (1981 Enrolled Joint Resolution 8) amends the Wisconsin Constitution to allow the Legislature to authorize, by law, circuit courts to deny release on bail to certain accused persons: those accused of first degree murder or first degree sexual assault, or accused of a violent crime and the person has a previous conviction for such a crime. If the Legislature enacts such a law (see *HIGHLIGHTS, Chapter 183*), the Legislature must provide that the person be held no more than 10 days before a hearing is held, at which the state must show by clear and convincing evidence that the accused committed the felony and show that release on bail under conditions would not adequately protect the public or prevent the intimidation of witnesses. If the court makes those findings, the accused could be denied bail for up to 60 more days. The constitutional amendment mandates that monetary conditions of release imposed at or after the initial appearance require a finding that the conditions are necessary to assure appearance in court. Also, the constitutional amendment recognizes the authority of the Legislature to authorize the revocation of bail. (Ratified April 7, 1981)

Assembly Joint Resolution 7 (Enrolled Joint Resolution 15) amends the Wisconsin Constitution to delete the provision that prohibited the Legislature from making counties liable for the acts of sheriffs. (Ratified April 6, 1982)

Assembly Joint Resolution 13 (Enrolled Joint Resolution 9) amends the Wisconsin Constitution to permit incorporation by special act of the Legislature only for municipal purposes and removes the two-thirds vote requirement for changes to the banking laws. (Ratified April 7, 1981)

Assembly Joint Resolution 35 (Enrolled Joint Resolution 29) amends the Wisconsin Constitution to substitute sex neutral wording, to remove the exclusion of military electors in determining population for the purpose of legislative apportionment, to remove transitional provisions relating to legislative elections, to clarify the method of voting for legislative officers, to remove transitional provisions relating to the election and term of the State Superintendent of Public Instruction, to remove an obsolete requirement to forfeit to the state all moneys paid to obtain exemption from military duty, to remove transitional provisions relating to the transition from territorial to statehood status, to delete transitional provisions relating to the 1977 court reorganization, and to substitute a specific date in a transitional provision relating to the terms of justices of the Wisconsin Supreme Court. (By its terms, this joint resolution was to have been submitted to the electorate in April 1981)

May 1982 Special Session Assembly Joint Resolution 1 (Enrolled Joint Resolution 46) provides for the submission of the amendment to the Wisconsin Constitution approved in *Enrolled Joint Resolution 29* to the electorate in November 1982.

Correctional System

Chapter 2. Presently, the Department of Health and Social Services (DHSS) is required to promulgate rules under the state's administrative procedure act concerning inmates, probationers or parolees. *Chapter 2* exempted DHSS from complying with this requirement between February 22, 1981 and January 1, 1982.

Chapter 20 directs DHSS to provide additional facilities throughout the correctional system. The site of the medium security institution authorized previously by the Legislature is designated to be in an area near Oshkosh.

The act revises the youth aids program and includes additional funds to cover the costs of statewide implementation of the program. The funding for juvenile correctional services is revised from

complete general purpose revenue (GPR) to a split between GPR and PR (program revenue) funding.

The act authorizes DHSS to enter into contracts with the state of Minnesota for the transfer of Wisconsin prisoners to Minnesota. Any such contract must have a termination date no later than June 30, 1983.

The act directs DHSS to convert a portion of the Milwaukee State Office Building for use as a medium security prison (see *Chapter 387* below).

The act requires correctional officers to satisfactorily complete a preservice training program. Funding is provided by moneys transferred from the Law Enforcement Training Fund.

The act also adopts the Interstate Corrections Compact. Passage of the act makes provisions of the compact binding between Wisconsin and all other states which have ratified the compact.

Chapter 266 requires DHSS to notify the applicable municipal police department and county sheriff before releasing a person on parole.

Chapter 317 makes technical changes which clarify the location of the Oshkosh Correctional Institution, permits expenditures by Corrections Industries and the Correctional Farm System to exceed revenues in an amount equal to the value of their equipment and buildings and converts canteen operations at the Fox Lake Correctional Institution from general purpose revenue to program revenue funding.

Chapter 387 substitutes a new site for the medium security prison in Milwaukee and authorizes DHSS to continue to consider alternative sites.

Courts and Procedure

Chapter 20 deletes the requirement that an expert from the State Crime Laboratory or a local health department whose report had been received as evidence of the facts in a case be present, upon demand of the opposing party, at a preliminary examination.

Chapter 63 raises the maximum recovery limit from $25,000 to $50,000 for tort actions against local governmental entities or agencies.

Chapter 78 requires courts to award treble damages for injuries to business or property caused by arson.

Chapter 115 establishes a procedure for the selection of a jury from a 2nd county. This procedure may be used as an alternative to changing the place of trial in certain criminal cases. First, a judge must determine that an impartial trial could not be held in the original county. Then certain criteria must be met: the judge is either required to (life imprisonment cases) or has decided to sequester the jury during the trial and the estimated costs of selecting the jury from another county and holding the trial in the original county are less than the costs associated with changing the place of trial. After the jurors are selected, the proceedings return to the original county.

Chapter 137 revises the procedures by which criminal defendants and parties to a civil action may exercise the right to substitution of judge. The most significant provision clarifies that a defendant has a right to only one substitution of judge in a criminal action, unless an appellate court orders a new trial.

Chapter 147 authorizes a court to release exhibits or evidence in a criminal action or proceeding if all parties agree to the release, no party would be harmed by the release and a complete photographic or other record was made of the material released.

Chapter 152 revises procedures for proceedings before the court of appeals. The act clarifies that district attorneys may represent the state in proceedings before one court of appeals judge. The act also specifies additional cases which may be heard by one court of appeals judge.

Chapter 225 authorizes a municipality to amend its complaint or citation in municipal court. A 2nd or subsequent amendment requires the consent of the defendant or the authorization of the court.

Chapter 289 provides that any remedy available by the use of an extraordinary writ (mandamus, prohibition, habeas corpus, quo warranto or certiorari) may also be included in a judgment or order rendered in an ordinary action in circuit court.

Chapter 301 requires that if a garnishment action involves a public officer or employe of a 1st class city, the garnishee summons and complaint shall be served on the city treasurer. Previously, service was made on the city clerk. The act also requires the treasurer to answer the complaint.

Chapter 316 creates the same provision for appeals or cross-appeals in civil cases. If the court determines that an appeal or cross-appeal is frivolous, the court must award costs and fees to the prevailing party.

Chapter 317 revises and consolidates numerous court-related fees and costs. The concept of a "suit tax" is eliminated. The act generally increases most court-related fees and removes various conflicts and ambiguities. For most of the court-related fees, there is an even (50%-50%) distribution of the revenue between the applicable county and the state. The act also restricts the court fee system as a method of compensating county officers.

The act also realigns the state's Judicial Administrative Districts.

Chapter 318. Under preexisting law, fire officials and departments were required to obtain a special inspection warrant to make nonconsensual searches except in cases of emergency or in searches of public buildings which were open to the public. *Chapter 318* deletes the prior "emergency" exception and substitutes 2 alternatives: 1) the inspection is during or immediately after the fire-fighting process; or 2) there is an emergency, a compelling need for official action exists and there is no time to obtain a warrant. If either of these alternatives exists, then a special inspection warrant need not be obtained.

Chapter 332. Under prior law, naturalization proceedings in this state were restricted to circuit courts in 16 locations. The proper court to file a petition for naturalization depended on the county in which the petitioner resided. *Chapter 332* retains the 16 locations, but allows any resident of the state to file a petition at any of the 16 locations.

Chapter 353 makes various changes relating to court reporters, reporting and judges. The Wisconsin Supreme Court is authorized to determine which types of criminal and civil actions must be reported and to prescribe duties and fix compensation for circuit court reporters. Under prior law, each circuit court judge could appoint a court reporter for his or her branch of circuit court. This act provides that the appointment is valid only if the reporter is certified as qualified by the Director of State Courts.

Chapter 358 requires a circuit court judge to determine whether the jury will be allowed to take notes during a trial. If the judge authorizes note-taking, the judge must provide instructions and materials and ensure that the notes are destroyed after the trial. If the judge does not authorize note-taking, the reasons for the decision must be stated on the record.

Chapter 365 provides recoverable amounts for attorney fees in small claims actions in which the judgment exceeds $500. Prior law provided recoverable amounts only for judgments of $500 or less.

Chapter 369 establishes a procedure by which state circuit courts may grant full faith and credit to acts and court judgments of the Menominee Indian Tribe (see *HIGHLIGHTS*).

Chapter 370 specifies that persons engaging in kiln drying logs have a lien on the material for the amount owing for the services performed.

Chapter 389 revises transcript fees for court reporters, reconciling the conflicts created by 2 previous acts of the Legislature.

Crimes

Chapter 20 makes various changes in the Crime Victims Compensation Program. The major revisions are:

1. Award payments are based on the actual amount of lost earnings, not the Worker's Compensation calculation method.
2. The $200 minimum award provision is eliminated.
3. The restriction on awards in situations where the victim and the offender are maintaining a sexual relationship is eliminated.
4. The financial hardship restrictions are eliminated.
5. The Department of Justice may make awards directly to providers.
6. The act creates new penalties for making false statements or concealing information.

The act also makes numerous substantive changes in the laws concerning operating a motor vehicle while intoxicated (OWI) and related laws (see *HIGHLIGHTS*).

Chapter 50 clarifies the authority of a court to direct that a sentence upon a criminal defendant be served concurrently with or consecutively to any other sentence imposed at the same time or previously.

Chapter 68 prohibits entry without lawful consent onto a locked or posted construction site or into a locked and enclosed building, dwelling or room of another. Violators may be fined not more than $10,000, imprisoned not more than 9 months or both.

Chapter 88 allows a court to order as a condition of probation or in lieu of a fine and allows a district attorney to require as a condition of a deferred prosecution program that the probationer or defendant perform community service work for a public agency or nonprofit charitable organization.

Chapter 89 revises the definitions of sexual contact used in the sexual assault law and the Criminal Code. Sexual contact includes intentional touching of certain areas for the purpose of sexual arousal or gratification. Previously, the definition specified that the intentional touching was sexual contact if it could reasonably have been construed as being for sexual arousal or gratification.

Chapter 118 creates a series of crimes relating to intimidating witnesses and crime victims. The new crimes are more comprehensive in scope than the crimes previously contained in the Criminal Code. Under the act, a person who maliciously prevents or dissuades a witness from giving testimony or a crime victim from making a report, assisting the prosecution or seeking an arrest is subject to a fine of up to $10,000 or imprisonment for up to 9 months or both. Any offender who commits such an act under any of the following circumstances is subject to a fine of up to $10,000 or a prison term for up to 5 years or both:

1. The act is accompanied by force or violence, or the threat of force or violence, against the person or the person's relatives or a person sharing a common domicile with the witness.
2. The act is accompanied by injury or damage to property of the person or the person's relatives or a person sharing a common domicile with the witness.
3. The act is part of a conspiracy.
4. The offender has a previous record of intimidating witnesses or crime victims.
5. The act is committed for monetary gain.

Under the act, attempts to intimidate witnesses or crime victims are punishable as if they were completed acts.

Chapter 141 restricts possession of firearms by persons who have been convicted of a felony. Violators are subject to a fine of not more than $10,000, imprisonment for not more than 2 years or both. *Chapter 317* exempts certain correctional officers from this requirement.

Chapter 144 requires a judge, at a defendant's initial appearance, to determine whether law enforcement officials have gathered his or her fingerprints and other identifying data. If not, the judge must direct that the data be obtained.

Chapter 160 increases penalties for intentionally instigating or promoting dog fights or other animal fights. Violators may be fined not more than $10,000, imprisoned not more than 2 years or both. The act also requires veterinarians to report suspected violations and provides for seizure of animals where there is reason to believe that the animals have participated in illegal fights.

Chapter 183 makes various changes in the laws relating to bail (see *HIGHLIGHTS*).

Chapter 184 makes miscellaneous corrections and revisions to the changes made in *Chapter 20* regarding the operation of a motor vehicle while intoxicated (see *HIGHLIGHTS*).

Chapter 212. Present law provides for increased maximum terms of imprisonment for various crimes if the crime was committed by a person while possessing, using or threatening to use a dangerous weapon and if possessing, using or threatening to use a dangerous weapon is not an essential element of the crime. The increased maximum term previously applied only to Criminal Code crimes committed under the specified circumstances. *Chapter 212* makes the increased maximum term also applicable to crimes under the Uniform Controlled Substances Act which are committed under the specified circumstances.

Chapter 267 creates a general forfeiture provision for all property derived from or realized through the commission of crimes other than those involving dangerous drugs (a forfeiture provision already exists for crimes involving dangerous drugs). The act establishes seizure and forfeiture procedures. If the property forfeited is money, it is deposited in the School Fund. Other forfeited property may be sold, and 50% of the amount received goes to the agency which seized the property and 50% is deposited in the School Fund.

Chapter 270 revises the shoplifting law. The act renames the crime "Retail Theft" and revises the scope of the crime to include the taking of personal property of the merchant. Previously, only merchandise held for resale was covered under the shoplifting law. The act also specifies that photographs of merchandise may be used as evidence at trial rather than using the actual merchandise.

Chapter 280 creates a Wisconsin Organized Crime Control Act based on similar federal and state organized crime control and R.I.C.O. (Racketeer Influenced and Corrupt Organizations) acts. The act prohibits a person from using proceeds derived from a pattern of racketeering to invest in an enterprise or acquire property. The prohibition applies to such investments in legal, as well as illegal, enterprises. Racketeering activity is defined to cover various felonies relating to financial institutions, securities, controlled substances, life and bodily security, property, prostitution, commercial gambling and administration of government.

Chapter 288 expands the scope of the credit card crimes law to include all types of financial transaction cards and prohibits altering electronically encoded information, possessing a card with actual knowledge that it was stolen or fraudulently obtained, depositing a stolen or forged instrument by means of an automated financial service facility with knowledge of the character of the instrument, introducing information into an electronic funds transfer system with intent to defraud, transmitting to or intercepting or altering information from an automated financial service facility with intent to defraud, and knowingly receiving anything of value from the depositing, introducing, transmitting, intercepting or altering.

Chapter 292 specifies the circumstances under which execution of a sentence of imprisonment may be stayed. In addition to noting existing circumstances, the act allows a court to delay the commencement of a sentence for up to 60 days.

Chapter 293 establishes new crimes related to computers, including modifying, destroying, accessing, taking possession of and copying data, programs and supporting documentation, and modifying, damaging, using and taking computer equipment.

Chapter 297. Under present law, strip searches may be conducted only if the person is detained (arrested or taken into custody for certain offenses) and if certain procedural requirements are complied with. The strip search law does not apply to searches of persons serving sentences in a jail, state prison or house of correction. *Chapter 297* extends the exception to strip searches of persons who are involuntarily or voluntarily committed, persons found incompetent to proceed or not guilty by reason of mental disease or defect in a criminal case, persons who have been committed under the sex crimes law but not placed in a prison or jail and persons placed in or transferred to a secured correctional facility.

Chapter 306 prohibits the intentional destruction or concealment of a document which has been subpoenaed by a court, a district attorney or the Attorney General. Violators may be fined not more than $10,000, imprisoned not more than 2 years or both.

Chapters 308 to 311 revise the sexual assault law. *Chapter 308* revises the age of consent: persons under the age of 16 years cannot consent to sexual contact or intercourse as a matter of law. Consent to sexual contact or intercourse for persons 17 or 18 years old is determined in the same manner as it is for adults. *Chapter 309* expands the definition of sexual contact. *Chapter 310* repeals the spousal exception to the sexual assault law. *Chapter 311* expands the definition of sexual intercourse.

Chapter 326 requires that if restitution is ordered for a merchant, the amount recoverable must be based on the retail value of the merchandise.

Chapter 348 bans the possession of electric weapons. Exceptions are made for law enforcement, corrections and military personnel, certain manufacturers and sellers and common carriers.

Chapter 352 makes various revisions relating to requiring restitution as a condition of probation. The act includes a listing of priorities for the use of the probationer's payments. Payments must first be applied to fully cover the restitution ordered for the victim before any payments are made for fines or costs.

Chapter 366. Present law allows the district attorney to enter into a deferred prosecution agreement in certain domestic abuse cases. *Chapter 366* authorizes deferred prosecution agreements in crimes involving child sexual abuse. The act also deletes the provision which limited the length of deferred prosecution agreements to one year. Copies of agreements must be given to the spouse of the accused person and to the alleged victim or the alleged victim's parent or guardian.

Chapter 367 revises procedures for determining a criminal defendant's mental capacity to stand trial. The examination period is shortened and a court may appoint examiners other than physicians. The act authorizes the use of hearsay at probable cause hearings. The act revises commitment periods and procedures for transition to civil commitment or protective placement.

Chapter 368 authorizes the Attorney General to negotiate agreements relating to the extradition of witnesses, fugitives and evidence between this state and any Indian tribe in the state that exercises powers of self-government. The act, which authorizes agreements similar to the current uniform acts on the extradition of witnesses and criminals between states, provides for a hearing prior to extradition. Agreements must be submitted to the Governor for approval and may be revoked by either the state or the Indian tribe upon 6 months' written notice.

Discrimination

Chapter 112 prohibits discrimination based upon the sexual orientation of an individual in the areas of employment, housing and public accommodations, and in state contracts, the state civil service and National Guard, and state agency administrative rules. "Sexual orientation" is defined

as having a preference for heterosexuality, homosexuality or bisexuality, having a history of such a preference or being identified with such a preference. The prohibition against discrimination based upon sexual orientation does not require any affirmative action program in public or private employment.

Chapter 180 prohibits the Department of Industry, Labor and Human Relations (DILHR) from promulgating any rule which bars the processing of fair housing class action complaints or the ordering of class-based remedies. The act also prohibits DILHR from promulgating any rule providing that fair housing complaints may only be consolidated for administrative convenience.

Chapter 334 substantially revises the state fair employment law, which prohibits employment discrimination (see *HIGHLIGHTS*).

Domestic Relations

Chapter 20 changes certain laws relating to marriage documents and duties of county clerks. The act:

1. Clarifies the meanings of, and makes uniform the use of, the terms "marriage certificate," "marriage document," and "marriage license" and makes various changes relating to the formats of these documents.
2. Removes the requirement for an antenuptial blood test for venereal disease.
3. Changes the law relating to waiver of the 5-day waiting period between application for a marriage license and marriage.
4. Raises from $4.50 to $24.50 the fee collected by the county clerk for a marriage license, allocates that fee between the state and the county, and permits the county to further increase the fee by not more than $5.

The act also makes various changes in the laws affecting child support orders. The act:

1. Directs the court to consider guidelines established by the Department of Health and Social Services (DHSS) when determining child support payments.
2. Permits the court to order assignment of worker's compensation or unemployment compensation benefits for the payment of child support obligations.
3. Permits a child support order to provide for an annual payment adjustment based on a change in the obligor's earnings or in the cost of living or both, and provides a specific procedure by which to obtain the annual adjustment.
4. Directs DHSS to develop cost of living and earning indices for courts to use in ordering adjustments.

In addition, the act changes the method of allocating domestic abuse grants among the various eligible service facilities.

Chapter 96 transfers responsibility for the displaced homemaker program from DHSS to the state Board of Vocational, Technical and Adult Education. The act replaces the previous program, under which one multipurpose service center was established, with a program under which the state VTAE board makes grants to VTAE district boards and local community organizations to provide services to displaced homemakers.

Chapter 142 changes laws relating to marriage licenses. This act:

1. Raises from $5 to $10 the additional fee required for issuance of a marriage license within less than 5 days after application.
2. Provides that the Milwaukee County Clerk, rather than the Milwaukee County Treasurer, receive the fee for a marriage ceremony; and provides that this fee be set by the Milwaukee County Board instead of by the Legislature.

3. Removes the requirement that a clergyman, licentiate or appointee file credentials with the clerk of circuit court before solemnizing a marriage. The act permits that person to solemnize a marriage if he or she has a letter of sponsorship from a clergyman of the same religion who has a church in this state under his or her authority.

Chapter 145 clarifies a law dealing with failure, without just cause, to provide for support and maintenance of dependents (criminal abandonment). The act provides that a showing of just cause to desert, wilfully neglect or refuse to provide support and maintenance is a defense to criminal liability.

Chapter 186 permits a court to execute (sign) a wage assignment for maintenance or child or family support if the payer fails to execute the assignment after a court order to do so. Previous law permitted the court to order the payer to execute an assignment, but did not specify that the court could initiate assignment of wages if the payer disobeyed the court order.

Education

Primary and Secondary Education

Chapter 8 permits a cooperative educational service agency board of control to hold its annual organizational meeting on a date other than the date specified in the statutes, but no earlier than the 2nd Monday in May.

Chapter 20 makes numerous changes in the statutes relating to public instruction, including:

1. Requiring the State Superintendent of Public Instruction to develop a computerized bank of test items and basic skills tests which may be used to evaluate pupil competency.

2. Reducing the rate of reimbursement for handicapped education costs from 70% to 68%.

3. Modifying the reimbursement rate for travel and other expenses of agency school committee and state appeal board members.

4. Directing the school district clerk, upon request, to provide the local vocational, technical and adult education district board with the names of pupils who have withdrawn from school before graduation.

5. Clarifying the definition of shared cost.

6. Abolishing declining enrollment increment and providing that prior year membership be used as the factor for calculation of general school aid. The membership count utilized is the average of the enrollments on the 3rd Friday in September and the 2nd Friday in January.

7. Reestablishing cost control appeal provisions which were due to expire on July 1, 1981, and creating 2 new appeals.

8. Deleting library system planning grants, effective July 1, 1982, and eliminating reimbursement for expenses incurred by members of county library planning committees.

9. Eliminating a school board's authority to issue promissory notes for blight elimination, slum clearance, community development, redevelopment and urban renewal programs.

10. Delaying the payment of $35,000,000 in general school aid from June 1982 until July 1982.

11. Permitting a unified school district which at any time has attained an attendance exceeding 20,000 students to adopt, by petition, a plan for the election of members of the school board from apportioned election districts within the school district by the electors of the election districts. A district may discontinue such a plan by a similar procedure. Formerly, unified school districts could only elect school board members at large, at large to numbered seats or at large from apportioned election districts.

Chapter 47 authorizes a school board to set the election hours and the polling places to be used, with certain specified exceptions, for a school board election which is not held in conjunction with a state, municipal or judicial election.

Chapter 93 limits special adjustment aid to those school districts which receive for the current school year less than 91% of the general aid they received in the previous school year and abolishes special adjustment aid after the 1982-83 school year.

Chapter 177 makes several changes in the statutes regulating school district reorganization, including eliminating the prohibition against the creation of a common school district with less than $150,000 of assessed valuation and providing factors an agency school committee must consider in reaching its decision on a proposed reorganization.

Chapter 203 reduces the notice requirement for budget hearings of common school districts from 15 days to 10 days.

Chapter 223 provides that a collective bargaining agreement may modify, waive or replace any of the statutory provisions pertaining to renewal of teacher contracts and teacher tenure.

Chapter 241 provides for an optional pupil minimum competency testing program in public schools. School districts that participate in the program are required to test pupils, to provide remedial services to any pupil who does not meet the district's minimum standards and to provide reports on test results to the pupil's parent or guardian. The Department of Public Instruction is required to develop tests and to distribute them to school districts, to pay the cost of printing tests developed by school districts and to pay the cost of machine-scoring the tests. The program terminates June 30, 1988.

Chapter 251 provides that if a school board, with the approval of the State Superintendent of Public Instruction, places a pupil in a public special education program located in another state and pays the child's tuition, the school district is eligible to receive handicapped education aid for the additional costs.

Chapter 254 allows school boards to borrow money temporarily for operating expenses as well as maintenance expenses. The act allows borrowing to occur throughout the fiscal year rather than after a tax to finance the borrowing has been authorized and estimated receipts have been certified by the State Superintendent of Public Instruction.

Chapter 263 limits a school board's authority to fulfill its obligation to transport a pupil to a private school by contracting with the pupil's parent or guardian.

Chapter 273 creates an exception to the general rule of pupil record confidentiality for directory data. The act defines directory data and prescribes the conditions under which the data may be disclosed.

Chapter 287 eliminates appointment as a possible method of selecting school board members in city school districts. (See *Chapter 340* (*HIGHLIGHTS*), which abolishes all city school districts.)

Chapter 317 amends the handicapped education aid formula to reimburse the salaries of all senior level school psychologists and social workers at the rate of 55%; phases in the deductibility from shared cost of federal impact area aid over 3 years and reduces the primary guaranteed valuation accordingly; and increases the general aid payment delay from June 1982 to July 1982 by $85,000,000.

Chapter 340 requires all city school districts to reorganize into either common or unified school districts by July 1, 1983 (see *HIGHLIGHTS*).

Chapter 373 requires the reporting of accidents involving pupils in physical education classes or activities to the school board and to the State Superintendent of Public Instruction.

Chapter 385 clarifies the method of computing general school aid for the 1981-82 school year.

VOCATIONAL, TECHNICAL AND ADULT EDUCATION

Chapter 20 makes several changes in the statutes relating to vocational, technical and adult education (VTAE), including:

1. Increasing chauffeur training aids from 40 cents to $1 for each student period of 50 minutes.
2. Adding a state VTAE board division administrator position.
3. Authorizing VTAE district boards to enter into contracts to provide services to public and private educational institutions and local governmental bodies and prohibiting them from contracting with a foreign government or any business not operating in this state.
4. Requiring that tuition fees for post-secondary and vocational-adult programs be based on not less than 10.5% of the combined estimated statewide operational costs of the programs.
5. Permitting the state VTAE board to conduct or contract for district audits and directing the state VTAE board to adopt rules governing the audits, the financing of capital expenditures, the management of reserve funds and budget reporting standards; authorizing the Legislative Audit Bureau to conduct district audits; and requiring the state VTAE board to withhold or suspend state aid from any district which does not comply with budget, audit, contracting and reporting standards established by the state VTAE board.
6. Excluding from the calculation of a district's allowable budget receipts from contracts for services and gifts, grants and bequests and providing a cost control appeal for the nonreimbursed costs of services provided to public high schools.

Chapter 269 makes several changes in the statutes pertaining to vocational, technical and adult education, including the following:

1. The act places all VTAE district board members, district board directors and assistant, associate and deputy district directors under the statutory Code of Ethics for state public officials.
2. The act requires the state VTAE board to adopt rules establishing general district policies and procedures on employe and district board member travel and expenses, procurement, personnel and contracts to provide services.
3. The act increases the membership of VTAE district boards from 7 to 9 members and reduces the length of terms from 6 years to 3 years.
4. The act changes the procedures for VTAE district board member appointments.
5. The act requires that employment of the VTAE district director be by written contract.
6. The act allows VTAE district boards to enter into contracts to provide fiscal and management services to state and local governmental units.

UNIVERSITY OF WISCONSIN SYSTEM

Chapter 20 makes several changes in the statutes relating to the University of Wisconsin System, including:

1. Directing the Board of Regents to close the University of Wisconsin Center at Medford at the end of the 1980-81 academic year.
2. Specifying that the State Laboratory of Hygiene may charge local units of government only for tests which are outside the state public health care mission.
3. Abolishing the legislative nonresident tuition remission program.
4. Directing the Board of Regents to establish a $10 application fee for persons seeking admittance to any school within the system as new freshmen or as transfer students from outside the system.

Chapter 93 requires the School of Veterinary Medicine at the University of Wisconsin-Madison to enroll its first class of students in the fall of 1983.

OTHER EDUCATIONAL AGENCIES

Chapter 20 makes several changes in the statutes relating to the Higher Educational Aids Board (HEAB), including:

1. Directing the American Indian Language and Culture Education Board to advise HEAB on the allocation of tuition grants to Indian students enrolled less than half-time.

2. Increasing student revenue bond authorization by $25,000,000 to provide funds for the state direct loan program and denying eligibility for the program for students in default on previous loans.

3. Increasing the Wisconsin health assistance loan program's revenue bond authorization by $5,000,000 and requiring that medical and dental students borrowing under the program pay at least 3% of their interest obligations while in school and during their residency training.

4. Permitting the return of tuition grant awards to be governed by HEAB rules and increasing the maximum annual award from $1,800 to $2,000.

The act also removes the statutory authority for the Historical Society to maintain the Stonefield Village historic site; however, the authority was restored by *Chapter 93.*

Chapter 197 brings the statutes pertaining to library services into conformity with Chapter 347, Laws of 1979, which amended the term "municipality" so as to include, for the purposes of those statutes, a tribal government or tribal association.

Chapter 317 increases the bonding authorization for the health education loan program from $12,000,000 to $37,000,000 and transfers the Division for Educational Opportunity from HEAB to the Department of Public Instruction.

Chapter 394 repeals the transfer by *Chapter 317* of $1,300 from the health education loan program to the general fund.

Elections

Chapter 4 revises the procedure for adoption of municipal ward, city aldermanic district and county supervisory district boundaries. Formerly, municipalities having a population of 1,000 or more were required to divide into wards or readjust ward lines within 90 days after publication of the federal decennial census of population. All cities and all counties, except Milwaukee and Menominee, were required to divide into or readjust aldermanic districts and supervisory districts, respectively, within 90 days of the time that ward lines were fixed. Milwaukee County was directed to divide into or readjust supervisory districts within 120 days after publication of the census. Under this act, all counties except Menominee adopt a tentative supervisory district plan within 60 days after publication of the census. Municipalities must then create wards or adjust ward boundaries within 60 days after receipt of county plans. Municipalities must make a good faith effort to meet county requirements in drawing ward boundaries. The requirement to create wards is applied to all cities electing a common council by aldermanic district, regardless of population. Within 60 days after ward boundaries are fixed, counties adopt final supervisory district plans and cities adopt aldermanic district plans. This act also creates exceptions to the statutory ward population parameters in certain special situations, and provides standards for estimating population where census data is not available in sufficient detail. The act also permits counties other than Milwaukee and Menominee to create dual member supervisory districts in nonurbanized areas. In addition, the act permits municipalities under 35,000 population to discontinue maintenance of separate voting statistics for wards served by the same polling place, except as necessary to determine election results.

Chapter 116. Formerly, the number of nomination paper signatures required for the office of party committeeman or committeewoman in Milwaukee County was not less than 60 nor more than 100. *Chapter 116* changes nomination paper signature requirements for that office in Milwaukee County

so that the signatures of not less than 20 nor more than 40 electors are required (this is the same requirement that applies to other counties).

Chapter 377 reorganizes the laws governing the format of ballots used at elections in this state and clarifies voting procedure to be used in connection with the ballots. The act deletes the requirement for election ballots to be published with the Wisconsin Statutes. Instead, the act directs the Elections Board to prescribe ballot formats and publish samples of official ballots. Under the act, ballot formats are clarified and standardized. Concerning voting procedure, the act standardizes and clarifies voter instructions on all ballots. The allowability of certain write-in votes for certain offices at partisan primaries and elections is clarified by the act.

Eminent Domain

Chapter 249 clarifies the procedure one must follow to recover certain expenses incidental to the transfer of property being acquired by condemnation.

Chapter 231 permits the establishment of urban homestead programs under which a county, city or village may acquire property (see *Municipal Law*).

Employment

Chapter 20 extends the application of the labor dispute settlement procedure covering collective bargaining units consisting of nonsupervisory local government employes, except law enforcement and fire fighting personnel until July 1, 1987. The law was originally scheduled to expire on October 31, 1981.

The act also establishes a filing fee of $25 to be assessed against the party or parties filing a complaint with the Wisconsin Employment Relations Commission (WERC) alleging an unfair labor practice or prohibited practice. The act establishes a similar fee to be collected from the party or parties filing a request for WERC to arbitrate a grievance arising under a collective bargaining agreement. Formerly, no fees were assessed for these services.

The act also specifies that worker's compensation benefits are assignable for payment of child support obligations. It provides that the Department of Administration represents the state as the employer with respect to all worker's compensation matters affecting state employes. Previously, DILHR performed this function in addition to processing all worker's compensation complaints. Under this act, DILHR retains responsibility for processing complaints.

Chapter 28 changes eligibility for unemployment compensation benefits by persons receiving pensions or other retirement income. Formerly, state law required a dollar-for-dollar reduction of benefits for claimants receiving pensions or other retirement income. Under this act, no reduction applies for any portion of a pension or other retirement payment contributed by an employe. If the portion contributed by an employe cannot be determined, it is calculated at one-half the retirement payment. Only retirement payments received from moneys contributed by an employer from whom a claimant derives credit weeks during the claimant's 52-week base period (recent work experience) are considered in determining the offset for unemployment compensation benefit purposes.

Chapter 36 makes various changes to the unemployment compensation law (see *HIGHLIGHTS*).

Chapter 92 revises the worker's compensation laws. This act makes many miscellaneous changes, including the following:

1. Providing that an employe may obtain compensation for injury suffered while traveling to or from work using transportation provided by an employer as part of an employment contract, or while traveling to or from work on paid time.

2. Providing, as does existing case law, that an employe may obtain compensation for emotional stress or strain without physical trauma, if the stress or strain arises from exposure to conditions or circumstances beyond those common to daily life.

3. Making various changes regarding waiver of physician-patient privilege, and the provision of records, examinations, opinions and evidence.

4. Providing for annual adjustment of average weekly earnings.

5. Raising from $7,500 to $10,000 the maximum amount by which a compensation award may be increased or decreased if injury is caused by employer noncompliance with a statute or order or by certain employe behavior.

6. Creating an exclusive remedy for employer malice or bad faith (as evidenced by failure to make payments or to report injury). This remedy consists of a penalty, not to exceed the lesser of twice the final award or $15,000, added by DILHR to the final compensation award.

Chapter 143 makes prisoners who receive unemployment compensation or employment training benefits while in custody in the county jail liable to pay the cost of their board or other legal obligations from the benefits received. Formerly, prisoners were liable only to pay such obligations from actual wages received for work performed while in custody in the jail.

Chapter 164 provides that the previously existing right of an employe to inspect personnel records includes the right to copy or receive a copy of those records, for a reasonable fee. The act provides that an employer who violates this right may be fined from $10 to $100.

Chapter 185 reinstates the "trigger" which activates the federal/state extended benefit program for unemployment compensation claimants whenever the Wisconsin rate of insured unemployment equals or exceeds 5% during the period from February 27, 1982 to September 25, 1982. During an extended benefit period, claimants may qualify for up to 39 weeks of benefits instead of 34 weeks of benefits. Under former law, an extended benefit period was triggered only when in any 13-week period, the Wisconsin rate of insured unemployment a) equaled or exceeded 120% of the average of that rate for the corresponding 13-week period in each of the 2 preceding calendar years; and b) equaled or exceeded 4%. This trigger is retained under the act.

Chapter 315 levies a tax on all employers engaging persons in employment subject to the unemployment compensation law at a rate determined by DILHR sufficient to pay the interest due on advances from the federal unemployment trust fund to maintain the solvency of the state unemployment reserve fund. The rate established for government and nonprofit employers financing benefits on a reimbursement basis must be 75% of the rate established for other employers. The act also directs DILHR to withhold unemployment compensation benefits from claimants to satisfy their child support obligations (as required by federal law). In addition, the act applies a more stringent standard for requalification of a claimant for benefits after the 26th week of the claimant's unemployment during an extended benefit period if the claimant was disqualified due to a disciplinary suspension.

Chapter 325 extends a special death benefit in the worker's compensation laws to National or State Guard members injured or killed while on state active duty, and raises the minimum death benefit from $25,000 to $50,000.

Chapter 334 substantially revises the state fair employment law, which prohibits employment discrimination (see *HIGHLIGHTS*).

Chapter 360 directs DILHR to promulgate rules setting standards to protect the health and safety of public employes (see *HIGHLIGHTS*).

Chapter 364 grants to employes and employe representatives the right to know about toxic substances, infectious agents and pesticides present in the workplace (see *HIGHLIGHTS*).

Energy

Chapter 20 makes the Joint Committee on Finance responsible for release of energy development and demonstration grant program funds contingent on the Department of Administration (DOA)

submitting to that committee by February 1, 1982, a report on the impact of future federal energy funding on the continued operations of the energy function of DOA and alternatives to general purpose revenue funding for the energy development and demonstration grant program.

Chapter 93 authorizes instead of requires DOA to purchase and rent to the public anemometers and deletes the requirement that the anemometers be capable of measuring wind at minute intervals.

The act deletes alcohol fuel systems, equipment which is part of a system primarily used to heat a swimming pool and cogeneration facilities owned by corporations and cooperatives from the renewable energy resource refund program and raises from 9% to 12% the interest on amounts due back to the state for refunds paid on claims filed incorrectly under the program.

Chapter 148 removes regulation of telephone cooperatives from the jurisdiction of the Public Service Commission (PSC). Under the act, a telephone cooperative may elect to be regulated by the PSC by amending its articles of incorporation, by a majority vote of its stockholders voting by a mail ballot initiated by petition of at least 5% of its members, or stockholders or by a majority of the voting members of the cooperative's board of directors. The PSC supervises the election. The PSC continues to have jurisdiction over a complaint about the cooperative's rates if at least 5% of the cooperative's customers file a complaint about the rates.

Chapter 179 exempts from liability for unbilled utility service any customer not billed for the service 2 years after the date of the service unless the customer interfered with measurement of the service.

Chapter 317 deletes all funding for the energy development and demonstration grant program for fiscal year 1982-83.

The act deletes waste conversion energy systems from the renewable energy resource refund program. A corporation or cooperative may apply for a refund for a waste conversion system if the cost was incurred prior to July 1, 1982.

The act reduces the filing deadline for all claims in the program from 4 years to one year and deletes previous authority to amend claims.

The act also reduces the cost payback period for systems eligible for a refund from 25 to 15 years.

Chapter 342 prohibits a Wisconsin public utility from paying for any cost of repairing the Three Mile Island nuclear plant, which was the subject of an accident in March 1979, or for any new insurance premium covering the plant.

Chapter 354 regulates wind and solar access and solar energy systems (see *HIGHLIGHTS*).

Environment

Chapter 1 converts the primary method for financing the point source pollution abatement grant program from general purpose revenue funding to general obligation bond revenue funding.

Chapter 18 allows cities and villages which form inland lake protection and rehabilitation districts to convert to a board of commissioners form of governance for that district.

Chapter 19 allows municipalities to enclose navigable waters in a drain, conduit, storm sewer or similar structure if the Department of Natural Resources (DNR) grants a permit after a notice and hearing.

Chapter 20 provides funds and authorizes positions for the Department of Transportation to operate the motor vehicle emission inspection and maintenance program. In addition, this act includes statutory language relating to free reinspections, setting repair limitations, delegating certain registration renewal functions to the contractor, providing monthly series registrations for certain motor vehicles and authorizing vehicle fuel efficiency tests as an optional component of the program.

The act creates a combined sewer overflow abatement financial assistance program and provides bonding revenue funds for grants to eligible municipalities for up to 50% of the construction costs of projects to reduce overflows from combined sewers.

The act revises the point source pollution abatement grant program to allow for bonding revenue-financed engineering design grants to be awarded on a reimbursement basis.

The act includes a special provision specifying the applicability of environmental impact statement requirements for the construction or establishment of correctional institutions.

The act also provides for DNR, in conjunction with the Wisconsin Geologic and Natural History Survey and the Department of Administration, to study the effects of groundwater heat pump systems on water quality.

Chapter 62 creates a Radioactive Waste Review Board and establishes procedures for coordination, negotiation and approval of agreements with federal agencies in matters related to long-term disposal of radioactive waste.

Chapter 86 makes a variety of changes to the statutes related to mining, including:

1. Expanding the membership on the Investment and Local Impact Fund Board by adding an additional public member and a Native American.
2. Revising the statutes governing diversion of water and water withdrawals for mining.
3. Increasing the maximum possible compensatory award for a water supply damage claim from $25,000 to $75,000.
4. Authorizing the use of money in the Investment and Local Impact Fund for the long-term care of mining waste sites if moneys in the Waste Management Fund are insufficient.

Chapter 87 makes technical and minor substantive changes in various mining statutes.

Chapter 117 allows the construction of boathouses under limited circumstances where a permit for a water enlargement has been granted by DNR.

Chapter 120 allows counties which regulate private sewage systems to make special assessments for costs related to the pumping of holding tanks and septic tanks.

Chapter 303 prohibits the use of motorboats, inner tubes and inflatable rafts on the Brule River and tributaries in Douglas County with certain exceptions.

Chapter 317 modifies the inland lake protection and rehabilitation program as follows:

1. Restrictions are placed on eligibility, priority, grant size and funding available for dredging projects.
2. Priority and evaluation requirements are established.
3. The maximum for any grant is increased from 10% to 25% of the total appropriation.

The act also revises the combined sewer overflow pollution abatement program by creating a statutory commitment to provide funding up to and including the 1986-87 fiscal year and by making engineering design costs eligible for this type of grant funding on a reimbursement basis.

Chapter 321 revises the method by which the limitation on the number of approvals of alternative private sewage systems, often referred to as "mound systems," is calculated. This act guarantees a minimum of 5 approvals in each county. There is a statewide limit of 500 approvals, but this limitation is calculated without including any approvals granted under the guaranteed minimum.

Chapter 330 requires villages and cities to zone wetlands in shoreland areas. In addition, this act revises the permit requirements to remove material from waters of the state so that a permit is not required for the removal of materials from farm drainage ditches except under limited circumstances.

Chapter 339 revises the standard for determining the navigability of farm drainage ditches and the applicability of floodplain and shoreland zoning so that whether the ditch had a previous stream history is immaterial if the previous stream was nonnavigable.

Chapter 393 allows DNR to modify the time limits by when publicly owned treatment works must comply with certain effluent limitations under the pollution discharge elimination program. Formerly, no modification could extend the requirement for compliance beyond July 1, 1983. Under this act, extensions may be granted until December 31, 1985. In addition, DNR is directed to grant an extension if the department determines that noncompliance is due to the unavailability of federal or state funds unless the extension is prohibited under federal law.

Health and Social Services

WELFARE

Chapter 1 revises the date on which aid to families with dependent children (AFDC) applicants become eligible for aid. Previously, aid began as early as the first day of the month in which eligibility was established. This act provides that aid begins on the day a signed and completed AFDC application is submitted or on the day the applicant meets all eligibility criteria, whichever is later.

Chapter 20 allows the Department of Health and Social Services (DHSS) to fund the 11 Native American tribal governing bodies in order to facilitate the delivery of social services and mental health services. To receive the funds, a governing body that applies to DHSS must submit a plan for spending the funds and keep an account of all expenditures. If DHSS approves the plan, it reimburses the governing body for part or all of the costs involved.

This act allows county welfare departments and mental health boards to reduce the social services provided if state or federal funds are unavailable. Former law required DHSS to conduct a pilot work program for AFDC recipients. The act ends this program.

Former law provided state emergency fuel and utilities assistance for distribution by participating counties to the poor. Because funds for a similar federally run program have increased, the act ends state assistance. County public welfare departments are required to provide DHSS with pertinent information so it can distribute federal energy assistance payments.

This act modifies programs for the elderly by limiting state funds available for home-delivered meals, senior companion and retired senior volunteer programs. The act eliminates state funding for senior centers.

Former law required agencies that provided relief to needy Indian persons to operate a work experience program for relief recipients. The act allows DHSS to waive this requirement if the number of participants would be too low to make the program functional. The act specifies that county agencies are liable for worker's compensation benefits payable to program participants.

This act requires DHSS to pass increases in federal supplemental security income (SSI) payments directly to recipients without reducing state supplemental payments. The act also specifies that the state is liable only for actual cemetery expenses of SSI, AFDC or medical assistance recipients, rather than for cemetery charges. The act allows counties to recover the cost of administering the medical assistance program only to the extent that state funds are available.

Chapter 72 requires applicants for licensure of a children's residential facility, a group home or a community-based residential facility to attempt to establish a community advisory committee as a forum for communicating with interested persons.

Chapter 93. Previously, only a child under age 18 could qualify as a dependent child for the purposes of AFDC. *Chapter 93* allows a child under age 19 who is a full-time student at a high school or VTAE school to be eligible for AFDC. This act also requires DHSS to adopt a retrospective budgeting process when determining AFDC grant size. Recipients are required to provide accurate monthly reports of any changes in circumstances that might affect eligibility. The act specifies that an applicant whose income exceeds 150% of the standard of need is automatically ineligible for

AFDC. If total income exceeds the standard of need, the applicant is ineligible for a number of months that equals the total income divided by the standard of need.

This act provides a supplemental AFDC grant to pregnant women. Grants to an AFDC family are discontinued if the primary wage earner is on strike. The act also lists specific amounts of income that, as required by federal law, must be disregarded when computing an AFDC recipient's income level.

This act requires that medical assistance reimbursement for all outpatient hospital services not exceed the reimbursement level for comparable services performed by providers other than hospitals. This act expands the requirement that medical assistance recipients share the cost of the services received. The act also provides that mental health services are reimbursable under medical assistance, but requires the local community mental health board to pay a portion of the cost and to act as a gatekeeper for the approval of persons receiving these services.

This act revises the formula used to provide state funding to county social services departments and mental health boards.

The act requires DHSS to submit its federal block grant applications for federal fiscal year 1982-83 to the Legislature for review by legislative committees.

The act also conforms state law to federal law by requiring child support agencies to collect support that is ordered for spouses or former spouses with whom dependent children reside. The act requires a person who receives spousal support under a court or administrative order to assign the income to the state as reimbursement for payments received under the AFDC program. The act also permits state agencies to charge counties and other agencies for administrative costs incurred in the collection of child and spousal support.

Chapter 298 authorizes the Wisconsin Health Facilities Authority to bond for the financing of residential facilities for the elderly and the chronically disabled. This act provides the Wisconsin Health Facilities Authority with an additional $100,000,000 in bonding authority that can be used for this purpose, but bonding with this additional amount must be limited to the financing of residential facilities that are approved by DHSS.

Chapter 317 allows municipalities or counties that furnish general relief to limit their liability for medical or dental care to an amount reimbursable by medical assistance for similar care. The act makes permanent a requirement that some elective surgical procedures be preceded by a 2nd opinion before medical assistance assumes liability for the cost of surgery. The act reduces the dental coverage available to medical assistance recipients and delays by 3 months scheduled increases in reimbursement rates to medical assistance providers.

This act also delays by 3 months scheduled increases in AFDC payments. The act requires DHSS and the Department of Industry, Labor and Human Relations to submit a joint proposal to the Legislature's Joint Committee on Finance concerning a work program for AFDC recipients.

Chapter 331 requires DHSS to provide state funds to shelter care facilities that previously received federal funds if federal funds are no longer available. State funds must be equal to the amount that would have been provided had the county been operating such a facility without receiving any federal funds during the previous fiscal year.

Chapter 392 reverses a change in the relief to needy Indians program that was part of *Chapter 20*, restoring eligibility for Menominee Indians who reside on tax-free lands.

HEALTH

Chapter 20 consolidates the Board on Aging with the Governor's ombudsman activities relating to the aged and disabled, creating a Board on Aging and Long-Term Care. The board is required to investigate complaints about improper conditions or treatment of the aged or disabled, to act a a mediator or advocate to resolve problems related to long-term care and to disseminate information

needed to improve conditions for the aged and disabled. *Chapter 182* staggers the terms of the initial members of the board. *Chapter 20* allows DHSS to purchase and distribute drugs necessary to treat tuberculosis. The act eliminates state funding for the vision screening and home health aids programs.

This act allows DHSS to direct the closing of a nursing home in order to reduce trauma associated with relocating residents. County social services agencies must help develop individual relocation plans. A nursing home that plans to close is required to give only 30 days' notice to residents; former law required 90 days' notice. The nursing home must submit a plan to DHSS outlining its timetable for closing and for relocating residents.

This act modifies state laws relating to certificates of need for health care institutions. The act increases the dollar thresholds that trigger certificate of need review and allows DHSS to require additional review after granting a certificate if the project involved has capital expenditures that exceed the originally anticipated amounts by 10%. The act requires DHSS to grant certificate of need exemptions in specified situations. The act imposes a moratorium on major construction at least until July 1, 1983. Before this date, DHSS may issue no new certificates of need.

This act repeals a provision that allows DHSS to withdraw certificates of need for specialized hospital services that are no longer actually needed. The act authorizes DHSS to withdraw other certificates of need if the project does not begin within one year or if other unreasonable delays occur.

This act repeals a requirement that applicants for marriage licenses be examined for venereal disease.

This act creates a community options program. The program is designed to screen persons seeking admission to nursing homes or state centers for the developmentally disabled and, if possible, provide community-based noninstitutional services for these persons. The program is phased into existence, beginning with 8 volunteer counties. State funds are allocated to participating counties to finance the program.

Chapter 73 allows ambulance drivers to handle the sick, injured or disabled with the assistance of a licensed ambulance attendant or other member of an ambulance staff.

Chapter 121 allows DHSS to issue nursing home licenses for varying periods to coincide with federal certification and modifies the inspection procedures required after issuance of a probationary license. The act makes further modifications in inspection procedures, such as allowing DHSS to sample the conditions of a nursing home rather than conduct an exhaustive inspection.

This act also modifies the statutes that provide hearings to nursing homes alleged to have violated a law or rule and requires the Division of Nursing Home Appeals to conduct both the hearings on alleged violations and the appeals on the level of forfeitures assessed. Nursing homes may request a consolidation of these hearings. The act revises the penalties that may be assessed against nursing homes and expands the authority of a receiver who operates a nursing home or community-based residential facility during an emergency.

Chapter 134 creates a new method of determining death (see *HIGHLIGHTS*).

Chapter 182 staggers the terms of the initial members of the Board on Aging and Long-Term Care created by *Chapter 20.*

Chapter 214 creates an occupational disease surveillance system. Under this system, DHSS collects information on the occupations of a child's parents from birth certificates, information on the occupations of deceased persons and other information in order to allow DHSS to correlate exposure to certain occupational environments with resulting health problems.

Chapter 257 requires DHSS to include mumps as one of the diseases for which it conducts an immunization program.

Chapter 290 allows people trained at any accredited medical school to perform eye enucleation of corpses for the purpose of donating eyes to the blind.

Chapter 291 reorganizes laws relating to local health agencies and communicable diseases. This act eliminates the overlapping responsibilities of county health agencies, city or village health agencies, town health boards, local health officers and local health nurses by allowing the creation of county health commissions or committees that may assume the functions of underlying health agencies.

This act updates antiquated statutes concerning communicable diseases and revises the methods used to combat communicable diseases such as placarding, isolating infected persons, quarantining areas and special examinations. The act also expands the statutes concerning venereal disease to cover all forms of sexually transmitted disease.

Chapter 323 revises the operation of the hospital rate review program. The act specifies that bodies established to set hospital rates must consist of 21 members — 7 appointed by the Governor, 7 appointed by the Wisconsin Hospital Association and 7 appointed by Blue Cross Blue Shield United of Wisconsin. Contracts to set hospital rates must provide for sanctions and incentives to encourage control of hospital costs.

Chapter 361 requires hospitals that commit unfair labor practices involving union-busting to return to the state the amount of state funds used to finance the activity. Hospitals are required to submit to DHSS information concerning these activities.

Chapter 375 codifies existing case law concerning informed consent for medical treatment. Prior to commencing treatment, this act requires physicians to inform the patient about the availability of all alternate, medically viable forms of treatment and about the benefits and risks of these treatments. Certain information, such as detailed technical material or information concerning risks known to the patient, need not be disclosed. Disclosure is also not necessary if the patient is incapable of providing informed consent, such as when the patient is unconscious and in need of emergency treatment.

DRUGS

Chapter 6 specifies that the chemical derivatives of methylphenidate, a mild stimulant, be classified as a Schedule II controlled substance. Nalorphine, a respiratory stimulant derived from morphine, and pentazocine, an analgesic, are presently classified as Schedule III controlled substances. This act specifies that preparations including these substances or their chemical derivatives are similarly controlled.

Chapter 90 regulates traffic in "look-alike" drugs by prohibiting advertisements that represent a substance to be capable of inducing physical or psychological effects similar to a controlled substance and by prohibiting advertisements for substances that are intentionally manufactured to resemble a controlled substance. In addition, this act prohibits the delivery of noncontrolled substances with a representation that the substances are controlled or can be sold or used as controlled substances. Violation of these prohibitions is a felony.

Chapter 113 allows the hearing on a forfeiture proceeding instituted under the Uniform Controlled Substances Act to be delayed for cause or upon stipulation.

Chapter 114 prohibits possession of prescription drugs with the intent to manufacture or deliver the drugs by any person other than a practitioner licensed to prescribe and administer prescription drugs or a pharmacist. This act indicates methods of proving intent and specifies that a violation of this prohibition is a felony.

Chapter 193 requires the Controlled Substances Board to assist practitioners who apply for federal investigational new drug permits for marijuana in order to research therapeutic uses of the drug. The

board may limit the pharmacies capable of dispensing the drug and the practitioners capable of prescribing the drug.

Chapter 200 requires the Controlled Substances Board to assist and promote coordination of agencies responsible for ensuring compliance with controlled substances laws by entering into agreements with state and federal agencies. The board must monitor cooperation between the agencies, report on diversion patterns of controlled substances to these agencies and report to the Legislature on the success of its efforts to coordinate enforcement.

Chapter 206 revises the schedules of controlled substances. The act modifies the scheduling of peyote and marijuana, thus allowing prosecution to commence based solely on possession of the active components of these drugs. The purpose of this change is to reduce the number of situations where prosecution is based on possession of the plant in a processed form but no conviction occurs because the plant can no longer be positively identified.

This act also unifies the treatment of chemical derivatives of certain drugs listed in the schedules and provides that federal regulations excepting any drug from the schedules supersede the listing in state statutes. This act also changes each of the schedules by adding drugs to or removing drugs from the lists in the schedules.

Mental Health

Chapter 20 reduces from 4 weeks to 3 weeks the length of inpatient mental health treatment for which state funding is available. Unless the community mental health board can show exigent circumstances, DHSS has the authority to reduce its payments to a board that uses state funds for lengthy inpatient treatment. This act also revises the programs that must be offered by mental hygiene boards.

Chapter 24 revises the membership of the State Council on Developmental Disabilities. This act requires that members be state residents. Former law required that at least one-third of the members be developmentally disabled or be parents or guardians of developmentally disabled persons. This act increases to one-half the number of members who must meet this qualification.

Miscellaneous

Chapter 20 increases the licensing and inspection fees assessed by DHSS against hotels, rooming houses, restaurants and vending machine operators. The act eliminates the requirement that DHSS regulate campgrounds, mobile home parks and public swimming pools and instead gives DHSS discretionary regulatory authority. The act also increases licensing fees for campgrounds, parks and swimming pools. The act requires the registration of automatic fire sprinkler installers and maintainers.

Chapter 74 revises current procedures for appealing court orders concerning the admission of minors to treatment facilities in order to make the procedures consistent with appeal procedures for the Court of Appeals.

Chapter 258 repeals a requirement that DHSS manage farms for the visually handicapped and the deaf, since these farms no longer exist.

Military Affairs

Chapter 20 creates 2 additional limitations on eligibility for educational tuition grants to members of the Wisconsin National Guard.

The act also increases from 7 to 8 the number of credits for which a veteran may be reimbursed for correspondence courses or part-time study per semester.

Chapter 35 changes the former 10-year term appointment of the Adjutant General of the Wisconsin National Guard to a 5-year term and removes the requirement that a court-martial be

convened to remove the Adjutant General for cause. The general provisions for removal of state officers for cause now apply to the Adjutant General. The act also lowers the retirement age for the Adjutant General from 65 to 62 and for other staff officers from 65 to 60.

Chapter 129 increases the minimum base daily pay for officers and enlisted persons on active duty in the National Guard from $30 to $50.

Chapter 199 revises the membership of the Board of Veterans Affairs by eliminating the position for a Spanish-American War veteran and by creating 2 positions for veterans of the Vietnam era.

Chapter 207 directs the Adjutant General of the Wisconsin National Guard to have a Wisconsin medal of honor designed and manufactured in honor of all Wisconsin veterans who gave their lives for their state and nation. The medal will be on display at Arlington National Cemetery.

Municipal Law

Chapter 11 permits a town which increases the number of town supervisors to 5 to provide by ordinance for the staggering of the supervisors' terms of office.

Chapter 20. Under preexisting law, municipalities in Milwaukee County were permitted to issue bonds to finance housing mortgages. *Chapter 20* requires a special election concerning issuance of these bonds on the request of 15% of the municipality's electors. The act also allows the Redevelopment Authority of the City of Milwaukee to issue bonds to finance mortgage loans on owner-occupied dwellings if the dwellings are located in abandoned highway corridors.

The act modifies the tax incremental financing process used by municipalities. The act disallows a proportionate share of project costs that benefit the area of the municipality outside the tax incremental district. The act also specifies that certain costs may never be included as project costs. The act limits the creation of tax incremental districts by requiring that they consist solely of whole units of property assessed for general property tax purposes and that no more than 25% of most districts be composed of property that has stood vacant for 7 years. An audit is required of each district.

Chapters 20 and 142 change certain laws relating to the duties of county clerks in issuing marriage licenses (see *Domestic Relations*).

Chapter 43 permits county boards to close county offices at any time instead of only on Saturdays, Sundays and legal holidays.

Chapter 56 makes various changes in Milwaukee County's budgetary procedure. The authority of the county auditor regarding preparation of the county budget is transferred to the head of the Milwaukee County Department of Administration. The statutory definition of the term "surplus funds," which is used in the law concerning the budget procedure for Milwaukee County, is repealed thus allowing Milwaukee County, in its own discretion but subject to generally accepted government accounting principles, to define surplus funds.

Chapter 93 exempts cities, villages and towns with a population of 2,500 or less from the Department of Industry, Labor and Human Relations (DILHR) and county enforcement requirements of the one- and 2-family dwelling code. Homes not subject to inspection must comply with DILHR rules on energy conservation in construction and maintenance of dwellings.

Chapter 149 permits a county or municipality to include in an ordinance providing for disclosure of economic interests a provision to the effect that any county or municipal officer who is required to file a statement of economic interests under the ordinance and who fails to do so shall have payment of any compensation or reimbursement of expenses from the county or municipality withheld until the statement is filed. Formerly in such cases, a county or municipality was permitted only to withhold the salary and expenses of a county or municipal officer who was also an employe of the county or municipality.

Chapter 161 authorizes counties to appropriate money to defray the expenses of private organizations which provide homemaking services to the elderly and handicapped in the county if the homemaking services will enable the recipients of the services to avoid residence in an institution.

Chapter 171 allows villages to use methods of providing police and fire protection other than operating individual departments. Villages are given the option of contracting for services or of creating joint departments with other municipalities.

Chapter 175 raises from $3,000 to $10,000 the total annual limit on town spending for construction and repair of town highways and bridges and permits a town to exceed this dollar limit if the voters approve the expenditure by referendum.

Chapter 184 eliminates the Milwaukee County Board of Public Welfare and transfers its powers and duties to the county board of supervisors and the county executive. The county executive is given the authority to appoint a director of institutions who assumes the duties of the former chairperson of the board of public welfare, as well as the direction of the county mental health program. The act also makes the terms of office for members of the Milwaukee County Mental Health Board similar to those for other counties.

Chapter 190 amends the powers and duties of the City of Milwaukee to conform to those of other cities in the areas of real property assessments and intergovernmental financial cooperation.

Chapter 191 authorizes a city, village, town or school district to destroy tape recordings of a meeting 90 days or more after the minutes of the meeting have been approved and published. Under former law, the recordings had to be preserved for up to 7 years.

Chapter 196 permits a town clerk to appoint more than one deputy clerk and permits a town treasurer to appoint a deputy.

Chapter 198 authorizes a county, city, village or town to refuse to issue any license or permit except a marriage license, hunting or fishing license or dog license to a person who has not paid an overdue forfeiture for violation of a county or municipal ordinance. Counties and cities, villages and towns within the same county may agree, in writing, to refuse to issue a license or permit to a person who has not paid an overdue forfeiture for violation of an ordinance of the county or another city, village or town which has signed the agreement.

Chapter 211 authorizes the chairperson of the county board to appoint someone to serve as chairperson of the County Emergency Government Committee instead of requiring the chairperson of the county board to serve as chairperson of the committee.

Chapter 213 specifies that the time period for appeal of a discharge or suspension by a Milwaukee fire fighter or police officer begins with the date of the discharge or suspension order.

Chapter 217 provides that persons appointed to unclassified positions as directors of county departments in Milwaukee cease to hold office after 6 months from the time of expiration of their terms of appointment unless reappointed and reconfirmed by the Milwaukee County Board of Supervisors.

Chapter 231 permits counties, cities and villages to establish urban homestead programs under which the county, city or village may acquire property on which taxes are due or which is condemned and convey the property to a person interested in repairing and living on the property. A county program may apply only to unincorporated areas. If the person lives on the property for not less than 3 years and complies with reasonable conditions set by the county, city or village, the county, city or village must transfer the title to the person.

Chapter 232 permits city housing authorities and city redevelopment authorities to establish a procedure for keeping and preserving records by microfilming or a similar reproduction device. The procedure must assure that the reproductions of records that are open to public inspection are

available to the public. A reproduction is treated the same as the original record if the reproduction is made in accordance with the same statutory procedure that applies to other public records.

Chapter 238 allows municipalities that operate a public harbor to finance costs related to the harbor by using refunding bonds or bond anticipation notes.

Chapter 244 allows cities and villages to issue general obligation bonds in order to finance the installation of traffic signals.

Chapter 245 raises the fee for recording various legal documents with the register of deeds from $2 to $4 for the first page and from $1 to $2 for each additional page of the document.

Chapter 281 codifies some session laws and repeals other obsolete session laws concerning the operation of metropolitan sewerage districts. The act concerns sewer and water extensions by the City of Milwaukee.

Chapter 282 reorganizes the laws relating to the Milwaukee Metropolitan Sewerage District (see *HIGHLIGHTS*). The act expands the purposes for which town sanitary districts may levy taxes without being subject to a levy limit. This act also eliminates an 8% interest ceiling on town sanitary district bonds and revises the methods used by these districts to levy special assessments.

Chapter 302 authorizes a county to settle claims against the county in the same way it settles current accounts and permits a county board to delegate its power, with regard to claims not exceeding $500, to a district attorney or corporation counsel, who may order the claim paid.

Chapter 324 expands the scope of the law authorizing village, town or city peace officers to proceed into an adjoining jurisdiction to make an arrest when in fresh pursuit of suspected violators of the law to cover all peace officers (thus including county officers) and to allow fresh pursuit of suspected violators anywhere in the state. The act also increases the penalty for motor vehicle operators who attempt to elude traffic officers.

Chapter 371 creates a Community Development Finance Authority (CDFA), whose purpose is to invest in the development of local corporations that can provide employment and services in blighted or impoverished areas. On a state level, CDFA may issue grants to local corporations and must create a finance company. The purpose of the finance company is to issue stock or partnership interests and use the proceeds to invest in local corporations. The finance company is required to invest only in local corporations that are involved in specific projects both located in special target areas and designed to redevelop the areas or increase employment of target groups. Private investment in the finance company is encouraged through the use of tax incentives.

Natural Resources

Chapter 9 increases the membership of the Law Enforcement Standards Board from 14 to 15 members by providing for the appointment of the Secretary of the Department of Natural Resources (DNR) or the secretary's designee.

Chapter 20 requires the approval of the Joint Committee on Finance before DNR transfers the ownership of any state park. The act eliminates funding for the recreational boating facility aids program. The act also modifies the division of revenue obtained from snowmobile registration so that this revenue is split equally for trail aids and for enforcement and administrative purposes.

Chapter 59 authorizes DNR to produce and distribute, at no cost, planting stock of trees from forest nurseries suitable for ornamental or landscape planting by 4th grade school pupils to celebrate Arbor Day when requested by the school principal.

Chapter 67 repeals the timber trespass statute and creates a timber theft statute. A person who cuts, removes or transports raw forest products without the consent of the owner is subject to a forfeiture of not less than $100 nor more than $10,000 and, if the action is intentional, may be punished under the criminal theft statute.

Chapter 95 requires a $3 Great Lakes trout and salmon stamp, in addition to a fishing license, in order to fish for trout and salmon in the Great Lakes. This requirement does not apply to a person who is exempt from the payment or the requirement for a fishing license.

Chapter 98 expands the arrest powers of DNR's conservation wardens.

Chapter 111 eliminates certain statutory restrictions on the transportation of deer.

Chapter 130 changes the definition of "inland trout waters" where trout stamps are required in order to fish for trout.

Chapter 131 gives DNR authority to permit, for a fee, towns and counties to use gravel and fill material facilities operated by DNR.

Chapter 136 directs DNR to establish the open season for hunting raccoon 2 weeks earlier for residents than for nonresidents.

Chapter 261 authorizes a real property interest called a conservation easement. A conservation easement is a holder's nonpossessory interest imposing a limitation or obligation for a purpose like protecting scenic values or natural resources, assuring availability of agricultural or recreational land, or preserving historical or cultural aspects of real property. A conservation easement may be held by a governmental body or by a charitable corporation, association or trust. This act permits the intent of the parties to the conservation easement to control, regardless of whether under common law principles the property interest would be recognized. This act is based on the Uniform Conservation Easement Act.

Chapter 262 allows DNR to establish wild turkey hunting zones and to require wild turkey hunting permits. A landowner preference for not more than 20% of these permits in each zone is established.

Chapter 294 establishes 2 separate accounts within the conservation fund — a snowmobile trail aids account and a snowmobile enforcement and administration account. The crediting of receipts from snowmobile registration and the expenditure of these funds for trail aids purposes and for enforcement and administration purposes is separated.

Chapter 295 revises snowmobile regulation and changes the date when snowmobile aids are paid.

Chapter 343 alters the campground reservation system so that only residents may apply for reservations during the month of January.

Occupational Regulation

Chapter 3 prohibits the Examining Board of Architects, Professional Engineers, Designers and Land Surveyors from adopting or changing, by emergency rule, any requirement for the registration of or issuance of a permit to any architect, professional engineer, designer or land surveyor.

Chapter 15 makes permanent the authorization for optometrists to use topical ocular diagnostic pharmaceutical agents.

Chapter 60 revises state law concerning the regulation of plumbers. The act reduces from 5 to 4 years the period of apprenticeship required and eliminates a requirement that applicants for a master plumber license be part-owners in a plumbing firm for at least 3 years.

Chapter 65 authorizes the Dentistry Examining Board to sanction a dentist or dental hygienist for incompetence, negligence or billing irregularities.

Chapter 94 abolishes the Real Estate Examining Board, transfers its rule-making, licensing, examining and investigating authority to the Department of Regulation and Licensing and creates a Real Estate Board with disciplinary authority over real estate licensees and advisory responsibilities to the department.

Chapter 122 allows an organization licensed to conduct games of bingo to pay rent in connection with the conduct of bingo under certain specified conditions.

Chapter 125 provides that a veterinarian's license is not required for castrating dogs, cats, horses, pigs, sheep or cattle; provides that a temporary permit to practice veterinary medicine may be granted if the applicant is employed and supervised by a licensed veterinarian; and provides that veterinary licenses and animal technician certificates may be reinstated within 2 years of the date they expire.

Chapter 135 requires a hospital to notify the Medical Examining Board whenever a staff member licensed by the examining board resigns from the hospital staff or loses his or her staff privileges or has his or her staff privileges reduced. The examining board must then notify the licensee of the substance of the hospital's report. The act also grants immunity from civil liability to persons who provide information concerning possible unprofessional conduct by a licensee and requires the examining board to render a decision within 90 days following completion of a hearing on alleged unprofessional conduct. Finally, the act allows the examining board to refuse to accept voluntary surrender of a license if the examining board has received allegations of unprofessional conduct against the license holder.

Chapter 162 makes various remedial changes in the statutes affecting the Department of Regulation and Licensing and its examining boards. The act changes the time of renewal for licenses issued to pharmacies and clarifies that law courses taken to satisfy the educational requirement for the real estate broker's license must be related to real estate.

Chapter 209 increases the number of bingo occasions a licensed organization may conduct, allows bingo to be played on premises which are made available to the licensed organization without charge and removes the provision that objects used as markers on bingo cards must be nonmetallic.

Chapter 224 provides that examinations for master barber and cosmetologist licenses require applicants to demonstrate minimum competency in services and subjects substantially related to public health and safety.

Chapter 230 removes the requirement that pharmacists place the patient's address on the labels of prescription drugs.

Chapter 356 adds a public member to the Accounting Examining Board, authorizes the examining board to adopt rules for report and practice review to evaluate the quality of performance of its licensees and expands the examining board's disciplinary powers.

Chapter 380 removes the requirements of U.S. citizenship and good moral character from certain employment and licensing statutes.

Retirement

Chapter 91 permits Edith McAusland, an employe of the state Senate, to receive credit under the Wisconsin Retirement Fund for past service which was not covered service under the fund at the time it was performed, provided that, prior to May 28, 1982, she pays employe contributions on her wages received for that service at the rate which would have applied had her service been covered, plus interest from the time the service was rendered to December 31, 1971.

Chapter 96 implements the merger of the 3 retirement funds for public employes administered by the Department of Employe Trust Funds (DETF) into a single system called the Wisconsin Retirement System (WRS). The 3 retirement funds merged are the Wisconsin Retirement Fund (WRF), the State Teachers Retirement System (STRS) and the Milwaukee Teachers Retirement Fund (MTRF). This act reorganizes the benefit programs into an integrated system and standardizes many of the technical and administrative procedures in DETF. The act also provides a number of substantive changes from former law. The act:

1. Extends to all participants of the merged system the WRF provision which grants credit for up to 4 years of military service after 20 years of creditable service under the retirement system.

2. Allows participants who served an uncredited 6-month probationary period under the WRF to receive credit for that period if the participant makes a required contribution to the fund upon retirement.

3. Provides for rule review and veto authority for the newly created Teachers Retirement Board for rules that relate to teachers and for the newly created Wisconsin Retirement Board for rules that relate to participants other than teachers. These boards also authorize and terminate disability benefits for the respective participants.

4. Changes the amortization process used to pay employer liabilities for prior service credits granted to employes from level dollar amount payments over a 40-year period beginning in 1973 to level percentage of payroll payments over a 37-year period beginning January 1, 1982.

5. Increases the limitation on benefits that may be paid as an annuity under the WRS when combined with the social security benefit paid from 80% to 85% of an employe's final average salary. (See also *Chapter 97* below)

6. Permits participants to reestablish service credit that was forfeited because of a separation payment received at some time by the employe if the employe meets specified conditions.

7. Provides for a study by the Legislative Council of state investment policies and practices as they relate to retirement fund assets.

Chapter 97 changes the assumption made about social security coverage for teachers not included under the federal social security system for purposes of determining the amount of a teacher's retirement annuity under the STRS or the MTRF. The law is that a teacher's retirement annuity combined with his or her social security benefit may not exceed 80% of the teacher's final average salary. If a teacher is not included under the federal social security system an assumption is made that all the teacher's service is included under social security and a benefit amount is determined as if the teacher is receiving social security. This act provides that for teachers retiring after December 6, 1981, only one-half of their service is assumed to be covered under social security.

The act is effective only for teachers retiring between December 6, 1981 and January 1, 1982. After January 1, 1982, *Chapter 96*, which contains a similar provision, is effective. *Chapter 96* also increases the combined benefit limitation of 80% of final average salary to 85%.

Chapter 187 requires the state and authorizes other governmental units to establish a voluntary deferred compensation plan for their employes by contracting with deferred compensation plan providers or, for governmental units other than the state, by administering it directly.

Chapter 201 increases the maximum amount of monthly annuity receivable by a participant under the WRS for the participant to be eligible to receive the present value of his or her annuity in a lump sum payment.

Chapter 239 increases from 19 to 22 the number of members to be appointed to the Legislative Council study committee on state investment policies and practices.

Chapter 250 provides that participating employes and annuitants in the WRS shall receive protective occupation service credit for service performed prior to July 1, 1969, in an occupation that is currently classified as a protective occupation, if the person is employed as a protective occupation participant for the 12 months immediately preceding retirement.

Chapter 274 extends the sunset date from January 1, 1983 to July 1, 1984, on an employer's power to elect to provide for early retirement for teachers under the WRS.

Chapter 278 revises the duty disability benefit program for protective occupation participants, other than county employes, under the WRS. The changes include the following:

1. The amount of the benefit receivable is increased from 50% to 80% of an employe's salary at the time of disability and the salary is indexed annually.

2. The amount of the benefit is reduced by any earnings or other benefits received by the employe.

3. Employers are required to make monthly payments to the retirement system to prefund the program.

Chapter 386 makes various technical and minor substantive changes to the statutes governing the WRS which were revised by *Chapter 96*.

Chapter 388 enables state employes who are age 62 to 65 between June 1, 1982 and June 30, 1983, and whose normal full retirement date is age 65 to retire with full benefits during that same time period by requiring the employer to provide an additional retirement benefit for such employes equal to the amount of annuity the employes otherwise lose because of an early retirement penalty under the WRS. This act also enables state employes who are between age 60 and 62 and who retire during that same time period to have their annuities determined as if their normal full retirement date is age 62 and not age 65.

State Employment

Collective Bargaining Agreements

Chapter 17 ratifies the collective bargaining agreement for the 1981-83 biennium between the state and the Wisconsin State Building Trades Negotiating Committee as representative of the employes of the building trades crafts collective bargaining unit.

Chapter 32 ratifies the collective bargaining agreement for the 1981-83 biennium between the state and the Wisconsin State Attorneys Association as representative of the employes of the professional legal collective bargaining unit.

Chapter 33 ratifies the collective bargaining agreement for the 1981-83 biennium between the state and the United Professionals for Quality Health Care, Local 1199, AFL-CIO, as representative of the employes of the professional patient care collective bargaining unit.

Chapter 34 ratifies the collective bargaining agreement for the 1981-83 biennium between the state and the Wisconsin Federation of Teachers, Local 3271, as representative of the employes of the professional education collective bargaining unit.

Chapter 58 ratifies the collective bargaining agreement for the 1981-83 biennium between the state and the Wisconsin Association of Science Professionals as representative of the employes of the professional science collective bargaining unit.

Chapter 101 ratifies the collective bargaining agreement for the 1981-83 biennium between the state and the Wisconsin State Employees Union, AFSCME, Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employes of the clerical and related collective bargaining unit.

Chapter 102 ratifies the collective bargaining agreement for the 1981-83 biennium between the state and the Wisconsin State Employees Union, AFSCME, Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employes of the blue collar and nonbuilding trades collective bargaining unit.

Chapter 103 ratifies the collective bargaining agreement for the 1981-83 biennium between the state and the Wisconsin State Employees Union, AFSCME, Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employes of the security and public safety collective bargaining unit and makes an appropriation to fund certain data processing costs.

Chapter 104 ratifies the collective bargaining agreement for the 1981-83 biennium between the state and the Wisconsin State Employees Union, AFSCME, Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employes of the technical collective bargaining unit.

Chapter 105 ratifies the collective bargaining agreement for the 1981-83 biennium between the state and the Wisconsin State Employees Union, AFSCME, Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employes of the research, statistics and analysis collective bargaining unit.

Chapter 106 ratifies the collective bargaining agreement for the 1981-83 biennium between the state and the Wisconsin State Employees Union, AFSCME, Council 24, and its appropriate affiliated locals, AFL-CIO, as representative of the employes of the professional social services collective bargaining unit and makes an appropriation to fund expedited arbitration procedure costs.

Chapter 107 ratifies the collective bargaining agreement for the 1981-83 biennium between the state and the State Engineering Association as representative of the employes of the professional engineering collective bargaining unit.

Other State Employment

Chapter 20 directs the development of affirmative action plans in the state civil service. The act requires the Secretary of the Department of Employment Relations (DER) to establish standards for and to review agency-prepared affirmative action plans. The act directs each appointing authority (agency head) to prepare and ensure compliance with an agency plan and, if the agency employs 50 or more people, to create an affirmative action advisory committee. Previously, there was no statutory mandate for the development of affirmative action plans.

The act changes the definition of limited term appointment in the state civil service laws. Previously, a limited term appointment was defined as either a short term (provisional or emergency) appointment, a project appointment or an appointment for less than 1,044 hours per year. Under this act, a limited term appointment is defined as either a provisional appointment (an appointment for no more than 45 days to a position for which an employe is urgently needed) or an appointment for less than 1,044 hours per year.

The act places all positions within the Legislative Audit Bureau (LAB) in the unclassified service. Under the act, employes holding positions in LAB on August 1, 1981, retain certain protections afforded to employes in the classified service for the duration of their employment. Formerly, the state auditor, deputy state auditor and 4 legislative audit directors were the only unclassified positions within LAB.

Formerly, the Governor was permitted to create positions in state employment to be funded from program revenues received by state agencies, as long as the revenues were sufficient to fund the cost of the positions. Under this act, if the Governor proposes to create a position funded from program revenues, the Governor must notify the Joint Committee on Finance. If the committee does not schedule a meeting to review the proposed action within 14 days of the notification, the position may be created. If the committee schedules a meeting to review the proposed action, the position may be created only upon approval of the committee.

Chapter 26 changes the definition of "resident" in the state civil service laws. Previously, a "Wisconsin resident" was a person who either was eligible to vote in the state, had resided in the state at least one out of the previous 3 years, had resided in the state a total of 5 years or was married to a person meeting any of those qualifications. This act provides that in the state civil service laws a "resident of this state" is a person who has resided in the state for not less than 10 days, or is the spouse of such a person. The act clarifies that the administrator of personnel in DER may open competitive civil service examinations to nonresidents if a critical need for employes exists, and may recruit employes from outside the state only if he or she finds a shortage of qualified residents. The act provides that an appointing authority may not appoint a nonresident to a limited term appointment or to a project position.

Chapter 126 alters the procedure for legislative approval of those portions of state employe collective bargaining agreements that require such approval. Under the act, the Joint Committee on Employment Relations (JCOER) may submit a single bill, instead of companion bills, to secure such approval and the bill or bills may be referred to the appropriate scheduling committee of each house of the Legislature instead of being placed on calendar as was previously required.

Chapter 127 permits JCOER to amend recommendations submitted to it by the Administrator of the Division of Personnel for initial assignments and changes of assignments of division administrator positions in the unclassified service to executive salary groups.

Chapter 140 amends several laws pertaining to restoration and reinstatement of state civil service employes. The act clarifies that restoration of an employe to a previously held position is a right which must be granted, while reinstatement is a privilege which may be granted. The act also clarifies certain laws governing temporary living quarters allowances, job-related moving expenses and personnel appeals of change in pay.

Chapter 153. Previously, the rules of the Secretary of DER contained provisions regarding eligibility for extra compensation for work performed by nonrepresented employes in the state classified service during selected hours (like nights and weekends) and compensation for overtime work. *Chapter 153* places these provisions in the compensation plan covering these employes. This act also removes the statutory mandate for time and one-half overtime pay for nonrepresented employes in the state classified service. Any provisions in the compensation plan regarding compensation for work performed during selected hours or for overtime are subject to approval by JCOER.

Chapter 317 freezes salaries for most unclassified and nonrepresented classified state employes for the period prior to October 3, 1982 (or the beginning of the applicable payroll period). (See also *Chapter 388* below) The act also directs the Secretary of DER to seek reopening of collective bargaining negotiations with labor organizations representing employes in the classified service for the purpose of obtaining a similar salary freeze agreement covering those employes, and provides that if such an agreement is not obtained in any collective bargaining unit, the Secretary of the Department of Administration (DOA) shall reduce total salary expenditures for employes in that unit by an amount equal to the saving to the state which would have been realized through such an agreement. Most nonelected state employes were previously scheduled to receive salary increases on or about June 27, 1982.

Formerly, state officers or employes who utilized state-owned automobiles for personal, non-political use were required to reimburse the state at a rate determined by the Secretary of DOA which covered all costs associated with the operation of the vehicle. Under this act, the rate is increased to the same rate provided by the state to an employe for the use of his or her personal automobile on state business, as determined under the state compensation plan approved by JCOER.

The act also suspends application of certain rules of DER's Division of Personnel which permit an employe who is restored to a vacant position after layoff, or who in lieu of layoff is demoted or "bumps" another employe, to continue receiving his or her former salary even if that salary was higher than the maximum salary for the new position. In addition, the act prohibits any cumulative pay adjustment which would raise a nonrepresented employe's compensation above his or her maximum salary. These prohibitions apply only during the period from May 1, 1982 to the general effective date of the 1983-85 budget act.

Chapter 388 authorizes a change in the effective dates of salary adjustments which primarily affects unclassified employes other than University of Wisconsin faculty and academic staff. Under the act, certain of these employes are authorized to receive pay increases or restorations retroactive to May 1, 1982. The act clarifies the procedure for implementing pay increases in 1982-83 for University of Wisconsin employes who are employed on an academic year basis.

In addition, the act provides that the requirement that most employes receive wages within 31 days of the date earned does not apply to unclassified employes of the University of Wisconsin System.

The act also creates a study committee to report to JCOER no later than February 15, 1983, concerning compensation, tax laws and other matters affecting the compensation of elected state officials.

State Government

Claims Against the State

Chapter 10 authorizes expenditure of $11,857.25 for payment of a claim of Diane Merfeld, Madison, Wisconsin, of $10,000 and a claim of John Hotchkiss, Sr. and Geraldine Skaff, La Crosse, Wisconsin, of $1,857.25 against the Department of Health and Social Services as reimbursement for medical expenses, wage loss and funeral and burial expenses caused by an assault and murder committed by an escapee from the Winnebago Mental Health Institute on July 4, 1975.

Chapter 12 authorizes expenditure of $12,427.20 for payment of a claim made by the City of Madison against the University of Wisconsin System as reimbursement for extraordinary police services provided for the protection of state facilities at the University of Wisconsin-Madison on April 24 and 25, 1980, during demonstrations related to a strike by the Teaching Assistants Association.

Chapter 13 authorizes expenditure of $40,252.40 for payment of a claim made by the City of Oshkosh against the University of Wisconsin System as reimbursement for extraordinary police services provided for the protection of state facilities at the University of Wisconsin-Oshkosh on March 15 and 16, 1980, during the St. Patrick's Day weekend activities.

Chapter 20 revises the procedure for payment of claims against the state. The act makes a sum sufficient appropriation from the general fund to the Department of Administration (DOA) for the Claims Board for direct payment of claims of not more than $1,000 by the Claims Board. The act also permits the Claims Board to determine that a claim of not more than $1,000 shall be paid from a specific appropriation or appropriations or from its own appropriation for claims payments. DOA may make the same determination for certain limited types of claims. For claims of more than $1,000, the Claims Board may recommend to the Legislature an appropriation or appropriations from which payment should be made.

Chapter 75 authorizes and directs expenditure of $5,000 from moneys appropriated to the Department of Natural Resources (DNR) for payment of a claim against DNR made by Donald Wirth, Cross Plains, Wisconsin, as compensation for past and future medical expenses and pain and suffering incurred as the result of an accident which occurred at Salmo Pond in the Black Earth Creek Fishery in Dane County on April 29, 1976. The claimant struck an unmarked cable placed by DNR employes while riding his power-driven cycle down a roadway at the pond.

Chapter 181 authorizes and directs expenditure of $2,500 from moneys appropriated to DNR for payment of a claim against DNR made by the Head of the Lakes Electric Cooperative, Superior, Wisconsin, as compensation for electricity supplied to the Ernest Swift Youth Camp operated by DNR during the period from 1973 to 1979, which was billed at an incorrect rate.

State Building Program

Chapters 20, 93, 108, 109 and 317 authorize $171,530,500 in new or expanded state building projects funded by $123,741,700 in new and $47,788,800 in residual bonding authority.

OTHER STATE GOVERNMENT

Chapter 1 changed the law regarding utilization and availability of state moneys. The act permitted moneys to be loaned from one account to another in the general fund or any segregated fund on the basis of moneys anticipated to be received from tax revenues, gifts, grants, fees, sales of services or interest earnings before the close of the fiscal year in which the loan is made in accordance with revenue estimates made by DOA. The Secretary of DOA must approve any such temporary shifting of state moneys. The secretary is required to assess an interest charge against any fund utilizing moneys from another fund. Reallocations must be reversed within 90 days or at the close of the fiscal year in which the reallocation is made, whichever is earlier. Reallocations are prohibited from certain specific funds and accounts. This act made these changes for the period prior to August 1, 1981, and *Chapter 20* makes these changes permanent. *Chapter 93* increases the limitation on total outstanding reallocations established in *Chapter 1* from $100 million to $200 million.

The act also permitted the Secretary of DOA, in consultation with the State Treasurer and the Joint Committee on Finance, to prorate and to set up priority schedules for the payment of state claims in the event that a financial emergency causes the amount of claims to exceed the funds available to pay them, subject to certain standards. Prioritization actions taken by the secretary may apply for no more than 30 days in any 6-month period. The authority granted by this act applied only during the period between February 1, 1981 and August 1, 1981. *Chapter 20* makes this authority permanent.

Chapter 20 makes numerous changes in the statutes relating to state government:

1. The act creates a new procedure for procurement of contractual services by state agencies. The act requires DOA to adopt rules governing contractual services procurement. State agencies are required to provide specific justifications and details of the scope of services to be performed in all requests for service procurements. Agencies are also required to submit to DOA an evaluation of each contractor's performance after contractual services are completed. Contractual service procurements are made subject to review by the Secretary of the Department of Employment Relations (DER). DOA, with the assistance of the Ethics Board and DER, is directed to adopt rules or recommend statutory changes to assure that the process used for selection of persons to perform contractual services includes a review of possible conflicts of interest on the part of the contractor. DOA is required under the act to prepare an annual report containing information on contractual service procurements by state agencies. The act also permits the Governor to waive any requirement in the purchasing law for the purchase of materials, equipment or services by state agencies if the Governor finds it necessary to meet an emergency which threatens the public health, safety or welfare.

2. The act transfers the responsibility for carrying out the functions of the state as an employer under the worker's compensation law from the Department of Industry, Labor and Human Relations (DILHR) to DOA. Under the act, DOA may delegate its authority to employing agencies. DILHR continues to exercise its overall supervision of worker's compensation claims including all hearings and contested cases involving state employes. The act also permits the state to recover against any 3rd parties who may be liable for injuries to prison inmates. (Such inmates receive special compensatory payments for injuries in lieu of worker's compensation payments.) Injury payments are to be offset against any recovery made by an inmate against state officers, employes or agents. In addition, the act abolishes the requirement that a written agreement is necessary to establish an agency relationship and permit the Department of Justice (DOJ) to represent state agents. DOJ is permitted under the act to represent state agencies, officers, employes and agents in "any civil action or other matter before a court or administrative agency" rather than just in "civil actions and proceedings" as formerly provided. DOJ is authorized to compromise and settle claims asserted

before a suit is actually filed, in addition to after it is filed as formerly provided, and is permitted to delegate this authority to DOA.

3. The act makes the following changes relating to state government organization and administration:

a. The act abolishes the state employes incentive award program.

b. The act repeals the requirement that state agencies prepare a biennial performance assessment plan.

c. The act permits the Secretary of DOA, at the request of any state agency, to authorize the processing of specified regular periodic payments through the use of money transfer techniques including direct deposit, electronic funds transfer and automated clearinghouse procedures.

d. The act requires the Legislative Reference Bureau, in consultation with the cochairpersons of the Joint Committee on Finance, to print a revised general fund summary and summary of appropriations for each bill it determines to be a major fiscal bill that would have a significant effect on state revenues and expenditures.

e. The act allows the Department of Health and Social Services to reimburse corrections employes for certain relocation costs.

4. The act makes an appropriation and provides a procedure for state agencies to deposit and withdraw moneys which are not state property or in which persons other than the state may have an ownership interest.

5. The act provides that the Secretary of DOA may approve a request from a state agency to transfer moneys from one of the agency's sum certain appropriations for state operations to another such appropriation in the 1981-83 fiscal biennium if the secretary determines that this will allow the agency to more equitably implement general appropriations reductions made by that act. Similar authority is granted to the secretary to approve transfers of position funding from such an appropriation to another such appropriation during the same period. The secretary must notify the Joint Committee on Finance (JCOF) of each proposed transfer, and if JCOF schedules a meeting to review the secretary's proposal within 14 days of receipt of the notice, the transfer may not be made without approval of JCOF. *Chapter 317* permits similar transfers to be made for the purpose of allowing state agencies to more equitably implement general appropriations reductions made by that act. In the absence of this authority, approval of JCOF or the Legislature is necessary to make transfers of this type.

6. The act modifies the statutes concerning the Board of Commissioners of Public Lands by revising the fee collection deposit and land disposal authorization.

7. The act increases funding from the Law Enforcement Training Fund to cover increased law enforcement training costs. The act requires the state to reimburse fully municipalities for costs of competency-based recruit training up to 320 hours.

8. The act makes various revisions concerning the State Public Defender program. The act:

a. Eliminates the requirement that the State Public Defender provide representation for all indigent persons attacking the conditions of their confinement.

b. Directs the State Public Defender Board to develop, by rule, a policy designed to handle potential conflict of interest cases without using a system of automatic referral of such cases to private counsel. The board is also authorized to establish "pro bono" agreements whereby legal representation would be provided by private counsel without compensation.

c. Provides that the assets of a spouse shall be considered in determining whether a person qualifies as an indigent who may be represented by the State Public Defender, except that the assets are not counted if the spouse is the alleged victim.

d. Excludes 3 counties (Sheboygan, Douglas and Monroe) from the State Public Defender program and includes 3 counties (Florence, Kewaunee and Shawano) were included in the program.

Chapter 27 repeals the authorization for a budget review bill in even-numbered years to adjust the state's expenditures and revenues.

Chapter 30 provides that the Secretary of DOA may no longer order a reduction in expenditures by state agencies if he or she determines that previously authorized expenditures will exceed revenues in the current or forthcoming fiscal year by more than 0.5% of the estimated general purpose revenue appropriations for that fiscal year. In this event, the secretary is directed to notify the Governor, the presiding officers of each house of the Legislature and the Joint Committee on Finance. The Governor is then directed to propose legislation to correct the imbalance between anticipated revenues and expenditures. Under the act, the secretary's expenditure reduction authority is clarified to apply to miscellaneous appropriations, program supplements and debt service, capital construction, management improvement, employe compensation and Peoples' Escrow Fund appropriations (except that payments required by contract may not be reduced). The act also provides that the authority does not apply to appropriations for shared revenues and general school aids, nor to supplemental appropriations made to the Joint Committee on Finance.

Chapter 173 changes the name of the Legislative Council's Native American Study Committee to American Indian Study Committee.

Chapter 237 abolishes: the Interstate Indian Commission; the Council on Administrative Policy and Procedures and the Coordinating Council for Population Information in the Department of Administration; the Council on Meat Inspection and the Council on Weather Modification in the Department of Agriculture, Trade and Consumer Protection; the Council on Liquefied Petroleum Gas in the Department of Industry, Labor and Human Relations; the Council on Municipal Accounting in the Department of Revenue; the Veterans Memorial Council and the Council on Vietnam Era Veterans Education Grants in the Department of Veterans Affairs; the Adult Education Center Council and the advisory Housing Committee of each university in the University of Wisconsin System; and the Historic Preservation Negotiating Board. The duties of the Veterans Memorial Council and the Council on Vietnam Era Veterans Education Grants are transferred to the Board of Veterans Affairs and the duties of the Historic Preservation Negotiating Board are transferred to the State Historical Society.

Chapter 253 increases from 120 to 150 days the effective period of emergency administrative rules adopted by state agencies. The act also authorizes the Legislature's Joint Committee for the Review of Administrative Rules, at the request of an agency, to extend the application period of an emergency rule for a period not to exceed 60 days. The act also requires agencies to hold a public hearing on each emergency rule within 45 days after its adoption, unless it proposes to adopt the rule permanently, in which case the hearing on both the emergency rule and the proposed permanent rule must be held within 90 days after adoption of the emergency rule or within 30 days after the agency receives the Legislative Council's clearinghouse report on the rule, whichever is later. The act also requires agencies to publish, with each emergency rule, the reason for its adoption.

Chapter 260 repeals the requirement for the Legislative Reference Bureau to deliver a reprint edition of that part of the biennial Wisconsin Blue Book pertaining to the organization of Wisconsin state government for publication by December 1 of each odd-numbered year preceding the year of publication of the Blue Book.

Chapters 314, 390 and 391 are revisor's correction acts.

Chapter 317. Formerly, the statutes provided a procedure for determination of the amount of any surplus moneys in the state general fund at the end of each fiscal year, which moneys were then transferred to the Peoples Escrow Fund for distribution to taxpayers in each odd-numbered year. *Chapter 317* provides that both the determination as to the amount of money to be transferred from

the general fund to the Peoples Escrow Fund and any actual transfer shall be made only after the end of each fiscal biennium.

The act makes unavailable for expenditure from general purpose revenue appropriations to state agencies in the executive branch an amount equal to the amount originally budgeted by the Governor for permanent property purchases in the 1982-83 fiscal year, as affected by specific adjustments thereto made by the Legislature. The act also makes an appropriation of $5,000,000 which may be used by the Secretary of DOA to supplement agency budgets for the purchase of essential pieces of permanent property during this period. The secretary must provide 14 working days' notice of any proposed supplement under the act to the Joint Committee on Finance. If the committee schedules a meeting to review the proposal within that period, the supplement may not be made without the committee's approval.

Chapter 335 recodifies, clarifies and amplifies state law concerning access to public records (see *HIGHLIGHTS*).

Chapter 350 specifies that until 1987 the Public Records Board will be replaced by a Public Records and Forms Board. Beginning in 1987 the Public Records Board will reassume its present duties. In the interim the Public Records and Forms Board is responsible for making the acquisition, use and storage of state forms more efficient and economical. Certain forms are exempt from the board's control. The act also creates a requirement that the printing of state forms shall be done by Prison Industries if it submits the lowest responsible bid and if there is no emergency. This requirement is not subject to the 1987 sunset.

Chapter 372 repeals the requirement for publishing the text of newly enacted state laws in the official state newspaper. Instead, the laws are published by making copies of acts available to subscribers and to the general public through the legislative document distribution service. The official date of publication of each act is a date designated by the Secretary of State, which may not be more than 10 days after the date of enactment. Under the act, joint resolutions amending the Wisconsin Constitution continue to be published in the official state newspaper, as do certain enrolled joint resolutions ordered to be published by the presiding officer of either house of the Legislature.

The act also changes the style of citing session laws beginning with the 1983 legislative session.

Former citation: Chapter ...., Laws of 1981

New citation: 1983 Wisconsin Act ....

Chapter 378 requires each state agency to include the following with each of its decisions under the administrative procedure act: notice of any right of the parties to petition for rehearing or administrative or judicial review of adverse decisions; notice of the time allowed for filing each petition; and the identification of the party to be named as respondent. The statutory time periods for filing petitions for rehearing or administrative or judicial review do not begin to run until the agency has complied with these notice requirements.

Taxation

Chapter 1 sets the personal property tax relief payments for 1981-82 at $246,080,900 and sets the base amount for computing the 1981 manufacturing machinery and equipment payment at $53,752,800. The act reduces the 1981 preliminary distribution of shared revenue payments by 2.2% of the 1980 payments.

Chapter 14 provides for funds to be transferred to the shared revenue account from the general fund on July 1 rather than on June 30. This act changes from July 31 to August 15 the date by which tax collections must be deposited in order to qualify them as accrued tax receipts.

Chapter 20 creates a property tax exemption for nonprofit radio stations and repeals the property tax exemptions for property stored in original packages, for leaf tobacco and for tobacco pledged for

security. The act provides for equalized value for purposes of the property tax to be determined by the Department of Revenue (DOR), not by county equalization committees, and for those values to be reviewed by the Tax Appeals Commission, not by DOR. Property tax bills must now indicate the estimated fair market value of the property and the procedures used to determine it.

The act discontinues insurers' income tax deductions for state income taxes. The act specifies that this state does not adopt a recent federal change in the income tax treatment of interest and dividends. The act disallows a current deduction for intangible drilling expenses. The act allows deferral of tax on the gain resulting from the sale of a principal residence even if the replacement residence is not located in Wisconsin. The act revises the homestead credit formula. The new income ceiling for the credit is $14,000. DOR is required to review the withholding tables annually. The minimum estimated tax payments for corporations are increased. Income tax treatment of corporate reorganizations is made more similar to federal treatment. The property and rent tax credit formula is expanded to include taxes on land contiguous to a residence.

The act raises the interest rate due DOR from 9% to 12% in many circumstances. The act gives DOR authority to seek writs of mandamus to force the filing of returns, and it creates an automatic lien for DOR on all property of persons who are delinquent in paying income or franchise taxes. The Tax Appeals Commission is given jurisdiction over cases involving the motor fuel tax, rate changes in the tax on alcohol made from brewing wastes and the occupational tax and use tax on tobacco products. The act allows DOR to nonacquiesce in decisions of the Tax Appeals Commission, thereby ensuring that the decision will not be a precedent for later decisions.

The act increases taxes and provides more favorable income and franchise tax treatment of capital gains and depreciation (see *HIGHLIGHTS*).

Chapter 37 adds the property appraiser (land) to the Board of Assessors in the City of Milwaukee.

Chapter 61 defines "estimated shared revenues distributable" for purposes of an allowable increase in property tax levies. For the 1981 levy, it includes estimates of payments; and for levies from 1982 to 1985, it means the amount listed on the statement of estimated payments, with 2 adjustments.

Chapter 110 provides that, for purposes of the homestead credit and the farmland preservation credit, January 1982 social security payments are income received in 1982, even if the payment was actually received in 1981.

Chapter 132 provides that interest on adjustments to property taxes does not accrue during delays requested by the taxpayer.

Chapter 139 extends the time limit for claiming income tax refunds and for assessing additional income taxes if the refund or additional assessment is caused by an adjustment in the basis of a partnership interest.

Chapter 204 provides that recovery of property taxes held to be void from the first assessment is limited to the taxes collected on the basis of the 7 most recent assessments.

Chapter 210 requires that persons redeeming property in tax sales (sales occurring due to delinquent property taxes) shall pay the cost of sending the notice of application for a tax deed by certified mail, rather than $1.50 per notice, to each person served notice.

Chapter 221 provides a property tax exemption for camping trailers and recreational mobile homes and authorizes unzoned municipalities to assess parking fees on mobile homes.

Chapter 269 provides a sales tax exemption for transfers of motor vehicles from an individual to a corporation owned solely by the transferor.

Chapter 317 makes numerous changes in taxation, including:

1. Denying a depreciation deduction for certain leased property ("safe harbor leasing").

2. Raising the amount of depreciation that is included as income for purposes of computing the farmland preservation credit.

3. Adding the capital gains deduction to the tax preferences that are subject to the minimum tax.

4. Making technical changes in the property tax deferral program.

5. Providing a payment to ensure that no municipality incurs a reduction in shared revenue because of a change in computing sewer service revenues.

6. Increasing the tax on alcohol brewed by pollution control facilities from brewing wastes.

7. Imposing a surtax on corporations, increasing the sales tax temporarily and extending the sales tax to additional services (see *HIGHLIGHTS*).

Chapter 322 allows cities authorized by law to collect and sell their own tax certificates, such as Milwaukee, to reduce from 3 years to one year the time before they can foreclose tax certificates. The act also allows those cities to defer taking tax deeds and to delay beginning tax foreclosure.

Chapter 328 provides for the cost of DOR's review of municipalities' assessment practices to be borne by the state rather than by the municipalities.

Transportation

Agricultural Vehicles

Chapter 22 increases the total outside width allowed for vehicles transporting certain bales of hay from 10 feet to 10 feet 6 inches. Under former law, the width limit for these vehicles and load was 10 feet.

Chapter 69 allows the Secretary of the Department of Transportation (DOT) to adopt an emergency rule authorizing overweight permits for vehicles transporting crops. In adopting the rule, the secretary must specify in writing the factors comprising the agricultural transportation emergency. The permit fee is $10 plus an additional $10 per 1,000 pounds of gross weight over 80,000 pounds.

Chapter 276 authorizes a vehicle train consisting of a motor truck and 2 empty tanks of the type used for liquid agricultural fertilizer. The vehicles in the train may have an overall length of up to 55 feet; the vehicles and load may have an overall length of 59 feet.

Chapter 277 eliminates the flagging requirement for trains of agricultural vehicles crossing a highway.

Driver Licensing and Vehicle Registration

Chapter 20 makes several changes in the area of driver licensing and vehicle registration. The act:

1. Requires a one-part photo driver's license and delays the effective date of the photo licenses by one year to January 1, 1983.

2. Eliminates the requirement that county registers of deeds maintain vehicle security interest memoranda and eliminates the 50 cent fee paid to the county for each memorandum filed.

3. Authorizes DOT to expand the monthly series system of registration to include all annually registered motor vehicles.

4. Deletes the reduction of the fee for an instruction permit from $10 to $6 and imposes a $4 fee for issuance of a duplicate license due to a change of name by the licensee.

Chapter 138 allows DOT to issue a special restricted driver's license to a person who is at least 14 years old and is physically disabled. Under former law, an applicant for this license had to be at least 16 years old. The license allows the person to operate a motor bicycle, moped, power-driven cycle or special design vehicle. The vehicle must display a slow moving vehicle emblem.

Chapter 150 authorizes DOT to issue temporary license plates for motor vehicles. Motor vehicle dealers may purchase the temporary plates from DOT and resell the plates to residents who purchase certain motor vehicles from the dealer.

Elderly and Handicapped Transportation

Chapter 20 allows counties to open the specialized transportation services for the elderly and handicapped to the public, upon payment of a fee, on a space-available basis; requires that private nonprofit corporations which provide specialized transportation pay 20% of the estimated capital costs to be eligible for state aid for a capital project; and permits the use of human services vehicles to transport the elderly and handicapped to noneducational activities and also provides that all human services vehicles pay the same registration fee as automobiles.

Chapter 93 establishes transportation for medical, nutritional and work-related activities as priorities in the use of state elderly and handicapped transportation funds. After January 1, 1983, users of the elderly and handicapped transportation service will pay a fee for transportation to nonpriority activities.

Freeway Demapping

Chapter 233 removes the Park East Freeway and the Lake Freeway North in Milwaukee County from the state trunk highway system and directs the disposal of lands held for those freeways. The Secretary of the Department of Development is responsible for developing a plan for the land disposition.

Chapter 234 changes the location of a state trunk highway in Milwaukee County from the location of the proposed Lake Freeway South to the location of a nearby proposed surface arterial. The lands held for the Lake Freeway South are to be disposed of except for the lands necessary for the surface arterial.

Handicapped Parking

Chapter 119 allows organizations that regularly transport handicapped persons to receive a special ID card. The card allows a motor vehicle operated by or for the organization the same parking privileges as a motor vehicle owned or used by a disabled person and displaying special design plates or a special ID card. DOT determines if the organization is eligible for the special ID card.

Chapter 157 specifically authorizes owners or lessees of private or public property to designate spaces as handicapped parking for vehicles with special registration plates or ID cards and provides a penalty for use of the spaces by vehicles which are not displaying the special plates or ID cards.

Chapter 255 requires owners of parking facilities which offer parking for 50 or more motor vehicles to the general public to reserve at least one space for handicapped parking. DOT is to prescribe by rule the standards for an official traffic sign which is to be used to designate all handicapped parking spaces. In addition, the act grants handicapped parking privileges to out-of-state vehicles which display a handicapped plate, emblem or card issued by another state.

Motorcycles, Motor Bicycles and Mopeds

Chapter 20 establishes a motorcycle, moped and motor bicycle safety education program and amends the definition of moped to include vehicles without pedals.

Chapter 52 allows motor-driven cycles, motor bicycles and mopeds to use modulating headlamps which alternate between a high and low brightness during daylight hours. The act also permits the use of a pulsating deceleration warning light mounted on the rear of these vehicles.

MOTOR CARRIERS

Chapter 20 reduces the permit fee for interstate motor carriers to $5 and eliminates DOT's authority to enter into reciprocity agreements regarding carrier permit fees.

Chapter 347 changes the regulation of motor carriers (see *HIGHLIGHTS*).

MOTOR VEHICLE DEALERS

Chapter 151 increases the time within which a motor vehicle dealer must transmit a certificate of title or the application for a certificate to DOT from 4 to 7 business days following the sale or transfer of the vehicle.

Chapter 272 changes and decriminalizes the penalties which may be assessed against motor vehicle manufacturers, distributors, dealers, salespersons, and finance companies who engage in certain prohibited practices or otherwise violate licensing requirements. The act also allows a retail buyer to bring an action to recover damages for money losses caused by certain unfair or fraudulent practices.

Chapter 382 provides that an existing motor vehicle dealer may request a hearing before the Transportation Commission (TC) if a manufacturer or distributor seeks to establish or relocate another motor vehicle dealership for the same line make of vehicle within a 10-mile radius of the existing dealership. The additional dealership may not be established or relocated if the TC finds that there is good cause for not permitting the establishment or relocation.

SAFETY RESPONSIBILITY

Chapter 20 changes the dollar limits which trigger accident reports and the safety responsibility law and establishes a $25 fee for reinstatement of a driver's license suspended for failure to deposit security after an accident.

Chapter 284 increases the minimum liability limits for bodily injury or death arising out of the use of a motor vehicle from $15,000 to $25,000 per accident for one person and from $30,000 to $50,000 per accident for 2 or more persons.

Chapter 363 adds impoundment of vehicles to the sanctions available for failure to deposit security after a motor vehicle accident.

SCHOOL BUSSES

Chapter 25 establishes $1,000,000 as the maximum amount of liability insurance coverage required for school buses with a seating capacity of 37 or more passengers.

Chapter 71 authorizes DOT to issue a school bus operator's license to a person over 70 years of age. Before the license is issued or renewed, the person must take and pass a physical examination in addition to meeting the other licensing requirements.

Chapter 168 provides an alternative means of enforcing the law which requires vehicle operators to stop for a school bus which is displaying warning lights. Under this act, a school bus operator may file a written report of a violation with a local traffic enforcement officer describing the circumstances of the violation and providing the license number, color and type of vehicle involved. Based on a complete report of the violation, a citation for the offense is issued to the owner of the vehicle described in the report. In addition, this act provides for a $15 a day fee for a school bus operator who appears in court as a witness to a violation reported by him or her.

SIZE, WEIGHT OR NUMBER OF VEHICLES; PERMITS

Chapter 163 authorizes annual permits for overweight and oversized vehicles which are equipped with a self-compactor and used to transport garbage or refuse.

Chapter 176 increases the length authorized on the highways for a single vehicle from 35 to 40 feet.

Chapter 215 authorizes single trip or annual permits for 3 vehicles being transported by the drive-away method in saddle-mount combination. The vehicle train may be up to 65 feet in length.

Chapter 312 revises the weight limits for motor vehicles. Certain weights are reduced to bring the state limits into compliance with the federal weight limits. This act also:

1. Eliminates or restricts the use of cheater axles.
2. Revises the penalty for overweight violations for vehicles operating under an overweight permit.
3. Authorizes backhaul permits.
4. Reduces the fee for single trip permits issued for vehicles that have annual permits in certain situations.
5. Clarifies language to aid enforcement.

Towing Operations

Chapter 227 immunizes persons removing and storing vehicles under the direction of a law officer from civil liability for nonnegligent acts.

Chapter 268 eliminates the requirement that vehicles which are exempt from statutory weight, length and number of vehicles limits because the vehicles are engaged in emergency towing operations leave a freeway at the nearest feasible exit.

Other Transportation Legislation

Chapter 20 makes numerous other changes in the area of transportation. The act:

1. Modifies the requirement that all state vehicles use gasohol to make the use of gasohol mandatory only if the price of gasohol is the same as or less than the price of other fuels.
2. Revises the state program for local highway and bridge improvement. Under the revised local bridge program, approximately 200 local bridges will be replaced or rehabilitated during the 1981-83 biennium.
3. Transfers the responsibility for funding the state facility road program to the state agency utilizing the roads and provides aid to towns and counties for the upkeep of local roads within state parks and forests.
4. Eliminates the county forest road aids.
5. Repeals the statutory minimum design standards for town road bridges and directs DOT to establish the minimum standards by rule.
6. Adds the Tri-County Expressway in Outagamie, Winnebago and Calumet counties to the state trunk highway system.
7. Converts the hold harmless appropriation for local transportation aids from a sum sufficient to a sum certain appropriation and extends the date after which hold harmless levels are not guaranteed from fiscal year 1980-81 to fiscal year 1984-85.
8. Provides that no local unit of government may receive more local transportation aid than the costs reported by that governmental unit for the previous calendar year authorizes DOT to grant extensions of the cost report filing deadlines and provides that the local transportation aids be paid on the basis of 4 equal calendar year payments.
9. Provides a one-time supplemental payment to local governmental units that were penalized in 1980 for failure to submit the required annual cost data.
10. Provides a supplement of $70 per mile of local roads to each county and municipality for each year of the biennium.
11. Modifies the state rail programs by: a) limiting railroad preservation grants and loans to freight railroads; b) establishing a short-term loan program for emergency repairs necessary to keep the railroad operational; c) abolishing the branch line operating assistance program and the rail

commuter assistance program; and d) making various modifications to DOT's authority to acquire and convey abandoned railroad property.

12. Directs DOT to establish a procedure to determine priorities for highway grade crossing projects on state trunk highways for the purpose of programming reimbursement of railroads.

13. Provides money from the Transportation Fund for harbor maintenance and improvement projects and authorizing an additional $2,000,000 in bonding authority for the harbor assistance program.

14. Creates an advance land acquisition loan program for certain airport projects.

15. Eliminates the rebate of part of the motor vehicle salvage dealer's license fee to the local government in which the dealership is located.

16. Modifies the mass transit operating assistance formula to provide state assistance at a level of 30% of the total operating expense of the transit system, eliminates the mass transit capital grant program and establishes a statewide ride-sharing program.

17. Creates a fee for counter service.

18. Transfers $33,300,000 from the Transportation Fund to the general fund.

19. Makes numerous changes in the area of transportation finance (see *HIGHLIGHTS*).

Chapter 31 prohibits the Secretary of DOT from assessing any demerit points against the driver's license of a person who was convicted of driving without having the license in his or her possession. The secretary is further prohibited from assessing more than 2 demerit points for a conviction of driving a motor vehicle with a defective or improper speedometer.

Chapter 42, introduced by the Law Revision Committee, makes various remedial changes suggested by DOT. The changes include:

1. Clarification that contract motor carriers are required to have a permit issued by DOT.

2. Authorization for DOT to waive fees of $2 or less due under the International Registration Plan.

3. Revision of the provisions for foreign drivers operating motor vehicles in Wisconsin under treaties or reciprocity agreements and elimination of the requirement that foreign drivers speak and read the English language.

4. Elimination of obsolete references to chauffeur's licenses for taxi drivers, late renewal fees for operator's licenses and the date for compliance with the ban on certain private use of red or amber reflectors.

Chapter 44 preserves the authority of a county register of deeds and the Milwaukee City Clerk to issue proof of age ID cards to any person at least 18 years of age. This authority was to be eliminated when the photo license law (Chapter 306, Laws of 1979) became operational. *Chapter 202* renumbers and incorporates this provision into the Alcohol Beverage Code.

Chapter 70 increases the period of license revocation for the failure of the driver of any vehicle involved in an accident to stop at the scene of the accident from one year to 2 years if the accident involved great bodily harm and to 5 years if the accident involved the death of a person. The act also revises and increases the penalties for failure to stop at the scene of the accident.

Chapter 133 requires the name of the driver's and the owner's insurer be included on the written report of a motor vehicle accident.

Chapter 159 authorizes the use of articulated busses. An articulated bus is a bus which is constructed in 2 sections and designed so that passengers may move freely from either section to the other. An articulated bus operated in urban areas may be up to 65 feet in length.

Chapter 165 revises the procedures for nonmoving traffic violations (see *HIGHLIGHTS*).

Chapter 188 extends the $3 registration fee, formerly applicable to a vehicle which was loaned to a school for driver's education, to a vehicle which is owned or leased by a school and used for driver's

education. The Department of Public Instruction is to establish uniform marking standards for a vehicle when in use for driver's education. When the vehicle is used otherwise, the markings are to be removed.

Chapter 216 authorizes modification of up to 4 inches in the height of vehicles. In addition, the act provides that 4-wheel drive vehicles and light trucks may modify the height of the suspension, axles or chassis by up to 5 inches and the size of the tires and wheel size by up to 4 inches.

Chapter 247 allows a federally recognized Indian tribe or band to cooperate with any city, village, town or county in establishing a joint municipal transit commission.

Chapter 248 allows additions or deletions to the state trunk highways through jurisdictional transfer agreements between DOT and local units of government. This act also provides for computing a new base year distribution (hold harmless aids) for a county or municipality that receives additional road mileage as a result of any jurisdictional transfer.

Chapter 275 exempts foreign vehicles granted entry into the United States for testing purposes from Wisconsin vehicle equipment laws.

Chapter 296 changes the amount a county pays for construction or repair of town bridges and culverts.

Chapter 327 requires some type of safety restraint for most children under the age of 4 who are in a car, station wagon or van owned and operated by the child's parent or legal guardian. Under the age of 2 years, a child must be restrained in a child safety restraint system. Between the ages of 2 and 4 years, a child must be in either a child safety restraint system or a safety belt. Failure to properly restrain a child under the age of 2 years may result in a forfeiture of $30, but the forfeiture is not assessed if the person purchases or leases and installs a restraint system. Failure to restrain a child between 2 and 4 years of age may result in a forfeiture of $10 to $25 for the first offense or $25 to $200 for a subsequent conviction within 3 years. The act takes effect on November 1, 1982, but the penalties are not assessed until May 1, 1983. No demerit points against the person's license may be assessed for a violation.

Chapter 362 authorizes the erection of specific information signs within the right-of-way of federal-aid primary highways. Businesses offering certain motorist services (gas, food, lodging and camping) may have their business signs placed on the specific information signs if the business meets certain criteria. DOT contracts for the erection, installation and maintenance of the signs. The person requesting the sign pays the cost of manufacturing, installing and maintaining the sign.

Trusts and Estates; Probate

Chapter 64 provides that any interest or dividends accruing in an irrevocable burial trust fund may be made irrevocable and that the creator of such a trust may designate a different beneficiary at any time prior to death, after notice to the current beneficiary. *Chapter 146* makes it possible for counties, by ordinance, to discontinue accepting wills for deposit with the register in probate.

Chapter 228 provides that any person who kills another may not, as a result of the killing, benefit from a life insurance policy, the laws of intestacy, a will, a contract or any death benefit.

Chapter 299 provides that a seller's interest in a land contract held in joint tenancy may be terminated by means of simplified procedures upon the death of the other joint tenants.

Chapter 313 adopts the uniform durable power of attorney act, which specifies the conditions under which a power of attorney will continue in force despite the death or disability of the principal.

Chapter 376 adds termination of life estates to the interests in property that can be terminated by simplified procedures upon the death of the other owner of that kind of interest in respect to the property.

Chapter 379 makes several changes regarding protective placement and guardianship. The act:

1. Allows guardians to request and consent to protective services on behalf of their wards.
2. Allows persons who are able to consent to enter group homes, foster homes, nursing homes or community-based residential facilities without protective placement. In certain cases, guardians of incompetent individuals may consent to the entry of their wards into residential facilities.
3. Limits the liability of persons who make emergency placements.
4. Specifies that physical disability by itself does not establish incompetency.
5. Makes administrative changes in the laws involving guardianship, particularly in regard to notice and open records.

RECENT LEGISLATIVE REFERENCE BUREAU PUBLICATIONS

Many of the titles are still available for distribution.

Research Bulletins

RB-76-1 The Powers of the Wisconsin Supreme Court. January 1976
RB-77-1 "Sunset" Legislation. January 1977
RB-78-2 Product Liability. September 1978
RB-78-3 Legislation "Show and Tell": The Enactment of 1977 AB-351. December 1978
RB-78-4 Authority and Functions of the Wisconsin Legislature. December 1978.
RB-80-1 The Removal of State Public Officials from Office. January 1980.
RB-80-2 The Taxation and Financing of Transportation in Wisconsin. January 1980.
RB-80-3 Bills Enacted in the 1979 Wisconsin Legislature Through July 1980. Chapters 1 to 362, Laws of 1979. August 1980.
RB-82-1 Summary of the 1981 Wisconsin Legislative Session Chapters 1 to 394, Laws of 1981. June 1982

Informational Bulletins

IB-76-2 Verbatim Recording of Legislative Proceedings. March 1976
IB-76-4 Initiative and Referendum: Its Status in Wisconsin and Experiences In Selected States. August 1976
IB-76-5 The Legislative Response to Divorce: A Survey of No-Fault Divorce May 1976
IB-76-6 No-Fault Auto Insurance: A Controversial Experience. June 1976
IB-76-7 Buckley v. Valeo and Wisconsin's Campaign Finance Law. June 1976
IB-76-9 Constitutional Amendments Given "First Consideration" Approval By The 1975 Wisconsin Legislature. December 1976
IB-76-10 The Use Of The Executive Order By Wisconsin Governors. December 1976
IB-77-1 Noise and Its Control. August 1977
IB-77-2 State Lottery Update. September 1977
IB-77-3 Regulation of Eyeglass Advertising. September 1977
IB-77-4 Educational Accountability: The Issue of Competency-Based Education. October 1977
IB-78-2 Gubernatorial Succession in Wisconsin and the Other States. January 1978
IB-78-3 The Regulation of Recombinant DNA Research. April 1978.
IB-78-4 A Thumbnail History of Wisconsin Veterans' Legislation. July 1978
IB-78-6 The Documents of the Legislative Process. December 1978
IB-79-1 Public Service Commissions Today. January 1979.
IB-79-2 Fiscal Estimate Manual. March 1979.
IB-79-3 Gasohol: State Incentives. October 1979.
IB-80-1 Economic Impact Statements. January 1980.
IB-80-2 Reapportionment in the 1980s: A Summary of Recent U.S. Supreme Court Decisions. January 1980.
IB-80-4 Wisconsin's Outlook on Energy. September 1980.
IB-80-5 The Recent History and Current Status of Abortion Law. September 1980.
IB-80-6 The Legislative Reference Bureau Can Help You. November 1980.
IB-81-1 Constitutional Amendments Given "First Consideration" Approval by the 1979 Wisconsin Legislature. February 1981.
IB-81-2 Guidelines for Establishing Municipal Wards Following the 1980 Census of Population. March 1981.
IB-81-3 Gun Control: A Look at the Various State and Federal Laws. May 1981.
IB-81-4 Wisconsin Legislative Innovations. September 1981.
IB-81-5 Drug Paraphernalia: State Laws and the Courts. December 1981.
IB-82-1 State Tax Laws: Major New Taxes and Rate Changes Enacted By The 1947—1981 Wisconsin Legislatures. January 1982.